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*Working to protect and restore Western Watersheds*

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August 11, 2011

District Ranger Rick Larson  
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**Re: Breckenridge Mountain Grazing Project  
Preliminary Environmental Assessment, July 2011.**

Dear District Ranger Larson:

Western Watersheds Project and Sequoia ForestKeeper thank you for the opportunity to provide comments for the **Preliminary Environmental Assessment (“PEA”) for the Breckenridge Mountain Grazing Project** on Sequoia National Forest (“SNF”). The notice of availability of the PEA was published on July 12, 2011 so these comments are timely filed. Please incorporate and address our comments in the planning for this proposed livestock grazing project.

Western Watersheds Project works to protect and conserve the public lands, wildlife and natural resources of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project and its staff and members use and enjoy the public lands, including the lands at issue here, and its wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. Western Watersheds Project has over 1,400 members nationwide.

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.

Because the four allotments (Hobo, Cow Flat, Breckenridge, and Pechacho) provide habitat for sensitive species, are part of the important Kern River watershed, include important

cultural and historic resources, and are located within an inventoried roadless area, continued livestock grazing will cause significant environmental effects. The Forest should either cancel the permits for these allotments as allowed under Public Law 108-7 § 328<sup>1</sup> or embark on the preparation of the required Environmental Impact Statement.

Western Watersheds Project and Sequoia ForestKeeper submitted scoping comments for this grazing project on May 13, 2010. Because many of the comments and concerns we expressed in the scoping comments have been ignored we are resubmitting those scoping comments as a component of this comment letter and fully incorporate those comments by reference. We provide additional comments on the PEA below. Please note that we are happy to provide electronic copies of all literature citations cited herein on request.

### ***1. Purpose and Need for Action***

Because the purpose of this project is identified to be “to continue permitted grazing” (PEA at 12), the purpose and need identified in the PEA is overly narrow and constrained. This effectively limits the range of reasonable alternatives (see discussion of alternatives below). The Ranger District is actually making a two-part decision: first, whether or not to authorize grazing on these four allotments; and, second, if the Ranger District decides to authorize grazing on one or more of the allotments, then under what conditions this livestock grazing would be permitted.

### ***2. Alternatives***

The NEPA implementing regulations refers to the selection and review of alternatives as “the heart” of the environmental review [§ 1502.14]. Comparison of the alternatives will help “sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.” 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.

In the PEA, the Forest has ostensibly considered three alternatives: the proposed action, current management, and no grazing. However, the only difference between the proposed action

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<sup>1</sup> Available at: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:hj2enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:hj2enr.txt.pdf)

and current management is the proposed construction of a number of exclosures because of ongoing resource degradation caused by livestock. Because the Forest has overly constrained the purpose to be “to continue permitted grazing” (PEA at 12), the no grazing alternative would not meet this purpose. Effectively, the Forest is violating NEPA by considering only one alternative.

In our scoping comments, we asked the Forest to consider an alternative that would significantly reduce stocking rates on all four allotments and that would end year-round grazing on Cow Flat. This would provide a potential alternative to the need to use additional fencing to protect meadows and springs. The PEA does not even mention this proposed alternative.

### ***3. Adaptive Management***

The PEA describes the proposed action as consisting of four components: permitted livestock, range improvements, adaptive management, and monitoring. PEA at 15. The PEA at 17 defines Adaptive Management so:

#### **Adaptive Management**

The proposed action is adaptive, allowing the Forest Service to adjust the timing, intensity, frequency and duration of grazing, the grazing management system, and livestock numbers according to resource conditions. The exact numbers of livestock and season authorized to graze on an annual basis would depend upon such things as the ecological condition of the allotment, available water and forage production, condition of structural range improvements, range readiness, and predicted forage production for the year. Anything less than the full permitted livestock numbers represents a condition in which capable acres and other integral components of the range management (such as water) are producing less than normal.

