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Subject: Wishon Project Scoping Comments on behalf of the Sequoia Task Force/ Sierra Club and the Tule River Conservancy

Thank you for the opportunity to comment. Please accept these comments on behalf of the Sequoia Task Force/Sierra Club and the Tule River Conservancy. In addition to these comments, we incorporate by reference the 13 May 2016 comment letter submitted by René Voss for Sequoia ForestKeeper and Kern-Kaweah Chapter Sierra Club.

We are very aware of the drastic number of dead and dying conifers in the Upper Tule River Canyon. We were expecting the Wishon Project to be a relatively simple project with the limited goal of community protection; such a project could be planned and implemented with little delay. We strongly support protection of private property and structures using proven and science-based strategies to reduce the chances of ignition of structures from a possible wildfire. We have always supported thinning to reasonable density the forest approximately 200 feet adjacent to structures and along the primary emergency egress routes. Forest Service research has determined that most of the flammable fuels are less than 4" in diameter, however we have been supporting an 8" DBH as an upper limit with certain exceptions in unique or unusual circumstances. A project with limited scope, consistent with the above criteria is a project we could support.

It was with a great deal of concern that we read your Wishon Project Scoping Letter that, at the very outset, appears to demonstrate little understanding of the responsibility and duties of Sequoia National Forest to manage the Monument in accordance with the specific mandates of the Proclamation that created it. You are not proposing a simple community protection project; you are proposing a large scale project involving nearly ten

thousand acres. Your proposal has multiple components many of which are controversial in their approach to forest restoration and fuels treatment. Further, the project will affect many sensitive species and objects specifically protected by the Proclamation including the namesake of the Giant Sequoia National Monument. There is no indication that you intend to write an EIS and you offer no Alternatives for consideration or discussion. To us it is very clear that if this proposal is to move forward, it must be studied in a full-scale Environmental Impact Study consistent with NEPA.

The Proclamation that created Giant Sequoia National Monument is a substantial and detailed document. Planning projects inside the Monument requires compliance with the Proclamation, and therefore a sound understanding of how it mandates management different from that required in national forests, and thereby constrains managers' choices.

1. The most egregious flaw in your scoping letter is that you are planning the commercial sale of timber inside the Monument and propose to log trees up to 20" in diameter. The Proclamation specifically states that *"no portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield from the Sequoia National Forest. Removal of trees, except for personal use fuel wood, from within the Monument area may take place only if clearly needed for ecological restoration and maintenance or public safety."*

Further, the "Background Document on Giant Sequoia National Monument" released by the White House Press Secretary and the Chair of the White House Council on Environmental Quality from the White House Briefing Room, April 15, 2000, (the date of the Proclamation) states, *"The establishment of the Monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the Forest Service: **by eliminating commercial timber harvesting** within the area and mandating the protection of the historic and scientific objects within the Monument, the Proclamation **limits the management discretion that the Forest Service might otherwise have.**"* (A scan of this paper is attached for your reference.)

It should be obvious that with so many dead and dying conifers in the area, there can be no justification for logging or removing or cutting ANY green trees particularly those that are as large as 20" in diameter and far from structures. There is a serious deficit of large living conifer trees in the area – and cutting them flies in the face of logic.

Yet, despite clear prohibitions of the Proclamation and in defiance of logic, you are proposing a commercial timber sale as a component of this project.

Logging large trees well away from structures and infrastructure is not needed for human safety. As research shows, logging to protect human safety is best accomplished by treating vegetation in areas close to homes and other infrastructure, as well as making the homes themselves as fire resistant as possible. Cohen, 1999 and 2000, found that clearing vegetation from an area no more than 30 meters around a home is sufficient to prevent direct ignition of even a pure wood structure from wildfire. Treating vegetation

further away from homes provides little additional benefit.

It is true that homes can be ignited by firebrands or embers that break off of burning trees and land on or near houses. However, if the homes are properly prepared, e.g., if they have fire resistant roofs and there is no flammable vegetation directly adjacent to them, there will be nothing for the burning embers to ignite. The alternative, preventing spot fires from igniting unprepared homes, would require that trees be cleared from enormous areas around every home, an action that is neither economically or technically feasible, let alone ecologically desirable.

