



Sequoia Task Force
P.O. Box 723
PORTERVILLE CA 03258

December 3, 2010

Via Public Comment Portal, Electronic Mail and Federal Express

Anne Thomas, Interdisciplinary Team Leader
Sequoia National Forest
1839 South Newcomb Street
Porterville, CA 93257
comments-pacificsouthwest-sequoia@fs.fed.us
mariannethomas@fs.fed.us

Re: Comments on the Giant Sequoia National Monument Draft Plan and Draft EIS

Dear Ms. Thomas.

These comments are on behalf of the Sequoia Task Force, the Tule River Conservancy, and myself as an individual. Please consider the comments contained herein in addition to all issues, comments, arguments, and exhibits submitted to this planning process by the Sierra Club (authored by Kristin Henry and Rene Voss), National Resources Defense Council, Attorney General-State of California, Sequoia ForestKeeper, the John Muir Project, Declaration of Chad Hanson, Western Watershed Project, Julia Allen, Declaration of Monica Bond, Declaration of Carol Rice, Friends of the River and the Citizen's Park Alternative.

All above mentioned Documents, their attachments and exhibits are incorporated by reference into this comment letter as if fully rewritten herein or attached thereto.

OVERVIEW

My opinion is that the Draft EIS and Draft Plan are irreparably flawed. I urge you to withdraw them, go back to the drawing boards after taking a hard look at the requirements of the Proclamation, NEPA, the MSA, and the 1982 Planning Regs and then circulate revised or re-written documents to the public for comment. In short, you need to start over.

Proclamation Issues

Some of the most egregious flaws in the Draft Plan and Draft EIS derive from the apparent lack of a basic understanding of the intent of the Proclamation.

The Proclamation states in no uncertain terms that the multiple and interrelated 'objects' described in the Proclamation are to be protected and that a management plan is to be prepared to carry out those duties, and furthermore, he states that the Secretary of Agriculture can promulgate such regulations for the management as deemed appropriate!

"...do proclaim that there are hereby set apart and reserved as the Giant Sequoia National Monument, for the purpose of protecting the objects identified in the above preceding paragraphs,"

"The Secretary of Agriculture shall manage the monument, ... to implement the purposes and provisions of this proclamation. The Secretary of Agriculture shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as deemed appropriate."

"...the national monument shall be the dominant reservation."

Perhaps the Forest Service can't define 'promulgate' It means to promote or make widely known, or to put into effect. The Forest Service was given full authority to make any policy or guideline or strategy or regulation that they deemed appropriate to the management the Monument in accordance with the Proclamation. Yet with almost no exceptions, the guidelines, allocations, and management strategies are lifted directly from non-Monument Forest Service policies seemingly without concern for whether or not these are appropriate or will meet their unique responsibility to manage this National Monument.

This Draft Monument Plan seems to be all about fire and fuels and tree removal – the same activities the Forest Service was carrying out on these lands prior to the Proclamation: only a token nod is given to the protection, management and restoration of Monument objects that are acclaimed in the Proclamation.

Science Advisory Board (SAB)

The Proclamation is clear:

"The Secretary, in consultation with the National Academy of Sciences, shall appoint a Scientific Advisory Board to provide scientific guidance during the development of the initial management plan."

Guidance from a Science Advisory Board is required to help the Forest Service write the initial Monument plan. There is no initial management plan; there was an attempt but the court rescinded that attempt. By court order, no part of that Plan can be implemented. Thus, the SAB documents that commented and advised on selected aspects of that enjoined Plan do not survive separate and apart since they were written only in response to that previous proposal. The Science Advisories on that enjoined plan have little value as a separate document without referring to the Plan (now moot) to which they responded.

The old Advisories cannot be used as a 'starting point' or guidance for a new initial plan. The Forest Service's proposal to use those Advisories out of the context of the plan on which they commented is unsupported and illogical. The original SAB never undertook the task of reviewing all pertinent science - therefore their advice contained no composite of appropriate scientific information upon which to base a plan even in 2004. The SAB never took a holistic view of the lands of the Monument nor gave general advice that could be directly applied to another planning process. They were NOT asked their opinions regarding the best general approach to implementing the Proclamation. Further, even had they been asked to give general advice, new scientific information and issues have arisen since they last convened.

Ms. Terrell was extremely coy and certainly not transparent regarding her decision about whether or not to request and set up a Science Advisory Board for this second attempt to write an initial Monument Management Plan. A group of organizations sent a letter to Ms. Terrell setting forth their request for her to be guided by a Science Advisory Board several years ago. Her verbal response was that she would decide later whether or not the Forest Service needed their advice.

Clearly the Proclamation did not give Ms. Terrell's authority to decide whether or not the requirement for a Science Advisory Board 'was needed' or not.

She never responded to our letter.

As late as May 22, 2009 when preliminary draft alternatives were sent to the public, Supervisor Terrell stated in that document:

"Finally, let me address how the Forest will be linking science to the Monument planning process. I am still analyzing the need for a Scientific Advisory Board as was used during the development of the initial plan. The science advisories, developed by the original Scientific Advisory Board continue to be applicable during the ongoing plan development."

Inconsistent with the above statement, **the DEIS says Ms. Terrell decided in that same May of 2009 that an SAB was not needed.** This is how we officially learned that an SAB would not be convened.

It is unfathomable that the current Draft Plan states that the "Desired Future Conditions" were derived, in part, from the Advisories of the first Science Advisory Board: the reader is provided with no clue as to which of the Advisories supported or aided the Forest Service in devising its ever-so-vague Desired Future Conditions.

The planning process for this second attempt to write a legal initial management plans for the Giant Sequoia National Monument must BEGIN with the establishment of another Science Advisory Board. The only way to do that is for the current Draft EIS and Draft Plans to be withdrawn and convene an SAB consistent with the Proclamation.

Tree Removal and Commodity Production

. In no less than four places the Proclamation indicates that logging is not to be continued and only rare exceptions are allowed for ecological restoration or public safety when there is no other choice. The Proclamation makes it clear that logging is not a good thing and is not to continue. Past logging is characterized as having caused damage requiring restoration, and the Proclamation prohibits a

sustained yield of product to come from the forest. The Proclamation prohibits the commercial sale of firewood; it is logical to assume that if the Forest Service is not allowed to cut trees into small pieces and sell those trees in commercial firewood sales, it would likewise not be allowed to cut those same trees into larger sections for commercial logging sales or to munch those same trees into chips for commercial chipping sales. The Proclamation leaves no doubts that logging, commodity production, taking trees from the Monument – the old pre-Monument activities – were to be stopped and the damages from such were to be restored.

