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Dolores Ivie

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Response to Forest Service Assessment of SCNF Plan Revision 2018

This white paper reviews and clarifies questions and concerns posed by grazing permittees and interested public during the review process. I consider these comments to be "Substantive formal comments" under 36CFR 219.53"

Preface

The reductions from 170,000 AUMs to 100,000 AUMs should be shown so the reader can understand why and how these reductions came from. Permitted numbers and Authorized numbers need to be fleshed out so the reader can understand where the reductions come from, or whether they be sheep or cow AUMs. What are the current Permitted AUM's and what are the current Authorized AUM's? How can there be a 70,000 reduction when no NEPA has been completed on any grazing allotments?

All monitoring data should be shown/ by allotment. This monitoring data will reflect which allotments are currently meeting or not meeting forest plan direction.

If monitoring data indicates allotments are meeting standards and vegetative and hydrologic trends are moving upward, why do we not see AUMs increasing to reflect movement back toward permitted numbers. And if not why not? Why has the FS been unable to produce the green-line and MIMS data was requested and promised in February? If the FS can produce riparian data to win two lawsuits on the Lost River District, why can't they find the data as requested.

From 1992 through the present, Recession Act compliance by the SCNF is nonexistent. Contractors and FS personnel have completed numerous allotment EAs and EIS's that have been completed and never signed off on. Why has this been so? Line officers are the only signatories allowed on these documents. Millions of dollars have been wasted in this effort and FS management is not held accountable. Why not?

Issues listed in this paper

1. Range and Riparian Health, Pre 1988 thru 2017
2. Monitoring, both short term and long term, Pre 1988 thru 2017
3. Overall need for change
4. Clarity for Rangeland direction
5. Review of the 2017 Draft Assessment Report
6. Allotment Management Plans, Pre 1988 thru 2017
7. Review of Fish Return to those tributaries of the main Salmon River

## 8. Other Issues

### A. Range and Riparian Health

In the 10/17 Draft Assessment Report, there is no Upland Range Condition or Riparian Monitoring Data from either the Salmon or Challis monitoring reports. The reader cannot compare or contrast which allotments are meeting or not meeting desired conditions, nor the assumed reasons as to why or why not.

There should be 20 + years of monitoring data presented in the 2017 Draft Assessment Report, e.g., "Green Line" data for riparian areas, Upland data such as "Parker Three-Step" and "Nested Frequency" data. Is the reason for this failure due to the fact that the agency has changed data collection methodologies every 5 -8 years, therefore; explaining the lack of coherent, comparable data available to examine?

In relationship to livestock grazing, Upland Range condition and Riparian Zone health are interrelated and can only be maintained in mid-seral to high-seral condition if the Forest Service Range Specialists are doing their jobs. The Challis & Salmon LRMP's stipulated the development and implementation of monitoring to evaluate the effect of resource activities. Poor field performance on the part of Forest Service Range Specialists is guaranteed to produce results in both Riparian and Upland range sites far worse than those alleged to be environmental "stressors" repeatedly emphasized in the Draft Assessment.

### B. Monitoring, both short and long term

Effectiveness of the monitoring program of Pacfish-Infish standards by the PIBO team out of Logan, Utah.

Excerpt from the PIBO (Pacfish-Infish Biological Opinion) website: (Archer and Ojala 2015) "Our results are consistent with analysis completed by this program[hellip]" and specifically: "On the Salmon-Challis, there is a significant downward trend in the physical habitat integrity index over the last 20 years (Archer and Ojala 2015)".

This result, if true, is alarming given all the effort into riparian recovery on the SCNF over the past 27 years! Further, the opinion of the PIBO team is in direct contrast with the opinion of Idaho Fish and Game Salmon Office Director (and fish biologist) Tom Curet. stated to me in a phone conversation in February of 2018 that in his opinion, stream conditions in the Salmon Region are in "good to very good condition." Moreover, the PIBO conclusions are in direct conflict with the results of thirteen consecutive years of "Green Line" studies (1992-2005), those showing continual improvement with the exception of several vacant allotments in the Lost River Ranger District. Peculiarly, those particular allotments have not been utilized during the same period that the conditions have declined in range condition. Does the S-CNF have an answer for that downward trend given the allotments are vacant? If not, why not?

