

Appendix 3 – Response to Scoping Comments

Issue	Public Issue Statement	Response
National Environmental Policy Act / National Forest Management Act Planning	<p>The Decision Memo for this project should state explicitly how this project meets the criteria described in Section 339 2004 Consolidated Appropriations Act authority.</p>	<p>The Decision Memo discusses the criteria described in Section 339 of the 2005 Consolidated Appropriations Act in the Reasons for Categorical Exclusion section. This grazing allotment is categorically excluded for the following reasons: 1) the decision implements current livestock grazing management; 2) the management of the allotment is shown by monitoring to be meeting or satisfactorily moving towards the Mt. Hood Land and Resource Management Plan objectives; and 3) there are no extraordinary circumstances (as defined in 1909.15) related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.</p>
	<p>The proposed action to reauthorize the currently permitted grazing allotment needs to be analyzed under an EA in order to address significant issues and impacts. A full range of alternatives should be developed and analyzed to address the issues below. These alternatives should include wildlife and native vegetation enhancement, reduction in grazing access to benefit upland and riparian habitat and wilderness values, and enhancement of non-motorized recreation opportunities.</p>	
	<p>We believe the use of a Categorical Exclusion (CE) for Badger Allotment is inappropriate due to the lack of support in the scoping letter for Section 339 of the 2005 Consolidated Appropriations Act (P.L. 108-447). Specifically, prongs two and three of P.L. 108-447 are not met in this instance because: 1) Forest Service monitoring fails to indicate that current grazing is meeting all standards and objective sin the Forest Plan and 2) proposed grazing is not consistent with agency policy concerning extraordinary circumstance. As such, the Forest service must prepare a full Environmental Impact Statement (EIS) or Environmental Assessment (EA) for Badge allotment.</p>	
	<p>In the scoping letter, the Forest Service merely states that objectives for the Wildlife Area are met because the Forest Service works with the Oregon Department of Fish and Wildlife, which manages that area. The Forest Service must give a more thorough explanation of how the above objectives are met to meet the categorical exclusion test, especially considering the inadequacy and lack of forage utilization monitoring.</p>	<p>Scoping letters provide an overview of the proposed action to determine the public concerns and develop issues. The scoping letter was not intended to provide support for Section 339 of 2005 Consolidated Appropriations Act. The requested support is provided in the decision memo under the Reasons for Categorical Exclusion section. The monitoring information is further discussed in the Range Specialist report, located in the project record. No significant effects to extraordinary circumstances were identified, as discussed in the specialists reports, located in the project record.</p>

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	The management plan analysis should discuss how the allotment management meets or could be brought into compliance with the Forest Pan. Please disclose what the Forest Plan’s desired conditions for the allotments are, whether the allotments are currently in compliance, and what changes may need to be made in order for allotment management to meet the Forest Plan’s goals.	
	The scoping letter and available monitoring do not support the conclusion that current grazing management on Badger allotment is meeting or satisfactorily moving toward the other objectives in the LRMP and RMP.	
	A grazing suitability determination must be done. The determinations of grazing suitability must address ecosystem considerations such as presence of sensitive species and habitat, sensitive soils, presence of cultural resources, conflicts with recreation, length of growing season, water quality effects, forest health, cumulative watershed effects, and consistency with natural patterns of disturbance	The grazing suitability determination for the Badger Grazing Allotment was completed as part of the Forest Planning process and is included in the Mt. Hood National Forest Land and Resource Management Plan (Forest Plan). A new grazing suitability determination was not completed because this Decision Memo incorporates by reference the Forest Plan. This decision to continue the authorization of existing livestock grazing on the Badger Grazing Allotment does not authorize any new grazing.
	You need to consider and disclose cumulative impacts.	No significant cumulative effects were identified for this project. Cumulative effects were considered in the specialists reports, located in the project record.
	The Forest Service fails to state how it is meeting the above monitoring requirements [from Northwest	The monitoring requirements from Northwest Forest Plan and White River Watershed Analysis are

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	<p>The scoping letter inappropriately fails to discuss which extraordinary circumstances are present on Badger allotment, much less explain why there will be no significant effect on them. The decision should do so.</p>	<p>According to Forest Service Handbook 1909.15, Section 30, a proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement or environmental assessment only if there are no extraordinary circumstances related to the proposed action. Resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation are discussed in the Decision Memo. As stated in Section 30.3 of the handbook, "the mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist" (FSH 1909.15). The decision maker determined that there are no extraordinary circumstances that indicate a presence of possible significant effects.</p>
	<p>Four of the seven extraordinary circumstances exist on Badger allotment. The allotment contains federally listed threatened species and Forest Service sensitive species; floodplains and wetlands; wilderness, proposed wilderness, and a proposed National Recreation Areas; and inventoried roadless areas. The presence of the extraordinary circumstances, as well as the impacts that the grazing is likely to have on them, should preclude the use of a categorical exclusion.</p>	
	<p>When completing the EIS or EA, please be sure to analyze the following issues, which were given inadequate treatment in scoping letter.</p>	<p>Scoping letters provide an overview of the proposed action to determine the public concerns and develop issues. An analysis of environmental</p>

