

Quote of the season:

“Behold my friends the spring is come! The earth has gladly received the embraces of the sun and we shall soon see the results of their love.”

-Sitting Bull

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The Sequoia Seedling

SFK Victory: Forest Service Withdraws Project due to SFK Diligence

By Valerie Cassity, Programs Director

In March 2006, the Forest Service quietly proposed a project in the Piute Mountains of Sequoia National Forest called the “Clear Creek Forest Health Improvement and Fuels Reduction Project,” which proposed to cut trees up to 29.9 inches in diameter at breast height to supposedly “reduce fuels” on over 4,500 acres in one of the driest portions of this forest. The project also proposed to remove any diameter tree that they claim is a safety hazard – and many stately old live trees were marked for shipment to the sawmill. The project area includes the southern-most habitat of the California Spotted Owl.

Sequoia ForestKeeper (SFK) commented on this project, asking the Forest Service to address some of our concerns about the project, including the false claim of a fire danger throughout the project area (which we believe was used to frighten local community

members into supporting the project), the failure to protect crucial habitat by logging openings in the closed canopy forest, and the reliance of the project on the illegal Sequoia National Forest Fire Management Plan 2004-2005, which was found illegal in the California Superior Court in 2005.

The Forest Service then completed an Environmental Assessment in August, 2006, which ignored our concerns, and we commented again using some of the same arguments and asking the Forest Service to address the concerns about their project. The Forest Service failed to do so, and



Ara and Kalyani touring the Clear Creek Project in 2007

on January 31, 2007, acting Forest Supervisor Brent Handley found that the project would have “no significant impact” on the environment, and gave permission for the project to move forward.

Sequoia ForestKeeper, along with the John Muir Project of Earth Island Institute (JMP), filed appeals against the project on March 21, 2007, which our Legal Director, Kalyani Robbins, helped to prepare. Ms. Robbins spent many hours in conference calls

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Victory Continued...

with the Forest Service attempting to find common ground on this issues, but the negotiations led to naught because the Forest Service was unwilling to compromise.

During our 2007 Summer Intern Monitoring Program, the data gathered by the interns in the Clear Creek project area greatly strengthened SFK arguments against this project. Their surveys revealed that the areas that were marked for fuel reduction were already at the ideal level of canopy cover, and could not be considered fuel hazards by the Forest Service's own standards. They found that the only areas that could conceivably need thinning were those that the Forest Service had logged in the past and replanted with a mono-culture of even-aged trees in plantations, which are now severely overgrown, flammable thickets.

In August 2007, Sequoia National Forest withdrew the advertisement for the timber sale for the Clear Creek Forest Health Improvement and Fuels Reduction Project because SFK, along with JMP, informed Sequoia National Forest Supervisor, Tina Terrell, that SFK would file a lawsuit the day the

bids were scheduled to be opened, since logging trees from the Sierra Nevada's southern-most California Spotted Owl nesting habitat could isolate the southern population of Owls from the northern and permanently damage their habitat.

Then, in October 2007, The Forest Service once again advertised the timber sale, and Sequoia Forest-Keeper with John Muir Project began the necessary steps to initiate litigation against this project. SFK and JMP prepared for and completed most of an accelerated briefing schedule in anticipation of the summary judgment motions on this case, but the Forest Service abruptly withdrew the decision for the Clear Creek project at 5:00 pm on March 25, 2008, when final briefs were set to be filed March 27.

While the Forest Service called the case moot because they withdrew the decision, they refused to cancel or terminate the Timber Sale Contract and they made it clear that they intend to reissue the Clear Creek Project. On April 4, 2008, we challenged the failure to terminate the Timber Sale Contract while declaring the lawsuit moot, because maintaining the Clear Creek Timber Sale contract ensures that the Forest Service's wrongful

conduct could reasonably be expected to recur. Therefore, the court may not dismiss the complaint based on the defendant's mid-litigation corrective action to defeat valid legal claims by inappropriately insulating themselves from judicial review.

We are asking the court to consider effective relief in the form of (1) suspending all logging in Sequoia National Forest, or the Kern River Ranger District, unless and until the Forest Service complies with the population monitoring requirement of the Framework Forest Plan Amendment with regard to the Management Indicator Species (MIS) and Species at Risk (SAR), which is a forest-wide violation of the National Forest Management Act (NFMA), (2) ordering the Forest Service to immediately begin gathering the annual MIS and SAR population data required, (3) ordering the agency to prepare an Environmental Impact Statement (EIS) while prohibiting the agency from issuing a Supplemental Information Report (SIR) and a revised Decision Notice (DN), and (4) enjoining the Forest Service from reissuing a revised DN unless and until an EIS was prepared. If the court does not prohibit the agency from issuing a SIR and a revised

DN, plaintiffs could be back in front of the court on this exact same timber sale plan in a matter of weeks.