However, the Forest already has the authority (and has exercised it, PEA at 57) to adjust the timing, intensity, frequency and duration of grazing, the grazing management system, and livestock numbers according to resource conditions. Thus, it is unclear what the Forest means by adaptive management in this case.

If it is to mitigate impacts, adaptive management as implemented by the Forest Service must be more than a trial and error approach. Reliance on utilization monitoring is inadequate to determine impacts to the full suite of plant species and other resources. Past monitoring of this nature has clearly failed to prevent impacts to the resources. The monitoring proposed in the PEA is inadequate to assure that unfenced riparian areas, sensitive wildlife, cultural and other resources will be protected under the so-called adaptive management approach. The Forest must propose extensive resource monitoring for all the resources that will be directly and indirectly impacted by the proposed action in the revised EA, and list specific management actions that will be used to accomplish adaptive management and identify the specific triggers that will require implementation of those actions. Without this, the Forest cannot assure that its “adaptive management” component will not result in the undue degradation of public resources.

#### ***4. The Proposed Action Must be Fully Described***

The proposed action should explain the proposed grazing management and how these grazing systems will actually work.

The PEA lacks important basic information relating to the grazing management. For example, the PEA does not specify (1) when grazing will be allowed in the burn areas that are currently closed, and (2) if the fire teams recommended 3-year rest will be implemented. Additional information is required for one of the many remedial fencing projects proposed - the Golf Meadow. Apparently the meadow will be enclosed but will not be closed to grazing. Nowhere in the PEA or Range Specialist Report is the schedule for future use of this degraded meadow explained, nor is there any analysis or explanation offered of how this fencing project will ensure that the meadow recovers from its degraded state. Although the Forest has quantified the primary, secondary and incidental use areas it provides no maps of the use areas that would allow the public to determine the impacts on specific resources of concentrated livestock use and movement between use areas.

#### ***5. Environmental Consequences***

The PEA is difficult to follow, in part because the document fails to identify or summarize the direct and indirect effects of each alternative on specific resources. These elements are required under NEPA ¶ 1508.9, ¶ 1502.16 (a), and ¶ 1502.16 (b).

In addition, the PEA is peppered with conclusory, unsupported statements that seem to be designed simply to minimize the impacts of the proposed action. For example, the PEA boldly claims “Elderberry is generally not considered a preferred browse plant by cattle” PEA at 36. This is in complete contradiction to the 1984 Valley Elderberry Longhorn Beetle Recovery Plan which notes for example “that cattle readily forage on new growth of elderberry”. The PEA’s extraordinary claim that salamanders “evolved in an area with extensive history of fire, grazing and other disturbances” is similarly entirely unsupported.

#### ***6. Riparian Areas, Springs and Meadows***

The desired conditions for range management under the 1988 Forest Plan require that the forest: Maintain or enhance the productivity of all forest ranges through adequate protection of the soil, water, and vegetation resources (1988 Forest Plan, pg. 4-3). Many of the riparian areas, springs and meadows on these allotments have been impacted by livestock to such an extent that the forest is now proposing establishing nine exclosures as part of its proposed action. The PEA does not describe how this extensive degradation arose and why action was not taken earlier to address this degradation and prevent further degradation. The PEA fails to include an analysis of the impacts of the exclosures to recreation and wildlife, and fails to analyze the impacts of displaced cattle to adjacent areas and resources. The PEA fails to provide any rationale or description of use of the proposed Golf Meadow exclosure. The PEA fails to include an alternative that would rest the entire allotment rather than go to the expense of installing

exclosures when exclosures would need continuous maintenance, since livestock can jump over or break down fences when they want to go where more food exists. (For example, see the photograph below of a cow jumping a fence). The Forest needs to fully document these impacts and document any prior measures that have been taken to mitigate these impacts so that the public and the decisionmakers can evaluate the likely effectiveness of the proposed action.



