

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 25, 2006

Edward C. Cole
Forest Supervisor
Sierra National Forest
1600 Tollhouse Road
Clovis, CA 93611

Subject: Draft Environmental Impact Statement for Commercial Pack Stock Permit
Reissuance for the Sierra National Forest and Trail Management Plan for
the Dinkey Lakes Wilderness, Fresno, Mariposa, and Madera Counties,
CA (CEQ# 20060084)

Dear Mr. Cole:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above document. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our comments are provided in accordance with the EPA-specific extension to the comment deadline date from May 15, 2006 to May 31, 2006 (telephone conversation with between Laura Fujii and Mike LeFevre, Forest Supervisor's Office, April 6, 2006). Our detailed comments are enclosed.

Based on our review, we have rated the proposed Commercial Pack Stock Permit Reissuance and Trail Management Plan for the Dinkey Lakes Wilderness as Environmental Concerns - Insufficient Information (EC-2). A *Summary of EPA Rating Definitions* is enclosed. The DEIS identifies trail, meadow, and campsite conditions and locations that are contributing sediment and manure to creeks and streams. While we commend the closure of some trails and meadows deemed unsuitable for recurring commercial pack stock use, we are concerned about the potential continued water quality effects of pack stock use on trails, meadows, and campsites with existing resource impacts.

EPA supports management actions that will address trail, meadow, and campsite conditions that contribute to water quality and ecosystem impacts. We recommend implementation of the more protective Alternative 3-Destination Management that would enable destinations to be managed based on on-site resource conditions and capacity. We

note that this alternative would ensure consistency within the four Wildernesses used by commercial pack stock on the Sierra National Forest. We recommend the Final EIS (FEIS) include a comprehensive table listing specific management commitments, required pack stock facility design criteria, and use and system trail prescriptions that would be part of the special permit approvals.

A detailed monitoring and enforcement plan should be developed and included in the FEIS. The lack of this information is of concern because projected improvements to degraded resources are based upon compliance with new, more stringent Best Management Practices and use standards. The Commercial Pack Stock Monitoring, Evaluation and Adaptive Management Plan developed for the 2005 Ansel Adams and John Muir Wildernesses Trail and Commercial Pack Stock Management FEIS would be a useful starting point.

We appreciate the opportunity to review this DEIS. Please send one copy of the FEIS to the above address (mail code: CED-2) when it is released for public review. If you have any questions, please call me at 415-972-3988 or Laura Fujii, of my staff, at 415-972-3852, or at fujii.laura@epa.gov.

Sincerely,

/S/

Duane James, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure:
Summary of EPA Rating Definitions
Detailed Comments

cc:
Doug Feay, Lahontan Region, RWQCB
Jacob Martin, US Fish and Wildlife Service, Sacramento

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR COMMERCIAL PACK STOCK PERMIT REISSUANCE FOR THE SIERRA NATIONAL FOREST AND TRAIL MANAGEMENT PLAN FOR THE DINKEY LAKES WILDERNESS, FRESNO, MARIPOSA, AND MADERA COUNTIES, CA, MAY 31, 2006.

Alternatives

Consider implementation of Alternative 3-Destination Management. Alternative 3-Destination Management, emphasizes destination management in the Kaiser and Dinkey Lakes Wildernesses and the South Fork of the Merced Wild and Scenic River (MWSR). Destination management includes destination quotas, maximum stock at one time limits, and designated stock camps. The quotas would enable destination sites to be managed based on on-site resource conditions and capacity (p. 3-155). This approach would be consistent with the 2005 Ansel Adams and John Muir Wildernesses Commercial Pack Stock Management Environmental Impact Statement and Record of Decision (2005 AA/JM Pack Stock Management EIS). Under this alternative, all four of the wildernesses used by commercial pack stock on the Sierra National Forest would be managed with the same methods (p. 2-15).

Recommendation:

We recommend the Forest Service seriously consider adoption of Alternative 3-Destination Management as the preferred alternative. As stated in the 2005 AA/JM Pack Stock Management Record of Decision, destination management was determined to be the most effective action to pinpoint resource issues and take direct actions to remedy impacts. The destination management approach allows for the control of the timing, frequency, intensity and location of commercial pack stock use. EPA supports commercial pack stock management based on the capacity of the resources and their on-site conditions. Consistency of management across the Sierra National Forest would help ensure equitable allocation of Forest Service resources, commercial pack stock services, and more efficient use of limited Forest Service staff and funds

Water Quality

Align pack stock trail use with trail conditions. Under the action alternatives all system trails in the Kaiser Wilderness and non-wilderness are open to commercial pack stock use (pps. 2-5, 3-120). The draft environmental impact statement (DEIS) states that localized hydrology is altered by current trail conditions, with many trails in poor condition, primarily due to the lack of trail maintenance and trail reconstruction (3-153). Trail conditions dominate the indirect effects to water quality and hydrology (p. 3-166). The Forest Service proposes monitoring beyond standard monitoring due to these resource concerns (Table 2.16, p. 2-29).

Recommendations:

Where commercial pack stock use is clearly contributing to continued impairment of water quality, ecological function, and trail condition; we recommend realigning pack stock use levels with trail conditions, the level of trail development, and the trail classification.

While we understand this action is not a comprehensive trail management plan, pack stock contribute to the significant adverse impacts caused by the lack of trail maintenance and reconstruction. Thus, we recommend the Final EIS (FEIS) include a comprehensive table of use and system trails, traveled by commercial pack stock, with proposed management actions to address adverse water quality and hydrologic impacts.

The DEIS states that Forest Service appropriations cannot be used to address non-system trails that are causing resource impacts. If not already in place, we suggest a collaborative partnership between the Forest Service, commercial stock operators, and recreational interest groups; focused on improving non-system trails. Joint work parties and other creative measures can be used to reconstruct and remediate the non-system trails causing the most significant adverse resource impacts.

