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*Working to protect and restore Western Watersheds*

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July 3, 2014

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**Re: Taylor/Long Grazing Project Environmental Assessment**

Dear District Ranger:

Western Watersheds Project and Sequoia ForestKeeper thank you for this opportunity to comment on the Preliminary Environmental Assessment for the Taylor/Long Grazing Project (“PEA”) on the Kern River Ranger District, Sequoia National Forest (“SNF”). The legal notice for comment on the PEA was published in the Porterville Recorder on June 3, 2014 so these comments are timely.

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.

Western Watersheds Project and Sequoia ForestKeeper submitted scoping comments for this project on May 24, 2013 (with a CD of literature cited) and additional comments on September 18, 2013.

We have reviewed the Ranger District's PEA and the three specialist reports that were provided after a considerable delay. Unfortunately, the PEA itself is woefully incomplete and various specialist reports on which it purports to rely have not been completed. There is no literature Cited section.

The purpose of an Environmental Assessment ("EA") is to provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement ("EIS") or issue a finding of no significant impact ("FONSI"). 40 C.F.R. § 1508.9. Under the National Environmental Policy Act ("NEPA"), the Forest Service cannot make conclusory assertions that an activity will not have an insignificant impact on the environment but must, instead, take a "hard look" at the potential impacts of a proposed action, and put forth a "convincing statement of reasons" that explains why the project will have no more than an insignificant impact on the environment. Please address the following issues for this proposed livestock grazing project so that the need for an Environmental Impact Statement can be determined.

### ***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 Ranger District has included restoration of the head cut on Long Meadow as part of the proposed grazing action in response to public concern but has not considered the meadow restoration absent continued livestock grazing. This is simply unreasonable. The Ranger District should include an alternative that ends grazing but includes the meadow restoration.

### ***Climate Change***

The Ranger District has failed to look at the direct, indirect and cumulative effects of this project on climate change. According to the PEA at 18:

Public comment indicated concern regarding the emission of greenhouse gases such as methane by grazing livestock and emissions from cattle transport. Quantitative analysis of the global impacts of a project such as this would not be meaningful, due to the small scale of use with only 80 cattle for a few months a year. Qualitatively, the alternative to grazing on open range is concentration and confinement in feed lots. There is greater dispersal of adverse effects with open grazing compared to concentrated use within feed lots.

Looking at trends in carbon sequestration, a Forest Service study conducted an assessment of carbon sequestration capabilities of the national forests in California over the next 100 years. The analysis concluded that under then current forest management activities, over the next four to six decades, California's national forests will accumulate carbon at a higher rate than carbon will be lost (SQF Assessment 2013).

The Ranger District avers that "Quantitative analysis of the global impacts of a project such as this would not be meaningful, due to the small scale of use with only 80 cattle for a few months a year. Qualitatively, the alternative to grazing on open range is concentration and confinement in feed lots. There is greater dispersal of adverse effects with open grazing compared to concentrated use within feed lots." This is nonsensical. First of all the, the Ranger District can't simply decide not to do an analysis because it has pre-determined that there will no effect when it has no basis for that conclusion. While the livestock sector contributes a larger share of carbon emissions than does transport (Steinfeld *et al.*, 2010<sup>1</sup>), the Assessment that the Ranger District cites did not even consider emissions from livestock. Secondly, the claim that "Qualitatively, the alternative to grazing on open range is concentration and confinement in feed lots" is not supportable by known science which actually demonstrates that the exact opposite is the case. Cattle in feed lots produce less greenhouse gas emissions than grass-fed cattle (Capper, 2012<sup>2</sup>).

The environmental analysis should document the expected greenhouse gas emissions from the project for each alternative over the ten-year life of the permit, and the contribution this project will make to overall greenhouse gas emissions on Sequoia National Forest that contribute to global warming.

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

The Ranger District is required to undertake a capability and suitability determination for both livestock grazing and Management Indicator Species ("MIS"). Here the District Ranger has simply averred that all the allotments are suitable and capable for grazing. This is incorrect. Various parts of the meadows are fenced off because they are not capable of supporting livestock. The actual boundary of the proposed grazing areas and the current boundaries of the allotment do not match. The Ranger District needs to conduct a capability and suitability analysis for all parts of the allotment.

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<sup>1</sup> Steinfeld, H., Gerber, P., Wassenaar, T., Castel, V., Rosales, M., de Haan, C. 2006. Livestock's long shadow Environmental issues and options. 390 pp. Food and Agriculture Organization of the United Nations. Online at: <ftp://ftp.fao.org/docrep/fao/010/a0701e/a0701e00.pdf>

<sup>2</sup> Capper, J. L. 2012. Is the Grass Always Greener? Comparing the Environmental Impact of Conventional, Natural and Grass-Fed Beef Production Systems. *Animals*, 2: 127-143. doi:10.3390/ani2020127

### ***Current Management & Actual Use***

The PEA is not supported by a Range Specialist Report. We asked the Ranger District to provide documentation of actual use of the two pastures including all recent reductions in annual authorized use that have been made in response to resource conditions; actual turn-out dates for the two pastures over the last permit period; and documentation of all range developments and their condition including fences, corrals, water developments, and use of supplements. Please provide this information in the next draft so that we can help the Ranger District by making informed comment.