## ***7. Cultural Resources***

According to the PEA, “approximately 10% of the previously recorded sites within the analysis area have noted previous grazing impacts. An additional 8% of the newly identified sites within the analysis area noted grazing impacts.” PEA at 33. Despite this, the PEA concludes “At this time however no protective measures, other than monitoring, are necessary as cattle grazing does not appear to be an immediate threat to the cultural resources in the survey area.” *Ibid.* Having identified these impacts, the Forest should identify specific measures to protect these resources to avoid further degradation.

For the no grazing alternative the PEA states, “Past impacts from grazing activity (e.g. cattle trails near sites, range improvement areas) would likely abate and recover over time as ground cover increases. Although effects not related to grazing from other uses such as vehicles or recreation use could still occur.” PEA at 34. However, the PEA fails to acknowledge that “effects not related to grazing from other uses such as vehicles or recreation use could still occur” would also occur under the proposed action. In fact, impacts from vehicle may well be worse under the proposed action because of on and off-route vehicle use by the permittee and from the installation of fencing that may attract unauthorized vehicle use.

## **8. Yellow-blotched Salamander**

The PEA and wildlife specialist reports seem completely uninformed by extent, site-specific literature on the yellow-blotched salamander, *Ensatina eschscholtzii croceator* and thus fail to address the direct and indirect impacts on the species from the proposed action. This species of salamander was first described in 1867.<sup>2</sup> Germano (2006)<sup>3</sup> found yellow-blotched salamander in the project area at Richbar Creek, Cow Flat Creek, Mill Creek, Democrat Creek, and Fire Station. Thus the taxon is known to occur on Pechacho, Cow Flat and Breckenridge Allotments. Further, Germano (2006) reports “The canyons in which I searched are heavily trampled by humans for recreation and cattle grazing adds additional disturbance to these moist microsites.”

## **9. Slender Salamanders**

Again, the PEA and wildlife specialist seem to be utterly uninformed by extent, site-specific literature on the *Batrachoseps* salamander complex found in the project area. These rare and localized slender salamander populations are of high scientific significance; and, the Forest must assure they are protected to avoid propelling a listing. While speciation may be occurring among *Batrachoseps* (Wake, 2006<sup>4</sup>), the salamanders have certainly not co-evolve with livestock grazing as claimed in the PEA.

Hansen (2006)<sup>5</sup> reviewed the genus *Batrachoseps* for the Forest Service Fisheries Program. He describes extensive degradation of Kern Canyon Slender Salamander (*Batrachoseps simatus*) habitat on Sequoia National Forest thus, “Cattle grazing has severely degraded salamander habitat, particularly in the narrow ravines where salamanders are often concentrated.” The Forest must address and analyze the direct and indirect impacts of the proposed action to these rare and localized species. The Forest Service must consider an Alternative that rests the allotment in order to allow the habitat and the salamanders to recover to protect these species and communities and prevent further impacts to them.

## **10. Pacific Fisher**

The Pacific Fisher is a Forest Sensitive species and a Federal Candidate species. In response to the anecdotal sighting of a fisher in the Breckenridge Mountains, we also request that the Forest Service ask its researchers to include periodic surveys for Pacific fishers in the Breckenridge Mountains to understand the possible extent of the fisher population in the area and its potential contribution to the overall viability of the species.

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<sup>2</sup> Cope, E. D. 1867. A Review of the Species of the Amblystomidae. Proc. Acad. Nat. Sci. Philadelphia, 19: 210.

<sup>3</sup> Germano, D. J. 2006. Habitat characteristics of sites with yellow-blotched salamanders (*Ensatina eschscholtzii croceator*). Herpetological Conservation and Biology, 1: 121-128.

<sup>4</sup> Wake, D. B. 2006. Problems with Species: Patterns and Processes of Species Formation in Salamanders. Annals of the Missouri Botanical Garden. 93(1): 8-23.

