Nov. 4 1980

10:40 A. Egan Plots on allotments involved in Hinsdale-BH suit. Take closeup color photos
from the
Bureau of Land Management in Butte— 11/1/82

Dear,

Thank you much for
the use of your slide of
the Mishkeet. They really
fulfill the bill and were
definitely examples of what can
be done in the Mountain
under the right type of
management. I used the
slide both before and after the riparian
area. I hope you can get the
peak to finish but the
national forests cannot afford
to final for technical resource.

[Signature]

BUTTE DISTRICT OFFICE
220 North Alaska Street
Butte, Montana 59701
(406) 723-6561 Ext. 2415
585-2415 (FTS)
November 13, 1980

To: Erwin W. Steucke, Area Manager
Fish and Wildlife Service
Federal Building, Room 3085
316 North 26th St.
Billings, MT 59101

From: C. E. Hitch
Montana Public Lands Council
Room 306 Fratt Building
Billings, MT 59101

Re: Comment on Draft Environmental Impact Statement for the C. M. Russell National Wildlife Refuge

I find this EIS the most difficult to comment on since the writers of the document seem almost totally confused. This confusion starts with the first sentence in the Foreword. It states the area has "suffered from a lack of comprehensive planning and conflicting jurisdiction." The first time I saw the area was about when it was designated by Roosevelt. It was in very general use by many interests including many head of horses, cattle and sheep. Wildlife were not plentiful, and there was a lot of bare ground. Your survey shows it to be 85% to 90% in good and excellent range condition (Appendix 9). I doubt if anybody will do any better to stabilize the area in the next 45 years. How the area has suffered I do not see.

Paragraphs 3 and 5 of the Foreword cite the CEQ guideline. Since there have been several grazing reductions in the past two years "according to our plan," it is questioned if the guidelines are followed. There is reason to believe your action has already been chosen, and this entire document is a wasted paper exercise.

Any planning effort should have qualifiable and quantifiable goals. Your statement in the Foreword (paragraph 4) shows a curious lack of both. "High quality wildlife habitat" would lead one to believe such was in progress until it comes to mind high quality habitat to the prairie dog is poor range condition and bare ground. High quality habitat is old diseased trees to some woodpeckers and climbing grub eaters. Thus you have included extreme opposites in your goal, with everything in between, without any limits on either from time, quality or quantity.

A quick check of the CMR goals on page 4 does little to clarify. Four and five speak of "Restore and maintain habitat" and "manage migratory bird habitats" and all wildlife are again in a neat little package. They are not, as I illustrated in the above paragraph. Number 6 speaks of the "nationally significant Missouri River
Erwin W. Steucke  
November 13, 1980  
Page 2

breaks ecosystem. It is not one ecosystem as your own mission states on the same page. It is generally thought to be a complex of associated ecosystems.

Number 8 of your goals again resorts to more such language in "grazing compatible with wildlife and habitat goals." Since these seem to cover anything somebody wants at that time and place, is it any wonder livestock interests are a bit upset with the F & WS?

Number 11 is the same story all over again. You cannot define what you want and where you want it so, how can you "coordinate and integrate"? Even here you qualify with "where feasible" which long experience has taught means it won't be.

In your Purpose and Need For Action (page 1) you quote "a local sentiment for more grazing." I attended most of the local meetings you mentioned and know most of the livestock owners that run on the CMR. I heard none of this sentiment. I did hear a lot of need for more grazing facilities - some fence but mostly water to help distribution problem. I also heard many people stating problems of stability in their livestock operation when confronted with F & WS instant decision technique. The economics of livestock operation nowadays requires the operator and his banker to be able to look ahead several years. I hope the readout of your scoping was more accurate in other areas, but conversations with some recreation and hunting interests does not so indicate.

A major problem with this EIS concerns the enclosed state school and private lands. You admit (Page 1, 1st paragraph) that they complicate management. You list them under Affected Environment (Page 31). From there on you treat the whole thing as nothing. Under Consequences (Page 84, 3rd paragraph) you state "Grazing on State and private inholding would remain at present levels." That is utter nonsense. If they are used with the allotment there is no way you can change or modify grazing on the CMR and not impact the grazing of these areas. You apparently show these areas in the total acres (Appendix 9) but then proceed as though they didn't exist in Appendix 5 and 10 when listing impacted AUM's and the Operations impacts. They are written off with a "will have to be purchased" under the no grazing alternative as though it would create no problem. You speak of a "willing seller basis" and totally ignore that the F & WS Management has almost precluded their sale to anybody else.

