



HIGH SIERRA HIKERS ASSOCIATION

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Via Certified Mail
August 31, 2011

Karen F. Taylor-Goodrich, Superintendent
Sequoia and Kings Canyon National Parks
47050 Generals Highway
Three Rivers, CA 93271

SUBJECT: SCOPING COMMENTS ON WILDERNESS STEWARDSHIP PLAN

Dear Superintendent Taylor-Goodrich,

This letter (along with Enclosures #1 through 43) provides our scoping comments regarding the preparation of a Wilderness Stewardship Plan [1] for Sequoia and Kings Canyon National Parks (SEKI).

The High Sierra Hikers Association (HSHA) is a nonprofit public-benefit organization that educates its members, public officials, and the public-at-large about issues affecting hikers and the High Sierra, and that advocates the protection of park values and wilderness character in the High Sierra for the public benefit. The HSHA represents thousands of citizens living throughout the United States who use and enjoy SEKI's wilderness and backcountry for hiking, camping, backpacking, climbing, mountaineering, cross-country skiing, horse packing, wildlife viewing, photography, and other recreational pursuits, as well as to seek solitude, quietude, and spiritual refreshment.

Background & General Comments

As detailed in these comments, our members' use and enjoyment of SEKI's wilderness and backcountry areas has been, and continues to be, substantially harmed by the NPS's failure to adequately control certain high-impact and/or inappropriate uses that impair SEKI's park

1 In re: Notice of Intent to Prepare Environmental Impact Statement for Wilderness Stewardship Plan, Sequoia and Kings Canyon National Parks, *Federal Register*, Vol. 76, No. 80, April 26, 2011.

values and wilderness character. It is our hope that you will craft and adopt a strong Wilderness Stewardship Plan (WSP) that will: 1) protect from further injury and impairment SEKI's park values and wilderness character; 2) restore SEKI's park values and wilderness character where they have been degraded; and 3) bring SEKI into compliance with applicable federal laws, including but not limited to, the Wilderness Act, the Wild & Scenic Rivers Act, the Park Service's Organic Act, SEKI's enabling legislation, the California Wilderness Act of 1984, and the National Environmental Policy Act.

We very much appreciate this opportunity to provide comments for your consideration. While cognizant of our past differences, and acknowledging that some of our comments herein are critical of past and ongoing actions taken (and not taken) by the National Park Service (NPS) at SEKI, please know that we sincerely intend our criticisms to be constructive, and that we sincerely desire to be a partner of the NPS, going forward, to ensure preservation of SEKI's park values and wilderness character. It is our hope that we may transcend our past differences, and that this long-overdue process to develop a wilderness management plan for SEKI may resolve the issues that have precipitated conflict over the past decades. We have prepared these comments with these hopes in mind, and implore you to consider these comments in the spirit of a new relationship between SEKI staff, decision-makers, and interested stakeholders.

Our specific comments are as follows:

Purpose & Need and the Scoping Record

1. **The "Purpose & Need" for this project should clearly articulate several long-overdue actions:** 1) the need to bring SEKI into compliance with the federal laws cited above; 2) the need to substantially curtail commercial uses in the SEKI wilderness to the extent necessary and proper per the Wilderness Act; 3) the need to replace SEKI's outdated Backcountry Management Plan (BMP) and Stock Use and Meadow Management Plan (SUUMP) to acknowledge that most of SEKI is now designated as wilderness—and as such, the SEKI wilderness deserves and is mandated by law to have far greater protections put into place than exist in the BMP and SUMMP; 4) the need to develop, adopt, and implement a modern, science-based wilderness management plan that fully protects SEKI's park values and fully preserves SEKI's wilderness character; and 5) the need to reform SEKI's wilderness permit system so it is fair, and to eliminate the current preferential treatment afforded to certain commercial users. Any effort to craft a WSP for SEKI would fall short if any of these five urgent needs is not articulated in your EIS's "Purpose & Need" statement, and enthusiastically embraced by your staff.

2. **The scoping record for this WSP should include and incorporate all relevant input provided by hikers during past efforts to develop a Wilderness Management Plan for SEKI.** This project must not begin in a vacuum. Your staff has on at least two previous occasions (i.e., in 1991, and then again in 1996) embarked on planning processes to develop a Wilderness Management Plan for SEKI.[2] Prior to this latest incarnation of a wilderness planning process, our members and others spent substantial time and effort over many years to articulate the relevant issues and concerns, attend meetings, complete workbooks, and otherwise provide comments. That input must not be lost or forgotten; it should be captured and included in your renewed scoping process.

To assist you, Enclosure 3 provides copies of more than three dozen letters that were submitted to SEKI during the 1991 process, and Enclosure 4 provides copies of more than fifty letters submitted during the 1996 process. Those comments remain very relevant today, and we hereby re-submit them as scoping comments for your WSP.

Please note that Enclosures 3 and 4 are but small samples of the substantial input provided by our members and others during your wilderness planning processes. Your planning staff should initiate the effort to develop a wilderness plan by first assembling all of the input provided to you previously (including but not limited to: letters, completed planning workbooks, input from public meetings, etc.), during the 1991 and 1996 processes.

We acknowledge that your *Federal Register* notice for this WSP mentions the 1996 wilderness planning process, however, it does not at all mention the 1991 process, nor does it say that you will now consider the large volume of input generated during those prior wilderness planning processes. Your scoping summary for the current WSP should make clear that all prior input will be incorporated into the record, and be fully evaluated and considered.

2 Enclosure 1 is a copy of SEKI's kick-off letter dated January 14, 1991, announcing its intent to develop and implement a Wilderness Management Plan by the summer of 1992. After considerable public input, that process was discontinued without notice to the public. SEKI's process to develop a Wilderness Management Plan was re-started in 1996; a formal notice appeared in the *Federal Register* on April 30, 1997 (*see* Enclosure 2). After again obtaining substantial public input (in the form of letters, completed planning workbooks, and public meetings), SEKI for a second time tabled the wilderness planning process, ostensibly because it wanted to focus instead on developing a new General Management Plan (GMP).

3. **All complaints received by SEKI regarding wilderness issues should be included in your scoping record and be given full consideration.** We are aware that the NPS receives numerous complaints from park visitors about their negative experiences in the SEKI wilderness, and that the impacts caused by stock animals are “a major source of complaints.” See, for example, Enclosure 5, in which a SEKI visitor describes registering a complaint with a park ranger, to which the ranger responded that NPS receives “many such complaints.” See also Enclosure 6 (which provides examples of written complaints), Enclosure 7 (which provides examples of SEKI “Case Incident” records that document verbal complaints), Enclosure 8 (which provides examples of backcountry rangers’ reports that document and/or discuss visitor complaints), and Enclosures 9-10 (which provide examples of other SEKI records that document visitor complaints).[3] It is very important to note that these enclosures contain only a small sample of the many complaints received by NPS regarding wilderness issues at SEKI. Your planning team should: 1) assemble all complaints related to wilderness and/or backcountry issues that were provided to NPS since the designation of SEKI’s wilderness in 1984; 2) include all such complaints in your scoping record; and 3) ensure that they are analyzed, compiled, and fully considered. This should include complaints from all available sources, including written letters, electronic mail messages, Case Incident records, backcountry rangers’ end-of-season reports, other SEKI ranger and specialist reports, and all other available sources.
4. **The administrative record for SEKI’s 2007 General Management Plan (GMP) should be included in the record for this project.** Because the NPS states that this WSP is tiered off of the GMP, and because the GMP and its accompanying ROD state repeatedly that this WSP is needed to fill in key missing details in the GMP, including key missing mitigation measures discussed in the GMP/EIS, the entire administrative record for the GMP should be included in the record for this WSP.

Historical Context and the No Action Alternative

5. **The WSP should acknowledge the concerns raised about stock use in SEKI’s 1971 Master Plan, and fully evaluate and consider alternatives regarding stock use that are consistent with that plan.** An essential piece of SEKI’s history is its 1971 Master Plan.[4] That plan explicitly acknowledged the substantial harm to park resources and to the experience of park visitors resulting from certain stock uses. The plan states (in part):

3 See, for example, Enclosure 9 at pp. 1-2; Enclosure 10 at p. 25

4 See Enclosure 11, excerpt from SEKI’s Master Plan

“Because of the damage resulting from livestock foraging for food and resultant trampling of soils, possible pollution of water, and conflict with foot travelers, use of livestock in the higher elevations for any purpose should be phased out as conditions permit...Livestock may be used in the lower elevations and around developed areas where it can be stabled and fed without open grazing on park lands.” (Master Plan at p. 24)

Some may opine that the Master Plan is irrelevant because it was arguably superseded in 2007 by SEKI’s new General Management Plan (GMP). However, the above language from the Master Plan remains highly relevant, for at least three very important reasons. First, the impacts of stock use identified by the Master Plan have not gone away, and remain a serious concern to this day. Those impacts were not evaluated in any detail during the GMP process, and—as discussed throughout these comments—there is even more evidence today of serious adverse environmental effects resulting from stock use than when the Master Plan was written and adopted. Second, the concerns expressed in the Master Plan, and the direction prescribed by the Master Plan to address those concerns, make plainly evident that the alternatives of phasing out all grazing (park-wide) and phasing out all stock use in SEKI’s sensitive higher elevations are entirely reasonable, and should be fully evaluated and considered in the WSP. And third, the GMP is the subject of ongoing litigation, in part because SEKI adopted it without adequately evaluating the environmental consequences of stock use. If the GMP is overturned, the Master Plan may return as the controlling programmatic direction for SEKI. Your planning team should anticipate this possibility by respecting and fully evaluating as alternatives the direction contained in the Master Plan regarding stock uses.