We expect that, unless the court rules in our favor, at some point in the future, the Forest Service will submit additional surveys and subject them to a supplemental environmental analysis in order to try again to justify the project. However, SFK intends to continue to prevent damage to this southernmost Owl habitat in the Sierra.

Two years after this potentially damaging project was proposed it has been stopped by Sequoia Forest-Keeper and JMP through our diligence and desire to protect the forest. The Clear Creek victory is a wonderful example of how our Summer Intern Monitoring Program and Legal Program worked together to make a difference for the species of the forest.



HAPPY SPRING!



SFK Says Farewell to Attorney Kalyani Robbins

Last January, SFK hired our first staff attorney, Kalyani Robbins, who has been instrumental in preparing many comments, appeals, and litigation for our organization. Kalyani had earned her Juris Doctor at Stanford Law School in 1999 and worked as a prosecutor for the New York County District Attorney's office from 2002 to 2005. We found Kalyani at Lewis & Clark Law School in Oregon, where she was attending classes to earn an advanced (LL.M) degree in Environmental Law. Kalyani continued her education during the evenings, while she worked full time for SFK to protect the sequoias and their surrounding ecosystems.

Early this year, Kalyani was offered, and accepted, a tenure-track faculty appointment, at the University of Akron School of Law, to begin in August 2008. She will be teaching environmental law and criminal law, her two primary fields. Kalyani's two-year-old son, Skyler, will be enrolled in the university's child development center, run by the schools of education and fine arts, so it is an exciting step for both of them.

"Although I am thrilled to have already been hired for a career I'd always hoped



for "someday," I am certainly sorry to have to leave SFK so soon," said Kalyani, "That said, I am optimistic that SFK is on track to have a meaningful influence on the protection of the Sequoia National Forest and GSNM, and think that my role as a law professor can only bring good things to SFK as well."

The SFK staff and Board of Directors wish Kalyani the best in her new position, and hope that teaching law is rewarding and exciting for her. SFK is now currently seeking funding to hire a new staff attorney, as well as accepting applications for the position. If you would like to contribute to the SFK legal fund, or would like to apply to become the next SFK attorney, please contact our office at (760) 376-4434.



Sequoia Monument Collaboration Process Ineffective

By Ara Marderosian, Exec Director

In August of 2006, a federal court found that the U.S. Forest Service management plan for the Giant Sequoia National Monument "is incomprehensible and not readily understandable" and "violates NEPA (the National Environmental Policy Act) in its entirety." Even though SFK has won its lawsuit against the Forest Service for their illegal, thoughtless, and harmful management plan for the Monument, it is possible that the new plan could be just as damaging, if not more so, than the previous one.

As a result of this SFK win, filed to prevent implementation of the illegal management plan that would have annually logged 7.5 million board feet of trees from the Monument, the Forest Service was ordered to create a new plan in accordance with the direction of the Proclamation that created the Monument in April 2000.

In 2007, The Forest Service's Supervisor for the Monument, Tina Terrell, proposed to use a collaborative process to come up with the new management plan for the Monument.

Continued on page 5...

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Collaboration Continued...

Terrell, said, "We're in the process of trying to get as many ideas as we can from people about how they want their forests used. This process will take from six months to a year. The basic question is: What do you want your forests to look like?" Now, nearly 8 years after President Clinton issued the Proclamation that created the Monument, the Forest Service is asking the public to tell them what values they want protected. This is insulting and a travesty, since eight years have passed and the Forest Service still hasn't figured out how to protect this precious and unique national treasure.

Despite the directive of the proclamation to "appoint a Scientific Advisory Board to provide scientific guidance during the development of the initial management plan", the Forest Service does not appear to be reinstating another Scientific Advisory Board to provide scientific guidance during the development of the initial management plan, but may just call in the "stakeholders" such as the timber lobby, Off Highway Vehicle users, and cattle grazing interests to ask them how to manage the Monument, but it is unlikely that these "stakeholders" will have the scientific background necessary to help develop a

sound management plan.

SFK attended the first two meetings of the Forest Service's collaboration process, which had little in the way of direction and failed to provide a concrete process that defined the goals for the process or how much involvement was required to participate and if a commitment to the process meant accepting the result. One of SFK's Board members and one of SFK's Advisory Board members also attended meetings, and neither was impressed with the scope or outcome of the meetings.