### ***Proposed Action***

We asked the Ranger District to describe the proposed action with sufficient detail to understand what is being proposed and why it being proposed. The proposed enclosure and the proposed corral relocations are still poorly described. It is impossible from the information provided in the NEPA documents to determine what the tiny proposed enclosure on Taylor Meadow will actually achieve.

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

The Ranger District did not provide a Botany, Migratory Bird Conservation, or weed Report for the project. It is unclear what the new regional guidance for Mountain Yellow Legged Frog is or how the Ranger District will implement this for the project. We will comment on these components of the project when they become available.

### ***Hydrology, Water Quality, and MIS***

According to the MIS Report at 2:

For aquatic macroinvertebrates, condition and trend is determined by analyzing macroinvertebrate data using the predictive, multivariate River Invertebrate Prediction And Classification System (RIVPACS) (Hawkins 2003) to determine whether the macroinvertebrate community has been impaired relative to reference condition within perennial water bodies. This monitoring consists of collecting aquatic macroinvertebrates and measuring stream habitat features according to the Stream Condition Inventory (SCI) manual (Frasier et al. 2005). Evaluation of the condition of the biological community is based upon the “observed to expected” (O/E) ratio, which is a reflection of the number of species observed at a site versus the number expected to occur there in the absence of impairment. Sites with a low O/E score are missing many species predicted to occur there, which is an indication that the site has a lower than expected richness of sensitive species and may be impaired.

Having provided this helpful summary of the methodology, the report then fails to present any data showing the habitat was evaluated and provides no results.

The Hydrology Report at 8 states, “Aquatic species collected in 2012 have not returned from the lab at the time of this report.” Hydrology Report at 8. Although it is not clear, presumably the hydrologist is mentioning the same samples that would have been used in the MIS analysis?

The Hydrology Report discusses impacts to water temperature from grazing on willows “The range of water temperatures within a stream channel will often determine which aquatic species are present. Warmer water temperatures will cause the eventual loss of cold water species. That potential loss will allow for warm water species to out-compete and displace cold water species.” But neither the Report nor the EA explain how the Ranger District will prevent such damage from occurring as grazing cattle consume the willows that provide the shade could be helping to prevent loss of aquatic species from occurring. And indeed, there are extensive stands of hedged willows over much of Taylor Meadow.

### ***Fire***

The EA fails to discuss grazing related fire risks. In addition to spreading weeds cattle leave copious amounts of dry waste behind. Cattle fecal pats readily ignite, are a common source of spot fires, and release extreme amounts of energy when burning (Scasta *et al.*, 2014<sup>3</sup>).

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

Part of Taylor lies within the Domeland Addition inventoried roadless area (“IRA”). Federal appeal courts have recently upheld both the 2001 Roadless Rule and the 2006 State Petitions Rule.

The PEA states, “The project adjoins and has an overlap with about 65 acres of the Domeland Addition Inventoried Roadless Area (IRA). Due to the limited nature of grazing and the infrequent use of the roadless area, no conflicts are anticipated.” This is yet another conclusory assertion by the Ranger District. The Forest must take a hard look at the effects of the proposed action and other alternatives on the Inventoried Roadless Area’s roadless character and wilderness values as we detailed in our scoping comments.

### ***Economic Analysis***

The Economic section of the PEA is absurdly generally. It states,

Many rural communities continue to be dependent on ranching for their economic livelihood and are located in some of California’s fastest-growing communities. The rate of development for nonagricultural uses of California’s rangelands exceeds the land conversion rate for forests and croplands combined, and this trend is expected to continue.

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<sup>3</sup> Scasta, J. D., Weir, J. R., Engle, D. M. and Carlson, J. D. 2013. Combustion of Cattle Fecal Pats Ignited by Prescribed Fire. *Rangeland Ecology & Management*, 67: 229-233.

California cattlemen using NFS lands attributed 40 to 50 percent of their income to their access to summer grazing lands. Those interviewed who graze on NFS land said they have no desire to sell their ranches, but a third stated that they would have to consider selling if they lost their Forest Service grazing permit. The majority of ranchers surveyed responded that living and working amidst natural beauty was a highly important reason to continue ranching and that although ranching is not seen as the ideal way to make a living, most ranchers want their children to continue ranching and to pass on the family tradition.

Please explain in the PEA what local community will benefit by this project, and what local communities are dependent on this project. Please explain the relevance of the discussion about selling ranchlands particularly since the lands at issue in this grazing project have all been acquired from ranchers who were willing sellers.

Thank you again for this opportunity to assist the Forest Service by providing comments for your review of the Taylor/Long Allotment. Please keep 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 this and related projects. We request that the Ranger District post copies of the various specialist's reports on the District webpage as these become available. 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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