Another major problem with the EIS concerns the boundary problems. It is written off so easily it is impossible to believe. Such statements as "Range improvements would be limited to 400 miles of boundary fence" (Page xi, 3rd paragraph) or "other portions of the boundary would be fenced if problems arise" (Page 13, Range Developments) or "A boundary fence would be constructed around the entire refuge" (Page 86, 2nd paragraph). These statements totally ignore the extreme difficulty and cost of fencing much of the unfenced boundary. You also ignore the very high maintenance cost of such fence. Elk, snow, moving earth, and storms make even a carefully located fence in this area a maintenance headache. Many of these boundary areas would be much much worse. Since they cut across the access routes for livestock and wildlife they would certainly create grazing problems both inside and outside the CMR. I find no recognition or analysis in your grazing EIS of this and the problems that are obvious to those who know the area.
Another major problem with the EIS concerns the very inconsistent analysis of wildlife and their impacts. It is illustrated with prairie dogs. On page 3 you state "a specific plan for prairie dogs will be prepared" yet two pages later (page 5, 8) you show plans for "between 5,000 and 20,000 acres" of dogtown - not very definite, true, but much more so than any other objective. You state (Page 7, Habitat Management) that "Prairie dog control would be considered where refuge lands adjoin other landowners." This statement totally ignores that considering the given shape of the refuge and the known habit of these animals to migrate and form new towns, you do not have any dogtowns that are out of impact range of other lands.

Another illustration of this type of analysis concerns elk. You state (page 44) "the population is at a level that can be tolerated" and (page 74) "Elk populations would not change" in the proposed actions, but you call for "Improved security cover" (page 5, 9). Why? You have one of the highest producing herds known; and you do not want them to increase, yet you call and plan for more protection. That is trying to go two ways at the same time and raises questions about your real intentions. You also call for lure cropping to try to decrease elk predation (Page 11, 3rd paragraph) yet in the same paragraph you call for "cooperative farming will be phased out". You know and the operators know this cooperative farming has attracted elk. What do you want to do, push them out onto private land and create more conflict problems?

Another major problem of this EIS concerns the use of known and not known scientific data. It is illustrated in your many references to "ripping of dense clay and pan spot sites". Up to 38,000 acres are planned under the multi-use alternative (Page 89) but some is planned and mentioned under other alternatives. This surprised me as I know of no long-time benefits of ripping these sites. Finally, I found (Page 85) your authority. The two personal communications deny the conclusions. Ross Wight's work and results also deny such conclusions. You have confused spiking, which is used on club moss and gramma areas and usually a silty site to break a vegetative barrier and allow a vegetative change. Ross Wight did his work on dense clay and pan spot sites, but it was furrows that gave the benefit. Ripping, and you define it correctly in the glossary, had no lasting effect. Furrows with a certain capacity gave the results of about 2½ times increase in production. The shape of the furrows was not important if they held the water. Another factor shown in Wight's work that you apparently didn't read concerned the dense clay site. The area in question produced so little to start with that the increase did not give a significant yield. In other words, it did not pay.

Another such use of scientific data came into your preparation shown in Appendix 15. Suitability of an area for range use has been debated for a long time. You cite on page 198 many of the variables and why it is not possible to book such a factor. Then you, who have been unable to define your own goals in any recognizable quantity, on the basis of some wildlife observation, develop a table to two decimal places that rules areas not suitable for cow use that cows have used for most of 100 years.
It is also a ludicrous situation that you, who as an agency have stopped needed water development for a long period, should use that lack as a club to limit or rule out livestock grazing.

Another major problem of this EIS concerns the use of figures in your so-called socio-economic figures. I will leave it to experts to delve into it in depth, but it doesn't take an economist to suffer from shock at your treatment. You mention several times a grazing fee economic impact (page ix, last paragraph). It does not take good judgement to know that the $1.89/AUM grazing fee is a very small part of the economic impacts of grazing or not grazing. There are operators who are paying that much and more in taxes or interest alone. You also cite the income from the 800 acres farmed as less than $10,000. That, gentlemen, is about $12.50 per acre; and if the gross is not more than that, it would not be farmed. If it is supposed to be the net income, it does not mean much as it is recognized that agriculture is a low net operation for most; but the gross is very important. As a state we run on it.

Your comparison with the six county totals is probably all that was available, but it is not very indicative. These ranches who run on the CMR are not a large slice of those counties.

Appendix Table 13-C shows a real poor use of figures. If you can get a recreation benefit of $271,600 from no action, you should not claim $292,000 benefit for your proposed action. The actual benefit of your proposed action is only $20,400 over doing nothing. By the same token the Intensive Management Alternative is a heavy loss over what you could get by doing nothing at all. I don't know how you arrived at those figures, but they surely don't track.

It is not possible to individually take up all of the items in question in this EIS. Some of these will be used to show my problem

Page 8 Range Improvements; Your statement would lead the public to believe there has been some done in recent years. No operators can point to any.