"No portion of the monument shall be considered to be suited for timber production,"

"no part of the monument shall be used in a calculation or provision of a sustained yield of timber 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."

"These forests more need restoration to counteract the effects of a century of fire suppression and logging."

Yet, the Forest Service's Draft Plan (and every DEIS Alternative except Alternative C) relies almost entirely on mechanical treatment and would produce a sustained product to sell on an annual basis. While the Draft Plan and DEIS purport to not know what kind of wood product would be available, the annual sustained volume of biomass estimated in the DEIS can be converted to an approximate 7 million board feet of timber a year that will be hauled from the Monument. (The conversion is approximate because a certain amount of biomass is lost in the milling of timber.) Our position is that it does not matter if this 'product' is in the form of logs, bags of chips, or fence posts, the Proclamation prohibits a sustained annual commercial product to come off the Monument.

A management strategy that allows a sustained commercial product be sold from the Monument will prejudice management decisions to favor strategies that produce products rather than relying on strategies that are better for the Monument but produce no commodity.

The Framework explains why allowing bigger tree removal greatly increases the economic return of projects and why the Forest Service wants to approve the removal of trees that are larger than recommended by fire management specialists.

" The tree size significant influence on sale value: the board foot volume for a 12 " dbh tree is 39 compared to 317 for a 20 inch tree and 710 for a 24 inch tree. Using these assumptions, 77 twelve in. dbh trees would be needed to reach the minimum economically feasible sale volume (estimated at 3 mbf/acre). This compares to 9 trees of 20-inch dbh and 4 trees of 24-inch dbh. In summary, including only a few medium-sized trees can make an impact on the economic viability of a given project.

NEPA: Description of the Affected Environment

NEPA requires that every EIS contain a full and accurate description of the affected environment, of the existing condition of the area upon which the project – in this case the Monument Plan – will be carried out. This is the most basic requirement of an EIS: the proposed project, proposed Alternatives,

consideration of trade-offs, and disclosure of impacts cannot be anything but empty rhetoric without a basic and accurate description of the existing Monument lands. The Affected Environment description must not narrowly focus on a few issues, but a landscape view of the interrelated conditions should be presented.

The Proclamation itself indicates that the Monument lands are currently damaged by a century of logging and that they need restoration from logging. The statement from the Proclamation is,

"These forests more need restoration to counteract the effects of a century of fire suppression and logging."

Fire suppression and logging are given equal weight in this Proclamation statement. Neither activity is given priority nor is one indicated to take precedence over the other. Some of the impacts from a century of these two activities are similar. Fire performs many essential functions including seed scarification, nutrient recycling, disease control--and fire also removes trees and creates openings. Logging does not emulate all the functions of fire but it too removes trees and creates openings – but not in the same locations or resulting in the same random mosaic as fire. Though fire may be suppressed, the tree removal function of logging took more trees than a century of natural fires would have. This does not mean that fire is not needed to be returned to the Monument: it does mean that the condition of the forest in terms of numbers of trees is not as far out of the natural range of variation as might be predicted if the forest had never been logged.

Despite the Proclamation's statements, the DEIS and Draft Plan characterize the Monument lands primarily as fire suppressed and they erroneously conclude that that the forest needs to be thinned, need more trees removed and need more openings. We do not see a landscape level analysis that discloses the direct and cumulative impacts to the Monument resulting from both logging and fire suppression or clear guidelines for restoration from a century of logging damage.

Without full disclosure of the logging damages that must be restored the DEIS fails and is not consistent with the Proclamation. Millions of large, old-growth, ancient marketable trees have been removed from Monument lands by logging over the past century. Early logging picked and removed the biggest tallest, straightest trees. Then groups of trees were logged in what was called 'selective logging.' Again, the largest and most merchantable (and the most valuable trees to wildlife) were removed. And finally in about 1964 Sequoia National Forest began clearcutting. Most of the logged trees were not sequoia, however some of them were. On the Monument there are about a thousand clearcuts– areas where all trees and all vegetation were removed from patches up to 35 acres in size. The clearcut areas are called plantations. Plantations are individual patches of trees that were planted on land that was rendered barren by logging, and these plantations were a crop of trees that were to be logged again when they reached marketable size. If the original logged trees were red fir, pine was planted there instead because red fir can only be restored by natural reseeding and takes centuries for restoration. Each Plantation stand has a number, records exist on 'stand record cards' and also are listed the Forest's Timber Sale Atlas. Likely billions of seedlings have been planted and replanted in these logged areas and today they are crowded with a monoculture of small pine, although some are in brush and lupine, going through the natural stages of succession. These are some of the most flammable and unnatural areas in the Monument.

There are many damages associated with "a century of logging."

Another impact from a century of logging is there are fewer large non-sequoia tree specimens (sugar and ponderosa pine, cedar and fir) remaining outside of roadless areas. The few remaining old-forest areas are where the old-growth dependent species now cling to life. The only restoration of large old trees is time—likely a century or more. Logging, thinning, and planting will not speed the process to regain 300-year-old trees - indeed it could reverse any recovery already occurring.

There are thousands and thousands of miles of so-called edge effect along the boundaries of each of these clearcut harvest units. Edge-effect impacts include forcing wildlife species to go into the open to travel from one area of forest-cover to the next thus risking a higher degree of predation. Edge-effect causes remaining stand of timber to be subject to greater winds and hotter winds coming from the denuded sun baked adjacent harvested areas. The remaining stands of trees become less resilient to drought, insect and pathogens and are less able to survive climate change particularly if there are drought conditions.

Because the openings have a hotter, drier microclimate and because immediate replanting skipped the natural stages of succession - as having nitrogen fixed by species such as lupine, many of these planted seedlings died, and the plantations were continually replanted. Even now, post-Monument, the Forest Service continues replanting these plantations rather than allowing them to go through natural processes and eventually return to the old-growth forest they were prior to logging.

For decades, the Forest Service has been protecting these plantations from fire and for the 10 years after the Monument was created they are continuing to do the same. They thin and prune them as if they are going to be 2x4's in the future. This is not 'ecological restoration.' It is maintaining the same mindset as prior to the Proclamation. It is tree farming. Perhaps the Forest Service is incapable of seeing those tree farm, carefully nurtured for decades prior to the creation of the Monument, as logging damage that needs to be burned, thinned, broken into more natural openings and allowed to be shaped by natural processes.