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Grazing	<p>One problem is the cows in this allotment getting down onto ODFW [Oregon Department of Fish & Wildlife] land where we have a share crop agreement and it cause problems for the framer that has the wheat chop.</p>	<p>A fence has been built to address this problem, as discussed in the Range Specialists Report. The Forest Service will continue to work collaboratively with the permittee and adjacent land owners to address such problems as they arise.</p>
	<p>The Forest Service cannot claim that current grazing management is meeting or satisfactorily moving toward range objectives when there is little to no monitoring data to support such a claim.</p>	<p>Monitoring data and results of monitoring are discussed in the Decision Memo under the Reasons for Categorical Exclusion section and in the Range Specialists Report.</p>
	<p>The Forest Service failed to adequately explain how the criteria from the Allotment Management Plan will be met by continuing current management in the scoping letter. The agency briefly mentioned that the objectives with regard to recreation and wildlife are being met, but gave no explanation as to how.</p>	<p>As stated in the Decision Memo, there is an underlying need to update the existing Allotment Management Plan (AMP, 1971). A Coordinated Resource Management Plan (CRMP) was developed in 1973 that identified a plan for the permittee to incorporate his private land, National Forest System land and adjacent timber company land (Mt. Fir Lumber Company) into a workable year round</p>

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Land Allocations	The part of the allotment within the Wilderness should be analyzed to ensure wilderness values are not being degraded by current or future grazing.	The impacts of grazing to the designated Wilderness areas are discussed in the Recreation Specialists Report (located in the project record) and summarized in the Decision Memo under the Extraordinary Circumstances section. Cattle use tends to be light to none within the wilderness area, primarily due to low levels of forage and very steep terrain. Implementing this decision will not impact wilderness characteristics.
	The Forest Service must do a full NEPA analysis because livestock grazing has potential significant impacts on important resource values within Badger Creek Wilderness.	
	The NEPA analysis should, at least, document the impacts of grazing management on the scenic recreation, stream functioning, wildlife, and natural vegetation values associated with unroaded areas. If these values are negatively impacted, grazing should be removed.	The impacts of grazing to the inventoried roadless areas are discussed in the Recreation Specialists Report (located in the project record) and summarized in the Decision Memo under the Extraordinary Circumstances section.
	The Badger Creek Additions are currently included in drafted (and introduced in 2006) Wilderness legislation that would secure protection for these areas. Until an outcome is known, these areas should be treated as potential Wilderness and their wilderness values preserved. Grazing should be removed from these areas.	If the Badger Creek Additions are passed into law, the impacts of grazing on the Wilderness area will be analyzed to determine if grazing is appropriate, as directed by the new legislation. The analysis and project record does not demonstrate any negative impacts to existing Wilderness areas or inventoried roadless areas. Based on the analysis, it is not anticipated that grazing would have negative impacts on any new Wilderness areas.
	The proposal of wilderness additions, a Wild and Scenic River corridor, and a National Recreation Area within the allotment require the Forest Service to complete a NEPA analysis on this allotment.	
	The FS must manage grazing in a manner that protects and restores the ecological integrity of the	
		Cattle presence occurs in the Douglas Cabin Late-Successional Reserve (LSR) area and, to a lesser