Page 9 overview (4); This statement tied to your proposed action is an outright fraud. You have raised questions on every signed off grazing plan in which you are involved. Your mandate and goals go too many different directions at once to agree to any grazing plan.

Page 9 General; Ownership of land purchased by the COE is not in question in most of the courthouses of the counties. Only Big Brothers seems to have question of what was purchased.

Page 24 No Grazing-Habitat Management; A non-grazing treatment would present a real wildfire situation, which was not even mentioned. Having seen a couple fires in this area, any assumption of control is questionable. Given a dry spell and wind (not unusual in this area) and adding that type of fuel supply to this rough area, is a near invite for a disaster.
Page 41, 2nd paragraph; Flooding and ice jams were not originated with Fort Peck. Having seen large ice cakes in the town of Loma and a 12-14 inch tree chewed off at the mouth of Eagle Creek, I contend your entire Missouri River plan should recognize this fact of life.

Page 51, Table 7 - Your mileage figures looked a bit odd so I checked. A straight line from the corner (SW) to the named area shows Canyon Ferry, Freezeout, Holter, and Hauser all much closer to 150 than the figures given. Deadman Basin is 90, not 80. To use this mileage a helicopter would be required, and they are not in frequent RV use. Not only are the figures in error, but what are you trying to show? It has nothing to do with the way people travel and, even if they were accurate, they mean little to the people who use the area for recreation.

Page 55 2nd paragraph; This is just not a fact as there are two projects proposed in the Circle area on which there is a lot of information, and it could be used. Certainly it would contribute to recreation demand in the area. If they go in is questionable, but the proposals are well drawn out and discussed throughout the area; and their impact on the EIS area would be substantial.

Page 55 last line and 1st line on page 56; The injection of money by recreation visitors is subject to two questions. First, many such visitors bring a lot of the food and housing with them, so the impacts are definitely not local. Second, there has been a substantial change in the amount of these long-range visits since gas prices went up.

Page 64 2nd paragraph; Your comments on sagebrush are a soil-site difference. Big sagebrush prefers heavy soil areas. Silver sage prefers silty and overflow sites. This will not change.

Page 64 3rd paragraph; You again state the herd size would remain as is. It is one of the highest in the state for reproduction. It got there with the roads and "lack of security cover" and seems to thrive. What direction are you really trying to go?

Page 71 Wildlife Habitat - Range Resources; These prairie dogs have been expanding into adjacent areas for 20 years, but so far you have done nothing but question the "necessary control measures".

Page 170 Appendix 8 2nd paragraph; You went to considerable expense to hire four very qualified and experienced range men to run a site and condition survey. You show it in Appendix 9 but otherwise bypass and ignore it and their recommendations. Then here you question if they even knew what they were doing. Every one of these men has more time in range than the entire staff at Lewistown. This reflects rather heavily on the quality of crew that wrote this document. Cry babies they are, but qualified is questionable.

This comment could go on for a real long time as there are many items that should be questioned. I will not, however, and will summarize.

1. You were given an area by Congress for administration, but you spend much time crying because you didn't get the whole cake. The COE were there before you
and have assigned responsibilities and action that if they conflict with yours should be recognized. There is no call for the tears you shed in this. The same can be said for the state school lands and the private lands. It also applies to State Park right-of-ways, road right-of-ways and cabin area right-of-ways.

2. Your goals are not measureable for comparison so needed in an EIS.

3. Your scoping of problems leaves much to be desired.

4. You did not recognize and analyze the grazing impacts of your proposed action on enclosed lands.

5. You did not recognize and analyze the grazing impacts of the boundary problems.

6. There are gross inconsistencies in your discussion of wildlife problems.

7. Your use of research and scientific data is poor.

8. Your use of socio-economic impacts is questionable.

With all this, I would question if this document should even be considered a grazing Environmental Impact Statement.

CEH:da

cc: Advisory Council
    Senator Melcher
    Senator Baukus
    Representative Marlenee
from the
Bureau of Land Management in Butte—

11/11/86

Lud Perley

Sorry I left out 4 slides of the Butte Allotment Management Plan when I returned your offering. I am sorry about that and hope I didn't cause you any concern or problems. I understand.

[Signature]

Butte, Montana

B.L.M.

BUTTE DISTRICT OFFICE
220 North Alaska Street
Butte, Montana 59701
(406) 723-6561 Ext. 2415
585-2415 (FTS)
November 21, 1980

TO: Delos Putz

FROM: A. L. Hormay


Dear Delos:

As you are aware the draft is poorly written and organized. It is a mess. It almost defies comprehension.

I have followed through on your request to prepare - "A list of the backup materials to the EIS that we should get from FWS." The information is contained in the attached EIS outline. It relates mainly but not exclusively to livestock grazing. It should be very helpful in resolving the problems with the EIS, particularly those with livestock grazing.

