



WILDERNESS WATCH *of the Eastern Sierra*
POST OFFICE BOX 2506, MAMMOTH LAKES, CA 93546

April 21, 2011

Submitted by email and in hard copy via U.S. Mail

Leeann Murphy, Project Leader
Inyo National Forest, Supervisor's Office
351 Pacu Lane, Suite 200
Bishop, CA 93514

Subject: Scoping Comments for Forest Service EA to Authorize Helicopter Landings by CDFG within Wilderness

Dear Ms. Murphy:

Wilderness Watch submits the following scoping comments on the environmental assessment ("EA") that the Inyo National Forest proposes to complete to authorize helicopter landings by the California Department of Fish and Game ("Fish and Game") within several wildernesses of the Sierra Nevada managed by the Inyo National Forest. We previously submitted comments to the Inyo National Forest on February 1, 2011, and attached to that letter our July 19, 2010 scoping comments submitted to Sequoia and Kings Canyon National Parks ("SEKI") regarding a proposal to capture and collar Sierra Nevada bighorn sheep in the Parks. We also submitted comments to the Inyo National Forest on February 9, 2011, and enclosed with those comments a letter to Fish and Game about this project dated February 8, 2011 and the December 2010, newsletter from the Sierra Nevada Bighorn Sheep Foundation. We incorporate each of those comments and enclosures by reference, and request that they be considered by you and included in the record for this project. Please let us know if you would like us to submit additional copies of those comments for your convenience.

Wilderness Watch is a nonprofit conservation organization whose mission is to provide citizen oversight to ensure the long-term preservation of America's wilderness and wild & scenic rivers. Wilderness Watch is the only organization dedicated solely to monitoring and protecting wilderness and wild & scenic rivers nationwide. Wilderness Watch is headquartered in Missoula, MT, with local chapters throughout America, including in Sonora, CA, and Mammoth Lakes, CA. Many of our members enjoy backpacking, horse packing, day-hiking, cross-country skiing, wildlife viewing, and other non-mechanized activities in the Sierra Nevada wildernesses

managed by the Inyo National Forest, in which they can experience the beauty, peace, quiet, and solitude found there.

Wilderness Watch strongly supports the conservation and timely recovery of Sierra Nevada bighorn sheep. Wilderness Watch also continues to insist that all such efforts be authorized and conducted in accordance with all applicable federal and state laws, and only after thorough environmental analysis and a full opportunity for public review and comment.

Wilderness Watch has serious concerns about (1) the efficacy of this proposal for recovering bighorn sheep; (2) the certain significant impacts of the proposed action to at least six different areas designated by Congress as Wilderness; (3) the necessity of authorizing helicopter landings and installation of additional electronic GPS radio collars in wilderness to recover Sierra Nevada bighorn sheep; and (4) the cumulative impacts of this proposal with that in adjacent Wilderness administered by the National Park Service and with helicopter operations by Fish and Game for managing other species on adjacent lands. In particular, the “Proposed Action and Purpose and Need” provided for this project is very open-ended and is not sufficiently constrained to the recommended actions and limiting language actually contained in the 2007 Recovery Plan for the Sierra Nevada bighorn sheep. This project, as proposed, would authorize Fish and Game to land anywhere within the large “recovery herd units” in six different wilderness areas for any reason that might be described as “monitoring.”¹

A Joint EIS/EIR Must Be Prepared

Under NEPA, the proposed use of helicopters in wilderness for this purpose is a major federal action that would result in significant adverse effects to the environment. Therefore, the Forest Service must prepare an environmental impact statement (“EIS”). In addition, SEKI has proposed to authorize helicopter landings by Fish and Game for the same or similar purpose in adjacent wildernesses within SEKI. Thus, the cumulative impacts of this proposal must be analyzed along with those for the proposal in SEKI. Further, there has been no disclosure or analysis to date by Fish and Game describing and justifying the need for this project. As such, a joint EIS under NEPA and environmental impact report (“EIR”) under the California Environmental Quality Act by each of the federal and state agencies involved in bighorn sheep management and this project (i.e., “joint EIS/EIR”) must be prepared.