6. **The WSP’s “No Action” alternative must articulate and evaluate a proper and coherent baseline for stock uses.** SEKI’s disputed 2007 GMP/ROD states that stock uses would be allowed up to then-“current levels,” but it nowhere defines or quantifies those levels. Despite repeated requests that it do so, the NPS has dodged and never answered the obvious questions: **“What does SEKI mean by ‘current levels,’ and what are the current levels?”** It is entirely disingenuous for the NPS to claim that it is capping stock use at “current levels” when it has not defined or quantified those levels. Going forward, in order to properly articulate and evaluate a baseline No Action alternative for the WSP, the NPS must first define and quantify the “current levels” of stock uses that existed at the time the GMP was adopted. This must necessarily include a clear quantification of all relevant stock uses, including but not limited to: 1) levels and locations of commercial stock uses (both overnight and day uses); 2) levels and locations of private stock uses (both overnight and day uses); 3) levels and locations of administrative stock uses (both overnight and day uses); 4) levels of grazing (vs. the use of packed-in feed); 5) the number

of in-park concession pack stations in operation at the time of the GMP's adoption (i.e., one); 6) the total number of stock animals stabled at and used by in-park concession pack stations at the time of the GMP's adoption; and 7) the number of commercial pack outfits authorized by NPS to operate within SEKI at the time of the GMP's adoption. A quantification of each and every one of these facets of stock use is absolutely necessary to understand and evaluate the "current levels" of stock use that existed at the time the GMP was adopted.[5]

Wilderness Permits and Equity for All

7. **All wilderness visitors should compete for wilderness permits on a level playing field, and the preferential treatment afforded to certain commercial outfits must end.** Under existing law, hiring commercial services in order to circumvent trailhead quotas is a violation of the Wilderness Act. The easiest and surest way to prevent this chronic problem is for all visitors to compete for wilderness permits via a single system. Then—only after obtaining a permit—should visitors be allowed to employ commercial services (when necessary and proper under the Wilderness Act).

The current wilderness permit system creates numerous perverse incentives. It encourages hikers who are denied a permit due to trailhead quotas to hire a commercial packer in order to gain access to the wilderness. It also encourages commercial packers to "market" the fact that they can deliver easy access—for a price—to those denied a permit from the agencies. And it essentially guarantees the commercial packers a defined level of access, whether their services are truly necessary, or not. This has led many agency personnel to believe that the current mule-packers have grandfather rights, and to look the other way as unnecessary services are routinely provided.

It is also extremely biased and unfair that portions of trailhead quotas are "reserved" or set aside "off the top" for certain commercial outfits. It is also enormously inequitable that members of the general public (i.e., private, non-outfitted visitors) are turned away or diverted from the trail of their choice (due to trailhead quotas) while certain commercial clients may gain access after the non-commercial quotas have been filled. Clients of the commercial outfits are thus buying access when other (non-commercial) citizens are being

5 A detailed quantification of "current levels" of stock use is absolutely necessary to properly articulate and evaluate a baseline No Action alternative under the National Environmental Policy Act (NEPA). However, our discussion of this issue does not in any way suggest or imply that the "current levels" of stock use at SEKI are appropriate or lawful. In fact, the current levels of stock use at SEKI are clearly excessive, unnecessary, and unlawful (as discussed further below), and need to be substantially curtailed notwithstanding the requirement under NEPA to evaluate a baseline No Action alternative.

turned away. This deplorable situation is not only unjust, it is completely counter to the intent of the Wilderness Act, which allows commercial services to be provided in wilderness only when truly necessary, and only to the extent necessary. Obviously, it is not necessary for the clients of any commercial outfit(s) to be granted special privileges for access when private, non-outfitted visitors are being turned away.

The WSP should direct that: 1) a single system—whereby all visitors compete equally for wilderness permits—will be implemented for all access into SEKI's wilderness; and 2) no portion of trailhead quotas will be reserved or set aside for commercial services; and 3) SEKI will do everything in its power to see that the U.S. Forest Service (USFS) adopts such systems for visitors passing from USFS lands into SEKI, or else the NPS will take over the permit/quota system for all visitors entering SEKI's wilderness.

Findings of Necessity

8. **Per the Wilderness Act, the WSP must prohibit commercial enterprises within designated wilderness; commercial services may be authorized only under the Act's very narrow exception.** Prior to allowing any commercial services in SEKI's wilderness, the NPS must make credible and substantiated findings that: 1) any authorized commercial service is both necessary and proper per the Wilderness Act; and 2) any authorized commercial service is allowed only to the extent that it is truly necessary. Under existing law, commercial services are not necessary for those seeking to circumvent trailhead quotas, to haul unnecessary items, or to serve persons who do not truly need commercial assistance.

Before commercial stock services are authorized for any person in SEKI's wilderness, the NPS should apply meaningful criteria in keeping with the Act's very narrow exception for commercial services. For example, at least four criteria should be met regarding necessity: **1) the potential commercial client must be physically incapable of hiking and/or carrying a backpack on their own** (i.e., not simply be "out of shape," or desiring to not hike or carry a backpack for any reason). Even those persons who are physically challenged in some way, but still able to hike and carry a pack, do not "need" stock support to enjoy a wilderness experience; **2) the potential client must need stock support to facilitate a wilderness-dependent activity** (i.e., not simply desiring a horse ride or pack trip in a scenic setting; not seeking convenience, comfort, or luxury; not seeking to evade or circumvent trailhead quotas or other access limits; not seeking simply to save time or get a "head start" on a longer hiking trip, etc.); **3) the potential client must be willing to travel with the minimum necessary gear—that normally carried by a backpacker** (i.e., approx. 50 lbs./person—any

more is unnecessary for a two-week trip); and 4) the potential client must have no access to non-commercial stock animals, or be otherwise unable to pack their own stock.

It is essential to note that these are not the only criteria. Additional criteria are discussed in more detail in our comments below.

9. **The NPS must not rely on trailhead quotas or commercial limits established by neighboring USFS units to meet SEKI's statutory responsibility to strictly limit commercial services.** The NPS must make its own findings of necessity for each commercial service that occurs within SEKI's wilderness, and establish limits (i.e., "service days" or some equivalent) to restrict commercial services to the extent necessary under the Wilderness Act. And, wherever a commercial service is found to be truly necessary, and has been limited to the extent that it is truly necessary, the NPS must further ensure that the activity is proper by adopting and enforcing additional limits and controls (i.e., trailhead quotas and other spatial & temporal controls) that ensure the full preservation of wilderness character.

The NPS cannot abdicate its responsibilities under the Wilderness Act to another neighboring agency. Even if it could, the record is exceedingly clear that neighboring USFS units have not limited commercial services entering SEKI to the extent necessary, or adopted trailhead quotas sufficient to preserve wilderness character.

For example, a 1981 letter from the USFS regional forester to a representative of the commercial packing industry documents that the trailhead quotas for USFS units surrounding SEKI were originally developed following the perverse approach of strictly limiting non-commercial visitors while fully protecting the economic interests of the commercial packers.[6] This letter, and substantial additional evidence, shows that the USFS essentially "grandfathered" commercial packstock enterprises when it developed the trailhead quotas for units surrounding SEKI. Further, the USFS has continually modified over time the trailhead quotas for trails entering SEKI to allow the incremental expansion of commercial packstock services—all without any credible finding of need by either the USFS or the NPS.

A USFS memorandum provides details about how the USFS trailhead quotas and "service days" for commercial packers were originally developed, and then implemented over time.[7] This memorandum by the USFS's High Sierra Area Manager (responsible for

6 See Enclosure 12, letter from Zane Smith, USFS Regional Forester, dated March 2, 1981

7 See Enclosure 13, memo by USFS High Sierra Area Manager, Nov. 4, 1995, at p. 2

managing large portions of the Sierra National Forest adjacent to SEKI) documents that limits on commercial services were not derived with any consideration of necessity, but were simply set at levels requested by the commercial pack stations themselves. This memo also proves that the commercial packers significantly benefited from increased business after the trailhead quotas were established, because many visitors unable to secure a wilderness permit under the quota system would simply employ commercial packers to gain access. This problem is well documented,[8] and continues to this day.

After being sued in part over its abject failure to regulate commercial enterprises, the USFS finally (in 2001) adopted a new Wilderness Management Plan for the areas surrounding SEKI (i.e., the John Muir and Ansel Adams wildernesses). That plan contained a so-called “needs assessment” that purported to evaluate the need for commercial services. But in reality, the USFS simply took the estimated current levels of commercial services, rounded the numbers upward, [9] and concocted shallow excuses and rhetorical constructs in an attempt to rationalize all existing levels of commercial uses (as well as its plan to allow continual increases in commercial services over time).

A panel of judges at the U.S. Court of Appeals found unanimously that the USFS’s so-called “needs assessment” was badly flawed and inadequate to comply with the Wilderness Act, and the courts ordered that a new needs assessment and environmental analysis be prepared. The USFS responded by adopting a new “needs assessment” and wilderness plan in 2005 which again relied on semantics, rhetoric, and chicanery to arrive at the same conclusion (i.e., commercial services should be continued at then-existing levels, plus additional allowances for the continual expansion of commercial services over time). But that plan too was rejected by the courts. A permanent injunction was issued in 2008 which caps commercial services authorized by the USFS units surrounding SEKI, and requires additional restrictions on commercial packstock uses, until the USFS produces a credible needs assessment. It has not yet done so, and the dispute is ongoing.