Given the above, what exactly is considered the "Best Available Science" and by what standard is that determined?

Questions that require definitive answers:

1. Where is the PIBO data gathered and what areas does this information pertain to on each allotment, as contrasted with each allotments DMA's, riparian monitoring locations and protocol? If we cannot review this information both the S-CNF and interested parties may well be comparing apples to oranges instead of apples to apples.
2. Where is monitoring data from 1992 to 2005 summarizing the green line and cross section Ecological Monitoring (Winward) and MIM that detailed which DMAs were achieving trends, trending upward or on a downward trend in relation to "desired conditions"?

(Note that the LCGA was promised the Green Line data from the S-CNF by February 27, 2018. Today is 4/24/18 and we have yet to receive the requested Green Line data.)

3. Which allotments met the standard based upon % utilization or stubble-height based on riparian condition?

4. What was the standard used? Stubble height or percent utilization?

5. Do these monitoring programs account for the dynamic components of fire? Major fires on the SCNF have burned through some allotments, totally changing the creek dynamics. We would like to see the evidence of such.

#### C. Overall Need For Change

On Page 1 of the Draft Assessment Report is the following: "our assessment includes a look back at what is or is not working under the previous plans". Where is this discussion; of what is or is not working from the 1988 plans as it relates to the rangeland monitoring activities discussed above? There is none in the document, no reflection whatsoever.

Pacfish-Infish came out of the Interior Columbia Basin Ecosystem Management Plan. <http://www.gao.gov/store/1999/rc99064.pdf>. 1998. Pacfish-Infish were designed to be temporary guidelines that were put in place until the S-CNF developed their own guidelines related to fish habitat and grazing. Did the S-CNF develop a new set of standards and guides for contemporary guidance for the Forest? If not, will new standards be developed through the plan revision process?

What are the objectives for riparian and upland management; mid-seral or better or has the bar been raised? If so, why? And if so, should not the permittees be made aware of such a change? A riparian strategy (a replacement for Pacfish-Infish) and upland strategy was developed by the S-CNF in 2005. No reference to those documents is to be found in the 2017 Assessment Document. Why not? Have these strategies been utilized? If so, are they working? If they have not, then why not?

#### D. Clarity for Rangeland Direction

The subject of "Adaptive Management" is broached on page 2 of the 2017 assessment. No discussion follows as to what adaptive management is or means. There isn't a single use of the phrase in the section on grazing. Why is that? Adaptive Management practices can only be implemented or supported and covered on each individual allotment under specific Biological Opinions from National Marine Fisheries (now NOAA Fisheries) as well as the U.S. Fish and Wildlife Service. Why is this subject not addressed?

"Active Management?" Outdated regulations require strict windows for grazing without consideration of vegetative conditions. Smith and Box (Range professors] explained that "range readiness may vary at 45 degrees north latitude by as much as 45 days", yet permits are locked into definite dates and numbers without change yet if the permittee does not use the allotment exactly as permitted, that individual can lose their permit.

Should not S-CNF "Adaptive Management" reflect that variance in range condition? Why doesn't it and why is the above range circumstance not reflected in management plans suggested in the Draft Assessment?

Example: In the year of 2017 the S-CNF had good moisture and abundant forage. Were any extensions given to grazing permittees to extend season of use or AUMs to harvest excess forage until the standards were reached? Were the above regulatory agencies ever contacted so that S-CNF range personnel engage in "Active Management?" If not why not?