<sup>5</sup> Hansen, R.W. 2006. Summary of the Biology and Current Taxonomy of Plethodontid Salamanders (Genus *Batrachoseps*) in the Sierra Nevada, California. Report prepared for P. Strand, Fisheries Program Manager, U.S. Department of Agriculture, Forest Service, Southern Sierra Province, Clovis, CA. 42 pp.

## ***11. Other Wildlife and Rare Plant Resources***

In our scoping comments on pages 6-8 we noted that the California Natural Diversity Database records many rare, listed and sensitive species from the four allotments and the surrounding area. The PEA and supporting documents provide little site-specific data, if any, for most of these species. Without this data it is impossible to evaluate the direct and indirect impacts of the proposed action, or the benefits and harms of the many proposed protective area projects. The Forest Service must ensure that adequate safeguards are in place to protect these species and communities and that any impacts to them are adequately mitigated.

## ***12. Noxious Weeds & Invasive Species***

The PEA should objectively compare the impacts of each alternative on invasive species. The PEA at 26 states, “The No Action Alternative stops cattle grazing and ends the risk of weed introduction from cattle activity and range management activities. However, this alternative does not end all risk of noxious weed spread. Without active management and the Noxious Weeds and Prevention Measures (from the action Alternatives) the no action alternative carries some risk of noxious weed spread and introduction from other activities (recreation, fire management, etc.).” The Forest offers no basis for its extraordinary conclusion that opting for “no grazing” seems to absolve it of its responsibilities to manage the project area. Nor does the PEA mention that the effects of other activities are also true for the proposed action.

## ***13. Inventoried Roadless Areas & Other Special Designations***

All four allotments lie within inventoried roadless areas (“IRA”) including the Mill Creek IRA. While grazing is allowed in wilderness under certain conditions this does not mean that the Forest is exempt from its NEPA requirement to analyze impacts to the wilderness character of this IRA. On the contrary, the Forest must analyze impacts to the IRA and explain how each alternative reviewed in the NEPA documents is compatible with maintaining Mill Creek IRA’s wilderness qualities and values.

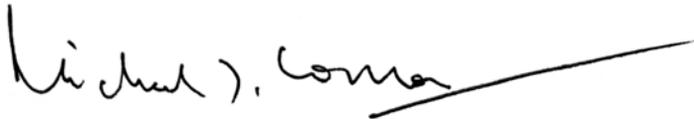
Similarly, NEPA requires that the Forest analyze impacts to the Kern River’s Wild and Scenic River eligibility status irrespective of whether the Forest Service policy is to allow livestock grazing under certain conditions in designated Wild Scenic and River areas.

## ***Conclusion***

In addition to all the recommendations suggested above, we recommend that an additional Alternative be considered that resolves impacts to some biological resources by implementing a 3 year rest for the allotments with monitoring to determine how the resources recover in that time period. We recommend that grazing be prohibited in areas where cultural resources are known to exist.

Western Watersheds Project and Sequoia ForestKeeper thank you for this opportunity to assist the Forest Service by providing comment on the PEA for the Hobo, Cow Flat, Breckenridge, and Pechacho Allotments project. Please keep the Western Watersheds Project and Sequoia ForestKeeper informed of all further substantive stages in the NEPA process for this action and document in the record our involvement as members of the "interested public" for grazing issues. If you have any questions on our comments please feel free to contact me by telephone (818 345-0425) or by email at < mjconnor@westernwatersheds.org >.

Sincerely,

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

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Attachment: Western Watersheds Project and Sequoia Forestkeeper May 13, 2010 scoping comments: Re: Breckenridge Mountain Grazing Project Scoping Letter, April 19, 2010.



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*Working to protect and restore Western Watersheds*

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May 13, 2010

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**Re: Breckenridge Mountain Grazing Project Scoping Letter, April 19, 2010.**

Dear District Ranger Larson:

Western Watersheds Project and Sequoia ForestKeeper thank you for the opportunity to provide scoping comments for the **Breckenridge Mountain Grazing Project** on Sequoia National Forest ("SNF"). Please incorporate and address our comments in the planning for this proposed livestock grazing project.

