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*Working to protect and restore Western Watersheds*

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Date: December 6, 2012

## **Appeal Filed Pursuant to 36 CFR § 219.35, Appendix A**

**To:**

**Chief of the Forest Service  
USDA Forest Service  
Attn: EMC Appeals, Mail Stop 1104  
1400 Independence Avenue, SW  
Washington, D.C. 20250-1104**

**< [appeals-chief@fs.fed.us](mailto:appeals-chief@fs.fed.us) >  
By fax to: (202) 205-1012**

**Appeal of the Giant Sequoia National Monument Management Plan 2012,  
Final Environmental Impact Statement, and Record of Decision signed by  
Regional Forester Randy Moore on August 8, 2012.**

### **Appellants:**

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**Appeal  
and  
Statement of Reasons  
Pursuant to 36 CFR § 219.35, Appendix A**

December 6, 2012

Dear Chief:

Western Watersheds Project and Sequoia ForestKeeper (“Appellants”) hereby appeal the Record of Decision for the Giant Sequoia National Monument Management Plan 2012 and Final Environmental Impact Statement, signed on August 8, 2012 by Regional Forester Randy Moore. Western Watersheds Project and Sequoia ForestKeeper are appealing this decision based on the substantive and procedural grounds laid out in the statement of reasons below.

This appeal is consistent with 36 CFR § 219.35, Appendix A and is based upon written comments submitted by Western Watersheds Project and Sequoia ForestKeeper on the draft environmental impact statement, conversations with agency staff, and the submission of relevant scientific articles.

**Statement of Standing**

Western Watersheds Project is dedicated to protecting and improving wildlife habitat, riparian areas, water quality, and other resources and ecological values of the public lands of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project has offices in California, Arizona, Colorado, Idaho, Montana, New Mexico, Utah and Wyoming and over 1,400 members nationwide. Western Watersheds Project is devoted, in part, to assisting the U.S. Forest Service to make management decisions in the best public interest. Western Watersheds Project’s staff and members use and enjoy the public lands, including the Giant Sequoia National Monument, and its wildlife, cultural, and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes.

Because the proposed project will impact resources on these public lands that are important to Western Watersheds Project and its staff and members we submitted extensive comments on the Draft Plan and Draft Environmental Impact Statement (“DEIS”) for this project on December 3, 2010. Accordingly, Western Watersheds Project has standing to bring this appeal.

Sequoia ForestKeeper is a non-profit conservation corporation whose mission is to protect and restore the ecosystems of the Southern Sierra Nevada including Sequoia National Forest through monitoring, enforcement, education, and litigation. Sequoia ForestKeeper and its nearly 800 members and supporters have vital interests in protection of wildlife and imperiled species that occur on the public lands in the Sequoia National Forest. Sequoia ForestKeeper submitted comments on the Draft Plan and Draft Environmental Impact Statement (“DEIS”) for

this project on December 3, 2010. Accordingly, Sequoia ForestKeeper has standing to bring this appeal.

This appeal is timely because it is being filed within 90 days after the publication of the legal notice of decision in the newspaper of record. That notice was published in the Friday, September 7, issue of the Porterville Recorder on which means the deadline for submission of this appeal is December 6, 2012.

We are submitting this Appeal by e-mail. We hereby incorporate all previous comments and exhibits in their entirety into this appeal by reference. As we noted in our DEIS Comments and again here, it is too difficult to submit (or provide individual internet links) for all of the scientific studies that the Forest Service should consider or should have considered in its analysis, but we have provided the most relevant studies referenced in our comments by posting them on the Forest Service's Region 5 FTP site. The agency can download them from <ftp://ftp2.fs.fed.us/incoming/r5/Science>. Because these studies are on the Forest Service's servers, they are in the Forest Service's possession. So, they must be analyzed and included as a part of the administrative record for this appeal. In addition, we are mailing a cd that includes electronic copies of relevant scientific papers and other literature cited in our appeal and comments, and copies of our comments.

Sequoia ForestKeeper has already submitted one appeal. We incorporate that appeal herein by reference.

## STATEMENT OF REASONS

Giant Sequoia National Monument was established by Presidential Proclamation in 2000 in order to protect the extraordinary resources found therein. The list of objects specifically protected by the Proclamation includes a diverse array of scientific and historic resources, the eponymous giant sequoias, the world's largest trees that are found here in magnificent groves, Native American archeological and cultural sites, rare endemic plant species, and a variety of wildlife ranging from charismatic mammals such as the Pacific fisher, to the magnificent great grey owl, to rare and secretive amphibians. The purpose of the Monument is first and foremost to protect these remarkable objects.