Vacant allotments exist on the Forest. Should these not be utilized as "grass banks" for use when a permittee has issues (previous year fire etc.) or has to leave his allotment early due to fire or other "Acts of God"/"Extraordinary Event?" Is this addressed in the Draft Assessment Report? Have NEPA studies been conducted on these allotments? Have the regulatory agencies been involved or has B.A. Or B.O.'s been conducted on these allotments?

Example: The Clear Creek-Panther Creek Allotment on Lower Panther Creek consists of thousands of acres. It has not been grazed since 1993. Why has this allotment not been developed into a "grass bank?"

Again I emphasize, clarity of goals and the direction of riparian and upland management practices should be based upon upland and riparian strategies developed in 2005. Instead, those have been and are being ignored.

#### E. Review of the 2017 Draft Assessment Report

The section of the Draft Assessment discussing Rangeland Condition & Trends (DAR pg. 129) makes numerous unsubstantiated claims. Again, no monitoring information was provided to the reader wherein they can contrast and compare any results. None exist in print in the document.

"[hellip]desired conditions, goals, objectives, and standards and guidelines for rangeland and grazing management in the previous plans are vague or not measureable. The inventory used to evaluate rangelands for the previous plans was primarily concerned with the forage value and less concerned with ecological values at the plant community level. Likewise, many of the standards and guidelines and direction on how the range program should be administered rather than the indicators and thresholds that should be monitored to measure the ecological health of rangelands and the effects of grazing on these rangelands."

Please show me the data/information that can provide the exact information and inferences that the authors of the S-CNF Draft Assessment are discussing in the above quote. Range Management is both art and science and I see little of either in the Assessment.

This is why the S-CNF developed Riparian and Upland grazing strategies in 2005, neither of which have ever been employed. All historical rangeland data was reviewed for ecological based information and included in the strategies by teams consisting of rangeland specialists, fish biologists, hydrologists, wildlife biologists and an ecologist.

Therefore:

1. Where is the information, by allotment, as to whether they are active, suspended, vacant or available? If an allotment is closed, please describe the terms and conditions under which the action was taken. Closed allotments would provide an ideal model of possible riparian and upland allotment condition and MUST be included as a reference in the desired future condition.
2. Where are numbers of authorized AUMs, and active AUMS/allotment? The graphs lack numerical specificity.
3. The 2017 Draft Assessment indicates a reduction from 170,000 AUM's down to 100,000 AUM's. Is this a capability or suitability assumption? Why the reduction? Again, there is no information on range suitability provided in the 2017 Draft Assessment that demonstrates a contrast with the 1988 Forest plans. Where are all the suitable acres/allotment for grazing shown in the Draft?
4. Sheep allotments: The reductions in AUM's in the Draft did not all come from vacant sheep allotments. The DAR (pg. 125) indicates 38% permitted sheep levels, which is not supported. This author is of the belief that that the reduction in sheep A.U.M.'s is a statistical mask to conceal an effort by the S-CNF to reduce cattle AUM's on grazing allotments.
5. Where is the mapping and carrying capacity for all sheep allotments used in this discussion? Indicate whether they are active, suspended, converted to cattle, or waiting to be converted?

The reduction from 170,000 AUM's to the current level is portrayed. Have not changes in riparian condition and management occurred within each allotment? As pointed out above, both Green-Line transect data and the opinion of Idaho Fish and Game biologists indicate solid improvement yearly from 1992 to the present. Why is the Assessment calling for a reduction to 100,000 AUM's?

Example: In 1991 there was 1600 cow/calf pairs on the Morgan Cr. Allotment ( $1600 \times 3.5 \text{ mos.} = 5600 \times 1.32 = 7392 \text{ AUM's}$ ). Today there is an estimated 600 cow/calf pairs for a 3 month season ( $600 \times 3 = 1800 \times 1.32 = 2376 \text{ AUM's}$ ).  $7392 - 2376 = 5016 \text{ AUM's}$  that was reduced. This is just one allotment.

