

## EBRPD Grazing Policy Violations Report

### Overgrazing & Erosion at Sycamore Valley Open Space - North

Friends of Sycamore Valley

January 20, 2003

#### 6.2 Related Grazing License Restrictions

The District's Grazing License identifies specific actions required by the District and the Licensee. Both entities must fulfill their part of the license in order that damage does not occur to parklands. Some sections of the license are interdependent, that is, if one section is violated it may also result in a violation of another section.

The subparagraph excerpts from Sections 18 & 19, which specifically address forage conditions allowable for grazing, are as follows:

##### Section 18 – RESIDUAL DRY MATTER (RDM) STANDARDS

Subparagraph a) of this section states:

*The amount of residual dry matter on the ground at the end of the grazing season shall exceed 600 lbs/acre on slopes less than 30%, 800 lbs/acre on 30% to 50% slopes, and 1000 lbs/acre on slopes greater than 50%. These standards generally translate into 4 to 6 inches of standing vegetation at the end of the grazing season.*

The RDM standard is not only about the height of standing vegetation, it is also about the density of standing vegetation as is inferred from the lbs/acre specification. If a few strands of grass are standing in a grazed area and the remainder of the area is exposed soil, then the RDM standard is being violated. The standard, as specified in the Grazing License is vague and incomplete from the standpoint that it assumes that the specified requirements “generally translate” into a visual standard of 4-6 inches of standing vegetation.

Additionally, subparagraph b) states:

*Licensors shall periodically monitor forage utilization to insure that Licensee receives advance notice when or before residual dry matter levels reach 200 lbs/acre above the minimum standards to allow Licensee ample time to decrease herd size or remove livestock. If the RDM levels drop below the amounts hereinabove specified, then all livestock shall be immediately removed from the affected area(s) until such time Licensor determines that said area(s) have recovered sufficiently to allow restocking.*

##### Section 19 – RANGE READINESS

Subparagraph b) of this section states:

*In situations where, in the previous grazing season, forage utilization has occurred to within or beyond the residual dry matter standards established in Paragraph 18 (a) of this Grazing License, Licensors shall require that sufficient plant regrowth be established to provide adequate forage and soil protection before grazing of the premises, in whole or in part, will be allowed to resume or continue, and that the resumption or continuation of such grazing shall occur only after green annual grasses have achieved a height of two (2) to three (3) inches.*

*Licensors shall make an annual assessment of early rainfall patterns to determine*

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*whether precipitation appears average or significantly different than the norm. In the event said rainfall patterns remain below normal, resulting in below normal forage production and diminished livestock carrying capacity, Licensors shall reconsider, delay, or modify, if necessary, the date of livestock introduction to the premises, period of use, and/or stocking levels commensurate with forage availability and other resource management considerations.*

The important elements of these two sections are underlined for emphasis, indicating what actions the EBRPD should be taking when forage conditions do not meet specifications.

The following series of photographs from the beginning of the 2001 and 2002 grazing seasons show that Section 19 is not being enforced, as forage utilization has occurred beyond the minimum RDM standards during the previous grazing season. As a result, the EBRPD management should have delayed introduction of livestock into the park until sufficient plant regrowth had occurred. This was not the case. When FSV informed the EBRPD General Manager of the situation on 12/3/02, the Assistant General Manager, Mr. Tom Mikkelsen, who is responsible for the grazing program replied by letter on 12/5/02 that *“The grazing tenant has been allowed to reintroduce cattle at Sycamore Valley for the last two years because the requirements in Sections 18 & 19 of the Grazing License have been met consistently.”*

The author will leave it to the reader to determine whether Mr. Mikkelsen’s claims are valid.



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The following photographs were taken at Las Trampas Regional Park on 12/7/02. They also illustrate that cattle were introduced into this park in violation of Section 19 and that the park was clearly overgrazed, thereby violating Section 18.



Note in the following photographs from Las Trampas that the licensee had also brought in hay to supplement the lack of forage in the park. This is most certainly a violation of Section 19. FSV documented the location of the hay to be N37°48.590', W122°03.050' with a GPS receiver.



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The amount of available forage was so minimal at SVOS-N that this cow was on its knees attempting to get something to eat on the ungrazed side of the fence.



The photographs from SVOS-N and Las Trampas Regional Park clearly show that Licensees are being allowed to graze cattle on District parklands that do not meet minimum forage conditions. It is also very clear in the Grazing License that the EBRPD must allow for sufficient plant regrowth to be established to provide adequate forage and soil protection before grazing of the premises, in whole or in part. While there may be areas in the park that would keep livestock from starving, the EBRPD must remove livestock until any existing areas that do not meet the minimum standards for required forage have been brought back up to minimum standards as set forth in the Grazing License.

Nearly every park that is grazed within the District exhibits these types of conditions at the beginning of the grazing season. This indicates that minimum Residual Dry Matter standards are not being enforced by the District during the grazing season and then when the new grazing seasons starts the District allows the Licensees to reintroduce cattle in violation of the Grazing Lease.

Under no circumstances should the District be allowed to supplement the feeding of livestock with hay due to lack of forage. If such conditions require the Licensee to take such action then the livestock should not be on District parklands and should be immediately removed.

If sections 18 or 19 are violated, then livestock carrying capacity is also exceeded, resulting in a violation of Section 17 of the Grazing License. When any section of the grazing license has been

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violated this constitutes a default and breach of the license. Section 11 – Licensee’s Default, subparagraph c) states:

*The failure by Licensee to observe and perform any of the covenants, conditions, or provisions of this License where such failure shall continue for a period of fifteen (15) days after written notice thereof by Licensor to Licensee; provided, however, that if the nature of Licensee's default is such that more than fifteen (15) days are reasonably required for its cure, then Licensee shall not be deemed to be in default if Licensee commences a cure within a fifteen(15) day period and thereafter diligently prosecutes such cure to completion.*

While the District is aware that the policies are being violated, it is doing nothing to enforce them to the detriment of the parklands. While conditions have existed that constitute a breach of the license at SVOS-N, the park district has never acknowledged this fact and has allowed the licensee to continue to operate without prosecution.

The remainder of this report illustrates what happens when the grazing policies are violated without concern, year after year. The result of such negligence is extensive erosion damage similar to what has occurred at SVOS-N and certainly other parks within the district. Sections 6 & 7, which follow, document the types of soils present at SVOS-N along with photographs of the damage.