The present draft falls far short of EPA standards in several respects:

EPA. "To the extent possible an EIS shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of a proposed EPA action."

The EIS "shall serve as a means for the responsible official and the public to assess the environmental impacts of a proposed EPA action, rather than as a justification for decisions already made."

The public has little chance of understanding the present statement.

The decision to reduce livestock grazing on an average of 33 percent apparently has been made arbitrarily as a matter of policy and the EIS is a justification statement. The door is left open for future cuts and ultimate elimination of livestock grazing on CMR. -- "If wildlife objectives were not being accomplished, additional changes in grazing would be implemented on specific areas not responding. These actions would include further reductions or increases
in AUMs allocated to livestock, changes in seasons of grazing use and other changes." This may not sound too ominous but wildlife objectives cannot be realized with the type of grazing FWL is proposing--namely continuous grazing. Further reductions without end are inevitable.

Few of the proposed actions have been studied and worked out to a stage ready for implementation. Most are contingent upon further study and planning. As such they do not meet the definition of a proposed action.

"An essential undertaking would be preparation of a habitat management plan for each allotment by 1985. These plans would spell out specific wildlife habitat problems and provide specific management actions to correct the problems, such as grazing seasons of use, prescribed burning, ripping, planting and rest from grazing if necessary."

The information requested will go a long way toward clarifying the statement: It probably will take some time to assemble.

EPA. "No administrative action shall be taken until the environmental review process resulting in an EIS . . . has been completed."

Also enclosed is reference material on two subjects covered in the outline.

1. Legality of action taken by U.S. Fish and Wildlife Service in changing administration of grazing leases on the Charles M. Russell Wildlife Refuge
   Anne MacIntyre, Legal Intern, August 14, 1978

2. Judgment U.S. District Court, District of Columbia
   December 30, 1974
OUTLINE
Draft CMR EIS Dated August 1980

Note: This outline conforms with the latest EPA format for EISs (Federal Register June 18, 1979).

(a) Cover sheet
(b) Executive summary
(c) Table of contents
(d) Introduction
(e) Purpose of and need for action
(f) Alternatives including proposed action
(g) Environmental consequences of the alternatives on the affected environment

The subjects covered are (d) through (g). Information that should be requested of FWL is identified in the outline with quotation marks. Quotations or essence of passages from the text are enclosed with single diaritical marks. The page on which such a quotation or passage appears in the text is shown in parentheses at the end of the statement in the outline.

d. INTRODUCTION

(This chapter deals with the subject matter covered in Foreward and Overview in the present draft.)

1. Location, purpose, goals

a) Location

"Letter size map of location CMR in state"

b) Size, date established, purpose

c) CMR and Fort Peck Dam Project

"Explanation of relationship"

d) Goals

Ecosystem, wildlife

'Preserve, restore and manage in a generally natural setting a portion of the nationally significant Missouri River breaks ecosystems for optimum wildlife resources. Provide compatible human benefits associated with its wildlands.'(4)

'Attain and perpetuate a balanced, natural diversity of plant and animal communities.'(4)
Livestock grazing
'Provide grazing for domestic livestock when compatible with wildlife goals.'(4)
'Provide stability and support to livestock users and their operations consistent with wildlife objectives.'(6)

Recreation, etc.
'Protect and maintain established wilderness areas, state and nationally designated historic, cultural and natural areas and objects unique to the Missouri River breaks.'(4)
'Continue to provide opportunities for sport, hunting, fishing and other wildlife/wildlands-oriented recreation, including environmental education compatible with wildlife and overall refuge goals.'(6)

Cooperation
'Coordinate and integrate management of CMR with objectives of Federal and State agencies and private landowners in and around CMR.'(4)

2. Principal uses
a) Livestock grazing
b) Recreation (educational, historical, archaeological)
c) Irrigation, flood control, power

3. Land ownership and jurisdictions
a) 'Table. Ownership and jurisdictions, land and water areas
Federal
FWLS
Former BLM lands
UL Bend
CORE
State
DFWP
DSL
Private
Other "

b) 'Table. Other jurisdictions
Hunting, fishing
Migratory birds
Fire protection
Road construction
Livestock disease control
etc. "

c) 'Cooperative agreements
List and explanations "
4. **Description CMR**

   a) Climate

   b) Topography, geology, soils, water resources, minerals

   c) **Principal vegetation types**
      "Letter size distribution map for each type"
      For each type
      "Table. Plant species composition, density"
      "Table showing"
      1. Area of type
      2. Area eroding geologically
      3. Area not eroding geologically
      4. Acreage of none, light, moderate heavy and very heavy accelerated erosion in
         3. above"

   d) **Wildlife**
      For each species of significance in proposed actions, including rare and endangered.
      "Letter size distribution map"
      "Estimated present population (number)"
      "Acreage of each vegetation type habitat area"