Current AUM levels can be found within the billing process, Ramis to NRM - Range billing data base or INFRA. Why are they not displayed in the Draft?

#### F. Allotment Management Plans

Both plans discuss that all allotments be under an approved Allotment Management Plan (AMP). Why are AMPs needed as all grazing has to meet the standards outlined in the Biological Opinions (BOs) approved by the Reg. Agencies? Are current allotments capable and suitable for grazing as portrayed in the 1988 plan?

Specifically:

1. What is the status of AMPs on all allotments on the S-CNF?
2. Are any of the allotments without an AMP? Please indicate any reasons as to why such was never established.
3. What components of the new Forest plan will modify existing AMPs?

4. What are the statuses of non-structural and structural range improvements on allotments with approved AMP's that affect the sustainability, ecological or social-economic viability of each allotment?
5. Indicate specific objectives currently monitored for resources and will additions to the standards and guides be more restrictive to grazing?
6. Are there proposed changes in the utilization standards?
- G. Review of Anadromous Fish Return to tributaries of the main Salmon River

Anadromous Fish return is based on the 4 H's (Habitat, Harvest, Hatchery and Hydro) as developed by BPA.

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Habitat-has been under intensive management for 26 years. Have riparian conditions improved from 1992 to present?

\* Fish Harvest- From 1992 to present has been about the same.

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\* Hatcheries - From 1992 to present has increased as new hatcheries have been built.

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Hydro-Dams have remained the same, fish return has not appreciably increased from 1992 to present. Nothing has changed in spite of the fact that from 2000-2016 literally 16 billion dollars has been spent on habitat improvement, monitoring, reports etc. Yet nothing has changed! Is this an exercise in futility? Or is it the definition of insanity? Continuing to the same thing over and over but expecting different results?

It is clear that the problem with lack of improvement in anadromous fish returns is the dams.

Legal Excerpts Referencing Removal of Four Lower Snake River Dams from Case 3:01-cv-00640-SI Document 2065; National Wildlife Federation v. National Marine Fisheries (NOAA)

(<https://earthjustice.org/sites/default/files/files/1404%202065%20Opinion%20and%20Order.pdf>)

In the 2016, 149 page Federal Court decision from which these excerpts are cited (see below) exist voluminous data clearly demonstrating that to this point, or at least May 4th of 2016 when the decision was

rendered, that habitat mitigation has produced absolutely no positive results. Zero. There has not been an increase in population recovery in a single species of threatened or endangered salmonid species since the process began in 1992. From 2000-2016, 16 billion dollars has been spent on habitat mitigation to achieve that failed result. Mitigation efforts have been a colossal waste of money and the residents here are being clubbed to death by the effects of the cross-river concrete monoliths one hundred and fifty-plus miles downstream of the S-CNF.

Included in the courts decision was a demand by the presiding judge that NOAA fisheries submits to his court new recommendations by June of this year (2018) and obviously, given the careful language he used in his decision, those recommendations are to include dam removal as one of the options.

Clearly, all available data shows that without addressing the problems in the Lower Snake (and perhaps the Columbia itself), it does not matter a whit as to what has happened in our region regarding habitat mitigation.

There are barely enough fish to even maintain the current threatened and endangered status of the species in question. These salmonoids are in truth the entire reason for the proposals regarding the expansion of "Wild and Scenic Rivers" (using the term "rivers" quite loosely) and as the judge made clear, it is essentially irrelevant what is happening upstream given that there are not enough fish getting past the dams.

Habitat-wise, the Salmon-Challis National Forest has excellent habitat quality and in truth it does not matter. The smolts are simply not getting past the dams (and everything else) in adequate numbers on their way out to the ocean and return levels (salmon escapement) remain below replacement levels. That is simply fact as evidenced. Further, prior knowledge of the negative effects of the dams on salmonoids was made evident by the construction of the salmonoid hatcheries, in particular the hatchery on Hayden Creek way back in the 1960's.