As a result, SFK joined with other conservation groups in an ongoing series of meetings to establish the conservation perspective on how to manage the Monument, based on science. This group is methodically trying to establish the ground rules that we agree on for tree removal and other treatments in the Monument, based on science. The group tries to have biweekly conference calls to discuss various aspects of the collaboration process and interim management of the Monument and, so far, we have issued one letter to the collaboration's facilitator indicating the need for science-based guidelines against which all proposed actions in the Monument must be measured. We have and will ask

questions of the facilitator to get her perspective on the details of the scope of the process and the expected timing and end results of the collaboration.

SFK will continue to advocate for concrete conservation measures, both in legal proceedings and any administrative processes or negotiations. Our attorney is likely to be able to represent SFK in this process. Our participation in formal processes will also be important in the event we end up challenging the new final management plan in court.

It appears that currently our only hope for Giant Sequoia National Monument protection is passing the Act to Save America's Forests, or other legislation that would remove the Monument from Forest Service control and place it in the care of the National Park Service. We are cautiously optimistic that with the recent political power shift this bill can pass within the next two years. As a contingency, we are educating our friends in Congress about the damage being caused by ongoing Forest Service mismanagement in the Monument.



To those of you who have adopted sequoias that you have not received,

I have not forgotten you and am anxiously awaiting the roads opening so that I may choose your special trees. I apologize for the wait and am looking forward to getting the packets out as soon as possible!

Valerie Cassity

Take a Trip Down the Salmon River with Martin Litton!

Sequoia ForestKeeper invites you to book a trip with Sundog Expeditions for six spectacular days on the Salmon River in Idaho with environmental legend Martin Litton. Profits from this trip benefit SFK and support our efforts to protect and preserve the Giant Sequoia National Monument.

Sundog Expeditions encourages you to take off your watch and let the sun, the moon, and the river set the pace for your vacation. The people who participated in this trip the past two years have said that it was a wonderful experience that they will remember for the rest of their lives. Don't let another year go by without taking the opportunity to experience life on the river with Martin! Whether you are a novice camper or an experienced rafter; an individual traveler, a group of friends, or a family; young, old, or in between, this trip is designed to meet your individual and family needs.

The trip will take place **August 11-15** and will be an experience to remember. The cost is \$1,275/\$975 per adult/ child, which includes the amazing dory trip, gourmet meals, and all equipment you will need. To book your trip or to get more information, call Sundog Expeditions at 888-455-5077.

Scientific Report Disproves Effectiveness of Fuel Reduction in Sierra Nevada Forests

By Ara Marderosian, Exec Director
and Valerie Cassity, Programs Director

Two leading fire and hydrology scientists, Jonathan Rhodes and William Baker, released a study in January 2008 confirming that most fuel reduction projects in western forests are not effective at reducing the fuel available for fires and in most cases actually increase the flammable materials over time. The study, based on a thorough analysis of over 40,000 fires from 1980-2003 in 11 western states, concludes that there is less than an eight percent chance that fuel reduction treatments will be timely and in the proper location to impact a moderate to intense fire.

Fuel treatment projects, which include forest "thinning" (logging) supposedly to prevent 'so called' catastrophic wildfire, have become forest management policy under the Bush Administration's Healthy Forest Restoration Act of 2003. As a result, many logging projects have been renamed "fuel reduction projects" and have thus been allowed to commence without proper analysis of the impacts that the logging would cause to the ecosystem.

This research supports other research and SFK's contention that thinning is not beneficial to the forest and can actually increase the fire

danger. The study indicates that fuel reduction or thinning projects may affect fire behavior only in the very brief time period following treatment and before any rebound vegetation has grown. However, the timing of such a fire in such a short 'window' is highly improbable. In addition, following that short 'window', the increase in fuel, due to the rebound growth of vegetation, can make the forest more flammable. "Unless fire occurs while fuels are reduced, fuel treatments cannot affect fire severity," the report states.

The Forest Service, and other agencies that promote thinning the forests, ignore the fact that forests keep growing after treatment, that natural and accidental fire doesn't burn when and where the agency plans for fires to take place, and treatments are damaging the ecosystems. There are many other down sides to fuel reduction treatments, including but not limited to damaging streams by increasing siltation, compaction of soils, damage to residual vegetation, and destruction of wildlife habitat.

Watersheds which provide the drinking water to the western population have been damaged by these fuel reduction projects,

which do little to reduce fire which is a natural part of the forest ecosystem. "In forests with more frequent fire, it is likely that fuel treatments can potentially reduce fire severity only on a small fraction of treated areas. The results indicate that in 92.1-98.0% of treated areas, fuel treatment impacts on watershed processes are not likely to be counterbalanced by a reduction in higher-severity fire," states the report.