5. **Land uses**

   a) **Livestock grazing**

      (1) "Table. Allotments, kind of livestock and grazing area.
      Number of allotments
      Total number of cattle, sheep and horses grazed
      Total area of allotments
      Area excluded from grazing
      Area available to grazing
      Available area not grazed because of slope, natural barrier
      Area useable for grazing
      Acreage of useable area not grazed because of lack of water
      Total grazing area - acreage actually grazed"

      (2) "Table. Forage utilization in principal vegetation types on the grazing area
      Show degree of use of herbaceous and woody species separately on the following two sites in each type
      1. Bottomland areas and slopes of less than 20 percent
      2. Slopes greater than 20 percent, show acreage of none, light, moderate heavy and very heavy use on each site."
b) Recreation (education, history, archeology)

No comment

c) Irrigation, flood control, power

No comment

e. PURPOSE OF AND NEED FOR ACTION

Comment

Transfer of jurisdiction of certain federal lands in CMR from BLM to FWLS precipitated the need for action and the preparation of an EIS. With the transfer the FWLS assumed the responsibility of a land managing agency among others. See Ann McIntyre's comments on some ramifications of change in jurisdiction.

The primary responsibility of a land managing agency is preservation of land production capacity—maintenance of soil fertility. The FWLS fails to meet this responsibility when it proposes continuous livestock grazing as the main type on CMR. This type of grazing that has been and continues to be the main cause of soil erosion on range-lands.

With the transfer of jurisdiction FWLS also assumed the responsibility of competing an EIS started by BLM. BLM was taken to task in court by the Natural Resources Defense Council for licensing continuous grazing, and FWLS is continuing with the practice. See the Court decision on the case.

The need for an EIS on livestock grazing was established by NRDC suit. The need and basis for an EIS for recreational and other activities on CMR is not clear in the present draft.

As I said earlier almost the entire thrust of the draft EIS is for reduction in livestock grazing.

f. ALTERNATIVES INCLUDING PROPOSED ACTION

Alternative A (No Action)
Alternative B (Proposed Action)
Alternative C (Intensive Wildlife Management)
Alternative D (Multiple Use)
Alternative E (No Grazing)
Alternatives ABC and D are all multiple-use proposals. They differ only in emphasis and balance in uses.

The term 'multiple-use' means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long term needs of future generations . . . - Federal Land Policy and Management Act of 1976.

Balance in uses is determined by the land manager. The manager of CMR has the authority.

Alternative E calling for elimination of livestock grazing would require changes in the law so it is not a viable alternative. There appears to be but two meaningful alternatives:

1. No Action (A);
2. Multiple-Use (made up of proposals in Alternatives B, C and D).
(f)(g) ALTERNATIVES AND CONSEQUENCES

The following deals with proposed livestock grazing and consequences presented in Alternative B.

Proposed action (continuous light, seasonal livestock grazing)

General
'This alternative would reach and maintain the refuge objectives.'(9)
'The most significant management actions to achieve habitat objectives would be reductions of livestock grazing, changing livestock seasons of use and habitat treatment practices such as prescribed burning and soil ripping.'(10)
'If wildlife objectives were not being accomplished additional changes in grazing would be implemented on specific areas not responding. These actions would include further reductions or increases in AUMs allocated to livestock, changes in seasons of grazing use and other changes.'(9)

Grazing systems
'Generally the refuge would be grazed on a seasonal or continuous basis.'(9)
'In some cases prescription grazing would be employed.'(12)
'Several allotments have potential for combinations into deferred rotation grazing.'(12)
'Changes in one and possibly two existing rest-rotation systems would be considered.'(12)

Stocking
'Livestock grazing on CMR would be substantially reduced to improve habitat conditions for wildlife. Proposed livestock grazing levels would be 40,482 federal AUMs by 1985, which represents a 33 percent refuge-wide reduction from present federally licensed AUMs....
This reduction would range from 0-100 percent, depending on the allotment...
Three small livestock allotments would be eliminated and four allotments would be incorporated as pastures into other allotments.'(12)
'Two allotments would be changed from domestic sheep to cattle use by 1985.'(11)

Season of use
'Most livestock grazing would continue to be on a seasonal (winter, spring, summer or fall) or continuous (late spring through fall) basis, although spring turn-in dates would be later...
In general there would be no early spring use in allotments currently under continuous or seasonal livestock grazing. Turn-in dates for livestock would be delayed until significant conflicts with wildlife would be avoided (late spring).'(12)

Facilities
Fencing
'Approximately 47 miles of fencing are proposed along the CMR boundary to keep livestock numbers within authorized levels. Fencing would occur in a minimum of six allotments by 2000. A limited amount of interior fence would be built.'(13)
'Six miles of fence enclosing about 900 acres would be constructed from 1980-2000 to protect selected riparian zones from livestock.'(11)

Water developments
'A need for three new stock ponds plus one pipeline and several troughs has been identified.'(13)
(f)(g) ALTERNATIVES AND CONSEQUENCES  Continued

Consequences (Continuous light, seasonal livestock grazing)

The following is without sound basis and will not occur as predicted. Just words intended to overwhelm and impress.