This entire time, SEKI has sat on the sidelines and failed to take any action to limit commercial services to the extent necessary and proper under the Wilderness Act. SEKI did question the USFS’s 2001 plan for regulating commercial services,[10] but when the USFS moved forward with its plan and failed to adequately regulate commercial outfits that enter SEKI from surrounding national forest lands, the NPS took no action to meet its

8 See Enclosure 14 (SNEP Report, vol. II at p. 602); Enclosure 15 (4/9/96 USFS memo); and Enclosure 16 (USFS emails discussing the problem)

9 See Enclosure 17, USFS estimates of then-existing commercial uses and proposed allocations for its 2001 plan

10 See Enclosure 18, synopsis of SEKI comments to USFS

responsibility under the Wilderness Act to limit commercial services to the extent necessary.

After the USFS's 2001 "needs assessment" was invalidated by the courts, and the USFS was ordered by the district court to conduct a cumulative effects analysis and develop a new needs assessment by December 2005, SEKI (in July 2004) expressed significant concerns about the USFS's emerging proposal;^[11] but still SEKI took no action to limit commercial services in SEKI to the extent necessary. Even when the USFS asked SEKI to *"provide us clear direction for the amount of use that you feel is acceptable,"*^[12] SEKI staff (without asking for public input and without conducting any environmental analysis of its own) quickly replied to USFS with seat-of-the-pants recommendations requesting some adjustments to trailhead quotas and a few other very limited restrictions, but it remained silent about the extent to which commercial services are necessary in SEKI's wilderness.^[13] To date, the neighboring USFS units have not implemented even the limited recommendations provided by SEKI.

During all of this time, the NPS has known full well that surrounding USFS units do not limit the type or level of commercial services provided in SEKI. In brief, the trailhead quota system used by the USFS does not in any way limit commercial services in SEKI to the extent necessary, the "service days" system which USFS uses to limit commercial services in national forests surrounding SEKI does not apply in SEKI, and the USFS does not otherwise track or limit commercial services in SEKI.^[14] Even worse, the NPS has done nothing to limit commercial services to the extent necessary even when surrounding USFS units actively encourage commercial outfits to pursue business opportunities in SEKI. (*ibid*) And your staff has been aware for many years that restrictions imposed by the district court on commercial packers' use of USFS lands surrounding SEKI has created incentive for those outfits to increase their use of the SEKI wilderness, yet the NPS has done nothing to limit those increased commercial uses to the extent that is truly necessary.

In sum, the following three facts must be remedied by your WSP: 1) The trailhead quotas and "service days" established by surrounding USFS units do nothing to limit commercial services in SEKI to the extent that they are truly necessary; 2) USFS units surrounding SEKI have actively encouraged commercial packers to conduct their business in SEKI, because court-imposed limits have capped commercial use on the USFS lands, but NPS has placed no limits on the magnitude of business the commercial packers may conduct at

11 See Enclosure 19, e-mail from SEKI superintendent to Inyo National Forest, dated July 28, 2004

12 See Enclosure 20, letter from Inyo NF supervisor to SEKI superintendent, dated June 7, 2005

13 See Enclosure 21, letter from SEKI superintendent to USFS, dated June 27, 2005

14 See Enclosure 22, letter from Inyo NF to owner of Rainbow Pack Station, dated March 24, 2000

SEKI; and 3) The NPS has thus inappropriately and unlawfully relied on neighboring USFS units to regulate commercial activities that originate on USFS lands but pass into SEKI. The record is clear that SEKI has periodically raised concerns about some USFS actions (and inaction), but SEKI has done nothing to affirmatively limit commercial services in SEKI to the extent that they are truly necessary.

10. **Commercial stock services are not necessary to provide access to Mt. Whitney, and therefore should not be allowed.** Under existing law, commercial services are not necessary for those seeking to circumvent trailhead quotas, or to serve persons who do not truly need commercial assistance. There are at least three compelling reasons why commercial stock services should not be allowed for any person climbing Mt. Whitney. First, commercial stock services are currently being used to access Mt. Whitney not because they are at all necessary, but because they allow a way for Whitney hikers to circumvent the quotas. This is unlawful under the Wilderness Act and court precedents. Second, Mt. Whitney is an “extremely popular wilderness destination,”[15] and is in fact the “most frequently climbed mountain peak in the Sierra Nevada, if not in the U.S.”[16] It is thus exceedingly clear that the recreational capacity of the Mt. Whitney area is already vastly exceeded and can be fully met by non-commercial visitors without any need for commercial services. And third, the Mt. Whitney area (including Crabtree and Guitar Lake) is extremely over-used, over-crowded, and heavily impacted.[17] Any unnecessary commercial stock use would therefore be improper, as it would add to the cumulative significant harm already documented throughout this area.

The trails that access the summit of Mt. Whitney have long been closed to stock use, and the evidence is clear that it is not safe or otherwise suitable for stock animals to access the summit of Mt. Whitney.[18] Visitors unable to hike or carry a backpack cannot therefore employ commercial stock services to access the summit of Mt. Whitney. However, some visitors have continued to employ commercial stock services to access the western slope of Mt. Whitney within SEKI, as far as Crabtree, Guitar Lake, or to the switchbacks below Trail Crest (beyond which stock animals are not allowed to travel, due to safety and other concerns). From there, they continue on foot to the summit, an arduous hike gaining several thousand feet of elevation, to the highest point in the contiguous United States (14,494 ft. elevation). These visitors then either exit under their own power via the long and strenuous east-side route over Trail Crest, or descend to the west side and continue on a hiking trip within SEKI or resume their trip with a commercial stock packer. The

15 See Enclosure 23

16 See Enclosure 24

17 See, for example, Enclosures 18 and 23

18 See, for example, Enclosure 19 at p. 3

serious problem here is that, obviously, anyone who can hike to the summit of Mt. Whitney is also capable of accessing the area on their own without the support of commercial stock services. Any person climbing Mt. Whitney therefore does not need commercial stock services.

Demand by non-outfitted visitors for wilderness permits to access Mt. Whitney is so great, and competition for permits so keen, that a lottery has been established for distributing the limited number of permits.[19] When hikers fail to submit their request during the lottery's narrow time window, are not selected in the lottery, are unsuccessful obtaining a permit via the lottery for their preferred dates, decide after obtaining a permit via the lottery to change their plans, or otherwise desire access to Mt. Whitney in any way that is not allowable under the strict lottery system, they can simply and easily circumvent the whole process by "buying" access via a commercial packer. Neither SEKI nor the Inyo National Forest (which neighbors SEKI) has done anything to ensure that Whitney hikers who employ commercial stock services in fact need such services. This shady and obviously inequitable and unlawful situation must end.

Evidence documents that the Inyo National Forest has condoned this practice by affording special privileges to certain commercial packers that operate trips to Mt. Whitney through SEKI. Specifically, the Inyo NF has made special allowances for hikers that use commercial stock services in SEKI to exit via Trail Crest,[20] thereby encouraging and facilitating these unnecessary commercial services in SEKI's wilderness. The result is that able-bodied hikers with no bona fide need for stock support are employing commercial stock services to access the Whitney area in SEKI, then climbing Mt. Whitney and exiting over Trail Crest. There is (and can be) no documented need for these persons to hire commercial stock services in the SEKI wilderness, yet the NPS has done nothing to stop it. Your WSP should put an end to this, once and for all.

11. **If a single system for wilderness permits is not implemented (as discussed above), and/or the biased and highly problematic system of separate trailhead quotas for commercial vs. non-outfitted visitors is to be continued, then commercial uses should be prohibited in those areas where the recreation capacity can be met by non-commercial visitors.** The situation at Mt. Whitney (above) is but one example of the many places in SEKI where visitation is rationed via a strict trailhead quota system. In numerous other areas that access SEKI's wilderness, trailhead quotas have been established that reserve a portion of the quota for commercial outfitters, and non-

19 See Enclosure 25; see also Enclosures 23 and 24

20 See Enclosure 26, two Inyo NF memos (dated 5/13/08 and 4/19/04)

commercial visitors are often turned away when the “public” portion of the quota has been filled. In these cases, while non-commercial visitors are being turned away, commercial clients may still gain access. This biased and perverted situation favors commercial enterprise over the general (non-outfitted) public.

If this double-standard situation is to continue, SEKI should not allow commercial services at all wherever the recreation capacity of an area is “rationed” and can be fully met by non-commercial visitors. In other words, if the non-commercial portion of a quota “fills” much of the time, commercial visitors should be turned away instead (i.e., diverted to portions of the wilderness that have not reached their capacity). It’s admittedly true that this would create a “bias” against the commercial visitor. But the alternative (i.e., the present situation) is a clear bias against the non-commercial visitor—because at present, non-commercial visitors are often denied access due to the quotas, while commercial clients may “buy” access under the dual-quota portion that is reserved for commercial outfits. Reversing the current bias (i.e., favoring non-commercial visitors over commercial visitors) would be much more in keeping with the Wilderness Act’s general prohibition against commercial enterprise than is the current system which clearly favors commercial clients over non-outfitted visitors.

Of course, it would be better and preferable to eliminate the bias completely. The best and only way to do so is to implement a single wilderness permit system, and a single trailhead quota system whereby all visitors compete equally for wilderness permits—and then those who truly need commercial services may employ them (when necessary and proper under the Wilderness Act) after obtaining their permit on a level playing field.

