



Sequoia Task Force

182 East Reid Avenue
Porterville CA 93257
April 24, 2007

Tina Terrell
Supervisor
Sequoia National Forest
1839 Newcomb
Porterville CA 93257

Re: Tule River Reservation Protection Project, Giant Sequoia National Monument

Dear Ms. Terrell;

We have not previously commented on the Tule River Reservation Protection Project because notice from the Tule River District Ranger indicated that a scoping letter would be forthcoming. To date, no scoping document has been sent, but your April 1, 2007 Schedule of Proposed Actions indicates that this project will be approved with a CE (Categorically Excluded). This would be unacceptable. We are alarmed about the possibility that this project might go forward without the thorough study, documentation, and public input required by the Proclamation (Clinton, 2000), the 1990 Mediated Settlement Agreement (MSA), and the National Environmental Policy Act (NEPA).

We have become aware that this project is extensively and almost exclusively within the Black Mountain Giant Sequoia Grove in an area that is far from the Reservation community; this is not mentioned in any letter or project description.

The Black Mountain Giant Sequoia Grove is a beloved grove that was the primary rallying point for stopping logging in groves and was an icon in the battle that led directly to the creation of the Giant Sequoia National Monument.

As you know, giant sequoia groves in the Giant Sequoia National Monument are specifically identified as 'protected objects' in the Clinton Proclamation (2000). We do not know how the Tule River Reservation Protection Project was initially conceived or how it ultimately resulted in a Forest Service proposal to enter and thin the Black Mountain Grove. No matter how the concept originated, if you enter the Black Mountain Grove, it should be only to carry out the objectives mandated by the Proclamation, the 1989 court judgment, and the MSA.

The Sierra Club has a long history of taking action to assure sound management of sequoia groves; please consider the following information before proceeding with this project.

• BACKGROUND OF THE BLACK MOUNTAIN GROVE

The Black Mountain Giant Sequoia Grove in the Tule River Ranger District is one of the largest sequoia groves in the Giant Sequoia National Monument. Among all sequoia groves on earth, it ranks sixth in total number of large specimens. A 1935 survey of only half this grove identified 147 sequoias 15 feet or larger in diameter at six feet above mean ground level. Proportionately, the grove's mature sequoias are older than the mature sequoia populations of most other groves.¹ While most of this grove is within the Monument, a portion of the grove sprawls across the ridgetop that coincides with the boundary between the Tule River Indian Reservation and the Monument.

This grove was entered for logging in the 1980's in the Gauntlet and the Solo Timber Sales. At least 500 acres of pristine grove in the Wilson Creek and Deadman Creek drainages suffered both tractor and cable clearcut logging that removed all non-sequoia species. Sequoia National Forest called the logging 'grove enhancement' for fuel removal and sequoia regeneration. Logged units were replanted with a mix of conifers including giant sequoia from unknown seed sources. Logging roads crisscross this grove and dead-end at the old logging units. These logged and roaded areas resulted in a strange mix of huge surviving giants and very young conifers and brush without intermediate-aged mixed conifers.

Some other grove areas were logged in the 1950's, and one portion of the grove contains relatively young mixed conifers due to a major 1926 fire.

One of the largest remaining stands of sugar pine is just west of the grove on the north side of Black Mountain. An unlogged portion of the grove is in the Black Mountain Roadless Area and these undisturbed stands provide optimum habitat for many of the Monument's protected species including pine marten, Pacific fisher, and spotted owls.

There is one small subdivision in the grove. It has no utility service or winter access.

This grove is magnificent, unique, and complex; it needs careful and cautious management.

• **SIERRA CLUB ACTIONS TO PROTECT THE BLACK MOUNTAIN GROVE**

In the 1980's, the Forest Service began to plan timber sales inside giant sequoia groves. In 1987, the Sierra Club filed a lawsuit to stop the Solo Timber Sale in the Black Mountain Grove. The suit also challenged timber sales in eight other groves. The Ninth Circuit Court of Appeals granted an injunction because no Environmental Impact Statement had been written; the ruling did not come until the most of the Solo units had been cut. These logged units in the Black Mountain Grove became a symbol of the battle to stop logging in groves.

The judgment in that lawsuit ordered that the logged groves be restored to natural. To date, there has been no plan to initiate such restoration.

In 1988, the Sequoia National Forest Land and Resource Management Plan (LMP) called for over 70% of its groves to be logged. The Sierra Club and others filed Administrative Appeals of the LMP. To avoid court action, the Forest Service entered into mediation and ultimately signed an agreement. This 1990 Mediated Settlement Agreement (MSA) between the Forest Service and many other parties including the Sierra Club set up a method by which groves were to be identified and removed from the timber base. Specific provisions were included to assure that groves would have their restoration and fuel reduction

¹ Willard, Dwight. A guide to the sequoia groves of California. Yosemite Association. 2000.

based on scientific information and with full public participation. At a minimum the MSA requires approved grove-wide fuel inventories, prioritization of groves needing treatment, grove fuel management plans, and grove specific EIS's with public participation and planning in accordance with NEPA. The MSA also requires the Forest Service to carry out the earlier court judgment to restore the cutover groves one of which is the Black Mountain Grove.