'This type of grazing would provide the diversity of habitat conditions needed to achieve desired wildlife populations and diversity of species.'(75)

'Overall habitat quality would increase 16-105 percent depending on wildlife species evaluated.'(74)

'Approximately 25 percent of the grazed portions of the refuge would be in excellent condition by 1990 and 35 percent in excellent condition by the year 2000. Fair condition range would be reduced from the present level of 7 percent to an estimated 3 or 4 percent because of reductions in livestock on overgrazed allotments.'(74)

'Areas on level to moderate slopes and within one mile of water would generally receive light to moderate use by livestock because of reduced stocking levels. More fragile areas such as shale, breaks and badlands range sites and steep terrain with over 20 percent gradient would receive little or no livestock grazing.

Soil erosion on these fragile areas would be reduced and essentially confined to geologic processes. Increased litter cover on areas considered to be principal livestock range would be expected.

Bare soils on the most productive range sites, such as clayey, silty, sandy and overflow, would be lowered from the present average range of 20-42 percent by 1985.'(70)

'It is expected that 70 percent of potentially suitable sites would have 8-10 inches of residual cover by 1985.'(71)

'Mule deer habitat in the big sage-greasewood-grassland, ponderosa pine-juniper and grassland deciduous shrub types would be improved 34 percent by the year 2000.'(73)
f)(g) ALTERNATIVES AND CONSEQUENCES  Continued

The following information should be requested. It bears on livestock grazing proposals and consequences and determination of grazing capacity.

1. "Table. Grazing area
   Covering all allotments
   For each allotment
   Allotment name
   Size (total area)
     Area excluded from grazing
     Area available to grazing
       Available area not grazed because of slope, natural barrier
     Area useable for grazing
       Acreage of useable area not grazed because of lack of water
     Total grazing area - acreage actually grazed."

2. "Table. Vegetation types and soil erosion
   Covering all allotments
   For each allotment
   Allotment name
   Size (total area)
   Acreage of principal vegetation types
     On whole allotment
     On grazing area
   For each vegetation type in grazing area show
     Acreage of geologic erosion
     Acreage not eroding geologically
     Show acreage of none, light, moderate heavy and very heavy accelerated erosion on this area."

3. "Table. Livestock grazing and grazing capacity
   Covering all allotments
   For each allotment show
   Allotment name
   Name of permittee
   Allotment size
   Acreage of grazing area
     Present and proposed
   Kind of livestock
     Present and proposed
   Grazing season dates
     Present and proposed
   Total AUMs
     Federal  Present and proposed
     Private  Present and proposed
   Grazing system
     Present and proposed
4 Table. Vegetation use on sites in grazing area
Covering all allotments
For each allotment show
Name
Size (acres) - whole allotment
Size (acres) - grazing area
For the grazing area show
Present and anticipated use with the proposed grazing on the following sites
1. Drainage and ravine bottoms
2. Areas within 100 yards of water
3. Gentle slopes up to 10-15 percent to a distance of 1/4 mile from water
4. Steep slopes - greater than 20 percent to a distance of 1/2 mile from water
5. Bench and table lands 1 mile - water
Show use as none, light, moderate, heavy or very heavy

5. Table. Grazing capacity
Covering all allotments
For each allotment show
Allotment name
Name of permittee
Allotment size (total area)
Grazing area (acres)
Grazing season (dates)
Total AUMs permitted use
Grazing capacity determined by range survey in accordance with SCS Montana Grazing Guides
AUMs cuts in survey capacity separately because of slope, distance from water, prairie dogs, other wildlife, etc.
Total AUMs proposed capacity
Berkeley, California 94701
November 25, 1980

Donald W. Molloy
2508 Third Avenue North
Billings, Montana 59103

Dear Don,

I'm sorry for the delay in replying to your letter of October 29, 1980 on proposed rule changes by BLM on livestock grazing, Federal Register October 15, 1980. With these changes BLM has tightened its grip on a type of management that says in effect--we know best, we know how and this is the way it will be. It is frustrating to deal with a statement such as this.

The Bureau says it 'will ensure public involvement throughout the decision making process--in the inventory, planning, impact assessment and implementation.' Page 68507 Column 1. Let's hope involvement means that the public, the permittee and other interests will be informed not only on decisions but on the basis for them including procedures and methods used in getting information. A statement to this effect should be made clearly in the rules.