Trees as large as 20 inches in diameter at breast height (d.b.h.) will rarely need to be cleared to reduce the wildfire threat to homes and infrastructure. Trees this large have thicker bark than younger trees, making them resistant to all but the hottest of fires. Trees over 16 inches dbh are generally not ladder fuels

2. Inside the Monument “tree removal” (“logging,” “mechanical treatment,” - any of these names) can be used only if there is a reasoned and transparent determination that no other method can be used to achieve the project’s goals and those goals must be ‘ecological restoration,” “maintenance,” or “public safety.” Tree removal is not just about hauling logs away from the Monument: trees are removed when they are severed from their roots and piled up to be burned or used as personal fuel wood even if they are left inside the Monument. Tree removal should not be used if the intended goal of the project will not be achieved using tree removal. For example, if the intended goal of a tree removal project is to emulate fire, then tree removal will not achieve that. If the intended goal of tree removal is to reduce disease, it will not achieve that either.

Looking at paired sites on national forests in the Sierra Nevada, scientists reviewed all areas known to have been mechanically thinning and later burned, outside of experimental forests, between 2000 and 2005. They found that in every instance the thinned stands burned more lethally, irrespective of the time since thinning (*Hanson and Odion 2006*).

The best available science indicates that fire will often achieve restoration goals, either immediately or through multiple applications. Because fire is normally sufficient, thinning causes collateral damage, and the Proclamation bans tree removal that is avoidable, fire has to be the priority restoration treatment. In short, outside of the 200 foot zone immediately adjacent to structures, there is no fire-related or fuel-reduction purpose for removing trees or by logging.

Additionally, it is important to note that the Forest Service cannot approve a commercial logging project inside the Monument to provide funds for ‘restoration’ projects. First of all, these funds are relatively mythical – revenues do not exceed expenses of planning and carrying out a commercial timber sale. Secondly, it would be interesting to hear this argument before a judge wherein the Forest Service states that it must commercially log to restore the Monument from logging damages in a Monument that prohibits commercial logging.

3. You have ignored the most basic requirements of the Mediated Settlement Agreement (1990) (MSA) that spell out what Sequoia National Forest must do before they can enter a sequoia grove for fuel management, yet you intend to enter the Alder Creek Giant Sequoia Grove. Many employees currently at Sequoia National Forest were not there during MSA process in 1990, so perhaps MSA issues are not well understood. It has a complex history.

In 1990, to resolve multiple administrative appeals of the 1988 LRMP, the Forest Service agreed to implement specific provisions effectively rewriting the 1998 LRMP until it could be amended in a NEPA-compliant process. Further, pursuant to the terms of the MSA, the Forest Service agreed that the LRMP “shall be amended to reflect” the provisions of the MSA. (*MSA at p. 154, Sec. Y.1.*) Although the 2001 R-5 Framework incorporated some of the MSA requirements, significant key provisions were not incorporated – including the protections for the Giant Sequoia Groves, such as grove-specific fuel reduction plans and EIS’s and restrictions on mechanical entry into groves, set forth on pages six through 28 of the MSA. As the District Court found, the Forest Service’s obligations under the MSA with respect to those provisions remain in effect. *California v. U.S. Forest Service, 465 F.Supp.2d 942, 954 (N.D.Cal. 2006)*. In simple language, the **term of the MSA “has not yet lapsed.”**

Sequoia National Forest must follow any MSA requirement that has not been superseded by the Proclamation.

The 1990 Mediated Settlement Agreement states regarding any entry into groves:

*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. The only salvage logging permitted in the Groves will be that logging permitted and described in the previous sentence. 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 the fuel load reduction plans shall be to preserve, protect, restore and regenerate the Giant Sequoia Groves, without unnecessary damage to any old growth trees in the Grove. Any logging component of a fuel reduction program in a grove shall protect the old-growth pine, fir, incense cedar and black oak components of the stand. Any tree identified for removal under this paragraph shall be so identified in the field in consultation with a forester from either Save-the-Redwoods League or the Sierra Club. MSA at 10-11 (emphasis added).*

We see no indication that you intend to write a full scale Environmental Impact Statement prior to entering the Alder Creek Grove, and there is no mention of an Alder Creek Grove Management Plan or an Alder Creek Fuel Management Plan and EIS.

It is inconceivable that the Forest Service would argue that NOW, **after** the Proclamation created the Monument, that they are required to do LESS scientific study, LESS public

input, and follow a LESS rigorous NEPA process than prior to the creation of the Monument.

4. The documents you are using in determining the current condition of the grove and the desired condition for the Alder Creek Grove are documents that have not undergone any NEPA analysis.

You are using the recommendations in the Alder Creek Grove Inventory prepared by Lew Jump, Inventory Specialist, February 2004. This document has not gone through a NEPA process, yet it is apparently the sole determiner of what actions you will take inside the Alder Creek Grove and what condition you are attempting to create.