There are other logging damages the DEIS does not consider. Roads are bulldozed across steep slopes. These roads often go miles only to dead end in a clearcut. Wider road areas are bulldozed so logging trucks can pass. Log landings up to several acres in size are compacted for stacking and loading logs. If the logging unit is on a steep hill, there are deep grooves in the hillside from log being drug by to the landings. For helicopter logging, larger landing are constructed within a ¼ mile from the units because longer lifts are expensive. Culverts replace natural stream crossing and they become clogged: subterranean waterflow is disrupted and is concentrated in drainage ditches along dirt roads. Meadows have headcuts from concentrated run-off. Roads not maintained pour sediment into streams and their fisheries.

Widespread and on-going use of strychnine to poison rodents in Plantations

An impact of continuing to manage the Plantations as tree warehouses is the continuation of the policy, approved by Regional Guidelines and I believe unacceptable for Monument lands is the continued widespread use of Strychnine to kill rodents – primarily gophers. The Draft Plan does not mention the word strychnine, but it speaks of continued pest control in plantations. This obfuscates the Plan's intent to continue the widespread use strychnine. One post-Monument Decision Notice approving the use of strychnine states,

"In making this decision, I considered the high value of plantations in terms of their usefulness in vegetation management for the objects of interest within GSNM. "

It also states, . *" The determination stated in the Wildlife BA/BE is that the Gopher Control Project may affect American marten, Pacific fisher, California spotted owl and Northern goshawk.*

"My decision is consistent with the President's proclamation creating Giant Sequoia National Monument (GSNM)" Indeed!

There should be no routine use of strychnine on the Monument. This issue must be addressed in a DEIS and the impacts on Monument objects and trade-offs between the relative values of plantations versus potential impacts to Monument protected objects and the public.

Internal Inconsistency

The Documents are internally inconsistent. Essential components are referenced by different names, therefore rendering the document in its entirety vague, ambiguous and impossible to provide meaningful comment.

There is internal inconsistency between the DEIS and the Plan and within each; the DEIS and Plan at times seem to be following the 1982 Planning Rule and other times attempt to follow the ambiguous formats of the later planning rules that the courts rejected: For example at times documents refer to "goals" and "desired conditions" while other times they refer to 'aspirations' and thrown in

On both pages 175 and 176 of Appendix A we read “When planning prescribed fire or mechanical treatments in hardwood ecosystems: (a) consider the risk of noxious weed spread and (b) minimize impacts to hardwood ecosystem structure and biodiversity.” On page 175 this requirement applies to Alternatives B, C and F, but not to D or E. However, on page 176 this exact same requirement applies to Alternatives B, C, D, E, and F, ie, to all action alternatives including D and E. Clearly, this is contradictory direction.

In most cases the documents follow the 2001 Framework strategies, but Alternative 2 throws in,

"This alternative changes from the 2001 SNFPA standards and guidelines for soil conservation and productivity to the more flexible desired conditions from the 2004 SNFPA".

And

"Alternative B would remove the 2001 SNFPA standards and guidelines for the great gray owl and the willow flycatcher and replace them with ones based, in part, on the 2004 SNFPA. The 2004 SNFPA reduced redundancy and provided more consistent direction for these species with respect to existing laws and executive orders, while maintaining the intent of the protection measures set in place under the 2001 SNFPA."

There is no discussion regarding whether the 2001 or 2004 SNFPA guidelines are consistent with the Proclamation and the purposes of the Monument.

The Draft EIS and Draft Plan are full of timber production terms: stocking, stands, reforestation, plantations, but at one point it is clear that they still have their heads in timber production.

They included 1988 LMP directions about commercial harvesting guidelines directly into the DEIS:

"DEIS: Appendix A, Alternative A contains inappropriate old direction. For example, Appendix A, Page 8 indicates that "Openings created by group selection shall be limited generally to two acres. Larger openings will be allowed only where necessary to achieve specific silvicultural goals..." This was part of existing direction from the 1988 Forest Plan (page 4-31), but it was in the section that dealt with cutting methods for commercial timber harvest, which the Proclamation does not allow. This opening size is therefore a means to a now disallowed end.

