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Working to protect and restore Western Watersheds

Date: February 25, 2013

**SUPPLEMENT TO
Appeal Number 13-13-00-0007.**

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 >
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:

WESTERN WATERSHEDS PROJECT (Lead Appellant)
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SEQUOIA FORESTKEEPER
Ara Marderosian
Executive Director
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February 25, 2013

Dear Chief:

On December 6, 2012 Western Watersheds Project and Sequoia ForestKeeper (“Appellants”) filed a timely appeal of 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. The Appeal Number is 13-13-00-0007.

A key focus of our appeal was the Forest Service failure to consider any livestock grazing alternatives in the EIS or to provide specific standard and guidelines to protect the Monument and its objects of interest. On February 14, 2013 the United States Fish and Wildlife Service transmitted its Biological Opinion for the Giant Sequoia National Monument Management Plan to the Forest Supervisor. Because this Biological Opinion includes information relevant to Appellants’ Appeal that was not available to us until this week, we are providing this very brief supplement. We raised this issue during our February 20, 2013 meeting with the Regional Forester.

The Monument’s “spectrum of ecosystems is home to a diverse array of plants and animals, many of which are rare or endemic to the southern Sierra Nevada”. 65 Fed. Reg. at 24095. One of these rare animals is the threatened Little Kern Golden Trout (*Onchorhynchus mykiss whitei*). The USFWS in its Biological Opinion states,

The Monument contains approximately 5.4 miles of streams that are potentially occupied by Little Kern golden trout, as well as approximately 4,582 acres of designated critical habitat for Little Kern Golden trout. Based on our review of the standards and guidelines as they apply to activities that are likely to adversely affect this species, our concern is limited to the potential effects of grazing. The proposed grazing standards and guidelines are likely to result in adverse effects of this species.

Biological Opinion at 3 (emphasis added).

This disclosure that the standards and guidelines would likely harm Little Kern Golden trout was made after the decision was made and appeals were filed. It reinforces the significance of Appellants’ concern for the need for Monument-specific standards and guidelines for livestock grazing. It also further illustrates the need for consideration of grazing alternatives. In this case, a comparison of grazing alternatives would certainly have helped to define the issues for both the decisionmaker and the public. 40 C.F.R. § 1502.14.

Yours respectfully,

A handwritten signature in black ink, appearing to read "Richard J. Connor", followed by a long horizontal line extending to the right.

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A handwritten signature in black ink that reads "Ara Marderosian". The signature is written in a cursive, flowing style.

Ara Marderosian, Executive Director
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CC: Randy Moore, Regional Forester
Kevin B. Elliott, Forest Supervisor