There are 22 grazing allotments wholly or partially within the Monument that include 218,837 acres (67%) of the Monument's National Forest lands. Despite the clear direction in the Proclamation to protect the objects of interest and to manage for non-extractive uses, the Sequoia National Forest is proposing to continue livestock grazing on the Monument without providing specific management direction to protect Monument objects and without considering any grazing alternatives in the plan EIS.

The FEIS at 22 states:

### Issue 12 – Livestock Grazing

Grazing by livestock can be harmful to monument ecosystems and, in particular, to meadow and riparian ecosystems.

The Clinton proclamation states : “Laws, regulations, and policies pertaining to administration by the Department of Agriculture of grazing permits ... on National Forest System lands within the boundaries of the monument shall continue to apply to lands within the monument” (Clinton 2000, p. 24098).

How Issue 12 is addressed: Livestock grazing as an issue will be eliminated from detailed study because current management direction for grazing will not be changing in any alternative. The analysis of environmental consequences in Chapter 4 discusses the effects of livestock grazing on Monument resources.

The full quotation from the 2000 Presidential Proclamation actually states, “Laws, regulations, and policies pertaining to administration by the Department of Agriculture of grazing permits and timber sales under contract as of the date of this proclamation on National Forest System lands within the boundaries of the monument shall continue to apply to lands within the monument.” There is nothing in this Proclamation statement that exempts the Forest from considering alternatives to current livestock management in its planning efforts. Nor is there anything in the Proclamation statement that allows the Forest to reauthorize livestock grazing where that activity impacts Monument objects. NEPA, the Antiquities Act, NFMA, and FLPMA were all in effect in 2000 when the Proclamation was issued. The Forest's failure to consider any alternative management direction for grazing in the NEPA analysis that fully protects the Monument and Monument objects of interest is both a clear violation of NEPA and a failure by

the Forest Service to protect the Monument as required under the Proclamation. The Forest's failure to consider any alternative management direction for grazing violates the Proclamation, the Antiquities Act, NEPA, and NFMA.

**1. The Forest Has Failed to Consider Any Grazing Alternatives in Violation of the National Environmental Policy Act.**

The NEPA implementing regulations refer to the selection and review of alternatives as “the heart” of the environmental review. 40 C.F.R. § 1502.14. Comparison of the alternatives will help “sharply defin[e] the issues and providing a clear basis for choice among options by the decision maker and the public.” *Id.* The regulations provide clear guidelines on how to select alternatives:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

*Id.*

In this case, the Forest considered no grazing alternatives at all. Although “Grazing by livestock can be harmful to monument ecosystems” (FEIS at 22), there is no “no grazing” alternative that would provide the environmental baseline for comparison of any proposed grazing alternatives. The Forest has failed to consider any other alternatives that would protect all monument objects of interest from livestock grazing. The Forest's utter failure to analyze any grazing alternatives is a clear violation of NEPA.

There is nothing in the Presidential Proclamation statement that exempts the Forest from its obligation to consider alternative livestock management in its planning efforts. Indeed, the Proclamation language is clear that “Laws, regulations, and policies pertaining to administration by the Department of Agriculture of grazing permits ... shall continue to apply to lands within the monument.” 65 Fed. Reg. at 24098.

Similar language in other Monument Proclamations has not absolved agencies from considering alternatives that comply with other laws and regulations. *Western Watersheds Project v. Salazar*, 2011 WL 4526746 (D.Idaho).

Under these circumstances, the EIS's failure to consider any alternative that would have reduced grazing violates NEPA's requirement, discussed above, that it "rigorously explore" all "reasonable alternatives." In addition, the refusal to analyze a "no grazing" alternative was arbitrary and capricious. The BLM based its refusal on its interpretation of the Proclamation that banning grazing would be "inconsistent" with its language. There is, however, no language in the Proclamation forbidding a consideration of a "no grazing" alternative. The Proclamation simply states that present laws "shall continue to apply with regard to the lands in the Monument administered by the [BLM]." *See Proclamation 7373*. The "present law" at the time the Proclamation was signed was that the BLM had the authority to "reclassify and withdraw range land from grazing use." *Public Lands Counsel v. Babbitt*, 529 U.S. 728, 742, 120 S. Ct. 1815, 146 L. Ed. 2d 753 (2000). Accordingly, the BLM is free to consider a "no-grazing" alternative in Monument lands. No contrary language appears in the Proclamation. Thus, even applying the highest level of deference to the BLM's interpretation, the Court finds that it is incorrect as a matter of law. *Chevron, U.S.A., Inc. v. NRDC*, 467 U.S. 837, 104 S. Ct. 2778, 81 L. Ed. 2d 694 (1984).

