



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

September 8, 2009

Vernon Keller,
Range NEPA Coordinator
1200 Franklin Way
Sparks, NV 89431

Subject: Jarbidge Ranger District Rangeland Management Project Draft Environmental Impact Statement (DEIS), Humboldt-Toiyabe National Forest, Nevada (CEQ #20090223)

Dear Mr. Keller:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The proposed action authorizes continued grazing in the Jarbidge Ranger District under revised grazing management direction. Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “Summary of Rating Definitions”). We recommend additional protection for stream banks and additional information regarding project implementation and permittee compliance.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3521, or Connell Dunning, the lead reviewer for this project, at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures: EPA’s Detailed Comments
Summary of EPA Rating Definitions

Implementation and Compliance of the Proposed Action

The DEIS describes the adaptive management process and identifies utilization rates for use in various vegetative communities. EPA commends the Forest Service for proposing reduced utilization rates that, if implemented, will decrease grazing pressure on rangelands and other resources. However, it is not clear how reduced utilization will be accomplished. The DEIS states that under the proposed action, there may be some fluctuation as the permittees adjust numbers to meet end point indicators and desired conditions, but it is expected that permitted numbers of livestock would remain the same. On page 39, the DEIS indicates that both the permitted number of livestock and use dates are common to all alternatives.

Recommendations:

In the FEIS, explain how operations will change and the proposed new utilization rates will be achieved without a change in the permitted number of livestock or use dates. If new knowledge will be needed by ranchers in order to meet environmental objectives, indicate how this education will occur.

The DEIS states that reduced utilization rates, stricter bank stability requirements, and rest rotation requirements under the proposed action would improve bank stability and over time improve water temperatures. Stricter utilization rates, however, are only as effective as their implementation.

Recommendations:

In the FEIS, discuss existing rates of noncompliance and unauthorized use on the allotments in the project area.

Briefly describe how utilization rates and other indicators will be enforced and indicate what component of the proposed action is expected to prevent noncompliance from occurring in the future.

Riparian and Aquatic Resources

Meadow and stream communities comprise some of the most valuable forage and habitat for livestock, fisheries, and wildlife as well as play a critical function in providing abundant and clean water. As noted on page 172, meadows that are functioning-at-risk or non-functioning can be expected to have a downward trend with implementation of any of the utilization standards in the current term grazing permits (Alternative 1). However, the Proposed Action, Alternative 2, would reduce allowable utilization rates from a maximum of 65 % to a maximum of 45 %, which is projected to result in an upward trend in the condition of most seeps, springs, and meadows.

As the DEIS well documents, over-utilization results in shrinking of riparian communities. The

DEIS states that there is a time-of-use restriction to be enacted for bull-trout occupied waters (p. 90) and a change in class modification from “cattle and horse” to “sheep and goat” for the currently vacant allotments of Lower Marys River and Willow Creek. This is expected to improve aquatic habitats, compared to Alternative 1, in the “long-term”. The DEIS does not provide an estimate of when these “long-term” benefits would be realized, and does not fully explain how allowing a return to grazing on currently vacant lots would benefit vegetation communities, trout, and Lahontan cutthroat. In general, the proposed action does not clearly demonstrate how the protection of at-risk resources will occur in a timely manner to prevent crossing below ecological thresholds.

Recommendations:

As a complement to the adaptive management approach proposed, the proposed alternative should also include specific actions that will improve ecosystem functioning expeditiously where monitoring has shown immediate improvements are necessary to reduce further habitat degradation. The FEIS should include an assessment of 1) incorporating exclusionary fencing as a tool to keep livestock out of the most at-risk riparian areas that do not meet desired conditions; 2) controlled stream access points to encourage animals to drink or cross streams in specific, managed locations; and 3) required long-term rest when riparian areas are highly degraded.

The FEIS should clarify why the 4 currently vacant lots are not proposed to remain vacant as forage reserves for use when sensitive resources in permitted allotments are being rested or restored.

Monitoring

As part of the adaptive management approach used in the Allotment Management Plans, the permittee will be responsible for annual monitoring and management of livestock to determine if utilization rates have been met and livestock need to be moved. The Forest Service will be responsible for conducting proper use criteria observations on every allotment every 1 to 2 years (p. 35). Compliance monitoring would occur annually, either through overall monitoring efforts for the district or through implementation of effectiveness monitoring. Since monitoring every allotment to the same degree is neither practical nor affordable, the DEIS identifies criteria that would prioritize allotments for monitoring, and lists in the 2nd priority category “allotments with permittees willing to take on monitoring responsibilities” (p. 36). It is not clear which monitoring responsibilities this refers to.

Recommendations:

In the FEIS, clarify which monitoring is referenced in the above statement. If additional permittee monitoring will result in less or no monitoring by Forest Service personnel, we recommend this occur only for permittees without a history of non-compliance or unauthorized use.

Excluding Grazing in Problem Areas

The project area is fortunate in that it is considered relatively free of noxious weeds, with just 3 species identified in 5 sites. While the DEIS states that reduced utilization will benefit these conditions, the proposed action does not actively prevent the spread of noxious weeds or specifically identify restoration activities for large areas of bare ground which are vulnerable to the establishment of noxious weeds. The active prevention of new weed sites should be emphasized, since this is more feasible and effective than eradication after weeds become established.

Recommendations:

EPA recommends the Forest Service proactively prevent the spread of bare ground and noxious weeds by modifying the proposed action to include restoration activities and excluding grazing, either by fencing or another exclusionary mechanism. As mentioned, forage reserves from vacant allotments could be used to provide grazing sites while restoration is occurring.

Tribal Consultation

The DEIS describes the consultation that occurred with tribal governments, including a presentation to local tribal representatives and a follow-up meeting with the Shoshone-Paiute Tribe; however, the DEIS does not indicate what issues, if any, were of concern to the tribes.

Recommendation:

In the FEIS, briefly describe concerns raised by tribes regarding the project, and how any concerns were addressed in the proposed action.