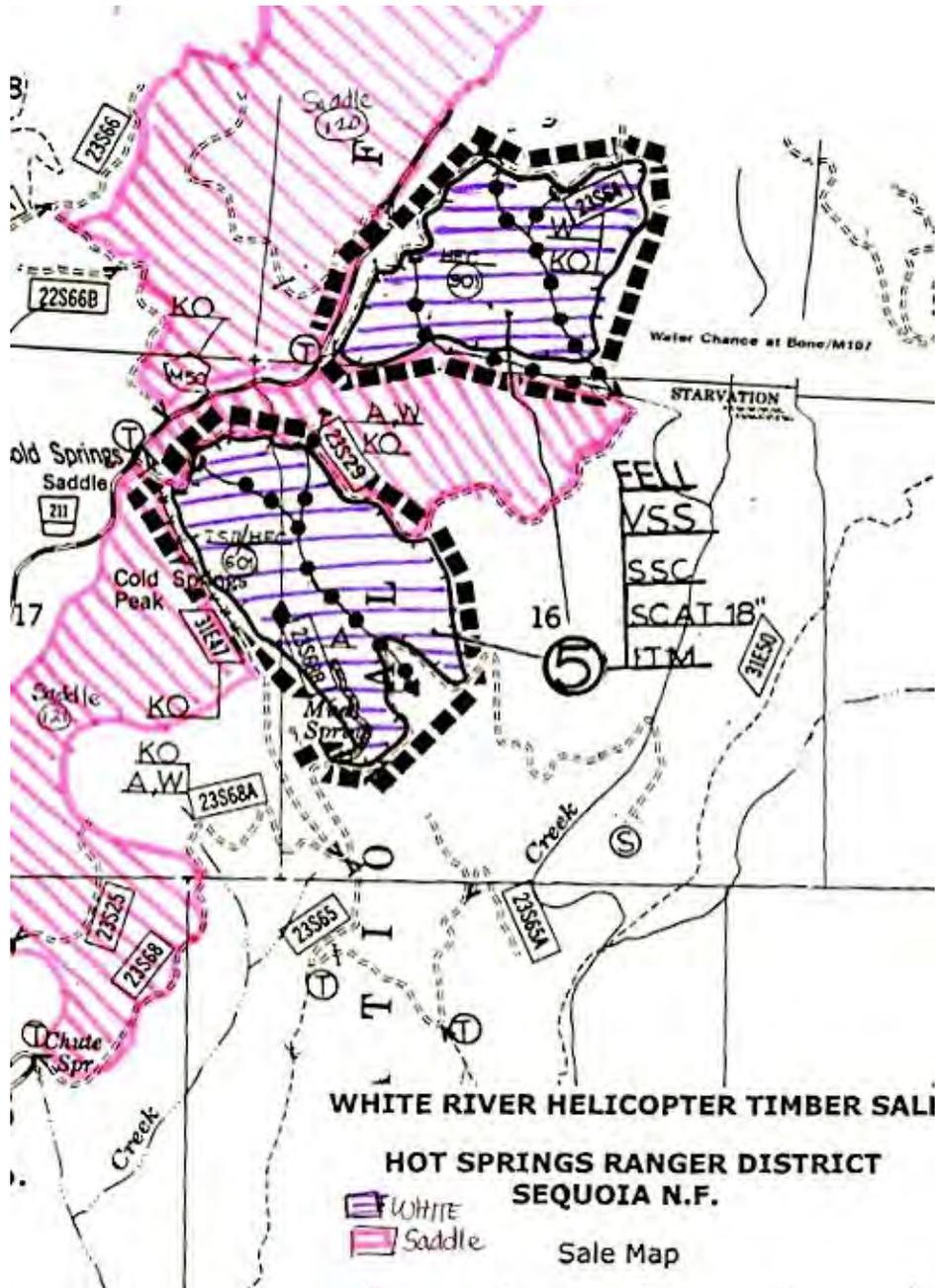
Grandfathered Timber Sales

I urge you to cancel any remaining uncut units of the timber sales grandfathered by the Proclamation with the intent to provide a transition for the timber industry from logging to no logging on Monument lands. It has been more than a decade: The Proclamation states: "Timber sales under contract as of the date of the proclamation and timber sales with a decision notice signed after January 1, 1999, but prior to December 31, 1999, may be completed consistent with the terms of the decision notice and contract."

Those timber sale contracts are up! The Proclamation says 'consistent with the terms of the (timber sales) decision notice and contract'. The timber sale decision notices and contracts that were in effect on the day of the Proclamation no longer are valid under their own terms. There was no intent by President Clinton for those sales to be renewed and extended at all, and certainly not more than a decade past their expiration



PHOTO PREVIOUS PAGE: aerial view of the Saddle and Sales. Shows not only that the project areas are already heavily thinned, and also illustrates the heavy impact of past logging, logging roads, and the definite lack of any need to create more openings. This was a continuous conifer forest about 20 years ago. Photo shows small trees to right of road that were planted after logging. Note bare soils even in simple forest thinning.



Map showing how the Saddle and White River sales fit together like puzzle pieces to create a strip of logged forest further isolating marten and fisher from usable but degraded habitat.

Proposed conversion of seral stages

Your Draft Plan appears to be a vegetation management plan rather than a plan to protect and restore a myriad of Monument objects. Draft Plan states, 56-57: "in mixed conifer

- within 5 years ..change 1.1 percent, approx 257 acres, of the mixed conifer types to an early seral phase in giant sequoia groves.
- .. change 0.5 percent, approx 530 acres, of the mixed conifer types to an early seral phase outside of groves
- ... change 12.5 percent, approx of the chaparral vegetation types to an early seral phase in giant sequoia groves
- ... change 3.1 percent, approx of the chaparral vegetation to an early seral phase outside of groves
- ... change 1.8 percent, approx of the montane hardwood conifer vegetation types to an early seral phase in giant sequoia groves
- ...change .9 percent, approx of the montane hardwood conifer types to increase tree growing space in groves
- ...manage vegetation, approx to change 0.5% of red fir types to an early seral phase outside of groves.

These Draft Documents fail to provide any relevant scientific foundation for support that these changes of seral stages are appropriate.

What percent of each of these vegetation types and categories is currently in what seral stage?

What is the scientific basis for determining that the Monument lands need additional percentages of these vegetation types converted to early seral phases?

What is the scientific community's consensus regarding how many acres of each vegetation type should ideally be in which seral stage?

How do slope, aspect, elevation remoteness and differing goals for lands (such as those in roadless vs lands already heavily roaded and logged) affect the desire for early seral stages?
How many will occur naturally under a worst case scenario?

Is your goal of creating this number of openings possible? Since it takes 300 years for an opening to regain old growth characteristics and for 300 year old trees to again be growing where they were prior to logging, how will you keep this amount early seral stage openings in each vegetation type over time?

Will you continue to create similar gaps in the 5 years following, and do this in perpetuity? What indicators will you use to determine that you need more or less acres in early seral stages?

Is your current understanding is complete enough to set such quantitative standards?

These changes to early seral phases can be accomplished with fire. Beyond gap creation in plantations or in sparse young forest that is already close to being a gap, generally you should focus any new gap creation in the currently overrepresented age group of forest patches: that which is less than about 130 years old. When using prescribed fire, different firing techniques can be used to selectively encourage

such gaps. Prescribed fire will undoubtedly create some gaps in forest stands older than this; this is to be expected and in itself is not a reason to avoid the use of prescribed fire.

Even if you have scientific basis for number of openings that are optimum, you must first know how many openings currently exist on the monument: there are natural openings from unsuitable soils, rocky outcrops, riparian areas, openings created by fire, openings created by former logging operations. We do not see this information that would be the basis for determining whether the Monument lands indeed require more openings or already has too many.

Further, almost all natural and unpredictable events in the forest result in openings; these events include heavy winds causing acres of blowdowns, insect infestations, and fire. Any determination that more openings must be created must be predicated on the assumption that natural and unpredictable openings will be created and not be under the control of managers. It is safe to say that creating openings is irreversible for centuries: an opening cannot be undone any more than a tree can be put back after it is logged.

Reliance on Framework Strategies, Guidelines, Standards or Allocations:

There should be no presumption that Framework, 2001 or 2004 Guidelines, Strategies, or Standards are appropriate for the Monument's management. The Framework worked out a strategy to accomplish goals that are far different on usual Forest Service lands. These lands that the Framework was developed to manage have different objectives than Monument lands.

