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August 07, 2009

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**RE: Solo Peak Gate Project**

Dear Ms. Summers:

Thank you for the opportunity to comment on the Solo Peak Gate Project.

The purpose of Sequoia ForestKeeper (SFK) is to protect and preserve the natural environment of the Sequoia National Forest and the Giant Sequoia National Monument, and especially to prevent any excessive or unnecessary damage to the Monument and forest. As such, we are very concerned about the Solo Peak Gate Project. As described below, there are a number of concerns that need to be addressed and a number of questions that need to be answered.

The information provided in the three paragraphs on the Solo Peak Gate Project of the scoping document is inadequate and insufficient for a proper and thorough response that would include all of the issues that could possibly be involved in this project. Due to the inadequacy of the scoping provided to us by the Forest Service, we reserve the right to introduce additional issues of concern, which should be analyzed for this project, after we have received the missing information. In addition, we request that all laws applicable to this project be followed whether mentioned in this letter or not.

## **SOLO PEAK GATE PROJECT**

### ***Purpose and Need***

*The purpose of this project is to comply with the Mediated Settlement agreement with regard to the Solo Peak Road in the Black Mountain Giant Sequoia Grove. The need is to place a physical barrier in the road to block public use of the road (but allow administrative use) just beyond its intersection with road 21S25.*

*Standards and Guidelines for the Black Mountain Grove in the Mediated Settlement Agreement*

of 1990 (MSA) states, “The extension of road 21S12, beyond its intersection with road 21S25 in Section 1, shall be closed to the public” (page 16). The Solo Peak Road was inaccessible to public use due to overgrown vegetation for many years until 2005 when the road was brushed to access a project area making it accessible and open to the public.

### *Proposed Action*

The proposed action is to install a gate on the Solo Peak Road (21S12) just beyond its intersection with road 21S25. The legal description of the gate is SW ¼ of Section 1, T.21S., R.30E., Mt. Diablo Meridian.

### **Concerns about the Solo Peak Gate Project**

**Background:** While the goal for the Solo Peak Gate Project has been set to meet only one requirement of the MSA, the project fails to address other requirements of the MSA, the needs of the Clinton Proclamation of 2000, which created and is the dominant authority in the Giant Sequoia National Monument (Monument), and the 2001 Roadless Rule.

### **The Mediated Settlement Agreement (MSA) Requirements**

There is also a need for the project to comply with the specific management prescriptions applicable to the MSA requirements to restore cut over groves.

The MSA includes specific management prescriptions applicable to the Black Mountain Roadless Area. See MSA, Sec.II.G.3.c., at p. 7 (The “Black Mountain Roadless Area will be classified as unregulated. No road building or logging will occur. The Area will be managed for giant sequoia, watershed, wildlife (deer mitigation corridor, old-growth species), roadless recreation, and sugar pine gene resources”).

The Solo Sale and Gauntlet Sale were supposed to be restored to natural per an implemented regeneration plan – these sales built roads through the grove for the sales and only replanted GS and PP of questionable origin. Nearly 20 years has gone by and neither requirement has been done.

The MSA (pg 27 f.(1)) states for “Regeneration of cut-over Giant Sequoia Groves The objectives of regenerating cutover Giant Sequoia Groves will be to restore these areas, as nearly as possible, to the former natural forest conditions”

The MSA (pg 27 f.(2))also locked in that for ... “Regeneration of cut-over Giant Sequoia Groves The forest shall implement the regeneration plan required by the Stipulation for Entry of Judgment dated 12/27/89, in Sierra Club v. U.S. Forest Service, Case No.CVF-87-263 EDP.”

### **The Proclamation calls for Restoration**

The Proclamation is the dominant authority in the Giant Sequoia National Monument (Monument) and it calls for restoration and road closures and requires a transportation plan – The roads in the project area are only logging roads – they are ‘dead end’ roads. The roads in the

project area are NOT appropriate to stay there and aren't used - they need to be restored back to natural and treated the same as the rest of the grove.... after a grove plan is in place.

Without a Monument Transportation Plan (required by the Proclamation) the agency cannot know which roads are going to be permanent and which are causing resource damage and need to be put to bed. Logging roads 21S12 and 21S25 and their spur roads are logging roads that are part of the 'logging damage' and are also what need to be restored. These roads are causing resource damage as is evidenced by the attached photos of damage being caused by roads and their culverts.

Access by humans, including the Forest Service, and mechanical equipment increase the chances for human-caused fires.