12. **Age and physical limitation(s) by themselves do not and cannot determine need for commercial stock support.** The commercial stock interests and their lobbyists often claim that commercial mule-packing services are necessary for the young, the old, and the disabled to enjoy a wilderness experience in the High Sierra. This is a canard, and must be critically examined. Young and old people can and do routinely visit and enjoy SEKI’s wilderness without stock support.[21] It may be sometimes easier, or more convenient, or more comfortable to hire commercial stock services, but it isn’t “necessary” simply due to age.

21 See, for example, Enclosure 27 (10/5/04 letter to SEKI), and Enclosure 28 (Great Old Broads for Wilderness). These are but examples. Both young and old people regularly use and enjoy SEKI’s wilderness under their own power, and neither the NPS nor USFS has ever made any credible finding that anyone needs commercial mule trains in SEKI simply due to their age. For example, those who are able to hike but cannot carry their own gear could have their pack or dunnage hauled by llamas or human porters, with far less impact than commercial horses and mules.

For commercial stock support to be “necessary,” there must be some disability or lack of ability aside from age alone (such as the inability to hike or carry a backpack), and there also must be a genuine need for the stock animal itself. For example, an aged person who is able to hike but cannot carry their own gear could, instead of using stock animals, have their 50-lb. pack spot-hauled to their campsite by a human porter—all with far less impact on the environment than hiring commercial packstock services to haul the load. Or, a llama outfitter could be used instead of horses and mules, which would also greatly reduce the environmental impact. Such alternatives should be fully considered.

Outfitters (such as local mountain guides and llama guides) have expressed interest in providing human-porter and llama-packing services in the High Sierra, but the commercial mule packers have a strangle-hold monopoly because the agencies discourage and/or refuse to issue permits to those who might compete with the long-entrenched mule packers. There are in fact many young, able-bodied persons who would love to have summer jobs hauling packs or dunnage to assist those genuinely not able to do so. And such services could probably be offered at lower cost to the client, and far less impact to the wilderness. This discrimination against human-powered outfits and llama packers should end. The WSP should fully explore minimum-impact means of providing assistance for those SEKI visitors who truly need it.

Further, even people with substantial physical limitations can often enjoy a wilderness experience without commercial stock services.[22] For example, a guide who assists disabled people on wilderness trips has written:

“The means for successful wilderness travel by mobility impaired people are no secret—hard work and determination...If the desire is there, every person can go out and discover the beauty and mystery of Wilderness, regardless of their level of ability.” (*ibid*)

While the above guide’s company sometimes uses stock animals to serve disabled persons, his need to resort to high-impact stock use is the exception and not the rule.

Finally, we are aware of no credible evidence to support the claim by some stock interests that commercial packstock services are needed at SEKI to provide wilderness access to persons with disabilities. There certainly is no evidence that commercial packers at SEKI provide wilderness stock services to disabled persons. In fact, there is evidence that they

22 See, for example, Enclosure 29, “Wilderness is not Supposed to be Convenient,” by G. Lais (2 pp.)

do not. Commercial packers at SEKI “generally decline to provide accommodation” for people with disabilities for insurance reasons and because they don’t have the experience, qualified staff, or equipment necessary to do so.[23]

The obvious conclusion is that most commercial stock services occurring at SEKI are not necessary. People hire the commercial packers to circumvent trailhead quotas, to haul unnecessary items, and for reasons of comfort, convenience, and luxury. Your WSP needs to take a fresh look at these issues, and not simply assume that existing commercial services must be continued because of desire, convenience, comfort, tradition, monopoly, or the political connections of your current commercial permittees.

The Significant Effects of Stock Use on Bio-physical Resources

13. **Your WSP/EIS should acknowledge, evaluate, and fully address the many significant adverse environmental consequences of stock use in SEKI’s wilderness.** The WSP should begin by explicitly acknowledging that horses and mules are not native to North America. They are alien, disease-bearing, weed-spreading, half-ton animals that cause great harm to SEKI’s native ecosystems.

In the defense of continued heavy stock use in SEKI, the Park Service has often recited the mantra of “historically and culturally significant,” which makes it sound as if stock users have grandfather rights to exploit these parks because they’ve been doing it for so long. But no one has such grandfather rights. There is nothing in the Organic Act, the Wilderness Act, or the California Wilderness Act that grants grandfather rights to any individual, group, or category of people to conduct activities harmful to the scenery, natural resources, or wilderness character of SEKI. Nor is there any statutory language that specifies—or even permits—harmful commercial exploitation of SEKI by private interests for their own gain.

Many research scientists have documented the significant adverse impacts that result from recreational stock use. For example, Whitson (1974) provides a good discussion of how horse impact differs from hiker impact. Dale and Weaver (1974) observed that routes used by horses were deeper than those used by hikers only. Trotter and Scotter (1975) documented deterioration of trails used by large horse parties. Weaver and Dale (1978) found that horses caused significantly greater trail erosion than hikers. Whittaker (1978) concluded that horses significantly increased the potential for severe erosion by churning soil into dust or mud. Weaver et al. (1979) found that horses caused more trail wear than

23 See, for example, Enclosure 39, SEKI email dated 09/26/2000

both hikers and motorcycles. After reviewing the available literature, Kuss et al. (1986) concluded that: *“Pack stock and horse travel is considerably more damaging to trails than hiking.”* More recent studies (e.g., Wilson and Seney 1994, Deluca et al. 1998) have confirmed these earlier studies, documenting that horses produce more erosion than hikers, bicycles, and even motorcycles.

Numerous studies have documented adverse impacts to meadows caused by recreation livestock.[24] In addition to the impacts discussed above, trampling and grazing by livestock are known to increase bare ground and soil compaction, and to contribute to streambank erosion, sedimentation, widening and shallowing of channels, elevated stream temperatures, and physical destruction of vegetation.[25] Streambanks and lakeshores are particularly susceptible to trampling because of their high moisture content (Marlow and Pogacnik 1985). Unstable streambanks lead to accelerated erosion and elevated instream sediment loads (Duff 1979, Winegar 1977).

Of significant concern are the physical, or “mechanical,” impacts that result to fragile high-elevation soils, meadows, and wetlands when these areas are trampled by recreation stock animals (i.e., horses and mules). The impact is so severe because:

“A small bearing surface carrying heavy weight, a horse’s hoof can generate pressures of up to 1,500 pounds per square inch.” (Cole 1990)

When stock animals are released to graze in areas with low soil strength—such as is found throughout much of the SEKI high country—these high pressures can result in numerous deep hoofprints, broken sod, plant pedestalling, increased erosion, shifts in species composition, and even lowering of water tables. Many reports prepared by SEKI staff over the years have documented such persistent, ongoing damage.[26]

The “opening dates” adopted by SEKI to reduce trampling impacts during the early summer season have **not** been effective at preventing significant, adverse impacts to meadows, streambanks, lakeshores, and wetlands (see references in preceding

24 See, for example, Cole 1977, DeBenedetti and Parsons 1979, Haultain and Das 2000, Merkle 1963, Nagy and Scotter 1974, Neuman 1990, Neuman 1991a-b, Neuman 1992, Neuman 1993, Neuman 1994a-b, Olson-Rutz et al. 1996, Schelz 1996a-c, Strand 1972, Strand 1979a-c, Sumner and Leonard 1947, Weaver and Dale 1978

25 See, for example, Behnke and Ralieggh 1978, Bohn and Buckhouse 1985, Kauffman and Krueger 1984, Kauffman et al. 1983, Olson-Rutz et al. 1996, Siekert et al. 1985

26 See DeBenedetti and Parsons 1979; Haultain 1999; Haultain and Das 2000; Neuman 1991b, 1992, 1994a; Schelz 1996d; Suk 1989, 1990, 1991; and SEKI’s “Case Incident reports” #200835, 200836, 200842, 201491; and other SEKI Case Incident reports.

paragraph). Studies conducted at SEKI have documented some of the long-term effects of multiple deep hoofprints created by recreation livestock in high-elevation meadows (see “hoofprint impact study” in Neuman 1991b, 1992, 1994a). These SEKI reports clearly show that stock trampling of high-elevation meadows in SEKI results in long-term adverse changes in meadow ecology. For example, the SEKI scientist who conducted the studies concluded that the numerous deep hoofprints created by stock animals contributed to soil loss, declines in species diversity, and shifts in species composition. He concluded that:

“These changes may have occurred in imperceptible stages, remaining fully vegetated and showing only moderate impact at any given time during the process, but the result is undeniably a negative change in the meadow that can be considered permanent.” (Neuman 1994a)

Unfortunately, SEKI’s hoofprint impact studies were discontinued in 1994, due to “other priorities.” The NPS cannot make these problems go away simply by continuing to turn its back on them.

14. **Stock animals pollute water.** The Park Service does not effectively control the discharge of stock animal wastes into surface waters. Your EIS must evaluate this issue and alternatives for addressing it, and your WSP should incorporate meaningful measures needed to protect SEKI’s water resources from contamination due to livestock wastes.

Horses and mules produce about 33 pounds of manure and 18 pounds of urine per-animal per-day (Lawrence et al. 2003). This means that a single group of 20 stock animals on a one-week trip produces **more than two tons** of manure and **more than 300 gallons** of urine that are left behind in the wilderness to contaminate streams, lakes, and wetlands.