In the 17 years since the signing of the MSA, and with the exception of identifying MSA defined grove boundaries, we have not received notice that these required MSA processes have been initiated.

• THE TULE RIVER RESERVATION PROTECTION PROJECT

Last fall, the Tule Ranger District announced the proposed "Tule River Reservation Protection Project." A general location was indicated; there was no mention of a sequoia grove or any Monument protected species such as the Pacific fisher, pine marten, or spotted owl.

The letter said the project was proposed by the Tule River Indian Reservation to address a threat to tribal lands described as, "unnaturally high accumulations of vegetative fuels that currently exist throughout the area, posing a significant wildfire threat to the adjoining Tribal community and forest resources." No specific data accompanied this statement. The letter noted that the Tribal Forest Protection Act authorizes the Secretary of Agriculture to give special consideration to tribally proposed stewardship contracting on Forest Service System lands bordering or adjacent to Indian trust land. We note that this Act does not require the Forest Service to take any action but only to 'consider' action.

We obtained a copy of the Tule River Council's letter. In their letter they thanked the Forest Service for helping them to develop the proposal, but the proposal itself was not described at all. In fact, there is no evidence that the Reservation ever developed a concrete proposal. Their letter included a small-scale map indicating a several square mile project area abutting one portion of the Reservation boundary. The project area does not include the majority of the forested Reservation boundary; it focuses primarily on the Black Mountain Grove. The Tribal community is miles away and downslope from the project area and is outside the area shown on the map.

In February, 2007, I met with Tule District Ranger Priscilla Summers to learn more. She had a large-scale map showing specific locations of proposed treatments; she had no smaller maps for distribution. I was surprised to see that **almost the entire project is in the Black Mountain Sequoia Grove**. The grove boundary is not indicated on her map, but I recognized the grove roads and logging units from many past visits to the area over the past two decades to photograph and to show others the grove damage.

While the Ranger stated that no project details were final, she had certain project elements indicated including mechanical thinning of grove plantations, removal of all trees up to 12" in diameter (dbh) from swathes up to 400 feet in width along many miles of logging roads and along a portion of the Reservation boundary, and treatment of other grove areas. Note that trees 12" dbh can be up to 120 years of age.

It is puzzling that so much treatment is targeted for a ridgetop - where many fires lie down - while the flammable downslope chaparral - where most fires originate - is not included in the project and does not appear to be in the project area. It is puzzling why huge swathes of an already damaged grove will be dedicated to protecting former logging roads, many of which should probably be re-naturalized. In this project, the plantations in the grove would be thinned with mechanical masticators capable of crushing trees over 12" dbh; fire is not to be the primary management tool even though there is a strong record of

successful sequoia management using fire but very little information about the long term impacts of mastication in groves.

Even though the project will treat hundreds of grove acres, protection and restoration of the grove are not identified as project objectives.

PLANNING REQUIREMENTS FOR THIS PROJECT

We want to make it clear that the Sierra Club fully supports the protection of homes. We are convinced by scientific evidence that thinning forests within the 200 feet directly adjacent to structures can help protect them from ignition during a forest fire. To the extent that this project would treat lands directly adjacent to communities and structures, **we are willing to waive various MSA requirements (as discussed below) for fuel reduction projects within 200 feet of structures so they can be treated in an expedient manner.**

However, other projects inside the Monument must fully comply with the October 11, 2006 court judgment requiring that Monument management be consistent with the April 15, 2000, Proclamation, the 1988 LMP as amended by the 1990 Mediated Settlement Agreement (MSA) and the 2001 Sierra Nevada Forest Plan Amendment.

Sequoia groves and the species within them are ‘protected objects’ under the terms of the Proclamation; any project to enter a grove for vegetative management including fuels reduction and/or restoration should be pursuant to scientific and public scrutiny. Planning should address, at a minimum, how the project fits into a long term strategy for grove protection and restoration and how it will impact other protected objects. In other words, the Forest Service must show how the project will carry out and be consistent with the directives of the Proclamation. MSA requirements specify the careful planning that must precede project decisions. These MSA requirements were agreed to be reasonable provisions by all those who signed the MSA, including the Forest Service at both the Forest and Regional levels.

Some of the MSA sections that are pertinent to this proposal are:

“... the following mechanical/motorized uses only will be permitted inside an interim or final Grove boundary line:

(d) Management in accordance with approved fuel load reduction plans;

(2) Within this Plan period, the Sequoia National Forest shall begin to inventory and evaluate each Grove for its fuel load build-up. Based on this inventory and evaluation, Groves, or parts of Groves with risks of catastrophic fire and/or exclusion of new giant sequoia regeneration because of unnatural fuel load build-up will be identified and prioritized for fuel load reduction treatment, Pursuant to this prioritization, the Forest Service shall begin to address the Grove fuel load build-up problems during this plan period, with public participation and planning in accordance with NEPA.