Western Watersheds Project works to protect and conserve the public lands, wildlife and natural resources of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project and its staff and members use and enjoy the public lands, including the lands at issue here, and its wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. Western Watersheds Project has over 1,400 members nationwide. 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.

We have reviewed the Scoping Letter and accompanying maps for the four allotments (Hobo, Cow Flat, Breckenridge, and Pechacho). Because these allotments provide habitat for listed and sensitive species, are part of the important Kern River watershed, and are located within an inventoried roadless area, continued livestock grazing will cause significant

environmental effects. We urge the Forest Service to make canceling the permits for these allotments the proposed action as allowed under Public Law 108-7 § 328.<sup>1</sup>

### ***Purpose and Need for Action***

The Forest Service needs to analyze livestock grazing on these allotments in an environmental assessment to determine if an environmental impact statement is required. According to the scoping letter, the purpose of this project is to continue permitted grazing. However, this purpose assumes that the determinations of suitability for grazing made in the 1988 Sequoia National Forest Land and Resource Management Plan (“Forest Plan” or “LRMP”) are still valid. As we discuss below, the Ranger District cannot rely on the 1988 LRMP capability and suitability determinations to continue using these allotments. Areas on the allotment have failed to reach Riparian Standards and Guidelines. The Forest Service has embarked on a revision of the 1988 Forest Plan and it may be necessary to revise Forest plan Standards and Guidelines for annual grass-oak woodland and chaparral range. The Forest Service should consider all these factors in determining the purpose and need for this project.

It was not clear from the scoping letter when the current Allotment Management Plans (“AMPs”) were prepared for these allotments but these presumably are very old and outdated since the prior permits were renewed under the Rescissions Act. The goals of the prior and proposed AMPs should be stated and reviewed in the environmental assessment so that the public can be assured that the Forest is in full compliance with the Sequoia National Forest Land and Resource Management Plan.

### ***Consistency with the Federal, regional, State, and local land use plans, policies and controls***

The President’s Council on Environmental Quality (CEQ) NEPA implementing regulations require that any possible conflicts between the proposed action and the objectives of any other Federal, regional, State, and local land use plans, policies and controls for the area concerned be reviewed and analyzed [CEQ - Regulations for Implementing NEPA Sec. 1502.16 and Sec. 1506.2(d)]. The Ranger District therefore needs to evaluate the goals and objectives for each alternative in the environmental consequences section for their compatibility with all the controlling agreements and plans. The Forest must ensure the proposed action is based on best available science and complies with the Forest Plan, the NEPA, the NFMA, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act, as well as other state and federal laws concerning public lands.

### ***Capability and Suitability***

The Forest Service has embarked on a process to revise the 1988 Forest Plan. The Ranger District cannot rely on the 1988 LRMP capability and suitability determinations to continue using these allotments. Capability, specific to grazing, is defined as lands accessible to livestock, producing forage or having inherent forage-producing capability, and able to withstand grazing on a sustained basis under reasonable management practices. By its very nature, capability changes with time. A number of issues have come into play since 1988 including

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<sup>1</sup> Available at: [http://fwwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:hj2enr.txt.pdf](http://fwwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:hj2enr.txt.pdf)

long-term drought, climate change, and the listing of some species. These must be factored into any suitability determination for any continued use of the allotment by livestock. There are a number of meadows and riparian resources that have been impacted by livestock on these allotments so grazing on these areas is clearly not sustainable. The Ranger District needs to re-determine the capability and suitability of the allotments given current circumstances and needs to establish if sustained grazing is possible on any parts of the allotments.

### ***Desired Future Condition***

The four allotments are managed under the direction of the 1988 Sequoia National Forest Land and Resource Management Plan (Forest Plan) as amended, by the Mediated Settlement Agreement of 1990 (MSA), and 2001 Sierra Nevada Forest Plan Amendment (2001 Amendment). The desired conditions for range management under the 1988 Forest Plan require that the forest: Maintain or enhance the productivity of all forest ranges through adequate protection of the soil, water, and vegetation resources (1988 Forest Plan, pg. 4-3).

