

Sequoia ForestKeeper Appeals 2012 Giant Sequoia National Monument Management Plan Background Material and History

The Forest Service's Giant Sequoia National Monument (GSNM) Management Plan and Final Environmental Impact Statement (FEIS) 2012 asserts that sequoias can only be protected and restored to the historic conditions of the groves and the desired future conditions by logging openings in the sequoia groves; and the FEIS relies heavily on Piirto and Rogers (1999), which relies heavily on Tom Bonnicksen as the science that proves their assertion.

“The work of Dr. Tom Bonnicksen in Redwood Mountain Grove also provides insight into the change in stand conditions over the last 100 or more years. The following figure shows the current stand conditions on the right. Note the lack of openings and the generally dense smaller trees. The figure on the left is Dr. Bonnicksen's rendition of the structure of the same stand approximately 100 years ago. Note the scattered openings in the stand and the lower tree densities.” (Volume 1 Giant Sequoia National Monument, Final Environmental Impact Statement page 394 Chapter 4—Environmental Consequences)

“Bonnicksen and Stone (1982) concluded that this heterogeneity may not be easy to accomplish with just fire since fuel accumulations have been widespread and uniform. Given the wide range of conditions (e.g., slope, access), it is likely that a combination of mechanical treatments and prescribed fire will most effectively accomplish structural heterogeneity desired conditions, while more safely reintroducing fire and encouraging small patches of giant sequoia and other shade intolerant species to regenerate.” (Volume 1 Giant Sequoia National Monument, Final Environmental Impact Statement page 400 Chapter 4—Environmental Consequences)

“The structure of the regeneration that has become established in the last 120 years is very different from regeneration established prior to that time. The primary disturbance agent in the 1000-year period up until 1875 was a regime of low to moderate intensity, high frequency fires. This fire regime typically created a mosaic of vegetation and gaps, with the gaps typically less than 0.5 acre in size. Larger gaps were more infrequent, although intense wildfires were observed that were possibly several hundred acres in size. The variability in gap size provided a range of growing conditions, which led to a variety of species, from shade-intolerant (pines, giant sequoia, black oak) to shade-tolerant (incense cedar, white fir). The shift in the primary disturbance regime to extensive logging has led to a shift in the structural characteristics of openings. For instance, the Converse Basin Grove was almost completely cutover, and the regrowth is a mostly continuous 120-year old 4,000- acre stand, with little variability. This is an extreme case, however other groves such as the national forest portions of Big Stump, Indian Basin, and

Cherry Gap all exhibit similar gap size characteristics that are outside the range of natural variability as described by Piirto and Rogers (1999).” (Volume 1 Giant Sequoia National Monument, Final Environmental Impact Statement Page 166 Chapter 3—Affected Environment)

The GSNM FEIS cites to Bonnicksen and Piirto in the FEIS Literature Cited.

“Bonnicksen, T.M.; Stone, E.C. 1981. The giant sequoia-mixed conifer forest community characterized through pattern analysis as a mosaic of aggregations. *Forest Ecology and Management* 3: 307-328.” (Volume 1 Giant Sequoia National Monument, Final Environmental Impact Statement page 690 Literature Cited)

“Bonnicksen, T.M., Stone, E.C. 1982. Reconstruction of a presettlement giant sequoia-mixed conifer forest community using the aggregation approach. *Ecology* 63(4): 1134-1148.” (Volume 1 Giant Sequoia National Monument, Final Environmental Impact Statement page 690 Literature Cited)

“Piirto, D.D.; Rogers, R.R. 1999. An ecological foundation for management of national forest giant sequoia ecosystems. U.S. Department of Agriculture, Forest Service, Pacific Southwest Region, R5-EM-TP-005.” (Giant Sequoia National Monument, Final Environmental Impact Statement Volume 1 page 713 Literature Cited)

[The 2012 Appeals by Sequoia ForestKeeper](#) show that the FEIS is negligent by continuing to rely on the work of Douglas Piirto and Thomas M. Bonnicksen as it did in 2004 for the first Monument Management Plan that was ultimately ruled illegal in 2006.

