

Memo

(FIOA)

27Aug07

*Rec'd  
10-03-07  
07-043*

To: Greg Delwicks  
V.P. Environment  
Shaw, Fish Biologist  
Subject: Wa. Dept. of Fish & Wildlife Livestock Grazing  
Damage to the ESA Steelhead on the Blue Mtn. WMA  
(FIOA Request)  
From: Rob Kavanaugh

As you know the WDFW initiated the Pilot Grazing Project on the Blue Mtn. WMA in 2006. This was done secretly with no federal consultation with the USFWS or the BPA. These actions violate NEPA. And, as you are aware, significant federal and tribal funds and resources have been expended on this WMA to protect and enhance anadromous fish stocks. So far the BPA remains unresponsive. But this must soon change. I'm sure you agree.

We just briefed Cong. Norm Dicks staff and they are very interested in why the BPA has not reacted. We have no answer.

You must know that ESA stocks are reduced by 80% in the Columbia and Snake Rv. Basins. This should be a loud warning that you need to take actions when we report habitat damages to you. (photos were provided by the WWP this spring to Herra) Tribal staff are also very concerned about BPA expending salmon recovery funds with one hand and supporting livestock grazing that damages the habitat of steelhead with the other hand. Here we refer to the operating funds you provide to WDFW. This just does not make sense. (Lawrence NPT Aug. 2007) This has got to change. Please explain the opposing strategies?

#1 How much BPA money have you spent on the Blue Mtn. WMA and on salmon and steelhead recovery projects during the past five years? (FIOA request) What is the BPA's role in the Salmon Recovery and draft Wild Steelhead Mgt. Plan. (FIOA request)

#2 What is your strategy for the Asotin Cr. subbasin? (FIOA request) How does this fit with the Pilot Grazing Project livestock grazing in the riparian areas of Clark, Pintler, & Kelly where the WDFW goal is to remove 50% of the available forage? (Asher WDFW 2007) Did BPA review these permits? Why not? We request you inspect both the uplands and riparian damages as soon as possible.

#3 The Wa. Dept. of Ecology voices strong concerns over the potential violations of RCW 90.48.080 and WDFW ignores this completely. (WDOE 4 May and Aug. 2007 Atkins and Peeler) Please send us any water quality data you have on these streams. (FIOA) WDFW say they have no H2OQ data for these streams? Incredible!

Please send me records of all communications between your staff and WDFW staff on this issue. (FIOA) The Nez Perce Staff will inspect this area very soon. Perhaps you could attend?

*4/1*

MFR

To: Interested Persons

Subject: WDFW Reg. Dir. John Andrews Discussion on Pilot  
Grazing Project Mgt. issues

From: Rob Kavanaugh

John Andrews WDFW Reg. Dir & Yo discussed the following:

1. Livestock damage rehabilitation for the Blue Mtn. WMA
  2. Water Quality violations vis a RCW 90.48.08 & Dept. of Ecology criticism 4 May 07. (Atkins, Peeler 07)
  3. Poor leadership skills by top mgrs when dealing with Dist. Team.
  4. Present livestock use in the Smoothing Iron Unit & the damage cattle cause by mid summer grazing. (Coe, ODFW)
  5. WDFW failure to count livestock on and off the WMA.
  6. Violations of permit by Hendrickson with over 375 pairs on the Pintler Unit instead of authorized 200. WDFW failure to control.
  7. Damages done to riparian areas of Pintler, Kelly, Clark, s. fork of Asoting Cr. 2006 & 07 (Pintler)
  8. Violations of permit with respect to excessive habitat removed by cattle exceeding 40% and up to 98% removal with up to 81% removal in Kelly Cr. riparian areas. (photo evidence & the Asher wkly reports.
  9. Threats to T&E listed plants (mariposa lily, selene spaldingi?)
  10. Opposition from Nez Perce Tribe staff (Sodema) to put livestock on the WMA because of threats to native plants.
  11. Blue Mtn. WMA Mgr. giving illegal permits to trespass livestock owners, issuing permits to friends in violation of RCW 42.52. and issuing permits to cattlemen in violation of SEPA.
  12. Trespass grazing on the Wooten WMA.
  13. Results of the 1983 Grazing Study on the Wooten showing reduction in elk use in areas grazed by cattle of 28%.
  14. WDFW failure to consult with the ODFW staff at the Starkey research Ctr. on the Pilot Grazing Project
  15. Mis guided WDFW plans to put cattle in units that do not have sufficient water to support cattle. (Smoothing Iron)
  16. Failure to monitor cattle use and take action when permit violations occur.
  17. Failure to enforce the conditions of the permit in a timely manner to prevent damage rather than react after the fact.
  18. Failure of top mgrs to take the advice of Tom Schrim, Glen Mendel, Pat Fowler & other Dist Tm. scientists.
  19. Failure to control trespass grazing on other WMA by not using or informing enforcement staff on a timely basis. (Dice)
  20. The issue of the Gov. directing the initiation of the Pilot based on political reasons rather than a science based project as evidenced by the records. (WCA, Gov. Quinn)
- Mr. Andrews agreed to determine if cattle were now on the Smoothing Iron Unit. (He determined there are none because there is no water on site. He also agreed to consult with the Nez Perce Staff Angela Sodema, phd Botanist. I informed about Cong. Dicks inquiry.