Stock manure and urine deposited by domestic livestock has long been known to contaminate surface waters in SEKI (*see*, for example, Schelz 1996c, at p. 22), and to contribute to the accelerated eutrophication of streams and lakes (*see*, for example, Stanley et al. 1979). Increased nutrient inputs to surface waters is also known to adversely affect instream aquatic organisms and alter their community assemblages (USEPA 1999). Such impacts are a significant concern in the natural aquatic environments of SEKI, which should be protected from degradation (in part) by following the USEPA’s Antidegradation Policy (40 CFR 131.12).

Livestock manure pollutes water with pathogens such as *Giardia*, *Campylobacter*,

Cryptosporidium, and other disease-causing organisms.[27] A study in 2002 by scientists from the U.C. Davis School of Medicine found that about 20 percent of packstock manure samples collected along the John Muir Trail contained pathogenic organisms.[28] Some “pro-livestock” interest groups claim that recreational livestock do not spread these organisms, and/or that the strains of Giardia, Campylobacter, Cryptosporidium, *E. coli*, etc., carried by domestic livestock are not a risk to humans. Neither of these claims is credible.[29]

A major five-year study conducted in the Sierra Nevada, including within SEKI, found that recreation livestock (i.e., horses & mules) cause significant pollution of surface waters. More than 300 samples were collected and analyzed, including 111 samples from fifteen sites exposed to pack animals. The results were striking: 63% of the water samples from pack animal sites were positive for coliform bacteria, and eighteen of the pack animal site samples apparently breached the regulatory standard of 200 cfu/100ml.[30]

It is an undeniable fact that stock animals released to graze openly on park lands deposit large quantities of manure and urine both directly into surface waters and near enough surface waters that the waste products may be carried via overland runoff into streams, lakes, and wetlands. Therefore, a “no grazing” alternative should consider the benefits to water resources of requiring that stock animals be tied and fed without open grazing on park lands. Packing feed and keeping animals tied up could (along with other measures discussed below) avoid most discharges of stock manure and urine into and near surface waters.

The contamination of SEKI’s surface waters by livestock manure and urine violates State of California water quality standards—in particular, the water quality objectives for nutrients, bacteria, taste & odor, and the Nondegradation Objectives contained in the ***Water Quality Control Plan (Basin Plan) for the Central Valley Regional Water Quality Control Board***. The State’s objectives for protecting drinking water (MUN) and recreation

27 See Bemrick 1968, Blaser et al. 1984, Buret et al. 1990, Butzler 1984, Capon et al. 1989, Davies and Hibler 1979, Derlet and Carlson 2002, Derlet et al. 2008, Faubert 1988, Isaac-Renton 1993, Kasprzak and Pawlowski 1989, Kirkpatrick and Skand 1985, Kirkpatrick 1989, LeChevallier et al. 1991, Manahan 1970, Manser and Dalziel 1985, Meyer 1988, Rosquist 1984, Rush et al. 1987, Saeed et al. 1993, Stranden et al. 1990, Suk 1983, Suk et al. 1986, Taylor et al. 1983, Upcroft and Upcroft 1994, Weniger et al. 1983, Xiao et al. 1993, Xiao and Herd 1994.

28 See Enclosure 30, Derlet and Carlson 2002, *Wilderness and Environmental Medicine* 13:113-118

29 While the current state-of-knowledge regarding the cross-transmission of enteric pathogens from stock animals is less than perfect, there is ample evidence to demonstrate the potential for cross-transmission of pathogens between stock animals and humans. (*ibid*)

30 See Enclosure 31, Derlet et al. 2008, *Wilderness and Environmental Medicine* 19:82-90

(REC-1, REC-2) are violated due to bacteria concentrations, and the State's objectives for preventing problems due to taste & odors are violated by the foul odors created by discharges of stock manure into surface waters, including wetlands.

Wilderness visitors do not want to drink water contaminated by controllable discharges of stock manure and urine, and visitors are repulsed when they see direct discharges of stock manure and urine into surface waters that they drink. Visitors are also offended by the odors created by discharges of stock manure and urine into streams, lakes, and wetlands.

Regarding the State's Nondegradation Objective, the California State Water Resources Control Board's Resolution 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California") lays out mandatory requirements that apply to Park Service lands in California. State water quality objectives and policies, including Resolution 68-16, which must be adhered to by SEKI, require that specific, formal findings be made by State officials before water quality may be degraded by controllable sources such as direct inputs of stock manure and urine into park waters. To date, these requisite findings have not been made.

The contamination of surface waters due to stock manure and urine, and all of the resulting significant and potentially significant impacts to water quality (e.g., eutrophication, alteration of instream community assemblages, spread of diseases), could be substantially lessened by a "no grazing" alternative—if such an alternative is accompanied by park-wide mitigation measures, such as requiring that all campsites for stock users be designated (away from water sources, on level and dry sites), and that stock animals wear manure catchers, which are now readily available, that are emptied away from surface waters to minimize discharges of waste.

15. **Stock animals harm wetlands.** High-elevation meadows, due to their characteristic short growing seasons, saturated conditions from snowmelt, high ground water tables, and wetland-dependent plant communities, often meet the definition of jurisdictional wetlands. Unfortunately, the hundreds of meadows in the SEKI high country that qualify as jurisdictional wetlands have never been adequately disclosed or protected from the adverse impacts of stock trampling. The NPS's Management Policies regarding wetlands have been ignored. In addition to federal laws, regulations, and policies that apply to wetlands, it should be noted that under California law, all wetlands are "waters of the state" that must be protected from harm. The WSP must disclose the location and extent of wetlands in SEKI's wilderness, and protect wetland functions and values from the impacts of stock use.

16. **Stock animals introduce and spread invasive weeds.** The role of herbivores in dispersing seeds is well established. Seeds can be spread from one location to another by attachment to the bodies of animals (epizoochory) or by being ingested and later excreted (endozoochory).[31] Many native herbivores have been shown to be effective seed dispersers. In addition, domestic stock animals such as cattle[32], sheep[33], pigs[34], and horses[35] have all been shown to pass viable seeds through their intestinal tracts. A detailed review of the scientific literature regarding the spread of weeds by domestic livestock (cattle, sheep, and horses) concluded:

“Recent research showing that livestock significantly increase invasions by nonindigenous plants in the western U.S. is persuasive. Similar results were found in all western states and for nearly every introduced species that has been studied. Although many of these studies would have benefited from both better replication and more recent research techniques, the pattern of evidence is overwhelming.”[36]

Numerous other reports document specifically that recreation livestock (i.e., horses, mules, etc.) can and do spread exotic weeds.[37] For example, several reports show that horses can excrete viable seeds for many days or even *weeks* after ingestion.[38] Hammit and Cole (1987) state that horse manure is a major source for exotic seeds in wilderness recreation areas. Campbell and Gibson (2001) found that “seeds transported via horse dung can become established on trail systems,” and that weed seeds found in horse manure had become established along trails used by horses, but not along trails that weren’t used by horses.[39] Weaver and Adams (1996) documented “substantial overlap in the weed species germinated from horse manure and the weeds present along trails used by horses.” After reviewing all available scientific evidence, Landsberg et al. (2001) concluded that “concerns about dispersal of weeds by horses are legitimate.”[40]

31 See Fenner 1985, Hammit & Cole 1987, Harmon & Kiem 1934, Heady 1954, Janzen 1982, Ridley 1930

32 See Harper (1977), Janzen (1982), McCully (1951), Welch (1985).

33 See Harmon and Kiem (1934), Heady (1954), Piggin (1978).

34 See Harmon and Kiem (1934).

35 See Harmon and Kiem (1934), Janzen (1981), Janzen (1982), St John-Sweeting and Morris (1991).

36 See Enclosure 32, Belsky and Gelbard (2000)

37 See Benninger (1989), Benninger-Truax et al. (1992), Campbell and Gibson (2001), Hammit and Cole (1987), Harmon and Kiem (1934), Janzen (1981), Janzen (1982), Landsberg et al. (2001), Quinn et al. (2006), Weaver and Adams (1996).

38 See, for example, Janzen (1981), and St John-Sweeting and Morris (1991).

39 See Enclosure 33, Campbell and Gibson, *Plant Ecology* 157:23-35

40 See Enclosure 34, Landsberg et al. 2001, *Ecological Management & Restoration* 2(1):36-46

Invasive species have been specifically identified—at the national level—as one of the four greatest threats to our national forests.[41] The spread of invasive weeds has also been identified by the Regional Forester as an urgent issue that needs to be addressed in all Forest Service activities in California.[42] Current direction requires Forest Service units surrounding SEKI to address these issues.[43]

At SEKI, the Park Service has for years acknowledged that weed problems exist[44], but rather than imposing prevention measures that may inconvenience stock users, SEKI has instead chosen to focus on control efforts after weeds have become established in the wilderness. By implementing only a meek weed prevention program, and focusing instead largely on reactionary control measures, SEKI will become hopelessly stuck in an endless “catch-up” mode, relying on control methods that trammel SEKI’s wilderness, including meadow “tarping,” helicopter use, and applications of chemical herbicides.[45]

In sum, as outlined above, scientists have documented “overwhelming” evidence that domestic livestock (including horses, mules, etc.) can and do spread harmful weeds. Your WSP must forcefully address the issues of weeds and plant pathogens that may be spread by domestic stock animals. Please evaluate all reasonable alternatives for mitigating the potential for spread of weeds and plant pathogens, including but not limited to: (1) prohibiting all grazing by domestic stock (to minimize the free-roaming of stock animals and dispersion of seeds across the landscape via epizoochory and endozoochory); (2) requiring stock users to feed their animals weed-free feed for at least several days before entering the park (in order for stock animals to excrete viable weed seeds before entering the park); (3) requiring stock users to clean stock coats and hooves before entering the park (to minimize the potential for epizoochory) and requiring mandatory inspections (by qualified rangers) of all stock entering the parks to ensure that this is done; (4) requiring designated campsites for stock parties, with designated stock holding areas, to minimize seed dispersion; and (5) requiring “manure catchers” on all stock animals, with designated manure disposal sites.

