

3 APR 16

Dear Mr. Janowiak,

**Subject: Comments on the Weminuche Landscape Grazing Analysis DEIS**

I support the San Juan National Forest's proposed action to better manage grazing on the Weminuche Landscape. However, the Weminuche Landscape Grazing Analysis Draft Environmental Impact Statement (DEIS) does not provide a full description and analysis of the environmental consequences of the proposed action and its alternatives. For example, Table 2-7 concludes Alternative No. 1 would put "ranching families out of business". However, the socioeconomic impact analysis does not support this conclusion. In addition, the Purpose and Need statement is too restrictive unnecessarily limiting the range of action alternatives that may be considered, there is an inadequate comparison of the impacts of the alternatives, there is a failure to properly describe the impacts on the Wilderness experience, the No Action Alternative is improper and one of the Action Alternatives is improper and, the socioeconomic analysis fails to adequately describe the adverse and beneficial impacts of grazing and outdoor recreation. As a result of these and other concerns, I believe a Supplemental DEIS is required.

Prior to reviewing the DEIS I did not have a strong opinion regarding grazing in the Weminuche Wilderness. However based on my review of the analysis, prohibiting grazing in the Wilderness provides the best overall benefit to the local community and the Nation. I state my opinion because the DEIS gives the impression that the San Juan National Forest sincerely believes it has no choice to discontinue grazing in the Weminuche Wilderness. I disagree with the fact that grazing must be continued. I believe the Forest Service has the authority and the responsibility to discontinue grazing in the entire Wilderness area of the proposed project because the analysis shows that the prohibiting grazing provides the best overall net benefit to the Forest.

The following comments are broken down into eight subsections with specific concerns. I would appreciate responses to the comments and specifically to each of the following 25 concerns in bold.

Thank you for your consideration and time.

Kurt Flynn

cc:

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## Comments on the Weminuche Landscape Grazing Analysis DEIS

### I. Alternative No. 1

Comment - The DEIS indicates that the alternative of 'no grazing in **Weminuche Wilderness**' will not be addressed and that the decision-maker will not consider selection of an alternative that prohibits grazing in wilderness. The DEIS states,

this analysis will not further address whether grazing should be allowed in wilderness (p. 22)

In addition, the DEIS states that no grazing in wilderness is,

outside the scope of the decision space for this project or already decided by a higher-level decision... beyond the scope of the decision space for this project [and] an alternative was not crafted to address them (p. 32)

Alternative No. 1, No Grazing, prohibits grazing in the wilderness.

1. Please describe why the DEIS indicates the alternative of no grazing in wilderness will not be considered for selection by the decision-maker.
2. Please indicate if the San Juan National Forest decision-maker will consider selection of Alternative No. 1. If not, why not.
3. Please describe any additional procedures or approvals, if any, that would be needed to select and implement Alternative No. 1.

Comment - The DEIS states,

Based upon the effects of the alternatives, the responsible official will decide whether livestock grazing will proceed as proposed, as modified, *or not at all* (Italics added) (p. iv)

Based on the analysis of impacts in Chapter 3 and on Table 2-7, Alternative No. 1 has the least environmental impacts of all alternatives. Absent a dramatic change in the environmental analysis in the FEIS, it appears the responsible official will decide that grazing will be will be prohibited throughout the Landscape.

### II. Socioeconomic Impacts

Comment - As shown by Table 2-7, the only adverse impact of Alternative No. 1 is the Socioeconomics impact, “putting ranching families out of business”. However, the DEIS’s analysis of impacts does not describe that one, or more, ranching families would be put out of business by Alternative No. 1. The DEIS states,

public land ranchers were asked [about] the elimination of seasonal uses of federal grazing ... when faced with the hypothetical prospect of elimination of federal grazing in the summer months [none of the ranchers indicated they would go out of business] (p. 171)

[Alternative No. 1 would] *create enormous burdens in terms of operating costs, and potentially detrimental for those nearing, or already financially non-viable operations and are economically dependent on federal grazing.... costs on the permittees may not be offset by revenues from marketable gains of livestock, making the ranching business financially non-viable. This analysis alone cannot predict that the permittees would cease livestock operations or put the base property up for sale.* (Italics added) (p. 176)

The analysis indicates prohibiting grazing would create enormous financial burdens that are potentially detrimental to operations. However the analysis does not show that any operation will go out of business and the analysis clearly indicates that it cannot predict any operations would go out or business under Alternative No. 1. Such a strong unsupported statement does not belong in an unbiased analysis of impacts.