State of Washington  
Department of Fish and Wildlife

Office Address: 800 Capitol Way N • Olympia, WA 98501-1001 • (360) 337-2200  
Main Office Location: Natural Resources Building • 1111 Natural Resources Building

August 20, 2007

Mr. Rob Kavanaugh  
6919 41<sup>st</sup> Street S.E.  
Olympia, WA 98503

Dear Mr. Kavanaugh:

This letter is in response to your public records requests included in your letter addressed to Fish and Wildlife Commissioners received 7/11/07 (copy enclosed). The enclosed records are provided in addition to records mailed 8/13/07.

You ask for the following:

1. **Documents showing WDFW actions, response, or involvement to a 5/4/07 memorandum from Chad Atkins on meeting with Bob Dice, re: livestock grazing on WDFW lands in Asotin County.** Available records are enclosed.
2. **Copy of Commission policy concerning compliance with RCW 90.48 and HB 1309 on riparian standards.** A copy of the Commission's policy on grazing has been provided previously.
3. **Weekly reports from June 1 to present for Blue Mountain area district team and wildlife areas.** Enclosed are weekly reports from Wildlife Program staff. The enclosed reports are provided in addition to reports mailed 8/13/07. You also reviewed other Program's district team weekly reports on 7/16/07 in response to request PDR #07211.
4. **Turn on and off counts for Klickitat Wildlife Area and Methow Wildlife Area.** Enclosed are records from the Methow Wildlife Area. Records from the Klickitat Wildlife Area were mailed to you on 8/13/07.

*7/11/07 records*

*methow not included*

The enclosed records should complete this public records request.