In 2012, the Forest Service relied on the Piirto paper regarding Desired Future Conditions that was penned by a member of the Science Advisory Board (SAB). See FEIS, p. 163 & 166 (citing to (Piirto & Rogers, 1998 & 1999); see also GSNM Plan, p. 76 (citing to Piirto & Rogers 1999). However, all criticisms in 2003 by other members of the SAB of Piirto’s approach were blocked because it was not unanimous (because one of the authors, Piirto was a member of the SAB).

Leading Giant Sequoia Ecosystem Experts Refute Need to Log Monument

The document from which the desired conditions were taken (Piirto and Rogers 1999) does not fully explain how the desired conditions were derived; it suggests that they were based in part on Bonnicksen and Stone (1982).

“However, because Bonnicksen and Stone's study was limited to a single grove and some of the dead trees they needed for analysis could have been lost to rot (Stephenson 1987), their results should be considered qualitative and may not be representative of sequoia

groves in general (Stephenson 1996, 1999). In general, numerous factors confound our ability to precisely define forest reference conditions before 1875 (see Stephenson 1999), suggesting that management must cope with intrinsic uncertainty.“ (Nate Stephenson March 12-13, 2003)

A pro-logging individual, Thomas M. Bonnicksen, professor emeritus of forest science at Texas A&M University and spokesperson for the timber industry, rejected prescribed fire ([See Washington Times article “Saving a Noble Forest” February 17, 2005](#)) when fire is an integral part of the U.S.'s National Fire Plan.

Bonnicksen make the false claims that chain saws can be a valuable tool for forest management, that logging can do the job that natural fire would do to clear excess fuels in the forest, and that more logging should take place in the GSNM to reduce the fire danger. These false claims made by Bonnicksen were refuted by Russel J. Wilson Acting Superintendent Sequoia & Kings Canyon National Parks in [his letter of March 4, 2005](#).

“the process of cutting, piling, and burning small trees is expensive, costing about \$2,000 per acre in Sequoia National Park. In contrast, prescribed fire is practical in most areas, and costs about \$130 per acre. Secondly, it needs to be noted that no amount of mechanical removal will replace the role of fire in a giant sequoia forest. Chainsaws do not replace nutrients or stimulate the production of seedlings. While Dr. Bonnicksen wants you to believe that all of our forest’s problems can be solved with chainsaws, the National Park Service understands the complexity of our forest environment. Protecting these forests is not simply about reducing excess trees, it’s about maintaining a healthy habitat for plants, mammals, and birds. It’s about protecting local communities from large, unnatural wildfires. It’s about maintaining a sense of wilderness where natural processes can exist. And, it’s about leaving behind a legacy of good choices for future generations.”(Russel J. Wilson Acting Superintendent Sequoia & Kings Canyon National Parks, March 4, 2005)

In the October 21, 2006 article about Dr. Bonnicksen in the Los Angeles Times, titled, [“Logging Proponent’s Credentials Questioned” – An emeritus professor has been highly visible in the push to log on federal land. He has a contract with a timber industry foundation,](#)” by Times staff writer Bettina Boxall, Dr. Bonnicksen’s credibility is revealed as faulty.

"He's always introduced as the leading expert on forest recovery, and he's just not. There's nothing in his record other than just talking and hand-waving," said UCLA ecology professor Philip Rundel, one of several academics who issued an open letter to the media this week questioning Bonnicksen's credentials.

"I don't care if people print his stuff or not. But he needs to be identified for what he is, "a lobbyist."

The letter, signed by two other UC faculty members and the founding dean of Duke University's Nicholas School of the Environment and Earth Sciences, accused

Bonnicksen of having misrepresented scientific facts, and advancing views that "fall far outside the mainstream of scientific opinion."

