



HIGH SIERRA HIKERS ASSOCIATION

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Via Certified Mail

August 22, 2014

Woody Smeck, Superintendent
Sequoia and Kings Canyon National Parks
47050 Generals Highway
Three Rivers, CA 93271

**SUBJECT: COMMENTS ON DRAFT “WILDERNESS STEWARDSHIP PLAN” AND
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Dear Superintendent Smeck,

This letter transmits comments on the draft “Wilderness Stewardship Plan” (WSP) and accompanying Draft Environmental Impact Statement (DEIS) for Sequoia and Kings Canyon National Parks (SEKI). We appreciate this opportunity to provide comments for your consideration.

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.

These comments incorporate by reference our 08/31/2011 scoping comments (41 pp., plus 43 enclosures), and our 11/19/2012 comments on SEKI’s “preliminary draft alternatives” (11 pp., plus five enclosures).

MAP ERROR

The Sequoia National Park Stock Access and Grazing Map for Alternative 1, page 87, was reprinted on page 137 where the caption identified it as the Alt. 2 map. There is no real Alt. 2 Access and Grazing map anywhere. This sure caused a lot of confusion.

VIOLATIONS OF NEPA REQUIREMENTS

40 CFR 1500.2

“Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses.”

Comment: The DEIS/WSP is none of those things. It is dense, repetitive, and sometimes incomprehensible. As to analysis, there isn’t any. The document is replete with assertions, statements, claims, and conclusions masquerading as analysis. **But there is no analysis.**

40 CFR 1502.8 Writing

“Environmental impact statements shall be written in plain language . . . so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, . . .”

Comment: Much of the prose is vague and ambiguous, and is subject to multiple interpretations. Many sentences and paragraphs that purport to be statements of fact are unsubstantiated. Some are contradictory. Many statements consist of bureaucratic boilerplate language that serves no purpose other than to substitute for documented facts and reasoned analysis.

40 CFR 1502.2 (a)

“Environmental impact statements shall be analytic rather than encyclopedic.”

Comment: The creators of this DEIS have loaded it with every iota of useless prose and redundant information in their arsenal. At two volumes and 1,234 pages it is truly encyclopedic, and organized in such a manner as to provide obfuscation rather than clarity.

40 CFR 1502.2 (g)

“Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.”

Comment: This DEIS is concerned with only one thing: doing business as usual. It is entirely lacking in analysis, entirely self-serving, entirely intended to ratify existing policy, and entirely functions as a barrier to public involvement.

40 CFR 1502.14 Alternatives including the proposed action (a)

“Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”

Comment: In the GMP there was a no-stock alternative (**Alt. A.**) Inasmuch as the WSP is tiering off the GMP, the reasons for eliminating the no-stock alternative should have been presented. I fail to find any such explanation. Lacking such an explanation, it is obvious that you had no intention of addressing the issue of whether there should be stock use in SEKI, but made the decision in the affirmative before you even began the process.

40 CFR 1502.14 (c)

“Include reasonable alternatives not within the jurisdiction of the lead agency.”

Comment: In our letters of August 31, 2011 and November 19, 2012 we clearly requested, and described in detail, one or more alternatives that we thought should be considered. Other than

one alternative (#4) that specifies no grazing throughout SEKI, your extremely limited range of alternatives does not address any of our major concerns.

ALTERNATIVES

In Vol. 1, p. xxiii is the following paragraph:

“The NPS has determined that alternative 5 is the environmentally preferable alternative.

Alternative 5 best promotes the requirements of the national environmental policy expressed in section 101(b) of NEPA. It is the alternative that causes the least amount of impacts on the biological and physical environment and that best protects, preserves, and enhances historic, cultural, and natural resources, and best achieves the short- and long-term goals for protecting and improving wilderness character. Alternative 5 best meets these requirements.”

We disagree. We think that alternative 4 is the best. But no matter which it is, why are you deliberately choosing an alternative that is only the third best? The first order of business, the first priority, the first item in the National Park Service’s mandate, is to protect the environment. The NPS at SEKI is deliberately choosing to continue down the path of environmental degradation and commercial exploitation. The Preferred Alternative, #2, is more like #1, the No Action Alternative, than like any of the others. Except for a few differences and a few tweaks here and there, they are essentially the same. See **40 CFR 1502.2 (g)**, above.

BOGUS LANGUAGE

This document is larded with the false use of language—words and phrases that purport to say a certain thing, but lay claim to meanings that such words and phrases do not contain. The examples are glaring, and contemptible. The examples abound:

In the **EXECUTIVE SUMMARY** of Volume 1, pages iii through x, the phrase “wilderness character” appears 30 times. SEKI purports to be protecting “wilderness character” at every turn and in every aspect of its management policies. I will point out to you just one thing—When you deliberately introduce tens and twenties and hundreds of large, non-native, domestic animals into National Park wilderness, “wilderness character” has ceased to exist. You have created “barnyard character.” You disgrace yourselves by the employment of this dishonest, self-serving language.