The Framework had to maintain a level of timber extraction acceptable to the timber industry all the while attempting to give a minimum protection to species. Many trade-offs were made: Scientists were consulted to determine the minimum standards and minimum protections possible but still keep sensitive and special species viable – at least keep them from becoming candidate species or on the endangered species list. These minimum habitat requirements were found acceptable by the Forest Service as a trade off to keep their timber programs going. The more habitat that is protected, the less land is available for logging. Some of the trade-offs between the timber interests and optimum habitat allowed trees of a certain size or quantity to be removed – all with the hope that this removal would not push species over the edge.

The Proclamation, created under authority of the Antiquities Act, implies optimum habitat and optimum protection for its objects (species) to flourish and to continue into perpetuity. There is no justification to apply standards to the Monument that were developed to maximize timber production. There is no requirement whatsoever to make trade offs to continue commodity production as was required in the Regional 5 Framework process where the allegiance to the multiple use doctrine promotes logging to extent possible.

Any guidelines that were developed for the purpose of balancing wildlife protection and viability WITH logging are, by nature, compromise. These Framework guidelines and land allocation that the Forest Service are now applying to the Monument foster commodity production. Strategies and land allocations including WUI's, SPLAT's, and DFPZ's come from a mind-set that is determined to not allow fire to burn any of the trees they consider to be merchandise in the timber warehouse (inventory) and a desire to justify tree removal under the guise of protecting communities or other lands. We have not seen and the Forest Service has not produced any scientific documents that are peer reviewed that show that 1/ the thinning strategies allowed and promoted for a 1 ½ mile wide WUI's changes fire behavior in a way that

is desired 2/ that even if such allocations and strategies indeed did affect fire behavior, is that change a sound ecological goal 3/ that the trade-offs from attempting to carry out those strategies, the slim chances that mechanically manipulating the forest might slow fire are still not more harmful than beneficial to the Monument lands. These discussions must occur in the context of the Proclamation's intent and the high standard of protection required for Monument 'objects.'

Draft Plan not consistent with 1989 Court Settlement

The Draft Plan does not incorporate requirements from the stipulation for Entry of Judgment dated December 27, 1989 in Sierra Club v. U.S. Forest Service, Case No. CVF-87 -263 EDP. This settlement, which was made after the Ninth Circuit Court of Appeals granted an injunction, states that “restoration of units.... shall be directed at restoring these areas as nearly as possible to their former natural state. The Sequoia National Forest will provide a status report of reforestation to the Sierra Club five years after planting. The report will include a summary of proposed future actions to achieve restoration; “...The Sequoia National Forest will consult with representative of the Kern-Kaweah and Tehipite Chapters of the Sierra Club after the first and third year survival exams, and prior to subsequent management actions planned after the five year report.:

These and other requirements have not been met.

MSA

The MSA was the result of negotiations between parties who had filed administrative appeals on the 1988 LMP. The issues that were discussed, and some that were resolved, were primarily those that were of concern to MSA participants. MSA says, " Parties concur that this Agreement applies solely to the issues raised in Administrative appeals of the Land Management Plan for the Sequoia National Forest." The MSA was never intended to be a re-write of the LMP nor was it ever contemplated to be a complete stand-alone strategy for managing the Forest let alone the Monument.

An MSA based Alternative makes no sense. Every Alternative should incorporate MSA provisions.

In 1990, twenty-seven parties signed a 170-page Mediated Settlement Agreement (MSA) that redefined management of the Sequoia National Forest, and set forth rules, requirements, and guidelines for management and care of the Giant Sequoia Groves in the Forest now designated as the Giant Sequoia National Monument.

The provisions of the Mediated Settlement Agreement were the product of nearly two years of discussion, investigation, and review not only by the parties to various administrative appeals on the Sequoia Land Management Plan but also by the leaders of Sequoia National Forest, Region 5 of the Forest Service, the Chief of the Forest Service, and their Federal attorneys.

The provisions of the MSA are legally binding on all parties. The MSA began the process of gaining genuine protection for the Groves and this protection was later strengthened by Monument language. The Proclamation, which created the Monument, supercedes only the MSA provisions that are obviously not consistent with it such as commercial timber harvesting issues -- and it therefore remains intact as a legally binding document for all parties. The MSA governs management on many aspects

of the Sequoia National Forest, and will do so until the Forest Service issues and finalizes its next Land Management plan and incorporates MSA provisions into that Plan.

- I. The MSA requires more site-specific study and more protection of groves than the Draft Plan
2. The MSA requires that an EIS be written for each and every specific grove where the Forest Service plans to implement a fuel reduction project.

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).

B. The MSA incorporates the 1989 Settlement of the lawsuit filed by the Sierra Club to stop logging in the giant sequoia groves. The provisions include restoration of the logged groves cutover in the 1980's. These provisions have not been carried out nor does the Monument Plan provide for such actions.

C. The GSNM Plan fails to comply with the MSA's requirement to recommend the Moses Roadless Area for Wilderness

“The Regional Forester shall recommend that the mapped portions of the Moses Roadless Area be included in the Wilderness System as provided under the Wilderness Act of 1964.

It has been 20 years since all MSA parties including the Forest Supervisor, the Regional Forester, the Timber Industry, Cattlemen and Off road Vehicle groups approved that provision. All of the Moses Roadless Area is within the boundaries of the GSNM; the Monument Plan should make that recommendation and the Forest Service should take the necessary steps to make the recommendation official. This commitment and the Forest Service should comply with their commitment made in 1990.

D. There are specific procedures that must be followed in order to modify the MSA: this modification cannot be carried out by any one MSA party including the Forest Service.

Fire Management Plan

The Draft Monument Plan is greatly focused on fire, suppressing fire, emulating fire, influencing fire behavior to prevent or lessen fire, the danger of fire, protection of communities from fire – using fear of

fire to justify removing a huge number of trees and biomass. The giant sequoias and its ecosystem have a unique relationship with fire and have evolved to thrive with frequent cool and occasional hot fires. Almost every restoration goal in the Monument revolves around fire, the lack of it or the fear from forest flammability. YET there is no Fire and Fuels Management Plan for Sequoia National Forest or for the Sequoia National Monument: the myriad of issues and details about how, when, where to burn, suppress, how to coordinate with other agencies are not included in the Draft EIS and Plan: Neither the public and likely not the agency knows the particulars of Fire Management for the Monument and certainly it has not gone through nor is it going through the NEPA process with full public input.