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Land Allocations	ecosystems within the LSRs. When grazing practices that “retard or prevent attainment of reserve objectives,” the FS has a duty to eliminate or reduce the amount of grazing that is allowed.	extent, within the Surveyor’s Ridge LSR within the allotment. Cattle are using mainly the timber harvest units and open grassy areas in the LSR. The impacts of grazing on the Douglas Cabin and Surveyor’s Ridge LSRs are discussed in the Wildlife Biological Evaluation (available in the project record). Grazing will not negatively impact the LSR characteristics.
Riparian Conditions	I don’t see any mention of water quality/stream/riparian issues or concerns.	Water quality/stream/riparian issues or concerns are analyzed in the Fisheries Biological Evaluation and Geology and Soils report (available in the project record), and findings are summarized in the Decision Memo.
	The NEPA analysis for these allotments must address whether riparian and stream habitat is functioning and appropriately and providing quality habitat for fish species found there.	Impacts to riparian and stream habitat, including monitoring data, are analyzed in the Fisheries Biological Evaluation (available in the project record), and findings are summarized in the Decision Memo.
	The Forest Service must monitor the riparian areas on the allotment to determine whether the LRMP standards and guidelines, and hence objectives, are being met on the allotment.	
	Project analysis should separately discuss the objectives of the Aquatic Conservation Strategies and how the proposed action and alternatives will impact these objectives.	An Aquatic Conservation Strategy report was prepared for this project. The report discusses the impacts of grazing on each of the nine ACS objectives, as well as the existing condition of riparian reserves, including the important physical and biological components of the fifth-field watersheds and the effects to riparian resources. The decision maker has found the Badger Grazing Allotment to be consistent with the ACS.
	The scoping letter and available monitoring do not support the conclusion that Badger allotment is meeting or satisfactorily moving toward the Aquatic Conservation Strategy Objectives in the Northwest Forest Plan.	
Sensitive Species	The Decision Memo should also disclose the presence of any threatened, endangered or sensitive species, disclose all potential impacts to these species from re-authorizing grazing, and the result of any consultation with other regulatory agencies.	The presence of any threatened, endangered or sensitive species and their habitat, summary of impacts to these species and their habitat, and the result of any consultation with other regulatory agencies are discussed in the Extraordinary Circumstances section of the Decision Memo. The
	The Forest Service must prove that it is protecting	

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	The Forest Service fails to consider that cows prefer riparian areas, an integral part of LSRs, which the Northern Spotted Owl also depends upon.	The impacts to Northern spotted owls and their habitat are discussed in the Extraordinary Circumstances section of the Decision Memo. The impacts of to Northern spotted owls and their habitat are analyzed in the wildlife biological evaluation (available in the project record).
	The Forest Service must do a complete NEPA analysis to determine how best to avoid the potential effects of grazing on Northern Spotted owls and their habitat in the allotment.	
	The Forest Service cannot categorically exclude Badge allotment from complete NEPA review unless it proves monitoring indicates current grazing management is meeting or satisfactorily moving towards the LRMP objectives for all threatened, endangered, and sensitive species on the allotment.	As required by Section 339 of 2005 Consolidated Appropriations Act, monitoring information demonstrates that Mt. Hood National Forest is meeting or satisfactorily moving towards the Forest Plan objectives. Monitoring information for threatened, endangered, and sensitive species is discussed in the fisheries and wildlife biological evaluations (available in the project record). In addition, the interdisciplinary time conducted a consistency review with the Mt. Hood Land and Resource Management Plan and Northwest Forest Plan and determined that the proposed action was consistent with all standards and guidelines.
	Since livestock grazing causes and/or contributes to water quality problems in streams important to redband trout on the allotment, there are potential significant effects on the species under the proposed action. Thus, the Forest Service must do a complete NEPA analysis here.	The impacts to redband trout and their habitat are discussed in the Extraordinary Circumstances section of the Decision Memo. The impacts of to redband trout and their habitat are analyzed in the fisheries biological evaluation (available in the project record).
	Livestock grazing could have significant effects on steelhead if cows are continually permitted to access Cedar Creek since cattle seek out water, forage, and shade in riparian areas, which can lead to trampling, overgrazing, bank instability, soil erosion, and impaired water quality. As such, the Forest Service	The proposed action includes a range improvement to protect steelhead in Cedar Creek. The Camp Friend fence will be reconstructed in two phases, based on need. Phase one is reconstruction of “wing” fencing on each side of the existing cattle guard on the 2730 Road. This is expected to control livestock drift into

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	Since livestock grazing in Badger allotment may significantly affect <i>Arabis Sparsiflora</i> and <i>Botrychium Minganense</i> , the Forest Service must do a full EA or EIS. Further, the Forest Service should do a full NEPA analysis to determine the effects of grazing on <i>Astragalus Howellii</i> .	There are no known sites for botanical species that are currently listed as Survey and Manage or Region 6 Sensitive in the Badger Grazing Allotment. For more details see the Botany Biological Evaluation (available in the project record).
Other Comments	According to the LRMP, “Livestock should be controlled to minimize safety hazards.” LRMP, FW-297. The allotment includes a portion of Badger Creek Wilderness, which contains portions of five popular hiking trails (Trail No. 460, 468, 469, 470, and 479), contains portions of two other trails (Trail No. 457 and 462), and includes two campgrounds (Bonney Crossing and Little Badger). As such, the potential for cattle-related injury exists. Please explain how this standard is being met on Badger allotment.	According to the Recreational Specialists Report (available in the project record), there have been minimal conflicts between livestock and recreationalists during previous years. No letters of complaint are known to have been received by the District Ranger on this issue. There have been no known cases of safety problems between livestock or range improvements and recreationalists. Livestock do not congregate at the dispersed camp sites (nor are the sites categorized “high use”) or the 2 developed campgrounds. All the standards and guides listed above are being met.