Access for fire suppression is unnecessary in this otherwise roadless/wilderness area of the Monument where the Proclamation indicates there is a need of restoration from fire suppression and logging (human access).

### **Roadless Issues**

The project proposes to prevent public access to portions of logging roads 21S12 to comply with the MSA. The area where logging roads 21S12 and 21S25 and their spur roads have been built is adjacent to the Black Mountain Roadless Area – non-motorized retention – and prior to their construction was part of a roadless area. Logging roads 21S12 and 21S25 and their spur roads were built to access the Solo and Gauntlet Timber Sales project areas; these logging roads go nowhere and are incursions into the roadless area.

There may be a need for the project to comply with the specific management prescriptions applicable to the Black Mountain Roadless Area and the 2001 Roadless Rule.

The Forest Service's project description and accompanying map, however, do not describe where the roadless area is located in relation to the proposed project. Similarly, the project description does not indicate whether any of the area of the proposed project would be subject to the Forest Service's 2001 Roadless Rule, see 66 Fed. Reg. 3,244 (Jan. 12, 2001), and if so, how that rule is addressed with respect to this project.

### **Recommendations to Consider and Analyze**

First, roads and their culverts are widely known to be a major cause of resource damage. On October 3, 2008, attorney, Rene Voss, was being given a tour of the damage to the Giant Sequoia National Monument in the Solo Peak/Black Mountain Grove area by Sequoia ForestKeeper Executive Director, Ara Marderosian. When we were about 200 feet from the end of 21S25A, we discovered a downed monarch giant sequoia, approximately 10 foot diameter, with live green branches (Exhibit A - Photo 2448), which had toppled (Exhibit B – Photo 2453), apparently due to the erosion caused by the road culvert (Exhibit C - Photo 2454), at the 21S25A road/stream crossing, which concentrated the flow of water into the roots of this toppled sequoia. The toppled sequoia was more than 100 feet tall. Attached please find three photos of Attorney Rene Voss, the toppled monarch giant sequoia with live green branches, the road, and the culvert.

Second, we suggest that the gate be installed in another location. Since the road west of the last inholding on 21S12 (found in map section 7 just west of Bateman Ridge) provides no access purpose for the public beyond the last inholding on 21S12 and since the road and all of its culverts are causing resource damage to the Giant Sequoia National Monument, in particular to the Black Mountain Sequoia Grove, the gate should be located just west of the last inholding off 21S12, which is found in map section 7 just west of Bateman Ridge.

Third, in order to comply with the pre-management plan direction of the Proclamation, which is the dominant authority for the Monument, and protect the objects of interest in the Black Mountain Sequoia Grove, the Purpose and Need for this project should include the pre-management plan direction from the Proclamation and restore the area, by closing the road, re-contouring the road, and removing culverts. Restoring the area should begin from just west of the road into the inholding on 21S12 in map section 7 west of Bateman Ridge, by obliterating 21S12 A and B and 21S25 A, B, C, and D – all the roads west of the inholding on 21S12 in map section 7, in order to meet the obligations under the Monument proclamation.

*“Prior to the issuance of the management plan, existing roads and trails may be closed or altered to protect the objects of interest in the monument . . .”*(Clinton 2000)

These closures would reduce the impacts of the roads and their culverts that were created out of this otherwise roadless Black Mountain Grove area.

## **Conclusion**

The Forest Service must consider and analyze an alternative to the Solo Peak Gate Project, in order to meet the pre management plan obligations under the Monument Proclamation, that restores the area by obliterating and contouring the roads and removing culverts from all of the roads from just west of the road into the inholding on 21S12 in map section 7 (west of Bateman Ridge).

Thank you for considering these issues of great concern which are discussed in this comment letter. Please keep me and the following organizations and persons, by and for whom this comment letter is written, listed below, on the contact list for all stages of this project and for all actions in your district. Each of the following organizations and persons listed below would also like a copy of all further documents on this project. Thank you for your time in this regard.

Respectfully Submitted,



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And for and by the following organizations and individuals

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**Attachments:**

- 1) Exhibit A - Photo 2448 – Shows a toppled monarch giant sequoia with live green branches beside logging road 21S25A.
- 2) Exhibit B – Photo 2453 - Shows Attorney Rene Voss standing on the toppled monarch giant sequoia (~10 foot diameter and ~100 foot tall) discovered beside logging road 21S25A.
- 3) Exhibit C - Photo 2454 – Shows the road culvert, at the logging road 21S26A road/stream crossing, which concentrated the flow of water into the roots of the toppled monarch giant sequoia that is shown in the background.