On page vi, toward the end of the paragraph beginning *Desired conditions . . .* is the amazing statement that “NPS *Management Policies 2006* also allows for improvements to wilderness character.” Do you not understand that the wilderness is what it is? With what license or arrogance or hubris do you think that you should indulge in “improvements” to wilderness? What in the world do you mean?

Still on page vi is:

- The untrammelled quality of wilderness character would be preserved by limiting deliberate manipulation of ecological systems *except as necessary* to promote another quality of wilderness character. (Emphasis added.) Re the emphasized phrase, what is “necessary,” who decides, what criteria would be employed? By this bullet point you have granted yourselves the right and the power to sacrifice aspect A of the so-called wilderness character today because it will enhance aspect B. And tomorrow, under the same aegis, you can sacrifice B because it will

benefit A. And the next day you can sacrifice both A and B in order to sweeten C. Thus you have created a blanket privilege to yourselves to do anything at any time in any way, since no matter what you do it will be covered by this single bullet point. Easy work, if you can get it.

On page vii is another seemingly innocuous statement of the same sort:

o Visitors with diverse backgrounds and capabilities would have opportunities to use and enjoy wilderness. — Another undefined and open-ended statement. Anything is allowed; anything goes.

On page ix, under **Key Elements Considered in the Alternatives**, is a list of the “overarching element-specific objectives for this plan.” One of these is:

Human-waste management. But there is no mention of stock-animal waste, which is a far greater problem—greater by several orders of magnitude. You have stated in Vol. 1, page 221, that you will not consider manure bags for stock animals. So what **are** you going to do about stock-animal waste? You have stated that total stock use in 2013 was more than 6,000 days, which means that those animals have dumped more than 300,000 pounds of raw animal sewage on SEKI’s trails and campsites and in water sources in the few months of the season. As a matter of policy, you have created conditions in SEKI wilderness that none of you would tolerate on the street where you live. Are you unconcerned? Do you give a damn?

Another objective is:

Stock use – Visitors would have opportunities to travel with stock, from day rides to multi-day trips, *in a manner that ensures the protection of wilderness character.* (Emphasis added.) See remarks above re “wilderness character.” — What “manner” is that? Do stock animals have a variety of “manners” that can be employed as one desires? Do horses and mules behave differently if you instruct them to tread lightly and bury their feces in mineral soil so that no one will be offended? Or is it your custom to say anything, no matter how false and idiotic, to defend the indefensible?

Stock use is one of the issues that this WSP is supposed to be studying and analyzing, but you are stating that it is one of the desired objectives of the plan without providing any analysis whatsoever. Do you really think that you can deal with a controversial issue by simply declaring a *fait accompli*?

Another objective is:

Commercial Services – Commercial services **may** be performed to the **extent necessary** for activities which [*sic*] are **proper** for realizing the recreational or **other wilderness purposes** of the areas. Commercial services would support visitor use and enjoyment of wilderness in a **variety of appropriate** ways. [Emphases added.] Same comment as above. Regurgitating the worst of the amorphous language of the Wilderness Act most certainly does **not** grant SEKI a license to do whatever it wants. I note that this entire list is repeated on page 12, with the following clause added after the word “areas” — “and in a manner that ensures the preservation of wilderness character.”

Thus two of your major objectives are continuing unlimited stock use and supporting and approving of commercial services. Are you managing National Park wilderness, or would you really be more content with running a dude ranch?

Visitor Capacity and Visitor-Use Management

Page 13, bottom paragraph, which I quote in full:

“The number of stock in wilderness is also considered to determine if a stock capacity level could be established in addition to an overall visitor capacity level. The number of stock is controlled by trailhead quotas, party-size limits on and off trail, visitor service-day limits placed on commercial services (appendix B), and grazing-capacity limits placed on individual meadows and forage areas. In addition, stock use is a component of the overall visitor-capacity framework.”

Comment: That’s some of the strangest, most garbled prose I’ve ever encountered. It seems to say that stock use numbers will be determined by how much stock use there will be. I.e., the number determines itself.

In the **BACKGROUND** section of Vol. 1, p. 15, is the following, referring to the outcome of our lawsuit against SEKI’s GMP:

The court also “vacate[d] all portions of the GMP and ROD which provide programmatic guidance regarding the type or level of commercial stock services necessary in the [parks’] wilderness area or direction as to the need, appropriateness, or size of developments, structures, or facilities used completely or partially for commercial stock services. This includes all references to the future development or installation of stock facilities” (High Sierra Hikers Association v. U.S. Department of the Interior, 848 F. Supp. 2d 1046 [N.D. Cal. 2012]). The court order further provided that the WSP could consider both frontcountry and backcountry issues in the WSP, and that the WSP “must consider imposing limits on group size, number of stock, trail suitability for various stock use types and the necessity of additional stock use facilities.”