The SNF should describe the specific desired future condition for each allotment and explain how these desired future conditions will be consistent with the Sequoia National Forest LRMP. The NEPA documentation should include maps showing soils, vegetation communities, and all springs and riparian areas. The SNF must use the best available science to define these desired future conditions for the allotments. The SNF should offer grazing strategies capable of achieving these desired future conditions within a specific timeframe ("moving toward" the desired future condition is an inadequate disclosure of current range condition).

### ***Monitoring***

The NEPA documents should explain prior and proposed monitoring efforts on these allotments. Reliance on utilization monitoring is inadequate to determine impacts to the full suite of plant and animal species, wilderness values, cultural resources, and other resources present in the project area. The NEPA documents should explicitly explain the entire suite of implementation and effectiveness monitoring activities that will be used by the Forest for this project and provide specific schedules for these monitoring actions.

### ***Adaptive Management***

If it is to mitigate impacts, adaptive management as implemented by the Forest Service must be more than a trial and error approach. The Forest Service must list specific management actions that will be used to accomplish adaptive management and identify the specific triggers that will require implementation of those actions. The Forest cannot simply claim that a specified action will result in a "move towards desired condition" but must provide scientific justification for each action.

Furthermore, the Forest Service rarely seems to have the staff or funding that is required to enable it to undertake the regular and timely monitoring of all the resources on these allotments so that it can take immediate action to correct any resource damage. Reliance on utilization monitoring is inadequate to determine impacts to the full suite of plant species and

other resources present. The NEPA analysis must include a frank and honest review of the Forest’s ability to provide the intensive monitoring required for effective adaptive management.

***Current Management***

Allotment	SNF Acres	# Cattle	From	Head Months*
Hobo	4,843	50	Nov 1 - May 15	325 + 200
		50	Jan 16 - May 15	= 525
Cow Flat	18,027	170	March 1 - Feb 28	2,040
Breckenridge	12,044	200	April 1 - Oct 15	1,300
Pechacho	5,553	175	Dec 15 – June 15	1,050 + 700
		175	Feb 15 – June 15	= 1,750

\*Calculated as number of months multiplied by number of cow/calf pairs.

The NEPA documents should describe current grazing management and actual use of the allotments including all recent reductions in annual authorized use that have been made in response to resource conditions. This should include documentation of all range developments including fences, corrals, water developments, and use of supplements.

***Alternatives***

The NEPA implementing regulations refers to the selection and review of alternatives as “the heart” of the environmental review [§ 1502.14]. Comparison of the alternatives will help “sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.” 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.

NEPA requires that an agency “succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration.” [40 C.F.R. § 1502.15] Without a stable and detailed description of the baseline environmental conditions there is nothing with which to compare the alternatives considered in the EA. Therefore, in order to make an informed decision in deciding whether to authorize livestock grazing on these four allotments that complies with NEPA, the Ranger District should compare at least 3 alternatives including the proposed action, current management (which provides the baseline conditions), and no action

(i.e. “no grazing”). The Forest should also consider an alternative that would significantly reduce stocking rates on all four allotments and that would end year-round grazing on Cow Flat. This would provide a potential alternative to the need to use additional fencing to protect meadows and springs.

### ***Riparian Areas, Springs, and Meadows***

According to the scoping letter, various springs and meadows on the allotments have been impacted by over-grazing. The NEPA documents should fully document these impacts and also document any prior measures that have been taken to mitigate these impacts so that the public and the decisionmakers can evaluate the likely effectiveness of any proposed adaptive management actions.