Dr. Philip Rundel, U.C.L.A. Ecology professor, who is the foremost expert on giant sequoia ecosystems, published [an op-ed article in the San Jose Mercury News](#) against continued logging in the Giant Sequoia National Monument. Rundel says, *"Scientific evidence has overwhelmingly demonstrated that logging large, fire-resistant trees is a poor method to reduce wildfire risks, and only increases future threats."*

"The Sequoia National Monument, like other Sierra forests, is suffering from decades of forest management that has disrupted its natural cycle. Exclusion of fire and past logging practices have been identified as the reasons the forest is in poor shape, and most agree that something must be done to restore this California treasure to a healthy and fire-resilient condition.

Scientific evidence has overwhelmingly demonstrated that logging large, fire-resistant trees is a poor method to reduce wildfire risks, and only increases future threats. Logging leaves flammable debris on the forest floor, and loss of overstory canopy encourages the growth of brush and thickets of white fir. Canopy loss increases wind speed and air temperature and decreases the humidity in the forest, making fire conditions worse.

Instead of logging the land held in our public trust, the Forest Service should instead look to the monument's next-door neighbor, where the National Park Service has created a model of forest health in Sequoia and Kings Canyon national parks. In a landscape nearly identical to the Sequoia National Monument, prescribed fire has been successfully used to reduce fire risk, promote giant sequoia reproduction and enhance wildlife. Logging does not provide for this natural seed rain or the appropriate mineral soil conditions for new seedling establishment. Although thinning small trees may be necessary in circumstances where trees are especially dense, prescribed fire is the management that best mimics nature.

In light of that, we must continue to take the necessary steps to protect the Sequoia National Monument from commercial logging." [\(P. Rundel, 2006\)](#)

History: Forest Service Ignores law while Managing Giant Sequoia National Monument

The Forest Service continues to operate the Giant Sequoia National Monument illegally. Despite the approximately 1,000-page submission provided to the Congressional subcommittee in 2007 in the Forest Service's attempt to justify to Congress the logging project that they implemented in the spring of 2005 in the Giant Sequoia National Monument, specifically in the Long Meadow Grove, along the Trail of a Hundred Giants, the data provided fails to answer the questions asked by Congress and shows that Forest Service management fails to follow the law. The most striking example of the illegal management of the Giant Sequoia National Monument by the Forest Service is its blatant disregard of the United States District Court ruling of August 22, 2006 regarding the 1990 Mediated Settlement Agreement (MSA).

The basic requirements of the MSA demand a cooperative approach to any grove project with MSA signatories, a fuels inventory and a grove management plan, and an EIS (with full scientific community and public participation) prior to removing trees in a grove.

The then Forest Service Chief, Dale Bosworth, claimed that the MSA no longer applies to the Giant Sequoia National Monument, since the Forest Service created the Giant Sequoia National Monument Management Plan.

“Within the boundaries of the Giant Sequoia National Monument the Presidential proclamation and its subsequent management plan (GSNMMP) replaced the interim direction of the Mediated Settlement Agreement (MSA) by force of law. Thus the MSA does not apply within the Monument. The MSA was originally interim direction pending amendment of the Sequoia's Land and Resource Management Plan (LRMP); it was not itself a plan amendment. The GSNMMP amends the LRMP in accordance with the Proclamation, not the MSA.”

The State of California filed suit against the Forest Service for the illegal Management Plan created for the Giant Sequoia National Monument (GSNM). The Court ruled that the Management Plan is illegal and the Mediated Settlement Agreement remains in effect.

“While the Forest Service is correct that the MSA provided interim guidance, its interim term has not yet lapsed.

Without any other support excepting the MSA from the valid existing rights preserved by the Proclamation, the Court finds that the MSA remains in effect to the extent it has not been amended by other NEPA compliant amendments.