*W. Watersheds Project v. Salazar*, 2011 U.S. Dist. LEXIS 111728, 39-40 (D. Idaho 2011).

NEPA, the Antiquities Act, NFMA, and FLPMA were all in effect in 2000 when the Proclamation was issued. The Forest's failure to consider any alternative management direction for grazing in the NEPA analysis that fully protects the Monument and Monument objects of interest is a clear violation of NEPA.

If an agency decides to exclude an issue from an EIS, it must supply a convincing statement of reasons that make it clear the potential impacts at issue will not be significant. *Save the Yaak Committee v. Block*, 840 F.2d 714, 717 (9th Cir. 1988). In this case, the Forest simply states, "Livestock grazing as an issue will be eliminated from detailed study because current management direction for grazing will not be changing in any alternative." But even if the Proclamation allows for grazing to continue, that does not mean it must continue. Grazing impacts many of the Monument's objects of interest. The Forest cannot simply punt this analysis to site-specific grazing projects since there will be no EIS to tier to that evaluates grazing impacts on monument objects of interest. The Forest must consider different alternative grazing managements that could reduce these impacts to the Monument's objects of interest.

The comparison of alternatives is the heart of an EIS and the NEPA process. The Forest has no basis for determining that current grazing management direction is compatible with protection of monument objects because it has simply failed to compare alternative grazing strategies. At a minimum, the Forest should have considered a "no grazing" alternative and an alternative that protects all Monument objects of interest, so that the impacts of livestock grazing on these lands and the impacts of livestock grazing to the Monument objects of interest can be clearly understood.

## **2. The Forest’s Failure to Consider Alternative Management Direction for Grazing in the FEIS Violates the Proclamation and the Antiquities Act**

Under the Proclamation and the Antiquities Act, all of the alternatives considered must conserve Monument resources first (and in particular, those resources that are “objects of interest”), and then make other management decisions that do not interfere with the conservation of Monument resources. The range of alternatives cannot include management decisions that will undermine protection of Monument objects in favor of other resources or uses but must provide for “proper care and management of the objects to be protected”. None of the alternatives in the FEIS conserve the Monument’s objects of interests from impacts from grazing.

In 2009, the Bureau of Land Management issued an Instructional Memorandum (IM 2009-215) that emphasizes the need for special areas to be managed to “comply with the purposes and objectives of the proclamation or act of Congress”:

Policy/Action: A presidential proclamation or act of Congress that designates an area within the National System of Public Lands supersedes conflicting direction by the Federal Land Policy and Management Act (FLPMA). These designations include, but are not limited to, National Monuments, National Conservation Areas (NCAs), Wilderness Areas, National Scenic or Historic Trails, Wild and Scenic Rivers, Cooperative Management and Protection Areas, Outstanding Natural Areas, National Recreation Areas, Forest Reserves or any other lands described in Public Law 111-11 Sec. 2002(b). Specifically, the land use plan and management direction for such a designation must comply with the purposes and objectives of the proclamation or act of Congress regardless of any conflicts with the FLPMA’s multiple-use mandate.<sup>1</sup>

Secretary Salazar recently reiterated this policy in his November 15, 2010 Secretarial Order elevating the Office of the National Landscape Conservation System to the level of a directorate within BLM.<sup>2</sup>

We urge the Forest to follow the lead of its sister land management agency and overtly recognize in the GSNMP that managing for protection of monument objects supersedes NFMA multiple-use. The NFMA requires the Forest Service to consider the suitability of these lands for resource management. In this case, the dominant authority for the suitability of these lands for multiple use is determined by the Proclamation and the Antiquities Act. Where activities such as grazing or motorized vehicle use conflict with the protection of monument objects they should be modified or be eliminated to mitigate that conflict. Nowhere in the Plan and FEIS has the Forest established that continuing livestock grazing management using regional standards and guidelines is compatible with the Proclamation and protections required under the Antiquities Act.