Under **INTRODUCTION** in Vol. 2, p. D-5, is this startling statement—the last sentence of the first paragraph:

“The use of stock for administrative and recreational purposes is still recognized as a traditional, historically and culturally significant, and legitimate activity that will continue in the wilderness of Sequoia and Kings Canyon National Parks (NPS GMP 2007).”

Comment: SEKI, ourselves, and everyone else has consistently referred to the three categories of stock use—administrative, commercial, and private. Do you think that you have evaded the court’s order and pulled the wool over everyone’s eyes by substituting the word “recreational” for commercial and private? Your own statistics show that **some 80% of recreational stock use is commercial**. This is a deceitful and dishonest statement, a deliberate reference to the GMP that was forbidden by the court. It needs to be retracted, and an apology and explanation made to the public.

In Vol. 2, page D-5, the last sentence of the first paragraph under **INTRODUCTION** repeats this canard:

“The use of stock for administrative and recreational purposes is still recognized as a traditional, historically and culturally significant, and legitimate activity that will continue in the wilderness of Sequoia and Kings Canyon National Parks (NPS GMP 2007).”

Comment: The words “tradition,” “traditional,” “historic,” and “historically” are not value-judgment words. They do **not** mean “good, and should continue,” which is how you employ them—another prime example of the false use of language. The phrase “historically and culturally significant” can be applied, literally, to anything that people do or have ever done, from the most mundane to the most profound. Thus it has no defined meaning; it does not mean “good, and should continue”; it has no more meaning than if one were to refer to anything that happens as an “event.” SEKI’s frequent repetition of this bogus phrase in lieu of clear language and honest analysis constitutes duplicity as a matter of policy. If you have no valid arguments that support your desire to do business as usual other than deceitful and obfuscating language, then it is plain that your present policies are corrupt, and are unworthy of continuation.

MEADOWS AND GRAZING

There are several sharply defined differences between management policies of national parks and of national forests. The forests allow mining, timbering, and hunting, activities that I would categorize as “resource extraction.” All of those are forbidden in national parks. Allowing non-native domestic animals to consume the grasses and sedges in NPS meadows is also resource extraction. The mandate of the NPS is to protect the parks. It is obvious, it is axiomatic, that it is quite literally impossible to protect the meadows and simultaneously exploit them. If stock use is to continue, there is only one solution for the protection of meadows—ban all grazing by all stock in any category. If the commercial interests howl and protest that they can’t operate if they have to carry feed for their animals on long, continuous, full-service trips, then the proper response is that they can’t operate trips of that sort. They’ve been exploiting the Commons for a long time at no expense to themselves but at great cost to the public. It is long past time that the NPS at SEKI put a stop to it. You charge the commercial interests a minuscule annual fee for a Commercial Use Authorization (CUA), a fee that they earn back on the first day of operation of a new season. They feed their animals for free on the public’s meadows while degrading the meadows and polluting the water sources.

In Vol. 1, page 327, is Table 67, which shows the number of clients served by category during a four-year period, 2009 through 2012. The number of clients served annually by pack and saddle stock during those years ranged from 469 to 819, an average of 643.5. For this tiny number of people, the NPS at SEKI willingly and willfully sacrifices “wilderness character,” promotes wilderness exploitation and degradation, and negatively impacts the experiences of all those who travel on foot—that is, for 93% of the total visitors to SEKI wilderness. No better anti-environmental and antisocial policy has yet been devised. This is your Preferred Alternative. Why is this your policy?

The Wilderness Act

In Vol. 2, Appendix B, you have made a mockery of the Wilderness Act. The statement on page 4 of the Act reads: “Except as specifically provided for in this Act, and subject to existing private

rights, there shall be no commercial enterprise . . .”(a clear statement). You have assumed that the “extent necessary” (a vague phrase) two pages later means unlimited commercial use by anyone for any reason, thus negating the first statement. You also assume, without providing any proof, rationale, or logic, that “extent necessary” refers to stock animals. How do you know that? The words “horses,” “mules,” and “stock animals” do not appear in the Wilderness Act. You also assume that “extent necessary” refers to access to wilderness. How do you know that? Perhaps the phrase refers to commercial activity that would enhance the agency’s ability to protect the resource. Perhaps it refers to some sort of special provision for disabled people. Perhaps it means that only those who can demonstrate a need for commercial support may avail themselves of such support. You haven’t considered any of those possibilities. In any event, the phrase “extent necessary,” coming, as it does, after the statement that there shall be no commercial enterprise in wilderness, cannot possibly be blanket authorization to all comers to utilize commercial services to any extent whatsoever. “Extent necessary” is a limiting phrase, **not**, as you would have it, one that removes all limits.