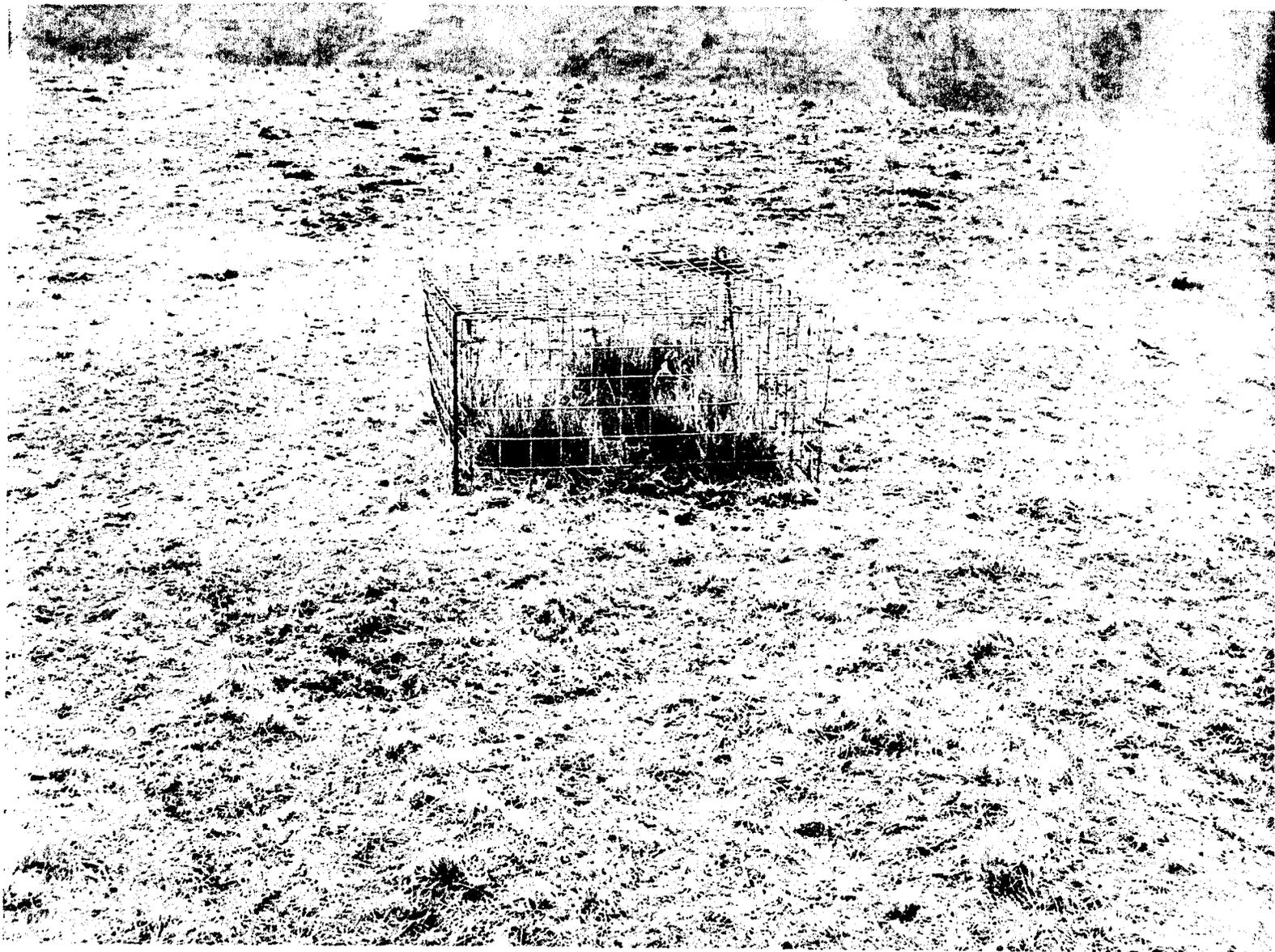
Sincerely,

*Carol Turcotte*

Carol Turcotte  
Public Disclosure Officer

/ct  
cc: Commission  
Wildlife Program  
Fish Program

(PDR #07247)



Plot 62, dry dung, 90% habitat removed  
by cows, Blue Hill WMA 2007  
Smoothing Iron Unit 2007



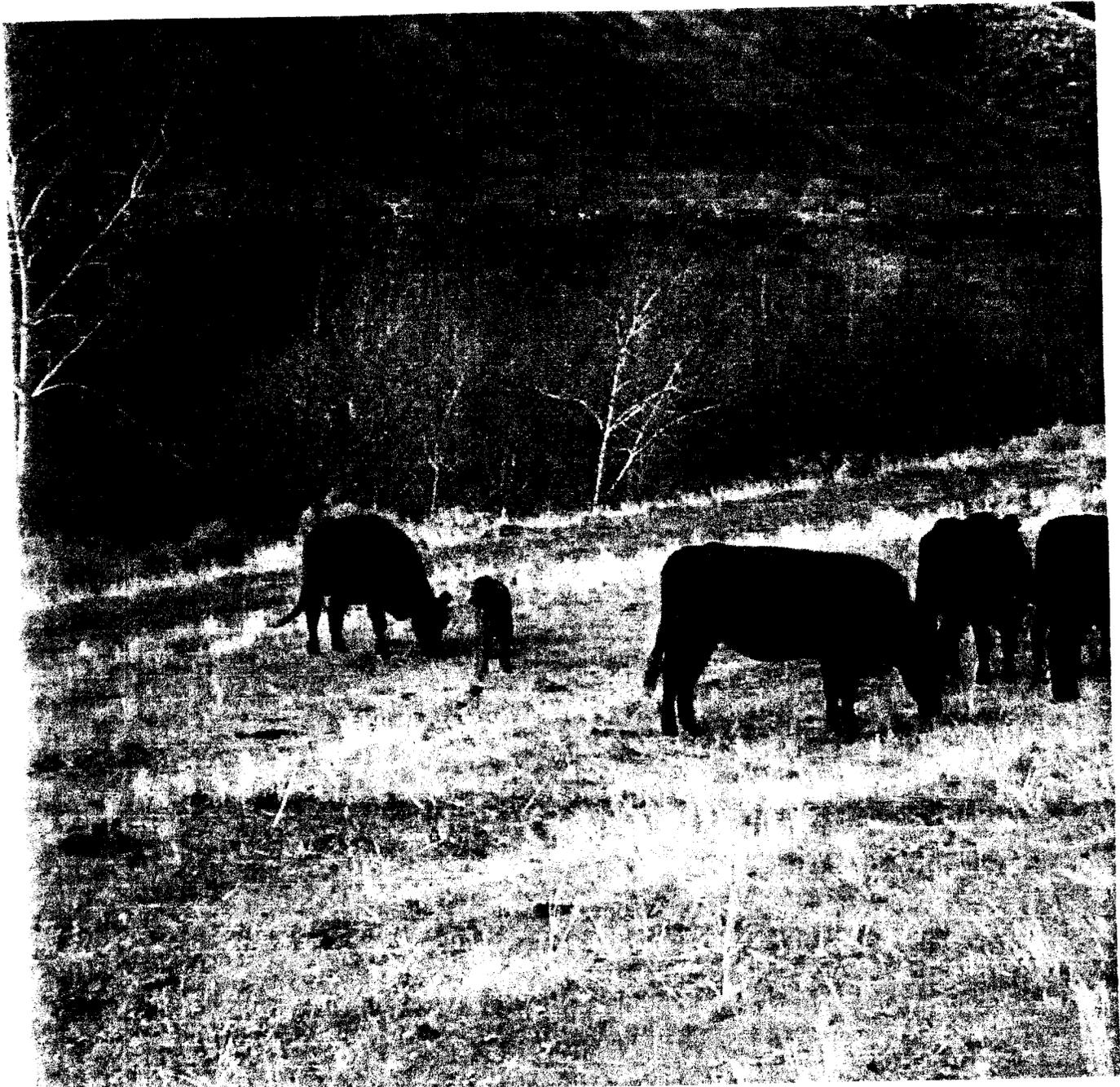
Pilot Carrying Project - cattle mgmt Ryancom Systems on Kelly Co. Blue Mesa WMA 2007