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<sup>1</sup> Available at:

[http://www.blm.gov/wo/st/en/info/regulations/Instruction\\_Memos\\_and\\_Bulletins/national\\_instruction/2009/IM\\_2009-215.html](http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2009/IM_2009-215.html)

<sup>2</sup> Available at: <http://www.doi.gov/news/doinews/loader.cfm?csModule=security/getfile&PageID=71857>

Although the Proclamation clearly states that only grazing permits under contract at the date of the Proclamation signing may continue, the Monument Plan has also failed to include provisions to close any allotments that were vacant when the Proclamation was issued, any allotments that have remained vacant for several years and are clearly not needed, and has failed to include provisions to remove fences and other grazing infrastructure associated with those allotments that may impact Monument objects of interest. The Proclamation states that “Laws, regulations, and policies pertaining to administration by the Department of Agriculture of grazing permits and timber sales *under contract as of the date of this proclamation* on National Forest System lands within the boundaries of the monument shall continue to apply to lands within the monument.” [Emphasis added] Therefore, to comply with the Proclamation the Forest should immediately close all allotments that were not under contract when the Monument was proclaimed.

### **3. The Forest’s Failure to Consider Alternative Management Direction for Grazing in the FEIS Violates NFMA**

In addition to being required by NEPA, Forest Service planning rules themselves also require consideration of alternatives. The Forest Service Planning Rule requires that the suitability and potential capability of National Forest System lands for livestock grazing be determined in forest planning efforts, and also that forest planning efforts should consider alternative range management prescriptions. Sec. 219.20.

In this case, the Forest did not make suitability and capability determinations for the Monument’s 22 allotments in the GSNMP. The DEIS does not even disclose the capable acres originally identified in the February 1988 Sequoia Forest Plan. NFMA mandates Forest Plan’s be revised within 15 years but this never occurred. The January 2001 SNFPA did not modify the 1988 Sequoia Forest Plan’s suitability/capability analysis for grazing. The 1988 suitability and capability determinations are now 22 years old, predate the Monument designation, and are stale.

Under the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.), project-level decisions, which authorize the use of specific National Forest System lands for a particular purpose such as livestock grazing must be consistent with the broad programmatic direction established in the governing land use plan. Consistency is determined by examining whether the project-level decision implements the goals, objectives, desired conditions, standards and guidelines, and monitoring requirements of the land use plan. Where necessary, grazing permits must be modified to ensure consistency with the land use plan.

Unfortunately, in this planning effort the Forest has turned the process upside down. The failure to consider alternative grazing management means livestock grazing will continue unchanged whether or not this management is consistent with the overall programmatic direction established in the Giant Sequoia National Monument Plan.

### **4. The Forest Failed to Adopt Appropriate Standards and Guidelines.**

The 2004 SNFPA was adopted to give the Forest Service more management flexibility. Changes to the standards and guidelines affecting aquatic, riparian and meadow ecosystems were adopted “to allow more economic benefits to be retained while continuing to minimize risks to sensitive species” from livestock grazing. 2004 SNFPA FSEIS Vol. 1 at 3. This justification is at odds with the protective purposes of the Proclamation.

Use of the 2001 and 2004 Framework standards without further analysis relegates grazing management of the Monument to the same status as any other multi-use national forest in the Sierra Nevada. The Forest should modify all the range standards and guidelines to explicitly incorporate protection of Monument objects. In a few instances the Forest has sought to modify the standards and guidelines. For example, in Appendix A Proposed Management page 165 for “Grazing and oak management”, the Forest is proposing to change this to: “AUMs allotted will not exceed current levels in the Monument.” But the Forest fails to even define what those current levels are. Are these permitted AUMs or AUMs based on actual use? Does that include AUMs in vacant allotments? The Forest could have clarified this with a simple table listing Allotments, suitable and capable acres, permitted AUMs and average actual use.

The use of RDM utilization levels (which effectively allocates alien annuals as forage for cattle) is inappropriate if the goal of Monument management is to promote native vegetation and health ecosystem. Cattle were found to strongly prefer native perennial to alien annual grasses, especially in the dry season (Van Dyne and Heady, 1965). When one considers that most of the grass biomass in annual grasslands is often weedy alien grasses that may be unpalatable and preferentially avoided, setting RDM retention at levels designed for non-native annual grasses could easily lead to over-utilization of native vegetation and could prevent regeneration of natives and reestablishment of native vegetation in areas now dominated by non-native grasses (Bartolome, Stroud and Heady, 1980; Bartolome, 1987; Stubbendieck *et al.*, 1991).