(3) ... For purposes of this Agreement, prohibited logging shall mean any logging activity except logging conducted for the limited and specific purpose of reducing the fuel load in the Groves pursuant to a Grove specific fuel load reduction plan and Grove specific EIS. It is agreed that the methods to be used to remove specific trees from the Groves, as part of an adopted fuel

reduction plan, shall be the most environmentally sensitive available. The objective of fuel load reduction plans shall be to preserve, protect, restore and regenerate the Giant Sequoia Groves...”

Thus, the MSA limits mechanical entry within groves to be for the limited and specific purpose of reducing the fuel load pursuant to a grove specific fuel load reduction plan and grove specific EIS. This entire process is to have full public participation and meet the requirements of NEPA.

The MSA requires the restoration of cut-over groves; the Black Mountain Grove is a ‘cut-over grove:

f. Regeneration of Cut-Over Sequoia Groves

(1) The objectives of regenerating cutover Giant Sequoia Groves will be to restore these areas, as nearly as possible, to the former natural forest condition.

(2) 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.

Restoration strategies should be based on the latest scientific findings regarding management of sequoia groves and be pursuant to a reasoned restoration strategy.

The MSA requires that specific roads in the Black Mountain Grove are to be closed to the public. There are many dirt roads that were built solely to access grove logging units; these roads are causing watershed damage. Restoration of this grove may require some of these roads to be naturalized.

FIRE AS THE PRIMARY MANAGEMENT TOOL

The MSA states, ...

“ It is agreed that the methods to be used to remove specific trees from the Groves, as part of an adopted fuel reduction plan, shall be the most environmentally sensitive available.“

The 12/27/89 judgment, the MSA and the Proclamation either imply or specifically mandate grove restoration from fire suppression and logging. Monument resources must be managed in accordance with the best science. In the two decades since the signing of the MSA, considerable new information has become available regarding the role of fire in the Sierra Nevada ecosystem and its giant sequoia groves. Fire is the most effective tool for achieving management objectives including fuel reduction, forest restoration, creating a fire resilient healthy forest and sequoia regeneration. Fire is a natural process that shaped Sierran forests and that forests need to survive over time. While there can be unique site-specific circumstances that occasionally might preclude the use of fire, fire should be the method of choice. Certainly if other agencies are successfully using fire in similar situations in a similar ecosystem, then use of artificial and mechanical methods – with unknown long-term results – is risky and becomes hard to justify.

PRIORITIZATION OF FUNDS AND PUBLIC NEED

Because of budgetary shortfalls, projects that best protect the public should be funded and carried out first. **Thinning the appropriate 200 feet adjacent to structures should be the first priority for the use of funds.** There are no structures or communities along or near either side of the Reservation boundary.

Strategies for mechanically thinning forests far from communities have no proven effectiveness in stopping structure ignition or in significantly modifying fire behavior; forest-wide mechanical ‘treatment’ often makes a forest more flammable. There is no major Reservation access or evacuation route through the project area needing protection.

Although protection of the Black Mountain Grove is not listed as one of your agency’s objectives for this project, the primary fire risk to this grove is the fireshed below, not the ridgeline inside the grove; restoration of old firebreaks in the chaparral downslope of both this grove and the Camp Nelson community areas should be considered. I believe these were the Deadman and the Stevenson Firebreaks.

• **CONCLUSION**

Many aspects of this proposal do not make sense; the proposed project to allegedly protect Reservation resources apparently will thin most of the Black Mountain Sequoia Grove miles away from communities - yet no mention of the grove has appeared in any project description.

The casual inclusion of this entire grove into some vaguely described Tribal proposal amounts to the Forest Service abdicating its legal responsibility to restore and manage groves in accordance with the Proclamation, the 1989 judgment, and the MSA.

If the Forest Service wants to begin the long over-due restoration of this grove, the grove and its components must be studied comprehensively, not in a piecemeal fashion; the requirements of the MSA must be met by completing an inventory of fuel loading in the grove, making public an ‘approved fuel treatment plan’ (grove specific fuel load reduction plan) and writing a grove specific EIS with the requisite public participation. Fire should be considered the primary management tool and mechanical treatment used only in those specific instances where fire cannot be used.

The first funding priority should be for treatment of the 200 feet immediately adjacent to communities to effectively reduce the chances of structure ignition from forest fire.

We are hoping for a new era of transparent planning; perhaps failure to mention the grove in the project description and not pursuing comprehensive planning is an oversight.

We will be happy to meet with you to further discuss these issues.

Sincerely,

Carla Cloer, Chair
Sequoia Task Force

cc: Priscilla Summers
Pat Gallagher
Joe Fontaine
Bill Corcoran
Craig Thomas