Unimpaired

The word “unimpaired” is not heard in ordinary discourse. From all indications, no one at SEKI has the least notion of what the word means. The only places that I have ever seen it in formal documents are in the Organic Act of 1916 and in the Wilderness Act of 1964. Is that a coincidence? I think not. The authors of those two documents were of the same mind, and intended the same result.

The ‘un’ preface means “not.” ‘Un’ words are absolute words. “Unimpaired” means **not** impaired. It doesn’t mean that some impairment is okay, or that 10% impairment will make the cut, or that a certain degree of “acceptable damage” impairment is all right if you promise to patch things up later. (You will “monitor” and “mediate.”) It takes a lot of gall, as is your wont, to approvingly cite the lofty language of the Organic Act and the Wilderness Act—“. . . in such manner as will leave them unimpaired for future use and enjoyment as wilderness, . . .”—and then promulgate policies that ensure that radical impairment will occur. The very nature of your policies guarantees impairment. Everything that you do to ostensibly protect the environment is reactive rather than proactive. Will you protest and claim that meadow opening dates are proactive? That would not be true. Opening dates merely establish the time when already degraded meadows can be attacked anew. Will you cite Leave No Trace as one of your wondrous methods of protecting the wilderness? That would be another falsehood—when one travels with stock animals, Leave No Trace is an oxymoron.

Definitions from the Devil’s Flatulent Dictionary

The following definitions from Vol. 1, p. 7, is the most amazing collection of radical nonsense lingo ever to offend a sheet of paper and a cluster of innocent electrons.

Definitions of Key Terms

Desired condition — *qualitatively describes an ideal condition of wilderness character. This is both a holistic condition, as well as the desired condition for all qualities of wilderness character:*

untrammelled, natural, undeveloped, and opportunities for solitude or primitive and unconfined recreation, and the other features of value quality.

Measure — *a specific aspect of wilderness resources or character that can be measured or quantified. Specific feature(s) used to quantify an indicator, as specified in a monitoring or sampling protocol. One or more specific measures may be used to quantify or qualitatively evaluate the condition of an indicator at a particular place and time.*

Standard — *a threshold which conditions should not exceed. Standards identify the minimum level of acceptable wilderness condition, beyond which management action to improve conditions is triggered.*

Indicator — *a distinct and important element within each quality of wilderness character, which has measurable attributes that can be the focus of wilderness character monitoring. These function as categories that have one or more measures within them, and are established in Keeping it Wild (Landres et al. 2008).*

Management Action — *implemented following a problem analysis; triggered by monitoring of a measure against a defined standard.*

Definitions derived from Landres et al. 2008, NPS 1997, and NPS 2014a.

Is **Desired Condition** or **Standard** the higher category? Whichever it is, where may one find a list of Standards or Desired Conditions? Every vague, undefined word is defined by using other vague, undefined words. If Desired Condition and Standard are different, **why** and **how** are they different? Are your so-called Standards less desirable than Desired Conditions? Or are your Desired Conditions below your Standards? Does one of those, or some other word or phrase, describe a baseline against which everything else may be measured? It is not possible to read these grotesque definitions and come away with an understanding of how your agency functions, and to what purpose. Nor is it possible, whether or not one should attempt to apply these definitions to this DEIS/WSP, to locate a reasoned train of thought anywhere in this document. Not once have you said “start here, apply these criteria, refer to this scientific study, consider the critical requirement to protect the environment, and you will arrive at this conclusion.” Not once. Is that merely an accident, bureaucratic bumbling at its finest, or is that actually your **Desired Condition**? That condition being to concoct a huge, dense, impenetrable, incomprehensible document that will serve eminently well to prevent any individual or organization from interfering with your firm intention to continue with Business as Usual.

Administrative Functions

Some of SEKI’s methods of performing management functions in wilderness seem to be the product of a 19th- and early 20th-century mind set. The use of stock animals is an anachronism, a relic of 70+ years ago. By doing some elementary research, staff at SEKI would soon become

educated as to more advanced, more environmentally friendly methods. How could you justify employing ground and/or air vehicles/devices? The answer lies in Vol.1, page 349 of the WSP. It's never too late to make a start.

Summation

This WSP/DEIS is a fraudulent document. It's a fraud on the American people. It ought to be rescinded. Begin anew with a clean slate. But you won't find "clean slate" on the Web. A clean slate is also a mind set.

Oh, what a tangled web we weave,
When first we practice to deceive!

Sincerely yours,

Peter Browning, President
High Sierra Hikers Association