The scoping letter identifies nine “Proposed Protection Areas” (“PPA”) that will be fenced off from cattle. All except one of these consists of an area of one acre or less. The NEPA documents should explain the basis for determining the size of these PPA, how adequate the level of protection will be, and the direct, indirect and cumulative impacts of fencing off these small areas on important wildlife including mule deer, raptors and other species, and the potential impacts of displaced cattle to impact any adjacent resources.

The NEPA documents should include maps showing all riparian areas, meadows, and developed waters on the allotments not just those identified as PPA.

### ***Occurrence of Rare, Listed and Sensitive Species***

We note the California Natural Diversity Database records the following rare, listed and sensitive species from the four allotments and the surrounding quadrants. Many of these species (including the endangered Kern primrose sphinx moth) were not mentioned in the scoping document:

*Actinemys marmorata*, western pond turtle  
*Aquila chrysaetos*, golden eagle  
*Batrachoseps simatus*, Kern Canyon slender salamander, State Threatened  
*Batrachoseps* sp. 1, Breckenridge Mountain slender salamander, CDFG Sensitive  
*Empidonax traillii extimus*, southwestern willow flycatcher, Federal and State Endangered  
*Ensatina eschscholtzii croceator*, yellow-blotched salamander  
*Euproserpinus euterpe*, Kern primrose sphinx moth, Federal Threatened  
*Antrozous pallidus*, pallid bat  
*Corynorhinus townsendii*, Townsend's big-eared bat  
*Lasiurus cinereus*, hoary bat  
*Myotis ciliolabrum*, western small-footed myotis  
*Myotis thysanodes*, fringed myotis  
*Myotis yumanensis*, Yuma myotis  
*Perognathus inornatus inornatus*, San Joaquin pocket mouse  
*Taxidea taxus*, American badger

*Callitropsis nevadensis*, Piute cypress, CNPS 1B.2  
*Calochortus palmeri* var. *palmeri*, Palmer's mariposa-lily, CNPS 1B.2  
*Camissonia integrifolia*, Kern River evening-primrose, CNPS 1B.3  
*Clarkia xantiana* ssp. *parviflora*, Kern Canyon clarkia, CNPS 4.2  
*Delphinium purpusii*, rose-flowered larkspur, CNPS 1B.3  
*Eriastrum tracyi*, Tracy's eriastrum, CNPS 1B.2  
*Heterotheca shevockii*, Shevock's golden-aster, CNPS 1B.3  
*Navarretia peninsularis*, Baja navarretia, CNPS 1B.2  
*Navarretia setiloba*, Piute Mountains navarretia, CNPS 1B.1  
*Opuntia basilaris* var. *treleasei*, Bakersfield cactus, Federal and State Endangered, CNPS 1B.1  
*Layia heterotricha*, pale-yellow layia, CNPS 1B.1  
*Mimulus pictus*, calico monkeyflower, CNPS 1B.2  
*Monardella linoidea* ssp. *oblonga*, Tehachapi monardella, CNPS 1B.3  
*Fritillaria brandegeei*, Greenhorn fritillary, CNPS 1B.3  
*Fritillaria striata*, striped adobe-lily, CNPS 1B.1

The area also includes important, representative areas of Southern Interior Cypress Forest community.

According to the scoping letter, the project area includes habitat for the federally threatened elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and the Forest is conducting additional surveys for habitat on the allotments.

Livestock grazing and grazing related infrastructure directly and indirectly impact all these species. In order to comply with NEPA, the Forest Service needs to perform a **site-specific** review and analysis of the effects of the proposed action and alternatives on all these species. The Forest Service must ensure that adequate safeguards are in place to protect these species and communities and that any impacts to them are adequately mitigated.