Monument specific standards and guidelines are essential to ensure that Monument objects of interest are protected. The Proclamation mandates that the Forest comply with “Laws, regulations, and policies pertaining to administration by the Department of Agriculture of grazing permits”; this includes the Antiquities Act. Without establishing Monument specific standards and guidelines, the Forest will be unable to evaluate term grazing permits for compliance with the protective purposes of the Proclamation when current permits expire.

## **5. The FEIS Ignores the Direct and Indirect Effects of Grazing On Monument Objects**

Although the FEIS at 22 states “The analysis of environmental consequences in Chapter 4 discusses the effects of livestock grazing on Monument resources” that Chapter only considers livestock impacts from a cumulative effects perspective, and a limited perspective at that. Although this is a programmatic level plan, it is authorizing livestock grazing to continue at least at current levels. In doing so, the plan is authorizing ground disturbing activities. Therefore, the Forest must analyze the direct and indirect effects of livestock grazing on all those objects the Monument was designated to protect. Unfortunately, the Forest failed to do this in the Plan and FEIS. It has failed to protect and assure the viability of Monument objects of interest such as the great grey owl, and failed to take the requisite hard look at the environmental effects.

The great grey owl is a magnificent bird that is also a monument object. The great grey owls on the Monument are part of the southernmost range of the species. The southern Sierra Nevada owls are now recognized as a subspecies, *Strix nebulosa yosemitensis* (Hull *et al*, 2010).

One of the major impacts of livestock on the great grey owl is the reduction in abundance of prey species in grazed areas. The Forest has designated a single great grey owl PAC on the Monument that protects nesting habitat for the only known breeding pair. This great gray owl occurrence is on the Sampson Allotment that the Sequoia National Forest recently and hurriedly re-permitted just prior to issuing the decision for the GSNM Plan. Since it is the southernmost occurrence of the species (Sears, 2006) it is of considerable scientific significance. Loss of this breeding pair would result in the owl being lost from the Giant Sequoia National Monument and from the Sequoia National Forest, and would result in a range-contraction for the sub-species and for the species as a whole.

The Plan's analysis concludes that for "All Alternatives: may affect individuals, not likely to result in a trend toward Federal listing or loss of viability." This was the same conclusion reached in the Sampson Allotment grazing decision. It is an absolutely inappropriate conclusion to draw when the affected population consists of a single pair that clearly cannot survive the loss of any individuals. It ignores the fact that subspecies and Distinct Population Segments are entities eligible for listing under the Endangered Species Act. Moreover, the great gray owl is included in the Monument Proclamation as an object of interest. The Forest Service is required to protect and conserve the Monument's great gray owl population. The Forest cannot place the survival of the population on the National Monument at risk of extirpation and justify this with the claim that it would not likely result in a trend toward Federal listing. That is an inappropriate standard. The correct standard is protection of this monument object of interest.

Without taking a hard look at the effects of grazing, any assertions by the Forest that the project "is not likely to result in a trend toward Federal listing or loss of viability" is simply arbitrary and capricious. Because the great grey owl is a monument object of interest, because of the scientific significance and importance of this small population, and because of the known risks posed by grazing, the Forest must ensure that adequate mitigations and safeguards are in place to protect this imperiled species.

Likewise, as we detailed in our comments on the DEIS (see pages 146-162), the Forest has failed to analyze the direct and indirect impacts of livestock grazing on: Pacific Fisher, a Monument object of interest; on Rare Amphibians that are Monument objects of interest including localized populations of slender salamanders that are endemic to the area, and Foothill and Mountain yellow-legged frogs; on Monument Special Habitats including meadows, fens, streams and other riparian areas form a small but crucial component of the Monument and on which many of the Monuments plant and animals species that are also objects of interest are dependent upon; and on cultural resources that are Monument objects of interest to be protected. The Monuments has many archaeological sites that record Native American occupation and adaptations to its complex landscape, including lithic scatters, food-processing sites, rock shelters, village sites, and historic and prehistoric structures.