The Draft Monument Plan states the Monument will implement the 2009 "Guidance for Implementation of Federal Wildland Fire Management Policy."

This Plan mandates, " Every area with burnable vegetation must have an approved Fire Management Plan."

When the Forest Service circulates a new Draft Plan and Draft EIS, those documents must include a Fire Management Plan.

Decipherability

The Forest Service promised the public that this time the initial plan would be a separate document unlike the first attempt. It was fully aware that Federal Judge Breyer had said the first Plan attempt was 'indecipherable.'

The Forest Service did give us a separate bound book titled, Draft Sequoia National Monument Plan. However, to the ordinary reader it remains uniquely indecipherable. It is impossible to determine what this Draft Plan would do, what it would allow, how any subsequent project could be found to be consistent or not consistent with this Plan.

Draft Plan page 28, Desired Conditions, are sweeping, ambiguous, and impossible to quantify. This section is apparently supposed to tell the reader what the Plan is trying to accomplish, the condition all the management activates are attempting to lead. There is absolutely nothing here except a list of documents that, apparently by using psychic vision or other paranormal skills the Forest Serviced determine the goals of this Plan.

Forest Service does not use the word "Goals" rather it calls them "Aspirations," -- not commitments or decisions. In short, the Forest Service is making a dream list that they may or may not do or even try to do -- and they are not certain where they can or will do what.

But from where did these desired conditions come? Listed as sources for these "Aspirations" are: The Proclamation, Advisories from the SAB that commented on the first attempt to write a Monument Plan (but no where are these Advisories paraphrased and the public is not told which sections of those obsolete Advisories might possibly be pertinent to this new round of planning), current management direction, and Public comments on the interpretation of the Proclamation and the proposed action. **Is there a scientific basis for any of your desired future conditions?**

This set of documents uses different terms in the Draft Plan than in DEIS, charts etc Land Allocations, management areas, Adaptive Management Charts, Overlapping designations, Static and Dynamic

designations, Trumping order for land allocations (from the 2001 Framework), charts of "Dominant Management Direction When Land Allocations /Management Areas Overlap"

The Plan includes strategies that are so nebulous and unspecific as to be laughable:

Draft Plan page 54: *"Design forest management techniques to promote ecosystem resilience to future regional changes in temperature and precipitation."*

What forest management techniques are available to choose from? Is there a science-based definition of ecosystem resilience and how does it differ for each vegetation type, slope, and aspect? What criteria do you use to measure progress towards that goal? How will you know when you have reached that condition? .

.Recreation and Roadless Areas

All Monument roadless areas should be listed in the Recreation Niche under Wildlands. These Roadless areas include: Agnew, Moses, Slate Mountain, Black Mountain, and Lyon Ridge and Jennie Lakes There is no criteria for your apparent arbitrary assignment of some roadless areas and not others. Further there are unroaded areas that are possible Wilderness candidates for inclusion in nearby Wilderness areas. The Freeman Creek drainage is such an area.

The Moses roadless area should be recommended for inclusion in the Wilderness System. It has been 20 years that we have waited for you to type those words into any document. Please explain this delay in carrying out this provision of the MSA?

Why does your ROS spectrum for the Monument not include a primitive, nonmechanical category? The Monument must have opportunities for such primitive experiences; that is a recreational and spiritual experience that can be found in few places on earth. Areas and trails that offer such opportunities are rare in the Monument and they must be protected. Where did the ROS spectrum assignments come from and were they reviewed for their consistency with the Monument and discussed with the public?

Not all roads should be open to Motorized Off-road vehicles. The Proclamation did not intend that every mark on a map that indicated a trail to be appropriate for motorized ORV use. Some roads superimpose historic trails and to restore the integrity of the trail, the roads are used for horse and hiker access. Some of these roads should be downgraded to trail status. Other current roads can be set aside for bicycle use particularly for those bicyclists who want to ride with great speed over water bars and other obstacles. Still other roads may be a safety hazard if they are shared with street licensed vehicles.

The Transportation Plan should look at options on existing logging roads outside of groves and roadless areas to create loops for ORV use.

Not all trails should be open to non-motorized bicycles. Recreational users should have an opportunity for a variety of experiences. **There should be some trails that offer a pristine and non-mechanical experience similar to wilderness.** That is not listed as a goal in your Draft Plan. Some trails are unsafe for bicycles because of their steep terrain. On some trails bicycles are causing damage to Monument protected resources. Of particular concern are those trails inside Giant Sequoia Groves. Bikers brag on various websites that they can ride their bikes for many yards on top of fallen sequoias and then jump and become air born for many feet.



Photos of jumps created by bicycle users in the Wheel Meadow (Belknap Complex) Grove in the Slate Mountain Roadless Area. The jump at the end of the downed sequoia poses a high safety risk both to the bicyclist and to any hiker or horse rider who might be near the trail. The trail bends around the log, but the jump takes the bicycle rider straight over the trail. Air born bicycles and hikers and horses are an irresponsible mix; the Forest Service does not have to wait to actually have someone injured by such a mix.



Photo of user-made jump -Wheel Meadow Grove - Nelson Trail, Slate Mnt Roadless Area

There are damages occurring to sequoia roots from bicyclists deliberately taking a detour to ride up on the buttresses of sequoia roots in order to jump. Other trail areas have been banked by hand: rocks and other debris is placed on the outside of turns to facilitate high speed. Bikes are taking all curves at an unsafe speed and they deliberately leave the trail tread on curves, traveling high along the bank of the trail. This is not consistent with protection and recreation consistent with Monument purposes.



Photo showing damaged sequoia bark from base of tree from bikes using sequoia and roots used as jump launches. This view is looking up hill from where the bikes speed.

The DEIS and Transportation Plan must take a hard look at the value of its trail system and what users and uses are appropriate for which areas. The Nelson Trail is the one and only pristine, undeveloped trail of any length that remains in the monument where the hand of man is not obvious. It should stay that way. Groves and roadless areas and rare pristine trail opportunities must be protected.

The Proclamation did not intend that every mark on a map that indicated a trail to be appropriate for bicycle use. Requests for special use permits for outfitters to take bikes to any Monument trail must be scoped and fully analyzed to be certain Monument resources will not be adversely affected. These commercial bike tours specialize in dropping bicyclists off at the top of steep trails and then pick them up at the bottom: the goal is for as challenging, speedy, and competitive experience as possible. This is not appropriate in the Monument. A sequoia grove is not an obstacle course.