SFK opposes all fuel reduction projects that are applied beyond the "home ignition zone" (the home and its immediate surroundings within 200 ft) because these treatments can be harmful to the forest, they can increase the fire danger, and research indicates that completing the proper fire clearance activities around the home as directed by the Fire Department can more effectively prevent wildland fires from destroying homes than these supposed "fuel reduction" projects. ([Reducing the Wildland Fire Threat to Homes: Where and How Much?](#) Cohen 1995)

Applicable fire science, including the Cohen and the Rhodes and Baker research, can be found on the SFK web site at www.sequoiaforestkeeper.org/firescience.



Protecting Historic Objects in the Monument

By Rich Kangas, Board Member

Historic objects are an integral part of the Antiquities Act of 1906, the law under which national monuments can be declared by the President of the United States. President Clinton talked about historic objects in his Proclamation that established the Giant Sequoia National Monument (GSNM) in April 2000. After that the U.S. Forest Service wrote a management plan for the Monument, in which there was scant attention paid to education about the historic resources. In that plan one section of the Monument was designated as the Hume Lake Historic Area, for which a boundary was drawn and much was said about historic logging of Giant Sequoia trees 100 years ago; but that is as far as it went. No Giant Sequoia groves or trees were within that boundary even though the proclamation spoke of Converse Basin where most Big Trees were cut down.

No other historic features were described by the plan in any other part of the Monument, so we were to see only a historic area centered at a former logging pond now occupied by a large, urbanized, commercial organization camp. There was nothing in the plan about the history of pre-historic peoples, settlers, grazers, packers, hermits, Forest Service activities, etc.

Other places throughout the Monument also have historic significance. There should be much more recognition of history so the public

can learn the importance of that history along with the ecological and other scientific objects also of great importance.

Among other things, the history related that the need for the establishment of the GSNM should be emphasized. President Clinton pointed out that the Monument would need restoration from the effects of fire suppression; we now know fire is a natural and necessary part of the ecology of these forests, but that was not always so.

In the early 1900's there were Guard Stations located throughout our forests which were connected by a thin line of telephone wire and occupied by young men who looked after the forest. They also were called smoke chasers. Part of their job was to suppress forest fires before the fires could grow in size, making them the first fire suppressors. The telephone line was their means of communicating fire locations. The history of these Guard Stations and the people who worked from them over the years would add a significant historic dimension to the Monument.

One notable smoke chaser was Norman Norris who worked in the area of Nobe Young Creek in the southern part of what is now the GSNM. His experiences were documented in a manuscript that he wrote. His daughter, Eleanor, later had it published as the remarkable book, *The Magic of My Mountains*. This book is a great read and is still

generally available at local Forest Service offices.

As a youth Norman Norris worked on the family farm at Earlimart, often grazing livestock into the Sierras beyond, so he went up there and joined the Forest Service. He worked until 1946, retiring as Forest Supervisor at Porterville. In the "Afterword" to the book Eleanor Norris points out that her dad later became a significant proponent of wilderness. In the late 1950's, well before we had The Wilderness Act, Norman Norris spoke and wrote articles supporting the designation of a vast wilderness region in the back country of the Sequoia. Little did he know we would have vast wilderness areas and the Giant Sequoia National Monument.

In contrast to our detailed understanding of Norris, there were other forest guards at other Guard Stations who are lesser known or so far undiscovered by historians.

In the 1930's Jess Waller worked from the Sequoia Guard Station in the western part of Redwood Mountain grove now in the northern part of the Monument. He oversaw Civilian Conservation Corps projects, but much less is known about his personal experiences. In research for his recent book, *The Train Robber's Daughter*, Jay O'Connell noted that Eva Evans had visited with Jess Waller while he was at the Sequoia Guard Station.

Waller and other forest guards had experiences and stories that might still be available through their families.

Knowing those would add a significant dimension to Monument history.

The original GSNM management plan was ruled invalid in Federal court for a variety of reasons, and a new plan will need to be written. Hopefully it will include a greater component for history, including education of the public about the variety of historical people, places, and events that are some of the allure of the Monument.

Now there is a mediation process open to the public to consider recreation and history components for a new plan. Those attending represent an amazing mix of backgrounds and interests. It is hoped that history education will be more prominent along with recreation in the next plan.

The first plan acknowledged that over 1,200 prehistoric and historic sites of interest had been recorded in the GSNM. While many of those sites need to be protected, the history within the Monument should be shared through education. If any readers of this newsletter know of historic things, locations, or stories about the Monument, please share them with me. I will bring them to the attention of the participants of the mediation sessions to emphasize the need for wider history education.





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