17. **Stock animals harm SEKI’s wildlife.** Stock animals are known to harm SEKI’s native wildlife in numerous ways. For example, the Sierra Nevada bighorn sheep—which is

41 See <http://www.fs.fed.us/projects/four-threats/>

42 See <http://www.fs.fed.us/r5/noxiousweeds/>

43 See <http://www.fs.fed.us/r5/snfpa/final-seis/rod/appendix-a/standards-guidelines/forest-wide.html>

44 See Enclosure 35, “Velvet Grass in the Kern River Canyon” 2008

45 See, for example, Enclosure 36 (11/20/09 letter from SEKI Acting Superintendent, 3 pp.), and Enclosure 37 (“Velvet Grass in the Kern River Canyon – 2009,” 2 pp.)

critically endangered—is known to leave key feeding sites when approached by domestic stock animals. The bighorn have been observed to avoid key feeding sites for days after encounters with domestic stock.

Domestic stock is known to trample sensitive habitats of rare amphibians such as the mountain yellow-legged frog (MYLF) and Yosemite toad (YT).[46] Both of these disappearing amphibian species are candidates for the federal list of endangered species and have been classified as “warranted” for listing as threatened or endangered species.[47] The NPS at SEKI has limited stock use in one area (Sixty Lake Basin) specifically to protect MYLF habitat. It is arbitrary and capricious to implement protections for MYLF in only one area, but not the other MYLF habitats throughout SEKI. Currently, SEKI provides no protections for YT. One recent study suggests that livestock should at minimum be excluded from a 500-meter protection zone around all Yosemite toad breeding pools (Martin 2008).

Domestic stock attracts non-native cowbirds, which parasitize the nests of native songbirds. Accumulations of stock, and stock manure, attract cowbirds. Cowbirds are known to frequent pack stations, such as the Cedar Grove Pack Station, and significantly harm native songbird populations in the Sierra Nevada. Cowbirds are obligate brood parasites that can significantly impact native passerine species. One study in the northern Sierra found that up to 78 percent of warbler nests are parasitized by cowbirds, resulting in significant decreases in the reproductive success of those species (Airola 1986). Individual female cowbirds in the Sierra Nevada have been reported to lay an average of 30 eggs per season (Fleischer et al. 1987). These high rates of parasitism and fecundity by cowbirds indicate that significant local impacts occur wherever cowbird populations are present. Habitat modifications and the presence of livestock throughout the Sierra may contribute significantly to regional declines in songbird populations (Graber 1996). Pack stations in particular are known to be breeding centers for cowbirds.

Impacts on wildlife in addition to those outlined above have also been noted, and should be fully evaluated, including but not limited to, impacts to terrestrial invertebrates, aquatic invertebrates, amphibians, reptiles, mammals, and birds.

The Significant Effects of Stock Use on Scenery & Aesthetic Values

46 See, for example, Enclosure 40 (MYLF *Federal Register* notice), and Enclosure 41 (YT *Federal Register* notice)

47 *ibid*

18. **The WSP/EIS should acknowledge, evaluate, and fully address the many significant adverse social and experiential impacts of stock use in SEKI's wilderness.** The 1916 Organic Act that created the National Park Service establishes its mission:

“...to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

And the 1964 Wilderness Act establishes the Park Service's duty when managing designated wilderness:

“...each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.”

We are very concerned about the myriad aesthetic impacts that result from stock use, such as the presence of annoying bells, dust, manure, urine, and flies; the proliferation of unsightly hoofprints and drift fences; and impairment of the scenery due to the unnatural appearance of meadows grazed by domestic stock. (*See, for example, Absher and Absher 1979, Cole 1990, Lee 1975, Stankey 1973, Watson et al. 1993.*)

One study in the Sierra Nevada found that 60 percent of groups surveyed thought that the use of stock was entirely inappropriate (Absher and Absher 1979). Another study found that 59 percent of visitors preferred not to meet horse users in the wilderness (Stankey 1973). Another study in Yosemite National Park found that the presence of horse manure and other signs of stock animals were key sources of visitor dissatisfaction (Lee 1975). A study in Rocky Mountain National Park showed that a majority of hikers who disapproved of horse use—57 percent of all users—did so because they disliked horse manure and urine, and the flies and other insects attracted to it (see Cole 1990). A recent study in Sequoia and Kings Canyon National Parks documents similar findings (Watson et al. 1993).

One key provision of the Organic Act directs the Park Service to protect the scenery of the national parks. Yet managers at SEKI continue to demonstrate complete reluctance to regulate stock use in any way to comply with this mandate.

Put simply, park visitors have an absolute right to view park meadows (i.e., scenery) in a

healthy, natural, unimpaired condition. SEKI Ranger Randy Morgenson perhaps said it best—that park visitors deserve and should have the opportunity to view:

“...knee-high grasses, ripe and open panicles drifting in the moving air, luminous-bronze in the backlight.”[48]

Such an experience simply cannot be had in meadows that are grazed and trampled by domestic livestock. The Park Service needs to acknowledge this truth.

The year-end reports prepared by SEKI’s backcountry rangers should be a key source of information to your planning team. SEKI managers have acknowledged that SEKI’s wilderness rangers are its “backcountry experts,”[49] and their reports document many of the impacts discussed above, as well as complaints registered by the public. For example, one such report states:

“McClure Meadow is one of the most unique examples of an alpine meadow in the Sierra. Even after twenty years of fairly strict grazing regulations, it still shows much evidence of poor recovery....in the summer heat—even a week after a stock party leaves—the entire meadow smells like a corral. This is a major source of complaints by hikers.”[50]

The preponderance of public comments and other evidence readily available to SEKI staff show that the majority of park visitors who encounter stock impacts are significantly and adversely affected, and that the impacts of stock animals are “a major source of complaints.”

Put simply, SEKI’s current wilderness management paradigm is devoid of any serious consideration of scenic or aesthetic impacts, and the experience of wilderness visitors has been substantially harmed. Your EIS should fully evaluate the impacts discussed above, and incorporate provisions into the WSP that will protect (and restore where necessary) the precious scenery and wilderness character of these majestic national parks.

This will necessarily include careful evaluation and adoption of a park-wide “no grazing” alternative, authorizing commercial stock use only to the extent that is truly necessary,

48 1989 Evolution Valley Ranger Report, by Randy Morgenson

49 See Enclosure 38, memo from SEKI Chief Ranger dated 8/11/91

50 See Enclosure 8, “McClure Ranger Station: End of Season Report 1994”

and adoption of other limits, controls, and mitigation measures for stock use, as discussed below.

Needed Limits, Controls, and Mitigation Measures

19. **The WSP should prohibit all grazing by domestic livestock within SEKI.** Given the known significant adverse effects of grazing and trampling on park values and wilderness character, all grazing of park lands should be strictly prohibited. Stock users should be required to pack feed for their animals, as required at many other national parks.
20. **Your EIS must evaluate a range of reasonable alternatives regarding grazing.** While we advocate in the strongest possible terms for a prohibition of all grazing by domestic livestock at SEKI, we acknowledge your responsibility under NEPA to evaluate and consider a range of reasonable alternatives. Such alternatives must necessarily include: 1) prohibition of all grazing above 9,700 feet elevation (i.e., allowing grazing only at lower elevations); and 2) prohibition of private and commercial grazing above 9,700 feet (i.e., allowing grazing above 9,700 feet only for essential administrative purposes).

In an effort to address many (but not all) of the significant effects of stock use at SEKI,[51] the NPS's own scientists (Schelz 1996b, 1996c) long ago recommended an **immediate** ban on grazing in "Production Class 1" (i.e., high-elevation) meadows within SEKI:

"All production Class 1 meadows should be closed to grazing. This includes all measured Class 1 meadows and all others within the elevation limits of this class. In other words, all meadows above 9700 feet should be closed to grazing...Class 1 meadows are our very sensitive high elevation meadows that generally do not receive much use...but they are so sensitive to disturbance that the little use they do get causes high impacts and the available feed is exhausted quickly." (Schelz 1996c, emphasis added)

This recommendation by SEKI's professional scientific staff should have been implemented immediately via an order of the Superintendent, yet it has languished for more than a decade and still has not been implemented. While the public has been told repeatedly that the superintendent has the discretion and authority to rapidly adopt restrictions whenever necessary to avoid adverse impacts to park resources, this authority

51 For example, a "No Grazing" alternative would prevent most grazing and trampling impacts to meadows, lakeshores, and wetlands, eliminate the need for unsightly drift fences and annoying bells, and avoid much of the water pollution caused by stock use. But stock impacts to trails, watering sites, and campsites would persist.

is rarely used when the interests of stock users may be affected. Quoting from a United States District Court ruling:

“...the evidence demonstrates that SEKI management’s discretion may be too heavily impacted by political factors to have a predictable ability to protect the environment...” *High Sierra Hikers Association v. Kennedy*, No. C 94-03570 CW (N.D. Cal. June 14, 1995)

Your new WSP is an historic opportunity for SEKI to turn a new leaf, to take seriously the mandates to fully protect park wildlife, scenery, water, and wilderness character. An honest and forthright evaluation of the above alternatives, and selection of a No Grazing alternative for SEKI would go a long way toward reclaiming the Park Service’s credibility and stature.