Our position is that the Transportation Plan must address user safety, user conflict, Monument object protection, and appropriate uses for the Monument's trails and former logging roads. There is a place for most uses to occur, but not every place is suitable for every use. We believe it would be appropriate for mehanized vehicles, motorized or not, to be kept out of sequoia groves and roadless areas except in unique circumstances. For example existing logging roads that are determined to be appropriate to remain in the road system that are through a sequoia grove could, after due consideration, be candidates for ORV and bike uses.

Trail Maintenance

We do not agree in using light equipment for trail maintenance anywhere in the Monument. We believe "light equipment" refers to small ORV's, quads, and mini-bulldozers. The only equipment that should be used on the few remaining trails in the Monument are chainsaws, picks, shovels, and pruning loppers. Trail standards should be the same as for Wilderness areas. Hazard trees should be left in place unless they fall or block the trail.

The issue of using damaging equipment for trail maintenance was raised by the recent so-called trail improvement project in the Freeman Creek Grove. This trail was a historic and prehistoric primitive route that traverses the delightful Freeman Creek and Grove. It was pristine. It was in a botanical area. It had a few areas where the trail was rutted that should have been rerouted but nothing should have been done to destroy its character. A crew using hand tools could have completed in short time and for a small amount of money the work. However, in 2006 the Forest Service, in what it called a maintenance project, built wooden bridges across every delightful stream crossing, widened the trail to 6 feet in width using large quads mounted with bulldozer blades, and created what many people think is a logging road. That's what it looks like today.

NO Monument trail should be treated in such a heavy handed manner. The Transportation Plan must spell out what the trail maintenance standards are for Monument trails so there will not be a misunderstanding like this again. Had the public known what was intended for the Freeman Creek Trail, likely the outcry would have resulted in a light maintenance and a primitive trail experience to continue.



PHOTO shows the ORV doing trail maintenance on the Freeman Creek Grove Trail inside the Freeman Creek Sequoia Grove that -until this project -was unroaded.- Is this considered to be "light equipment?"



PHOTO of drastically widened Freeman Creek Trail after being 'maintained' by motorized quad-mounted bulldozer. There was no analysis of increased sediment from these freshly disturbed soils.

Named Sequoias:

The sequoia that Bill Clinton walked through towards the audience in the Trail of 100 Giants when he created the Giant Sequoia National Monument must be named after him. This tree is being patted, climbed, rubbed and loved to death. It should have a fence around it and a sign indicating its significance. It should have more protection than the George Bush Tree primarily because it receives more visitors due to its easy highway access.

The stand of sequoias in the Black Mountain Grove that were the inspiration for public demand to stop logging in Groves have long been named "The Three Sisters." I believe they are an iconic stand of sequoia and their name should be made official.

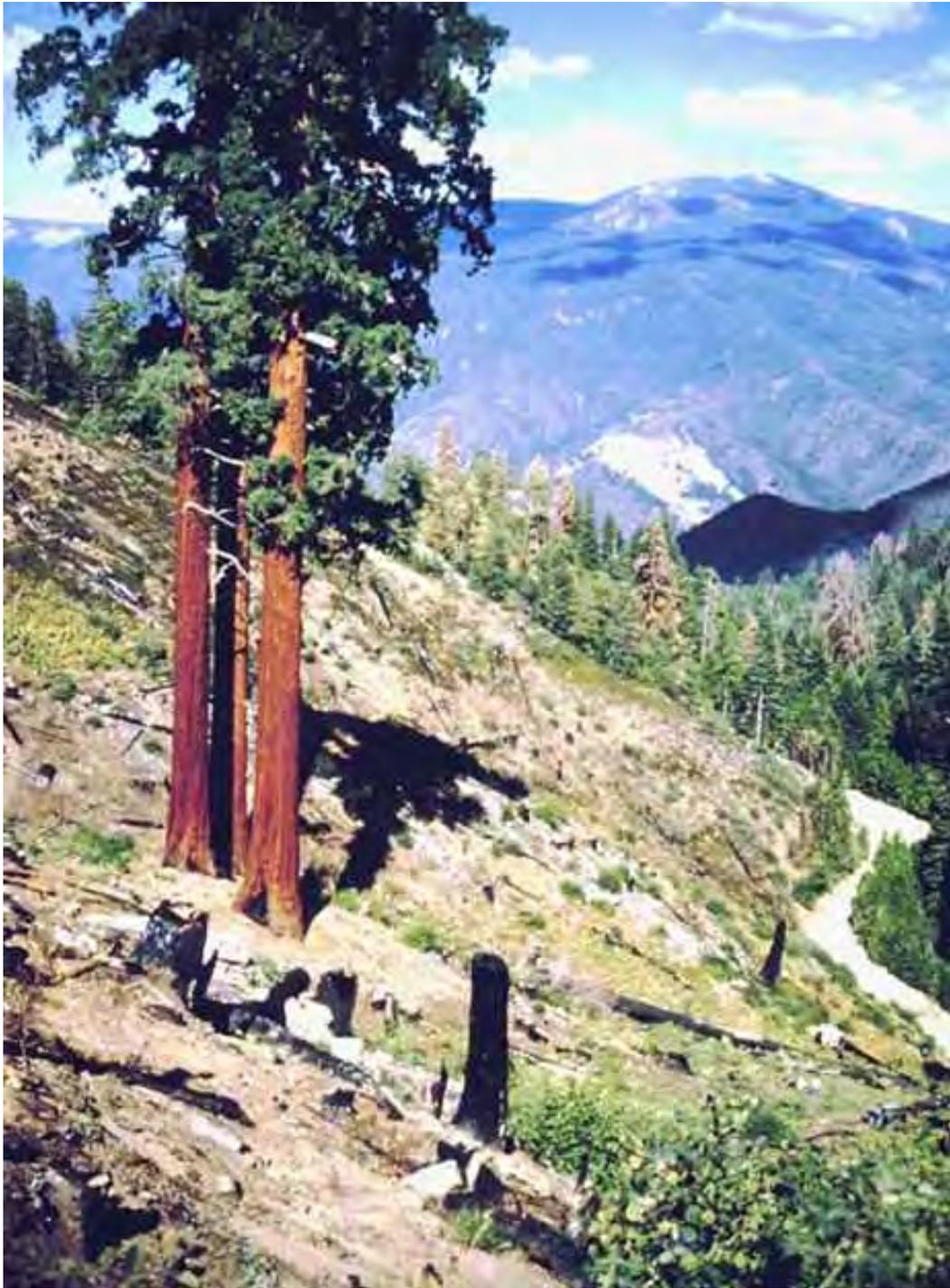


PHOTO: The Three Sisters: Black Mountain Grove: Solo Timber Sale- Jordan Peak in the distance