Photo Nov 10/11/19 2007 Pintler Cr Reservoir damage by cattle

# Pintler Watershed, Washington State / IMGP4878

Photos by Katie Fite-WWP  
4/12/07



**NOTICE!**

- 1. These cows are eating new green grass + not old dead "wolfy veg" as any fool can tell.
- 2. This grass is less than 4" tall, much too short to be grazed.
- 3. Cattle favor flat terrain + not steep hill sides.
- 4. They must stay near w because they are lactating!

<http://wildwolves.homeip.net/PintlerImage>

MGP4878.htm

04/12/2007

**MEMORANDUM**

**SUBJECT:** Livestock Grazing on WDFW lands in Asotin County: Meeting with Bob Dice, WDFW Asotin County

**DATE:** May 4, 2007

**BY:** Chad Atkins

I met on Friday, May 4 with Bob Dice of the Washington Department of Fish & Wildlife (WDFW) in Asotin County. The Asotin Conservation District was also present at the meeting. Bob is responsible for managing the Pintler Creek and Smoothing Iron Units of WDFW lands. I asked that Bob update me on the current status of grazing activities on both units. This is a summary of what is currently happening:

- 200 cow/calf pair are currently grazing in each of the two units. Grazing plans have been developed for each unit.
- The cattle in the Smoothing Iron unit are fenced back from the SF of Asotin Creek and do not access any surface water except for two livestock water ponds. The grazing is scheduled to last two months – livestock were released into the unit and April 15 and are scheduled to be removed June 15.
- The cattle have been moved within the Pintler Creek unit to the Kelly Creek drainage and are scheduled to be there until May 31.
- WDFW believes cattle grazing can benefit elk herds by maintaining healthy and diverse grassland plant communities.
- This is a considered a 'pilot project' and the cattle producers are not being charged for using state land. In return, they are being asked to be present every other day (WDFW will be present on the other days). The purpose will be to evaluate livestock distribution and to check for the condition of fence to ensure cattle are not in the riparian corridor. The cattle owners have also been told they may be asked to remove there cattle at any time during the project if it is observed the cattle are significantly impacting vegetation (50% removed) or for any other reason.
- WDFW has established some vegetation transects in the Kelly Creek drainage. They have also built cages as a control for vegetation height.
- There is money in the current budget to direct toward implementing this pilot project.

This is a summary of our subsequent conversation:

- I informed Bob they need to comply with RCW 90.48.080 that says you can't pollute surface water of the state. Managing for vegetation and even to protect anadromous fish may not be enough to be protective of water quality.
- I also told him that some of the photos sent to our office from the Pintler Creek area show impacts to the stream corridor and the likelihood of water quality impacts. I also suggested that on public land owned collectively by everyone in

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