Wilderness Watch wrote to Fish and Game in February 8, 2011, requesting that that agency coordinate with the Forest Service and Park Service to complete a joint EIS/EIR, that it provide a written project description, that it provide information about the status of CEQA compliance for this project, and that it timely notify Wilderness Watch of all CEQA compliance and opportunity

¹ The Proposed Action would authorize Fish and Game “to land a helicopter to conduct monitoring and translocation captures over a ten year period within the Northern, Central, and Southern Recovery Herd Units, parts of which are located in the Ansel Adams, Golden Trout, Hoover, John Muir, Owens River Headwaters, and South Sierra Wildernesses.” (April, 2011, Proposed Action and Purpose and Need at 1 and at 3 (map).)

for public comment. On March 3, 2011, Fish and Game responded by letter stating that it was “currently in preliminary discussions regarding a proposed project to capture individual bighorn sheep within both SEKI and the [Inyo National Forest] and fit them with GPS collars” and that it was “still working internally to refine the project, and to determine what, if any, environmental compliance will be completed.” (See attached letter.) Fish and Game also stated “once the information is available, the Department will provide you with a project description and information about the status of any required CEQA compliance.” Fish and Game has not contacted Wilderness Watch or provided any additional information. Clearly, before the Forest Service can complete any analysis of the proposal, Fish and Game must clearly define the project and its purpose and need, yet there is no indication that it has done so.

Wilderness Watch has significant concerns about authorizing helicopter use in Wilderness in order to capture bighorn sheep, and with the installation of electronic radio collars on these wilderness sheep. Under NEPA, the proposed use of helicopters and the installation of electronic collars in Wilderness for this purpose is a major federal action that would result in significant adverse effects to the environment. Wilderness Watch is also concerned that, in light of the requirements of the Wilderness Act, the project would result in (1) significant adverse effects to wilderness character (e.g., motorized equipment, mechanized intrusion, noise, loss of solitude) due to the installation of electronic radio collars and use of helicopters within designated Wilderness, (2) an analysis must be completed to demonstrate that the project itself is necessary to meet minimum requirements to preserve the area as Wilderness, and (3) even if the project were necessary to preserve Wilderness, the proposed actions are not the “minimum tool” for achieving the project’s objectives, and therefore are inconsistent with the requirements of the Wilderness Act.

Wilderness Watch is also concerned that capturing and collaring endangered Sierra Nevada bighorn sheep can lead to (a) direct injury to critically endangered Sierra Nevada bighorn sheep, including the death of at least some individuals and (b) significant adverse sub-lethal and/or indirect effects to Sierra Nevada bighorn sheep, such as decreased long-term survival of captured animals, behavioral changes such as avoidance of key winter range, etc. Our comments of February 9, 2011, provided additional data and information, as well as quoted guidance from the 2007 Recovery Plan, indicating that this proposal may not be neither necessary nor justifiable scientifically. Thus, careful analysis is required to determine the efficacy of Fish and Game’s proposal and of potential alternatives.

An Adequate Range of Alternatives Must be Analyzed

Any EA or EIS prepared by the Forest Service must disclose and analyze an adequate range of alternatives. In particular, in addition to the proposed action, the Forest Service should analyze (1) a no action alternative, (2) an alternative that does not rely on the use of helicopters or electronic collars to meet the purpose and need for the project, and (3) an alternative that would minimize the use of helicopters temporally and spatially. For example, while using helicopters might be necessary to complete translocations of bighorn sheep, they are not necessary for “monitoring” the health of individual sheep generally, nor are they necessary to capture animals.

The EA or EIS must also analyze the necessity of capturing and installing additional electronic collars on bighorn sheep and ensure that the Forest Service only authorizes installing the minimum necessary, in accordance with the guidelines in the Recovery Plan. The EA or EIS must also consider whether it is necessary to install electronic collars on bighorn sheep in order to meet the minimum requirement to protect Wilderness.

Finally, the “Purpose and Need” provided for this proposal indicates that the “[r]ecovery actions conducted under this proposal would allow both downlisting and delisting criteria to be met *at a faster rate than if they did not occur.*” (At p. 1; emphasis added.) Given this rationale for authorizing this project, the Forest Service’s analysis must analyze what it meant by “faster” and why doing so is necessary, especially given alternatives to authorizing the proposed action.

Wilderness Watch appreciates this opportunity to provide comments on the proposed action. If you would like to discuss this matter further, please contact Jeff Kane at (760) 709-1098 or enakffej@gmail.com. Thank you for contacting Wilderness Watch for input regarding the proposal. We look forward to working with you during the Forest Service’s analysis of the project.

Sincerely,

/s/Gary Guenther
Chapter Chair

Jeff Kane, Member
Wilderness Watch Board of Directors

Enclosure: March 2, 2011 letter to Wilderness Watch from Fish and Game re: Sierra Nevada bighorn sheep

Documents incorporated in these comments by reference (additional copies will be provided upon request):

- (1) WWES comments to Inyo National Forest, February 1, 2011
- (2) July 19, 2010 scoping comments Wilderness Watch submitted to Sequoia and Kings Canyon National Parks regarding a proposal to capture and collar Sierra Nevada bighorn sheep in the Parks
- (3) WWES comments to Fish and Game, February 8, 2011
- (4) WWES comments to Inyo National Forest, February 9, 2011
- (5) Sierra Nevada Bighorn Sheep Foundation Newsletter, December 2010