Scenic Highways

Highway 190 and the Western Divide Highway should be managed as scenic highways and their visual quality should be protected. While these roads do not have a federal or state designation at this time, they are uniquely beautiful and have high visitor use. Highway 190 gives visitors a wondrous climb from the Monument Boundary below Coffee Camp with chaparral, old growth manzanita and buckeye through black oak, mixed conifer, and then climbs along the boundary of the Belknap Complex grove where sequoia can be seen on the ridgeline if one knows where to look. Once on top of the western divide stands of aspen offer golden fall displays along with fir, pine and lodgepole. Continuing past Ponderosa Dome Rock and Needles are in the distance and view of the Kern River are below. Before the highway drops either to Kernville or California Hot Springs the highway takes travelers to the Trail of 100 Giants. Indeed, perhaps the Parker Pass Road and the Road dropping down through Johnsondale should also have special viewshed protection

Wild and Scenic Rivers

We urge Sequoia National Forest to review and evaluate the North Fork, and both the North Fork and South Fork of the Middle Fork of the Tule River for purposes of inclusion in the Wild and Scenic River System. Reviews/Evaluations may have been carried out many years ago, however this was long before these branches of the Tule River were a part of the Giant Sequoia National Monument. A serious look at this unique river would disclose that every branch of this river originates in groves of Giant Sequoia and they bisect and sustain groves throughout their watersheds. Each is rich in scenic beauty including unique vistas, scoured rocks and numerous waterfalls. Visitor and recreational users are drawn to this area because of the Monument and its beauty. This effect would increase with official designation of these branches of the Tule River.

Preserving Options future generations and for Climate Change

It only makes good sense to acknowledge that we have no way of predicting what conditions our Monument objects will have to face in the future, but that global climate change is occurring and will continue to occur. It also makes sense that we cannot know for certain what management activities we can undertake in a pro-active manner that might make Monument forests more able to adapt to those changes. The only reasonable course of action is to not treat every grove and the entire Monument in a homogeneous manner: We must leave various areas and various groves in different conditions: not thin them all to the same standards, or presume that a particular paradigm will work. The risks of being wrong of putting our eggs all in one basket are very real. We urge that the Monument Plan take this uncertainty into account, not by simply stating it, but by making decisions regarding deliberately leaving some groves and some stands without interference, and some groves and stands only treated with fire. and acknowledge that many of the groves have already been logged and roaded and are not candidates for the 'hands off' approach. We recommend that Groves that have not been thinned, logged or seriously disrupted by human activity remain as control groves so that scientists in the future will have more options and more information to use to judge the results of various human actions including 'no action.'

Additional Questions and Issues

1 What is the road density in the Monument and are there areas where roads are so dense that they are overly fragmenting wildlife habitat and overwhelming watersheds with concentrated run-off and sedimentation?

2 How many openings per vegetation type per aspect and elevation is your goal beyond the 5 years indicated on most of the Plan's charts? Will these goals stay the same for the following 5 years? What is the source of this desired condition?

3 How does immediately replanting openings restore the Monument from a century of logging and being treated as an artificial, highly manipulated, unnatural tree farm? Does this not perpetuate the tree farming paradigm that was thrown out by the Proclamation? Aren't these newly created 'plantations' also 'logging damage' and the antithesis of ecological restoration? Don't they create new areas of fire susceptibility?

4 What is the basic difference between Alternative B and Alternative F and how can the agency and the public make a reasoned decision to favor one or the other? It appears to us that these are both the same Alternative except for the limits on size of trees that may be removed.

5 Tree removal criteria: You state, Draft Plan page 118: for all project that include... tree removal, conduct an evaluation to document the clear need for ecological restoration.. " What sort of evaluation will be done and what documentation will be completed? What criteria will be used to determine that no other method will meet the management goal of ecological restoration? Will this evaluation be circulated to the public for comment prior to project approval? Who will be responsible for carrying out this evaluation and documentation? There needs to be a clear and transparent process including a decision tree that justifies and proves to the public that the tree removal is not being carried out for economic purposes and that there is no feasible alternative to the tree removal.

6 Plan page 118: Plant all regeneration areas requiring reforestation. What are regeneration areas? How will you decide they require reforestation rather than fulfill a role as an opening and going through the natural stages of succession?

7 What are timber stand improvement projects? This sounds like a timber management strategy.

8 Have you already mapped the ZOI's for the groves and do they include the downslope firesheds? How do management strategies differ inside the ZOI from the non-grove area? How do management strategies differ inside the ZOI from the grove itself?

9. Easements and permits for utilities such as telephone, electricity, cell towers, and water pipes should be camouflaged to the extent possible. Such efforts are made even along I-5 in the LA basin. Certain the visual quality in the Monument is more important than the I-5 corridor. Obsolete equipment such as wire and cables and pipes must be removed. They are unsightly and they are a safety hazard.

10. What is your strategy in this Draft Plan for ecological restoration of the Plantations? Not all plantations are alike: some are pine and in original pine forests. Others are pine but the original forest was red fir. Red fir seedlings are now germinating but they are very small. How will you foster the restoration of the original fir species?

11 What is the rationale for the 56,000 acre Tribal TFPA? What tribal resources are being protected and from what and what are the direct, indirect, and cumulative impacts on all of the Monument protected objects from implementing such as strategy? What are the trade-offs and why are they not discussed in the DEIS?



PHOTO: Post project after thinning trees 20" diameter and under for fuels reduction in a WUI/DFPZ. This project is in a Red Fir forest. It is just a short distance from Parker Pass, Sequoia Monument. This is a unit of the Saddle Timber Sale. It is miles from any structure.

Is the above photo representative of what areas in the huge WINI's - not directly adjacent to communities – will look like if the current Draft Plan is implemented? The project description is very similar to what is proposed in the Draft Plan. This is not ecological restoration; projects like these damage the very lands the Proclamation demands be protected.

Thank you for the opportunity to comment:

Carla Cloer

/s/

Chair/Sequoia Task Force
President, Tule River Conservancy