21. **Off-trail travel by stock should be prohibited.** Horses and mules should be required to stay on designated trails that have been located, designed, constructed, and maintained to withstand their enormous impacts. Off-trail travel by horse/mule parties is of particular concern because of the damage that is caused when 1,000-pound, steel-shod stock animals leave constructed trails. Dr. David Cole (1989) concluded:

“Trampling impacts of packstock are particularly severe because considerable weight is carried on a small bearing surface (Weaver and others 1979). Therefore, vegetation and soil damage occur rapidly where stock leave the trail...The size of stock parties influences the severity of a number of problems. Particularly in little-used and off-trail places, it is critical that stock party size is minimized.”

Many other park and forest areas throughout the nation acknowledge the significant impacts of off-trail stock use by prohibiting all off-trail travel by stock animals. SEKI should do the same.

22. **Designated camps for stock.** Scientists and managers have long acknowledged the benefits of requiring overnight stock users to stay at designated campsites.[52] Confining stock impacts to designated sites lessens the areal extent of impacts to soil and vegetation, reduces the introduction and spread of weeds, allows better control of manure, reduces water contamination with sediment and pathogen runoff from camp areas, and prevents sites used by hikers from being polluted with stock manure.

52 See, for example, Cole 1990 at p. 461

23. **Manure catchers.** Devices to capture manure excreted by stock animals are now readily available and affordable. They should be required in order to keep manure off trails and out of waterways and campsites.
24. **All fences should be removed from SEKI's wilderness.** Fences seriously degrade the scenery, trammel the free movement of wildlife, and give SEKI's wilderness the look and feel of someone's private ranch. Hikers (the vast majority of users) and wildlife are substantially inconvenienced (and injured) by clumsy gates and rusty wire, for the sole benefit of a small handful of stock users. Helicopters used to transport fence materials also intrude on the wilderness.

Fences and their associated gates, hardware, rolls of wire, etc., are structural intrusions that not only harm scenery, wildlife, and visitors by their mere presence; they also "invite abuse" of the wilderness by stock users who are attracted to the conveniences that the fences provide.[53]

Some stock users and Park Service personnel claim that the fences are needed for "resource protection." This is a ruse. The truth is that the fences were installed primarily for the convenience of stock users. Other methods, such as a No Grazing alternative (i.e., tie & feed), hobbles, and/or portable solar-electric fences, can be used to restrain animals. Stock users should be responsible for their own animals rather than the Park Service constructing ugly, permanent fences across the landscape.

25. **Bells on stock animals should be prohibited.** Bells placed on stock animals are a noisy annoyance, and they disturb the solitude and sleep of many wilderness visitors. Quietude is a unique and valued attribute of wilderness character that should be preserved. Bells are simply a convenience for stock users, and are unnecessary. They should be prohibited.
26. **The WSP should establish a network of foot-travel-only trails to provide a trail system for visitors who desire an experience free of the dust, manure, flies, and other impacts caused by stock use.** Essentially all of the trails in SEKI's backcountry are open to stock animals except one (Mt. Whitney). Hikers deserve to have some trails where they can enjoy SEKI's wilderness without the many substantial impacts of stock.
27. **SEKI's magnificent alpine lake basins should be protected from the ravages of stock use.** NPS rangers and top-level managers have for decades acknowledged that SEKI's

53 For example, *see*: Neuman 1991b at p. 8

sublime alpine lake basins deserve special consideration and protection from the impacts of stock use.[54] If your WSP adopts adequate controls (as discussed elsewhere in these comments) including: 1) a No Grazing alternative (or no grazing above 9,700 feet elevation), 2) a prohibition against off-trail travel by stock animals, and 3) an appropriate network of foot-travel-only trails, then SEKI's high-elevation lake basins could be adequately protected by those measures. However, if all three of those measures are for any reason not adequately implemented, then SEKI needs a distinct, concerted program to protect SEKI's superlative alpine lake basins from the ongoing adverse impacts of stock use.

28. **Group size limits.** The group size limits currently in effect at SEKI are inadequate to sufficiently protect the scenery, natural resources, and wilderness character of SEKI. Group size limits (for both number of persons and number of stock animals) must be lowered.

The group size limits selected by the Sierra Interagency Wilderness Managers' Group in the early 1990s (15 persons, 25 stock animals) were concocted without the benefit of any formal environmental analysis or NEPA documentation. Those limits were chosen by a small group of managers who had a pro-stock bias, and dictated without NEPA compliance—over the strong objections of the vast majority of commenters. The managers knew at the time that if they went through the public involvement procedures and conducted a scientific analysis as required by NEPA, that those high numbers could not be justified. This is evidenced by a memorandum from the forest supervisor of the Inyo National Forest which states:

“...we did not feel that it was necessary to go through the NEPA process on this....as an aside, I will assure you as I have Tanner and London, that if we take this through NEPA the numbers will, in all likelihood, come out lower, and all of our packers will be significantly impacted.”

It is truly disheartening that the interagency wilderness managers placed a higher priority on protecting the interests of the commercial packers than protecting the natural resources under their charge. We can only hope that this attitude has changed.

Impacts of group size on the experience of park visitors. The fact that large groups have an adverse impact on the experience of park visitors was documented in the early 1970s by preeminent wilderness scientist Dr. George H. Stankey (1973). A 1990 wilderness

54 See, for example, Enclosure 9

management text co-authored by Dr. Stankey and endorsed by federal agencies, including the National Park Service (Hendee et al. 1990), concludes:

“Large parties are not common in most wildernesses, but the few that occur seriously diminish other visitors’ experiences.”

Later research conducted in SEKI confirms Dr. Stankey’s early work, and demonstrates that the current group size limits in SEKI (both for number of persons and stock animals) are inadequate to protect the experience of park visitors (Watson et al. 1993). This is key research that deserves full consideration by your planning team. It documents that even the average stock user in SEKI strongly supports smaller group sizes than those currently in effect. For example, the average stock user in SEKI recommended 13 as the maximum allowable number of stock animals per group. The average hiker in SEKI recommended six animals per group as a maximum. Regarding the maximum number of persons per group, the average stock user in SEKI recommended 12; the average hiker in SEKI recommended nine. These recommendations by the visiting public are approximately equal to the limits suggested by scientists and adopted by many other national parks (discussed below).

There simply is not any valid justification for the higher limits currently in effect at SEKI. Although the commercial outfitters would prefer the existing (or larger) group size limits, the existing (or larger) limits cannot be supported by either the scientific evidence or public opinion.

Impacts of group size on the biological-ecological wilderness character. Other research scientists specializing in wilderness management have also documented the social and ecological impacts caused by large groups. For instance, Dr. David N. Cole (1989) concluded:

“The effectiveness of reduced party sizes in reducing resource damage is greatest where impact is likely to occur quickly (for example, in fragile areas, in little-used and relatively undisturbed areas, and where parties travel with stock). Limits on party size must be quite low (certainly no larger than 10) to be worthwhile.”

Concerning group size limits for numbers of stock animals, Dr. Cole (1990) concluded:

“A large party detracts much more from visitor satisfaction than a small party (Stankey 1973). Although a limit on party size is currently the most common packstock management technique in wilderness—almost one-half of all areas have

a limit—the number allowed ranges from five to 50 animals per party, with 20 the most common limit (Washburne and Cole 1983). Such high limits will have very little beneficial effect; both social and campsite impacts are unlikely to be reduced unless limits are 10 animals or less.”

Group size limits for off-trail travel. Large groups traveling off-trail substantially harm the experience of other visitors who are seeking solitude in remote areas, and they also harm bio-physical resources. Cole (1989) concluded that: “Once a party size exceeds a certain number (perhaps four to six), special care must be taken in off-trail travel, campsite selection, and avoidance of visitor conflict.” SEKI should not rely on larger groups to “take special care” to avoid such impacts; the WSP should limit off-trail travel to groups no larger than 4-6 persons. The number of stock animals allowed off-trail should be zero (as discussed above).

Summary and conclusion re: maximum group size limits. National parks throughout the western United States have adopted maximum group size limits significantly lower than those in effect at SEKI. The WSP should lower SEKI’s maximum group size limits, both for numbers of persons and numbers of stock, to protect both natural resources and visitors’ experiences. Per the studies cited above, group size limits should be no higher than the following ranges:

persons per group on trails: 9-12
persons per group off trails: 4-6
stock per group on trails: 6-10
stock per group off trails: zero

Your WSP should also evaluate alternatives for regulating the size of stock parties via the number of “heartbeats” per group, such as a maximum of 9-12 “heartbeats” per group. For example, recognizing the disproportionately high impact of stock travel compared to foot travel, the number of “heartbeats” for stock groups should be the same—or lower—than the number of persons allowed per group.

SEKI’s Current “ad hoc” Approaches are Inadequate

29. **SEKI’s ad hoc approach to managing stock use is seriously flawed and woefully inadequate.** For decades, SEKI has implemented an insular *ad hoc* approach to managing stock use. It has conducted monitoring, but then discontinued those monitoring projects that document harm to park resources and wilderness character. For example, SEKI’s “hoofprint impact studies” were discontinued in the 1990s after documenting “negative

and permanent” impacts caused by ongoing stock use.[55] Instead of continuing and heeding the findings of those studies—and without ever inviting public comment or conducting a public environmental review—SEKI has for the past two decades focused on developing a residual biomass monitoring (RBM) scheme that is designed and intended to promote and perpetuate continued grazing despite the known and documented impacts.