Actively address adverse effects of trails in the East Huntington Analysis Unit. Due to the lack of trail maintenance, an eroding stream crossing and poor trail locations in the East Huntington Analysis Unit are likely impairing beneficial uses of Potter Creek due to erosion and sedimentation (p. 3-163). These trails would continue to be used by commercial pack stock under Alternative 2 and 3.

Recommendation:

EPA recommends working with the commercial pack stock operator to actively address these adverse water quality effects through appropriate trail maintenance and implementation of Best Management Practices (BMPs). If adequate trail maintenance and reconstruction is not feasible in the near future, we recommend a temporary reduction in commercial pack stock use in order to reduce the current impairment of Potter Creek.

Provide specific information on management commitments, required facility design criteria, and trail prescriptions. The DEIS describes existing water quality and hydrological impacts by Analysis Unit (pps. 3-157 to 3-172). Although the analysis states that Alternative 2-Proposed Action would reduce these impacts; the DEIS does not describe the specific management commitments, required facility design criteria or proposed trail prescriptions. For example, of 37 segments of non-system and system roads surveyed in the Nelder Analysis Unit, 62% had problems involving drainage, stream crossings, and stock watering impacts. The DEIS states trail maintenance and relocation would be required without providing the trail names or maintenance schedule (p. 3-156). The DEIS also states that indirect effects from two pack stations in the East Huntington Analysis Unit would be reduced by design criteria included in the proposed action (p. 3-164). Details regarding the design criteria are not provided.

Recommendation:

Specific management commitments, required facility design criteria, and proposed trail prescriptions should be fully described in the FEIS. If the information is already provided in a table or appendix, the text in the DEIS should provide a reference to this information.

Aquatic Species

Prohibit or limit grazing in occupied Yosemite toad habitat. Under Alternative 2-Proposed Action, grazing would be approved in meadows occupied by Yosemite toad in the Dinkey Lakes Analysis Unit (p. 3-17). User requested trails around Swede Lake and South Lake also traverse occupied Yosemite toad habitat (p. 3-24). EPA is concerned with the potential impacts to Yosemite toad because the U.S. Fish and Wildlife Service has concluded that the Yosemite toad may warrant protection under the Endangered Species Act. More than 90% of Yosemite toad habitat occurs within Forest Service wilderness areas and National Park Service lands, especially around Yosemite National Park.¹

Recommendations:

We recommend grazing within occupied Yosemite toad habitat be either prohibited or limited to avoid adverse impacts on the viability of the Dinkey Lakes Yosemite toad population.

To further protect the Yosemite toad, we recommend adoption of the Alternative 3 proposal not to authorize use of the user requested trails around Swede Lake and South Lake.

Consolidate analysis unit aquatic species data into one comparative table. The affected environment and environmental consequences description for seven Federally listed aquatic species is organized by analysis units (pps. 3-6 to 3-24). The analyses of direct, indirect, and cumulative impacts is general and often repetitive.

Recommendations:

We recommend consolidating the affected environment data for each analysis unit into one comparative table. The FEIS should highlight the significant resource issues and critical habitat locations for the seven species of concern.

The summary of aquatic species effects should be rigorous, providing a clear description and evaluation of the combined unit-specific effects of commercial pack stock actions. For example, describe the total number of meadows occupied by Yosemite toads approved for pack stock grazing and the potential effect of this use on Yosemite toad population viability.

¹ 2005 Trail and Commercial Pack Stock Management in the Ansel Adams and John Muir Wildernesses FEIS.

We recommend providing a detailed list of proposed management actions and mitigation measures to avoid and minimize effects to these sensitive aquatic species.

Monitoring

Provide a monitoring and enforcement plan. Alternative 2-Proposed Action would allow use levels that result in short-term adverse effects at trails, meadows, and base facilities. These adverse effects would be minimized by implementing BMPs, regulating grazing levels (e.g., utilization standards, range readiness), and designating trail prescriptions (Chapter 3). Monitoring, compliance, and enforcement of proposed management measures are key in ensuring that projected improvements are achieved. The Forest Service should demonstrate that proposed management measures are feasible, enforceable, and will be fully implemented in a timely manner.

Recommendations:

The FEIS should provide a detailed monitoring and enforcement plan. This plan should describe present and future management, monitoring, and enforcement measures to ensure proposed use limitations and management controls are adequately implemented. The Commercial Pack Stock Monitoring, Evaluation and Adaptive Management Plan developed for the 2005 Ansel Adams and John Muir Wildernesses Trail and Commercial Pack Stock Management FEIS would be a useful starting point.

We recommend the Forest Service consider implementation of an adaptive management program which can respond to changing conditions. Include a list of mitigation measures that will be implemented if impacts are in excess of the allowable level of use.

General Comments

Provide information on stock drives. The evaluation of commercial pack stock use on the Inyo National Forest included a description of annual stock drives to move pack stock between winter and summer facilities. These stock drives can have a significant environmental effect if not properly managed or routed on stable roads and trails. Similar stock drives for the commercial pack stock use on the Sierra National Forest are not described.

Recommendation:

The FEIS should describe the methods used to transport pack stock between winter and summer facilities and to destination trailheads. If appropriate, the FEIS should describe stock drives and their potential environmental effects on the Sierra National Forest.

Include a table with management commitments. The DEIS does not provide a comprehensive table or list of management commitments such as campsite redesign or relocation; pack stock grazing prescriptions; meadow restoration projects; and trail maintenance, relocation, and closure.

Recommendation:

The FEIS should include a comprehensive table or list of management commitments.