Following are examples of information that are vital to the individual operator:

1. What is the definition of grazing capacity?
2. How is grazing capacity determined? What is the method?
3. How is the grazing system decided?
4. How are grazing results monitored? What is the method? On each allotment - number, size and location of plots, including exclosures? What is measured?
5. On a broader point - How was the 5-year implementation period determined?
The words "disaster" and "emergency" are alarming and unnecessary. Situations calling for grazing adjustment can be described without them. Are there cases where adjustments have been made because of insects, floods, or "other disasters"?

The existing and proposed rules both relate to continuous grazing. They foster and promote such grazing. Continuous grazing results in range deterioration and significantly effects the natural environment.

Exception should be taken to the statement on page 68508.

"It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is not required."

Do the rules apply across the board to all grazing systems including rest-rotation grazing?

Hope the preceding will be helpful.

I have need for the slides I left with you in Billings. Will you please send them to me soon.

Best regards,

A. L. Hormay
C. Delos Putz Jr.

11-26-80

Gus -

My version is probably too argumentative and not "professional" enough.

I'll expect to see or hear from you Monday.

Delos
TO: Area Manager, U.S. Fish and Wildlife Service
    Federal Building, Billings, Montana 59101

FROM: A.L. Hormay

SUBJECT: Comments on the Draft EIS on the management of the Charles
        M. Russell National Wildlife Refuge dated August, 1980

I am a range management consultant with more than fifty years
experience in range ecology and management with the United States
Forest Service and the Bureau of Land Management.*

The Draft EIS is seriously deficient in many regards.
1. Contrary to EPA and Standards, the EIS seems obviously
to be written as a justification for a pre-existing policy of the
Fish and Wildlife Service for a staged elimination of any significant

*A biographical sketch indicating my experience and qualifications
in range ecology and management is attached. I was consulted by
the Fort Peck Game Range Committee, an association of ranchers presently
grazing cattle on the Charles M. Russell National Wildlife Refuge and
asked to review and comment on the Draft EIS on CMR.
livestock grazing in areas administered by FWS. The proposed 1/3 reduction in AUMs cannot be justified on the basis of any data presented in the EIS. The EIS concedes that over 90% of the range is in good to excellent condition and that wildlife have prospered even at current grazing levels. Nevertheless, in order to justify a reduction in grazing levels dictated by FWS policy rather than by condition of the range or of wildlife, FWS has artificially declared areas having a certain degree of slope and more than a mile from water "inaccessible" for livestock grazing. The "slope-water matrix" set out in Appendix Table 15-A seems to have no connection with actual range conditions and is based on assumed behavior of livestock and unverifiable mathematical assumptions. FWS was forced to resort to this kind of psuedo-scientific hocus pocus because the grazing reductions dictated by FWS policy could not be justified on the basis of the actual range survey conducted by the experienced range ecologists selected by FWS to conduct the survey.

In short, the Draft EIS violates EPA standards because it was prepared not as a basis on which to assess the environmental impacts of a proposed action, but merely as a justification for a pre-existing FWS policy to reduce or eliminate any regular or continuous livestock grazing in areas administered by FWS.

2. The EIS is deficient in that it fails to provide data as to forage and range conditions either on an overall basis or on
an allotment by allotment basis so that the necessity for the proposed reductions in AUMs could be intelligently evaluated.

There is no suggestion that slopes or areas more than a mile from water are presently overgrazed. Nevertheless FWS proposes to improve the condition of the range by reducing stocking levels, but while maintaining continuous grazing. Such reductions, by supposedly pulling cattle off of areas where they allegedly don't graze anyway, obviously does nothing to reduce the level of grazing near water, the areas most commonly overgrazed. Accordingly, there will be no "improvement" in these areas by the proposed reduction, which will justify FSW in coming forward next year or the following year with a proposal for yet further reductions in livestock grazing, eventhough the overall condition of the range continues to be over 90% good to excellent. This process will continue until FWS has achieved its obvious intent of reducing livestock grazing below the level of economic feasability for present users. At this point, FWS will have achieved its unstated objective of transforming a productive multiple use area into a single purpose wildlife refuge.

The following information should be provided in order for an intelligent evaluation to be made of grazing capacity and of the consequences of the various alternatives:

1. "Table. Grazing area
   Covering all allotments
   For each allotment
   Allotment name
   Size (total area)
   Area excluded from grazing
   Area available to grazing
     Available area not grazed because of slope, natural barrier
   Area useable for grazing
Acreage of useable area not grazed because of lack of water
Total grazing area - acreage actually grazed."

2. "Table. Vegetation types and soil erosion
Covering all allotments
For each allotment
Allotment name
Size (total area)
Acreage of principal vegetation types
On whole allotment
On grazing area
For each vegetation type in grazing area show
  Acreage of geologic erosion
  Acreage not eroding geologically
  Show acreage of none, light, moderate heavy and very heavy accelerated erosion on this area."