We have detailed in previous correspondence, and incorporate by reference, our concerns regarding the inadequacy of the RBM scheme (i.e., lack of statistical power to reliably detect change, observer bias, absence of management standards to maintain meadows in an unimpaired condition, failure to consider or protect scenic values, lack of practical means to implement and enforce grazing limits in remote settings, lack of ability to adjust limits or take action before harm occurs, etc.). We will provide supplemental comments on this subject in the near future.

SEKI rangers and specialists have for decades raised concerns about the substantial impacts of stock use, and made numerous recommendations that to this day have not been implemented. Meanwhile, SEKI managers conduct meetings and make *ad hoc* decisions behind closed doors, without public input—and even when they do act, the evidence is clear that SEKI’s approach allows significant harm to occur before action is taken. Once rangers and scientists have for years raised warnings and the damage becomes undeniable, temporary site-specific restrictions are adopted, the use is shifted to other areas, and the process repeats.

Considered as a whole, the minimal actions specified in SEKI’s SUMMP, together with its *ad hoc* RBM scheme and opening dates, are not adequate to avoid significant adverse effects. SEKI’s obstinate reliance on its *ad hoc* measures is especially disturbing since SEKI scientists have reported clearly that the measures, considered as a whole, cannot address key issues such as continued physical impacts resulting from stock animals being allowed to graze in fragile areas.[56] The record is clear that past SEKI managers have defended continued livestock grazing and stock use in sensitive areas at all cost. We hope this will change.

55 See, for example, Neuman 1994a

56 See, for example, a June 2000 report by the SEKI Division of Science and Natural Resources Management states: “This very wet meadow...continues to receive use while soils are still saturated. Given the hydrologic regime of this meadow, these soils are likely to remain too wet to withstand stock use without resulting in a net loss of soil during runoff. Reconnaissance surveys in 1997, 1998 and 1999 noted deep, persistent hoofprints in the meadow adjacent to the stock camp and along the streambanks on both sides of the creek. As mentioned in earlier reports, it is important to note that these concerns are not related to residual biomass, but rather to physical damage to plant roots and soil erosion resulting from animals being turned out into very wet soils.” (Haultain and Das 2000, discussing Upper Colby Meadow.)

Bearpaw High Sierra Camp

30. Your WSP should direct that the ugly commercial camp at Bearpaw Meadow be removed, and the site restored. The polluting camp is an affront to the national park and an intrusion on the surrounding wilderness. The camp creates adverse impacts due to sewage disposal, greywater disposal, food storage, excessive stock use, helicopter intrusions, noise, and impairment of the scenery.

In 1984—more than a quarter century ago—Congress instructed the National Park Service to prepare a report on the impacts caused by the Bearpaw commercial camp. In defiance of the will of Congress and the American people, the Park Service has apparently never conducted the intended studies. Congress also asked the Park Service to regularly monitor environmental impacts at the camp, and to remove the camp if impacts ever increased above 1984 levels.

In its House Committee Report on the 1984 Act that designated the SEKI Wilderness, Congress recognized the incompatibility of this “High Sierra camp,” and, in a rare move, deferred Congressional authority so that the Secretary of Interior may designate the enclave as wilderness once the nonconforming developments are removed. This vision will never be realized as long as the Park Service continues to ignore Congressional direction and to blindly promote continuance of the Bearpaw camp.

Clear direction is needed to remedy this situation. Put simply, the WSP should direct that the Bearpaw camp be removed as soon as possible, and the site restored. At the absolute minimum, the WSP should require the following: 1) an independent study to document baseline conditions at the commercial Bearpaw Meadow camp, funded by the Park Service and conducted under contract by a reputable third party (such as an independent California university); 2) a provision for mandatory monitoring (of parameters to be recommended by the initial study), no less frequently than every two years (under contract as in #1 above); and 3) a provision (without loopholes) that if any adverse environmental impacts resulting from operation of the Bearpaw Meadow camp should ever increase beyond those documented in the baseline study, that the camp will be promptly removed and the area immediately recommended to the Secretary of Interior and to Congress for wilderness designation. This is the process that Congress intended to put in motion more than 25 years ago.

The Park Service knows full well that the Bearpaw camp is causing adverse impacts to SEKI's scenery, natural resources, and surrounding wilderness character, yet it denies culpability on grounds that it cannot afford to conduct the detailed monitoring of those impacts as directed by Congress. If the NPS cannot afford the monitoring requested by Congress, it should either require the concessioner to pay for it, or close the camp.

Conclusion

Thank you for this opportunity to provide comments for your consideration. I invite you to contact us at the letterhead address should you desire clarification of any comment(s) contained herein.

Please let us know if you will agree to our request that the administrative record for your GMP become part of the record for this project. Please also note that we may provide supplemental comments and/or additional supporting documentation in the near future.

Sincerely yours,

Peter Browning, President
High Sierra Hikers Association

List of Enclosures

- Enclosure 1: Jan. 14, 1991 letter from SEKI superintendent re: WMP process
- Enclosure 2: April 30, 1997 *Federal Register* notice re: WMP process
- Enclosure 3: Examples of (37) letters submitted during SEKI's 1991 WMP process
- Enclosure 4: Examples of (57) letters submitted during SEKI's 1996 WMP process
- Enclosure 5: Nov. 20, 1994 letter by David Campbell
- Enclosure 6: Examples of (8) visitor complaints re: wilderness issues at SEKI
- Enclosure 7: Examples of SEKI Case Incident records (#101034 and 101035)
- Enclosure 8: Example SEKI ranger reports: McClure 1994 (*see* p. 2) Little Five 1991 (*see* p. 5)
- Enclosure 9: SEKI memo from Chief Ranger to Superintendent, Sept. 6, 1989 (2 pp.)
- Enclosure 10: *Recommendations, Wilderness Management Staff, 1991 Season* (41 pp.)
- Enclosure 11: Excerpt from 1971 Master Plan (3 pp.)
- Enclosure 12: March 2, 1981 letter from USFS regional forester to Ike Livermore (1 p.)
- Enclosure 13: Nov. 4, 1995 memo from USFS High Sierra Area Manager to ID Team (3 pp.)

- Enclosure 14: SNEP Report, vol. II, pp. 557, 602
- Enclosure 15: Apr. 9, 1996 memo from USFS High Sierra Area Manager to B.Bramlette (1 p.)
- Enclosure 16: USFS emails: 1/30/96, 4/1/96, 4/2/96 (3 pp.)
- Enclosure 17: *Activity Allocation / Actual Use Tables – Final*, Inyo NF, 6/28/2000 (2 pp.)
- Enclosure 18: Jan. 3, 2001 synopsis of SEKI's comments to USFS (1 p.)
- Enclosure 19: July 28, 2004 email from SEKI superintendent to Inyo N.F. (3 pp.)
- Enclosure 20: June 7, 2005 letter from INF supervisor to SEKI superintendent (2 pp.)
- Enclosure 21: June 27, 2005 letter from SEKI superintendent to Inyo N.F. (5 pp.)
- Enclosure 22: March 24, 2000 letter from Lucinda McKee (INF) to Greg Allen (3 pp.)
- Enclosure 23: "Mt. Whitney Trail," from website of Inyo National Forest (2 pp.)
- Enclosure 24: "Climbing Mt. Whitney," from SEKI's +website (2 pp.)
- Enclosure 25: "Recreation Passes & Permits," from website of Inyo NF (4 pp.)
- Enclosure 26: Inyo NF memos re: Trail Crest & Cottonwood P.S. dated 5/13/08 & 4/19/04
- Enclosure 27: Oct. 5, 2004 letter from Richard Judd to SEKI (3 pp.)
- Enclosure 28: Excerpts from website of Great Old Broads for Wilderness (3 pp.)
- Enclosure 29: "Wilderness is not Supposed to be Convenient," Spring 1997 (2 pp.)
- Enclosure 30: Derlet & Carlson 2002, *Wilderness & Environmental Medicine* 13:113-118 (6 pp.)
- Enclosure 31: Derlet et al. 2008, *Wilderness & Environmental Medicine* 19:82-90 (9 pp.)
- Enclosure 32: "Livestock Grazing and Weed Invasions in the Arid West," ONDA
- Enclosure 33: "The Effects of Seeds of Exotic Species Transported via Horse Dung"
- Enclosure 34: "Horse riding...Scientific evidence to guide management"
- Enclosure 35: "Velvet Grass in the Kern River Canyon" 2008 (2 pp.)
- Enclosure 36: Nov. 20, 2009 letter from SEKI to J.Olson (3 pp.)
- Enclosure 37: "Velvet Grass in the Kern River Canyon" 2009 (2 pp.)
- Enclosure 38: Aug. 11, 1991 memo from Chief Ranger to District & Backcountry Rangers (1 p)
- Enclosure 39: Sept. 26, 2000 SEKI email from D.Graber to S.Spain and others (1 p.)
- Enclosure 40: *Federal Register* 1/16/03 Sierra Nevada Mountain Yellow-legged Frog (21 pp.)
- Enclosure 41: *Federal Register* 12/10/02 Yosemite toad (10 pp.)
- Enclosure 42: SEKI Special Wilderness Closures for 2011 (2 pp.)
- Enclosure 43: April 18, 1993 memo by Dennis Martin, then-supervisor of Inyo NF (2 pp.)

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