This inventory was done using a modified version of R-5's Forest Inventory and analysis user's guide – as modified by Jump to consider the huge size of sequoia trees. This methodology is primarily an inventory of basal area – with a 20% margin of error. This guide is useful only to determine the standing board feet in a particular stand of forest – in short, to estimate timber volume for logging --not as the basis for determining conditions of a natural sequoia grove or for the purpose of determining optimum conditions of ALL Monument protected objects integrated within that ecosystem.

The Jump Inventory states that in addition to the inventory, it makes findings and recommendations based on the desired condition of groves found in a document written by Piirto-Rogers. (1999-2001) This particular document was never intended to be used as a guide for making project level decisions. During the writing of the Giant Sequoia National Monument Management Plan, there was a great deal of controversy surrounding the use of only this one document by Piirto-Rogers that favored mechanical manipulation of groves and forests, and the omission of many existing and valid studies indicating that mechanical treatment of groves and forests is not effective at restoring ecological functions. The Piirto-Rogers document has never undergone any NEPA analysis.

5. Your determination of how many snags to leave in the forest does not appear to be based on the ecological functions of snags. There are many types of snags and each performs a different function in an ecosystem. You can't count snags as if you were counting coke cans on a shelf. As your biologist will tell you, snags can be standing, down, large, small, of various species, and in various stages of decomposition. They should not be uniformly spaced around the forest like candles on a cake nor should they be all in one corner of a survey plot and then averaged in with the other plots, so it appears there are snags throughout the surveyed area. Additionally, after a serious drought/insect infestation event, the forest responds in positive ways – insectivorous species thrive. Standing dead trees may be the tallest structure the forest will have for many decades. Within a year, likely sooner than the highly flammable slash your project will create can be burned, the dead needles and smaller branches of the dead trees will shed and the dead trees will be less flammable than they are now. Most dead trees outside of the 200' near structures should be left standing in place.

6. There is no evidence that removing a tree infected with beetles after it has died will decrease the infection rate to other trees. Additionally, logging dead and diseased trees can spread the problem. Some beetles, such as Ips, can incubate in piles of slash and spread more rapidly than had the tree been left standing. Forest Service Botanists have recommended methods for avoid spreading bark beetle. These include not cutting diseased trees unless it is mid-summer, pulling slash away from any living tree, and covering slash piles with black tarp to increase the heat under it.

A recent compilation of data by leading scientist in the Pacific Northwest has found that “By dampening subsequent burn severity, native insects could buffer rather than exacerbate fire regime changes expected due to land use and climate change. In light of these findings, we recommend a precautionary approach when designing and implementing forest management policies intended to reduce wildfire hazard and increase resilience to global change.” See Miegs et al. (2016).

7. All trees that must be removed should be surveyed for any active nesting or dens the same season as the cutting will occur. No cutting or treatment should be allowed near meadows during fawning season.

8. Some of the responsibility for protection of privately owned structures must be borne by the private property owner. Just as those who build homes on shorelines accept the risks of high seas eroding or undercutting their structures because they love living by the ocean, so must those who chose to live surrounded in Sierra forests accept the risk that accompanies living in an ecosystem that not only burns frequently, but must burn if it is to survive as a forest.

However, the Forest Service, County and State should investigate measures that would assist private property owners to not only be aware of things they can do to make their homes less likely to ignite in a fire, but also actively seek sources of funding such as grants for property owners that would give financial assistance for replacing flammable roofing and siding with flame resistant materials. Many studies show that homes with these and other fire-wise building methods often survive fire. The cost of providing financial assistance to private property owners would be more than offset by the costs of replacing homes and in providing assistance to families after their homes and possessions have been destroyed.

*See, also Safe At Home*, NRDC’s study, conducted with a former California State Fire Marshall, of preparing Sierran communities for wildfire, attached.

9. We support the decommissioning of roads that are not used for administration or by the public for recreation. We urge that the hydrologist and perhaps the Forest engineer examine the roads to see if measures should be taken to avoid concentration of runoff, perhaps the removal of certain culverts or recontouring sections of the roadbeds could mitigate the likelihood of sediment loss and impacts to the watershed caused by these unmaintained roads.

In summary, you need to take a step back and scale your project way down to treat the 200' adjacent to private property and important access routes, or you need to begin the process of writing an EIS for the entire project area including the affected subwatersheds and the myriad of issues regarding giant sequoia groves and the specific and integrated elements and objects of the Monument that you have responsibility for protecting and maintaining. Consistent with the MSA and responsible planning, you need to address the entire Alder Creek Grove, including the condition outside of the control of the USFS as you consider cumulative impacts. You need to write an Alder Creek Grove Management Plan and Fuel Management Plan accompanied by an EIS, including a discussion and evaluation of the validity and applicability of the existing inventory and the 'desired future condition.'

Thank you for the opportunity to comment.

Sincerely,

/s/

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