### ***Climate Change***

The NEPA documents should provide information about the changes that are likely to occur in the project area over the 10-year period of the proposed permit renewals due to global climate change. In the western United States, the frequency of heavy precipitation events and the frequency of periods of drought have both been observed to increase over the past century (Christensen *et al*, Regional Climate Projections, IPCC Fourth Assessment<sup>2</sup>). While uncertainties remain regarding the timing and extent of impacts from climate change, modeling indicates that on average, California will experience higher temperatures in all seasons; longer dry periods; heavy precipitation events; more frequent droughts; and increased wildfire risk. These changes will affect the project area, especially riparian and water resources and the species that depend on them as well as the amount and availability of forage. The Forest Service must evaluate the proposed decision in the context of climate change as both a baseline issue and a cumulative impact to the resources. Including such an analysis is required by the Forest Service's own policy. See U.S. Forest Service, Climate Change Considerations in Project Level NEPA Analysis, memorandum from Forest Service Chief Abigail Kimbell dated January 13,

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<sup>2</sup> Available on line at: <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-chapter11.pdf>

2009 (“*This document provides initial Forest Service guidance on how to consider climate change in project-level National Environmental Policy Act (NEPA) analysis and documentation.*”)

### ***Other Environmental Consequences***

Primary grazing on erosive soils of up to 40% slope can lead to massive erosion and sediment flows into streams, which will harm the fisheries habitats, fish, and aquatic invertebrates in these habitats. The environmental review should consider grazing impacts to all soils on the allotments whether these are in primary, secondary, or incidental use areas.

The environmental assessment should document and analyze the effects of each alternative on invasive species.

Livestock grazing may change the composition, function and structure of upland native plant communities, disrupt successional processes, and alter fire regimes. The environmental assessment should fully review these impacts and analyze the relationship between domestic livestock grazing and fire risk on these allotments.

The environmental review should review the inventory of cultural resources and the effects of each alternative on these. It should identify the specific modifications to grazing management on these allotments that will avoid and protect the irreplaceable resources.

### ***Cumulative Watershed Effects***

The Forest should conduct a cumulative watershed effects (CWE) analysis for the watersheds in the project area and should present this data in the NEPA documents. Please also disclose the percent of equivalent roaded acres in the watershed, the threshold of concern, the natural suitability index, and how the allotments (combined with both past and anticipated future projects on both private and public land) will impact these key indices. Please also discuss the measures that will be taken to eliminate or reduce these effects. Describe the condition of the watersheds in terms of CWE, ownership patterns, land disturbance history, sensitive habitat, and other issues. In addition, please disclose when, and how many, surveys have been conducted in these watersheds and whether or not these field surveys suggested upgrading the risk of cumulative watershed effects in the affected watersheds. We also request that you consider the cumulative impacts of past, present, and future projects (including those on private land) within these watersheds and discuss ways to minimize or eliminate these impacts.

The Forest should consider impacts of the proposed action on water quality in the Kern River and other important waters in and adjacent to the project area.

### ***Inventoried Roadless Areas***

All four allotments lie within inventoried roadless areas (“IRA”) including the Mill Creek IRA. Federal appeal courts have recently upheld both the 2001 Roadless Rule and the 2006 State Petitions Rule. The Forest Service should review and explain its management guidelines

for this IRA and explain how each alternative reviewed in the NEPA documents is compatible with maintaining Mill Creek IRA's wilderness qualities and values.

### ***Cumulative Impacts***

The Ranger District needs to consider the cumulative impacts of all grazing allotments and other projects on the Sequoia National Forest on all sensitive resources, so that it can analyze the contribution that this grazing allotment projects makes to these cumulative impacts. This must be done so that all the sensitive resources in the project area are protected against the impacts of incremental grazing decisions.

Thank you again for this opportunity to assist the Forest Service by providing scoping comments for your review of the Hobo, Cow Flat, Breckenridge, and Pechacho Allotments. Please keep the Western Watersheds Project and Sequoia ForestKeeper informed of all further substantive stages in the NEPA process for this action and document in the record our involvement as members of the "interested public" for grazing issues. Could you also provide copies (preferably in electronic format) of the various specialists' reports as these are prepared? If you have any questions on our comments please feel free to contact me by telephone (818 345-0425) or by email at < mjconnor@westernwatersheds.org >.

Sincerely,



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