That is literally the "case" as it stands, and the Federal Courts decision was rendered based upon the "best available science." The finding, including all the data presented by both parties, is essentially non-disputable.

It is imperative that this issue be addressed. This "Forest" cannot do a thing about their mantra-like claim of "Climate Change", and the alleged management for a "Grizzly Corridor" is pointless as said corridor simply exists. The fact is that the bears can simply walk over the mountain from the Big Hole. To the contrary, the Forest and other agencies need to not just understand, but to put in writing, that the habitat mitigation that actually needs to be addressed is not in the Salmon River or its tributaries (see green line data) and near environs, but as the U.S. District Court made clear, is far downriver from here and in fact is not even in this state. To quote:

"It (previous plan found to be illegal) rejected the plan's heavy reliance on uncertain and speculative habitat mitigation measures to make up for the harm caused by the dams."  
(<https://earthjustice.org/sites/default/files/files/1404%202065%20Opinion%20and%20Order.pdf>)

H. Other Issues

Currently the Salmon-Challis National Forest (SCNF) is operating under two Forest Management Plans; the 1988 Salmon National Forest Plan and the 1988 Challis National Forest Plan. The SCNF is also charged with shared management responsibilities for the Frank Church River of No Return Wilderness with four other National Forests: Boise NF, Payette NF, Nez Perce NF and the Bitterroot NF.

In the SCNF Draft Assessment Report published in October 2017, there is no language which discusses whether or not separate plans are being written for what are being referred to as the North Zone and the South Zone of the SCNF. Are separate plans being written?

Legal lessons from "THE OREGON TRILOGY".

Important information from three court cases that affected grazing rights can be learned by reading this case law from the Federal District Court regarding grazing privileges along rivers included in the Wild and Scenic Rivers system. Grazing was indeed modified or removed in total. The managing agency is required by law to protect and enhance the Outstanding Resource Values (ORVs) of creeks and rivers included in the wild and scenic river systems.

Excerpts from the court cases:

"The Oregon trilogy established that courts will enforce the WSRA protect and enhance standard, requiring review of land management practices in an area encompassing 455.3 river miles and more than 50,000 acres of public land in these cases.' 89 The protect and enhance standard, as interpreted in Green, Cosgriffe, and Singleton I and II applies to any river activity, even ones supported by history like BLM's grazing practices in eastern Oregon."

"The courts specifically scrutinized BLM's actions on all three rivers in light of the WSRA's overriding policy on managing designated river corridors to protect and enhance their ORVs. The Oregon cases indicate that all actions occurring in a river corridor must be judged against their effects on ORVs. Agencies must fulfill the Act's protect and enhance directive. This statutory responsibility is the essential lesson that should be drawn from these cases for both federal agency river management actions and judicial review of those actions under the WSRA."

"This court case will indeed affect grazing and will ultimately effect permit numbers and season of use. This is an over-reach of the Forest Service/BLM to further reduce lands that are in multiple use status as most of the proposed stream reaches are already in a protected status."

#### Acronyms Used in this Document

LRMP-Land and Resources Management Plan

AMP-Allotment Management Plan

AUM-Animal Unit Month (lbs.of forage consumed by a cow/calf pair in one month)

BASI-Best Available Scientific Information

PIBO-EM-PacFish,Infifish Biological Opinion Effectiveness Monitoring

SCNF-Salmon&Challis National Forest

MIM study- Multiple Indicator Monitoring

DAR-Draft Assessment Report

DMA- Designated Monitoring Areas

MUSA-Multiple Use and Sustained Yield Act of 1960

Pacfish/Infifish RMO's-?

LRRD-Lost River Ranger District?

MOA-Memorandum Of Agreement

WCF-Watershed Condition Framework

IDEQ-Idaho Department of Environmental Quality

BASI-Best Available Scientific Information

GIS-Geographic Information System

ICBEMP- Interior Columbia Basin Ecosystem Management Plan

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