3. "Table. Livestock grazing and grazing capacity
Covering all allotments
For each allotment show
Allotment name
Name of permittee
Allotment size
Acreage of grazing area
  Present and proposed
Kind of livestock
  Present and proposed
Grazing season dates
  Present and proposed
Total AUMs
  Federal
  Private Present and proposed
Grazing system
  Present and proposed

4. "Table. Vegetation use on sites in grazing area
Covering all allotments
For each allotment show
Name
Size (acres) - whole allotment
Size (acres) - grazing area
For the grazing area show present and anticipated use with the proposed grazing on the following sites:
1. Drainage and ravine bottoms
2. Areas within 100 yards of water
3. Gentle slopes up to 10-15 percent to a distance of 1/2 mile from water
4. Steep slopes - greater than 20 percent to a distance of 1/2 mile from water
5. Bench and table lands 1 mile-water
Show use as none, light, moderate and heavy or
5. "Table. Grazing capacity
Covering all allotments
For each allotment show
Allotment name
Name of permittee
Allotment size (total area)
Grazing area (acres)
Grazing season (dates)
Total AUMs permitted use
Grazing capacity determined by range survey
in accordance with SCS Montana Grazing Guides
AUMs cuts in survey capacity separately
because of slope, distance from water, prairie
dogs or other wildlife, etc.
Total AUMs proposed capacity"

3. The Draft EIS is deficient in that there is no meaningful
definition of the action proposed under the recommended alternative
other than a reduction of 33% in authorized livestock grazing, at
minimum. The door is left open for future cuts and ultimate elimination
of livestock grazing on CMR. "If wildlife objectives were not being
accomplished, additional changes in grazing would be implemented
on specific areas not responding. These actions would include further
reductions or increases in AUMs allocated to livestock, changes in
seasons of grazing use and other changes." EIS at page . As previously
mentioned, with the type of grazing FWS is proposing -- namely continuous
grazing -- further reductions without end are inevitable.

None of the other proposed actions such as fencing, water
development, soil ripping, etc. are described in anything other than
general terms, so that it is impossible to tell, from an examination
of the Draft EIS, where or to what extent these activities would be implemented. Most are contingent upon further study and planning. As such they do not meet the definition of a proposed action. For example, the Draft EIS states: "An essential undertaking would be preparation of a habitat management plan for each allotment by 1985. These plans would spell out specific wildlife habitat problems and provide specific management actions to correct the problems, such as grazing seasons of use, prescribed burning, ripping, planting and rest from grazing if necessary." Thus, according to the Draft EIS, even the planning of a major part of the "proposed action" is in the future.

There is not even a specification of changes in seasons of use, by allotment for the proposed reductions in AUMs.

4. The Draft EIS gives absolute priority to promotion of wildlife habitat in preference to promotion of livestock grazing or preservation of the range as a productive resource. This is an improper planning premise, inconsistent with both the legal dedication of this range and with its historic use over the past 46 years. Even without simple and relatively inexpensive range improvement such as limited amounts of interior fencing and construction of water sources which would better distribute grazing, the range is presently, concededly, over 90% in good to excellent condition.
5. Despite the focus on wildlife, the Draft EIS provides no data as to the numbers of present or proposed wildlife populations, data without which it is impossible to determine grazing capacities.

CONCLUSION

The Draft EIS is an effort to justify policy-dictated reductions in grazing which cannot be supported on the basis of the condition of either the range or the present wildlife population, which is obviously thriving. It resorts to hypothetical, statistical projections based on an artificially declared "inaccessability" for areas of a certain degree of slope or more than a mile from water to justify reductions from grazing levels that would have been warranted by the actual range survey.

The Draft EIS fails to provide any specific data, even on the presumed "slope-water matrix" which would indicate the basis on which reductions will be made on an allotment by allotment basis. The reductions are simply presented as conclusions, without any data as to the conditions on the specific allotments.

The Draft EIS does not include any data by allotment as to availability of forage, livestock use, present and anticipated wildlife use or other factors that would explain how their proposed reductions were arrived at on a specific basis. The only data given on an allot-
allocation by allotment basis is in Appendix 5 which allocated the proposed cuts to each allotment.

Nor is data provided as to present or proposed wildlife populations.

The proposed action of reducing levels of grazing while maintaining a system of continuous grazing cannot possibly achieve the "improvements" projected by the EIS. Maintenance of continuous grazing will lead only to further reductions in livestock grazing while the range as a whole continues in good to excellent condition.

It is evident that livestock grazing can be continued at the same or even increased levels without damage to the range provided that better range management policies are employed. The proposed reductions are dictated by nothing more than a FWS policy to eliminate livestock grazing on areas which it administers.