4. Please provide documentation to support the conclusion that Alternative No. 1 will, “put ranching families out of business” and please describe mitigation, for this impact.

5. Please describe how many ranching families would go out of business under each alternative.

Comment - Chapter 3 also describes the potential beneficial socioeconomic impacts of Alternative No. 1 on outdoor recreation. The analysis leaves the impression that the beneficial socioeconomic impacts may outweigh the adverse impacts, especially when considering the downward trend in grazing. (p. 5)

The adverse impact on agribusiness and the beneficial impact on outdoor recreation are competing issues. However, the analysis is inadequate and does not provide the decision-maker or the public with enough information compare these socioeconomic issues in regard to their contribution to the local and regional economies.

6. Please provide an analysis that allows for a full understanding and comparison of the beneficial and adverse socioeconomic impacts of the alternatives.

Comment - The DEIS states,

The main criterion in assessing the financial efficiency is Present Net Value (PNV)... Costs expressed in dollar terms here include labor and materials.

Benefits expressed in dollar terms here include grazing fees... PNV is used as an indicator of financial efficiency... A *positive PNV* indicates that the alternative is financially efficient. [Italics added] (p. 175)

As shown by Table 3-10, the DEIS does not have to describe a positive PNV because none of the alternatives have a positive PNV. Alternative No. 1 is the only alternative w/o a negative PNV and is therefore the most financially-efficient alternative.

7. For each alternative, please provide the activities (other than administrative) and their costs that would be conducted by Forest Service to support grazing (as shown in the PNV).

8. For Alternative Nos. 2, 3, and 4, please describe why revenue generated (Table 3-10) is the same while at the same time the amount of acres grazed is dramatically reduced in Alternative Nos. 3 and 4. Similarly, please describe why the Forest Service costs for each Alternative increases for Alternative Nos. 3 and 4 while the amount of acres grazed decreases.

Comment -The economic analysis states,

other benefits and costs .... such as watershed and riparian health or scenic quality, have not been assigned dollar values; therefore, they are expressed using *other qualitative terms elsewhere in this EIS*.... It should be *reminded* that PNV is used as an indicator of financial efficiency and presents but one approach to be used in conjunction with many other non-monetized *factors* in the decision-making process. ***Management of National Forest lands is expected to yield positive net benefits for the American public, including the consideration of all benefits and costs.*** (Italics and bold added) (p. 175)

The 'reminder' is odd and is not included in any other resource analysis. The economic analysis is not the proper place to 'remind' reviewers that the Forest Service decision will be based on consideration of the impacts on all resources. Placing the reminder here tends to diminish the importance of the economic analysis. No analysis should be tainted by such statement. That said, Alternative No. 1 is the best alternative for PVN *and* "non-monetized factors", 'yielding the most positive net benefits for the American public and the local community'.

### III. No Action Alternative

Comment - The No Action Alternative (p. 34) does not comply with the CEQ's Guidance (46 FR 18026, Question No.3) and Forest Service NEPA Policy (FSH 1909.15, Chapter 10). When the proposal is to modify an existing action, such as the current proposal to modify grazing, both CEQ and the Forest Service require the No Action Alternative is, "no change from current management direction or level of management intensity" or "no change from current management direction". Therefore, the proper No Action

Alternative for this project is the continuation of unmodified grazing. In accordance with CEQ and the Forest Service's NEPA, because grazing is already authorized on the Landscape, prohibiting grazing on the Landscape should only be considered as an Action Alternative. The alternative of continued grazing, which is the proper No Action Alternative, is described as an Action Alternative (Alternative No. 2).

9. Please provide information that shows the No Action Alternative and Alternative No. 2 meet the CEQ and Forest Service NEPA requirements and ensure the correct alternatives are described.

#### **IV. Wilderness and Grazing**

Comment – As I understand the information on pages 22- 24, grazing may not be prohibited in the entire designated Wilderness simply due to its designation. However, as shown by Alternative No. 4 which prohibits grazing on approximately 2/3 of the wilderness area, apparently grazing may be prohibited if the Forest Service determines the need to, '*protect the range resource from deterioration*'. However, I am not comfortable I have a full understanding of the San Juan National Forest's authority to prohibit grazing in the wilderness area.

10. Please describe how the Wilderness Act and related regulations and policies, allow the Forest Service to propose to prohibit grazing on more than 2/3 of the wilderness area that is currently grazed.