## **6. The FEIS Ignores the Direct and Indirect Effects of Grazing On Sensitive Species**

Because the Forest has failed to consider any livestock grazing alternatives, it has failed to analyze the indirect and direct impacts of grazing on many Forest Service sensitive species found on the Monument. As we detailed in our comments on the DEIS (see pages 146-162), the Forest has failed to analyze the direct and indirect impacts of livestock grazing on Southwestern pond turtles, *Actinemys marmorata*, including trampling and killing of adults, young, and nests. Predatory species such as ravens benefit from livestock infrastructure such as stock tanks to the detriment of hatchling turtles. The DEIS fails to analyze impacts from livestock grazing on special status bats. Livestock grazing may negatively impact meadow, riparian and riparian woodland areas which are important foraging areas for bats. Thirty two (32) sensitive or watch-list plant species are known to or potentially occur within the Giant Sequoia National Monument. Plant Biological Evaluation at 5. Many of these plants are impacted by livestock grazing through browsing, trampling, localized changes in hydrology, livestock related development, and increased invasive species spread. Because the DEIS has not considered any alternatives that change livestock grazing management on the Monument the plan has failed to analyze the indirect and direct impacts to these thirty two plant species.

## **7. The Forest Has Failed to Ensure that the Monument Plan Allows for Resiliency In the Face of Climate Change**

In our comments on the DEIS we repeatedly urged the Forest to allow for resiliency to deal with drought and other climatic effects. In general, livestock represent an incompatible use not only with the protection and restoration of the monument's objects of interest but also with the Forest Service's emphasis on managing for resilient ecosystems in the face of climate change, the requirement of ensuring a sufficient quantity of water for the objects of interest, and the need for containment of invasive species; these cumulative effects are insufficiently analyzed in the monument's NEPA alternatives as well as how allocation of water for livestock will compete with that of the monument's objects of interest.

The Forest Service should the recently published, peer-reviewed study of Beschta *et al.*, 2012 that documents that livestock are a much more pervasive stressor on public lands in the West than any other stressor, including fire. The report, written by a team of scientists from around the west, included the following observations:

- Climate change is expected to intensify in the western U.S., even if greenhouse gas emissions are dramatically reduced;
- Climate change is causing the spread of invasive species, elevated wildfire occurrence, and declining snowpack;
- Federal land managers (on BLM and Forest Service public lands) have begun to adapt to and plan for to climate-related impacts, but have thus far not consider the interrelated impacts of climate and grazing mammals.
- Climate impacts are compounded from heavy use by livestock and other grazing ungulates, which cause soil erosion, compaction, and dust generation; stream

degradation; higher water temperatures and pollution; loss of habitat for fish, birds and amphibians; and desertification.

- Encroachment of woody shrubs at the expense of native grasses and other plants can occur in grazed areas, affecting pollinators, birds, small mammals and other native wildlife.
- Livestock grazing and trampling degrades soil fertility, stability and hydrology, and makes it vulnerable to wind erosion. This reduces the capacity of soils to sequester carbon and through various processes, contributes to greenhouse warming. It also contributes sediments, nutrients and pathogens to western streams.
- Water developments and diversion for livestock can reduce streamflows and increase water temperatures, degrading habitat for fish and aquatic invertebrates.
- Domestic livestock now use more than 70 percent of the lands managed by the BLM and Forest Service, and their grazing may be the major factor negatively affecting wildlife in 11 western states.
- Removing or significantly reducing grazing is likely to be far more effective, in cost and success, than piecemeal approaches to address some of these concerns in isolation.

### **Summary and Requested Remedy**

The Forest has failed to consider livestock grazing management alternatives in developing the GSNM Plan and in the FEIS. It has failed to take a hard look at the effects of livestock grazing on Monument objects. It has ignored public comments requesting it to consider these issues. The Forest must remedy these fatal defects by developing a revised Plan and EIS in which grazing management alternatives are considered, and in which the impacts of grazing on the Monuments biological, cultural, and ecological resources are fully analyzed and mitigated. Without taking this requisite hard look at the environmental impacts of the proposed livestock grazing the Forest Service cannot ensure that its action is compatible with the protection of the Giant Sequoia National Monument objects of interest that it has been tasked with protecting.

Yours respectfully,

A handwritten signature in black ink that reads "Michael J. Connor". The signature is written in a cursive style and is underlined with a single horizontal line.

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ATTACHMENTS: Comments on the Draft Environmental Impact Statement for the Giant Sequoia National Monument Management Plan dated December 3, 2010 from Sequoia ForestKeeper, Western Watersheds Project, and Tule River Conservancy (file name: 12-03-10-SFK-WWP-TRC-CommentsGSNM-DEIS.pdf )

## Citations (submitted by ftp and on cd)

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