The MSA is part and parcel of the 1988 LRMP until that Plan has been revised in satisfaction of the terms of the MSA, which has not yet occurred. Moreover, the chosen alternative in the FEIS directly relies on the LRMP. Accordingly, the Court finds that Modified Alternative 6 is invalid where it does not account for any relevant and applicable MSA provisions. When the Forest Service establishes a new Monument Plan in accordance with this opinion, it shall consider the remaining applicable provisions of the MSA, at least until the MSA has been terminated pursuant to its terms.

CONCLUSION

For the foregoing reasons, the Court concludes that the Forest Service failed to comply with NEPA in preparing a management plan for the Grand Sequoia National Monument as required by the Presidential Proclamation. Because the Plan violates NEPA in its entirety, the Court does not address some of the other claims that identify specific aspects of the Plan that may violate NEPA. Accordingly, plaintiff's motion for summary judgment is hereby GRANTED and defendant's motion for summary judgment is hereby DENIED. The parties shall meet and confer on a proposed form of judgment consistent with this opinion, which shall be filed no later than September 15, 2006. If the parties are unable to agree, each party shall file a proposed form of judgment by the same date.

IT IS SO ORDERED.

Dated: August 22, 2006

CHARLES R. BREYER

UNITED STATES DISTRICT JUDGE

The Forest Service further claims in the answers submitted to the Congressional subcommittee in 2007 – and here I paraphrase – that Judge Breyer’s decision is not in effect because Breyer’s decision is pending a District Court decision on an appeal by the Forest Service and that the MSA is not in effect unless the District Court rules with Judge Breyer. These claims are not true.

The Forest Service stalled on their decision to file an actual appeal of Judge Breyer’s decision on the Monument management plan until after they knew that Congress would fund 2008 logging in the Monument. The Forest Service did not file an appeal when they told Congress this falsehood and they subsequently informed the 9th Circuit mediator that they would not appeal Judge Breyer’s decision on the 2004 Monument management plan.

At this point in time, as in the past, the Forest Service must run the Giant Sequoia National Monument by the Proclamation and by the provisions of the MSA per Judge Breyer’s ruling.

Making the factually inaccurate statements to Congress that the MSA was superseded by the Management Plan for the Giant Sequoia National Monument and that Judge Breyer’s ruling is not in effect proves that the Forest Service does not follow the laws and continues to refuse to follow the laws of the land while managing this precious world renowned sequoia ecosystem.

Besides these deceptive lies to Congress, the Forest Service told Congress that they followed Sequoia’s Land Resource Management Plan (LRMP) when they logged the Trail of 100 Giants in 2004. But they provided no evidence to support their claim and their records on the project lack compliance with requirements of the MSA. Therefore, the Forest Service did not follow the MSA, which “*is part and parcel of the 1988 LRMP.*” (*Judge Charles R. Breyer August 22, 2006*). When Sequoia logged in the Trail of 100 Giants without following the MSA, the Forest Service violated the National Environmental Policy Act, because they failed to follow this ‘amendment’ to the forest plan because they implemented the project without a fuels inventory and a grove management plan, and an EIS.

In 2011- Eighty Members of Congress ask Obama to Transfer the GSNM to the Care of the National Park Service to Protect the Monument - Leading Sequoia Scientist agrees

On June 1, 2011, 80 Members of Congress asked President Obama to “transfer jurisdiction of the Giant Sequoia National Monument to the National Park Service, immediately, in order to protect this irreplaceable national and worldwide jewel for future generations of Americans.” (See Giant Sequoia National Monument Letter Final)

On June 27, 2011, Phillip W. Rundel, Distinguished Professor of Biology at the University of California, Los Angeles, [wrote to the Board of Supervisors in support of the request made by 80 Members of Congress.](#)

“While the US Forest Service has good intentions, their management of the Giant Sequoia National Monument has not been effective nor has it benefited from the depth of staff experience in giant sequoia management and restoration that the National Park Service has acquired over decades. I feel sincerely that not only would the resources be improved under National Park Service management, but that this management would benefit the public use of the national monument and through this the local economy.”
(Rundel, June 27, 2011)