11. If the overall analysis of impacts shows that prohibiting grazing in the project's Wilderness area is needed to ensure protection of range resources, including the wilderness experience, please describe if the Wilderness Act and related regulations, will allow the Forest Service to prohibit grazing in wilderness. If not, why not.

#### **V. Wilderness Experience**

Comment - The DEIS states,

The need for a change in [grazing] management is identified by comparing what is desired across the landscape (desired conditions) to what currently exists on the landscape in the analysis area (existing conditions).

Because the desired conditions for wilderness are related primarily to vegetation conditions, the conclusions for existing wilderness conditions are generally the same as for vegetative existing conditions, *in that existing conditions are generally meeting desired conditions*. (Italics added) (p. 3)

The DEIS assumes wilderness needs are met by addressing vegetative needs. The assumption is unsupported, and I believe it is incorrect. Wilderness and vegetative needs are not always the same and, as described in other parts of the DEIS, wilderness

needs are not being met. As an example of wilderness needs not being met, the DEIS states,

many of the same features/infrastructure that are used by recreational users are also necessary for domestic sheep grazing – thus creating user conflicts... the sheep are seen as a negative.... The conflict for recreational users can be direct; the actions of sheep grazing (destruction of wildflowers, site/smell of manure, aggressive guard dogs, etc.) *directly affect a person's ability to complete their recreational activity*. Or the conflict can be one of social values, in that those recreating in the area have personal beliefs about sheep grazing on FS lands, even if they do not actually encounter sheep while recreating. (Italics added) (p. 168)

Grazing impacts wilderness in ways that are not addressed by vegetation impacts because, wilderness is more than a specific resource. Wilderness is the ability to experience solitude in a primitive and natural environment. The Forest Service's *Wilderness Monitoring Manual* describes that wilderness is about the ability to experience areas with "primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions". For many wilderness users, grazing is undesired and unacceptable as part of the wilderness experience in the Weminuche Wilderness.

12. Similar to the vegetative analysis (p. 7), please describe the needs of the wilderness experience based on a comparison of existing wilderness experience conditions with the desired conditions of the wilderness experience.

13. Please describe the impacts of each alternative on the wilderness experience.

## **VI. Purpose and Need Statement**

Comment - The scope of the Purpose and Need Statement is too restrictive, resulting in a failure of the DEIS to consider the proper range of alternatives.

The purpose of this action is to *administer term livestock grazing on all or portions of the Weminuche Landscape* in such a manner that will meet or move existing resource conditions toward desired conditions ...there is a need to continue to provide the opportunity for permitted domestic livestock grazing. (Italics added) (p.12)

The purpose to administer term livestock grazing *on all or portions* of the Landscape is too restrictive because it does not allow for discontinuation of grazing, as provided by the analysis. The development of management alternatives needs to include all possible options to determine if grazing will continue on all, portions of, or not at all. However, this purpose makes continued grazing a requirement, even if the analysis shows that grazing should be discontinued, improperly limiting the alternative and analysis.

The “need” to continue grazing on all or portions of the Weminuche Landscape is not a proper need. The Multiple Use and Sustained Yield Act, the Wilderness Act, the Forest and Rangeland Renewable Resources Planning Act, the Federal Land Policy and Management Act, the National Forest Management Act, or the Rescission Act do not preordain the continuation of grazing.

The proper ‘need’ for this project is to conduct an analysis of grazing to determine if grazing should continue as is, as modified, or not at all and, *the best option must be based on this analysis*. By including grazing in the Purpose and Need the Forest Service limits the range of alternatives to include grazing. Grazing is not a sacred cow on the landscape.<sup>i</sup>

The Purpose and Need states,

The analysis area contains lands identified as suitable for domestic livestock grazing in the Forest Plan, and authorizing future domestic livestock grazing is consistent with the goals, objectives, standards and guidelines of the Forest Plan. It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for livestock grazing consistent with land management plans.

These general statements are true. However, the purpose of this analysis is to determine whether grazing is consistent with the goals, objectives, standards, and guidelines in the San Juan National Forest’s land management plan. The Forest Service must use this analysis as the basis for determining whether continued grazing meets the overall needs of the Forest, including the needs of the wilderness experience. The Purpose and Need Statement should not give grazing carte blanche authorization.

The Purpose and Need states grazing is important to the American people and the local community because grazing contributes,

to the economic and social well-being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on rangeland resources for their livelihood (*FSM 2202*)

This generalized statement is unsupported by Chapter 3’s socioeconomic impact analysis. The analysis indicates that grazing has benefits that contribute to “the economic and social well-being” but the analysis also describes how grazing has adverse impacts on the economic and social well-being.

The analysis is not clear whether the socioeconomic disadvantages of grazing outweigh the benefits of grazing. This is one of the major issues or controversies of this project. This statement that the ‘community depends on grazing for their livelihood’ should not be made anywhere in this document until it is supported by documentation. The general statement should be deleted from the Purpose and Need Statement because it

biases the range of alternatives and the analysis of management options that must be considered.

**14.** Please include a socioeconomic analysis that shows whether grazing, or no grazing (outdoor recreation), contributes more to the economic and social well-being of the American people, provides better opportunities for economic diversity, and better promotes stability for the local community.

**15.** To allow for the consideration of a proper range of alternatives, please indicate if the Forest Service would remove 'continued grazing' from the Purpose and Need statement and include an Action Alternative that would prohibit grazing from the project's Wilderness Area. If not, why not.

## **VII. Table 2-7, Comparison of Impacts**

Comment - The comparison of impacts provided by Table 2-7 is extremely important to the NEPA analysis. CEQ describes the comparison as the "heart of the environmental impact statement". (40 CFR 1502.14)

Comment - Table 2-7 does not describe "impacts" of the alternatives on water quality, vegetation, recreation, or cultural resources. Instead, the Table identifies whether monitoring or design criteria are included as part of the alternative would be implemented. These are not impacts. The occurrence of monitoring for impact does not describe impact.

**16.** In order to provide a true comparison, please describe "impacts" for each alternative on each resource in Table 2-7.

Comment - In Table 2-7, the entire 165,084 acres of the project are currently open to grazing (Alternative No. 2) However, Figure Nos. 1-7 and 1-8 show much of the project area is not suitable for grazing.

**17.** Please describe the difference between areas that have been determined to be suitable for grazing versus areas that are open to grazing.

Comment - Table 2-7, Alternative No. 2, Recreation states "Avoid Burnt Timber Trail" however, page 108 states Burnt Timber Trail would continue to be used under Alternative No. 2.

**18.** Please describe what is meant by "Avoid Burnt Timber Trail" and clarify if Alternative No. 2 would avoid the Trail.

Comment - Table 2-7, Alternative No. 3, Socioeconomics, the impacts are described as, "Increased costs of grazing implementation and administration". However, Table 3-10 shows that the PV costs are the same for Alternative Nos 2 and 3.

**19.** Please describe how Alternative No. 3 in Table 2-7 has an increased cost as compared to Alternative No. 2.

Comment – Chapter 3 describes the impacts on Rangeland Management, Fisheries, and Roadless Areas. However, these impacts are not included in Table 2-7.

**20.** Please include all impacts discussed in Chapter 3 as part of Table 2-7

Comment - Table 2-7 includes “Natural Resources”. However, Natural Resources are undefined in the DEIS and the impacts on Natural Resources are not described in Chapter 3. In addition, Natural Resources are not identified as a “key issue” on page 20.

**21.** Please identify and describe the specific resources that are included in Natural Resources and describe the impacts of the alternatives on Natural Resources in Chapter 3.

**22.** Please indicate if Table 2-7, Vegetation Alternative No. 4 should also include the "7 vacant" allotments, as shown for Alternative No. 2.

Comment - Table 2-7, socioeconomic impacts. Alternative No. 1 states, “Ranching families out of business” while Alternative Nos. 3 and 4 state, “Increased costs of grazing implementation and administration”. These two different types of impacts are not comparable.

**23.** Please describe the same type of resource impact for each alternative to allow an understanding of the comparison.

## **VIII. Miscellaneous**

Comment - Figure Nos. 1-1 and 1-2 show “trailing activities” occur outside the project area. The DEIS does not describe these activities or their environmental impacts. Because trailing and related activities are interrelated to the proposed project, and because these activities would not occur if the Forest Service did not allow grazing (“but for” the proposed action) the DEIS must analyze the impacts of these activities.

**24.** Please describe the environmental impacts and potential mitigation measures that could be used to minimize trailing impacts.

**25.** Please include electronic copies of each DEIS comment letter, either as an appendix to the FEIS or otherwise make available on-line. Only one copy of each form letters is necessary.

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<sup>i</sup> The current No Action Alternative does not satisfy these concerns because the No Action Alternative is incorrect and because the DEIS indicates the No Action Alternative will not be considered for selection by the decision-maker.