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10 March 2003

To: Members of the Giant Sequoia National Monument Scientific Advisory Board (SAB) and to Giant Sequoia National Monument Superintendent, Art Gaffrey

RE: California Attorney General on the DEIS, DEIS Failures, and Suggested SAB Agenda Item

I am taking this opportunity, prior to the Scientific Advisory Board (SAB) reconvening, to discuss three issues:

1. Introduce into the record, for the benefit of the SAB, the letter from the California Attorney General (AG) on the inadequacy of the DEIS(attached),
2. Cite several of the failures of the DEIS, and
3. Request that an agenda item for the next SAB meeting include ways to modify Alternative 4 or re-do the DEIS to comply with the Proclamation.

California Attorney General's comments on the Monument DEIS

To quote the AG, "by the specific terms of the Monument Proclamation-that "no portion . . . shall be considered to be suited for timber production"-only Alternative 4 is a legal alternative". The AG emphatically stated that, "we strongly encourage the Forest Service to withdraw the DEIS and complete an analysis. (See the attachment)

Concerns about Some Failures of the Monument DEIS

In addition to failing to consider or substantially analyze more than 100 pages of comments and citations submitted by us, some examples of specific failures of the DEIS are cited below. The DEIS fails to divulge that group selection (i.e., patch clearcut, openings, gaps) has been shown to be a total failure in achieving giant sequoia regeneration, while fire has been a great success (see, e.g., Stephens (1995), Stephens (1999), and Benson (1986).

We are concerned about the basis for the DEIS because of the lack of scientific evidence provided in the DEIS and because of Monument Superintendent Art Gaffrey's responses to the following questions asked by the public during the Monument meeting in Fresno, California:

1. "Since none were cited in the DEIS, can you cite one published, peer-reviewed study showing the need to remove trees 30 inches in diameter to reduce fire risk? Mr. Gaffrey responded, "There is no diameter specific research for 30 inch, 16 inch, 10 inch, 6 inch, or 3 inch."
2. "Do you mean there is no scientific basis for the DEIS to select 30 inch trees?" Mr. Gaffrey

- responded, “We do not have any research to support the 30 inch diameter.”
3. “Then why did you select 30 inch diameter for the alternatives?” Mr. Gaffrey Responded, “Public comments asked us to analyze an alternative with a 30 inch diameter limit.”
 4. “So, you have no science to support the 30 inch diameter limit? Mr. Gaffrey responded, “No.”

Some studies have found that the manual reduction of very small diameter undergrowth, including thickets of saplings (typically under 8 or 9 inches in diameter) and brush can reduce the incidence of large severe fires. See, e.g., Omi and Martinson (2002) Given that such undergrowth treatments (which are usually done non-commercially through service contracts) are effective, why is the Forest Service proposing the scientifically unsupportable plan to remove trees as large as 30 inches in diameter in the Giant Sequoia National Monument? Why does the DEIS ignore government reports (e.g., SNEP Report and the National Fire Plan) which indicate that removal of large trees will increase fire severity? If the thinning of very small diameter trees (in areas where past logging and/or fire suppression have caused excessively dense conditions) is effective, then how can the removal of larger trees be "clearly needed" under the Proclamation language, particularly when such canopy reduction will harm old forest species? The only other context where removal of larger trees might be necessary would be tree plantations that are unnaturally dense. The Forest Service, however, has not identified any such areas or limited removal of larger diameter trees to such areas.

Particularly in light of the above question, how can the removal of trees up to 30 inches in diameter, and the creation of patch clearcuts, be consistent with the Proclamation's specific requirement to protect the habitat of the imperiled Pacific fisher when the fisher is highly dependent upon mature, closed-canopy forests, and only 100 or so individual animals remain within the Sierra Nevada--all of them in the southern Sierra in and around the Sequoia Monument? Why does the Monument DEIS's section on environmental consequences devote only about a half a page to the potential impacts to the fisher, and why are the impacts of logging scarcely mentioned?

Agenda Item for the Next SAB Meeting -- Modify Alternative 4 or Re-do DEIS to Comply with Monument Proclamation

We recommend that the agenda for the SAB meeting either focus on modifying Alternative 4 or restarting the entire DEIS process so the SAB can provide guidance on the development of a legal and scientifically supportable Monument Management Plan without supporting illegal alternatives. **Trying to fix Alternative 6 is a waste of time and will give improper SAB validation to Alternative 6!** Alternative 6 is based on the premise that is the exact opposite of the Proclamation. The SAB must not be an accomplice in trying to mask that truth.

If the USFS goes back to restart the process, its flawed procedural process must be fixed, including asking the SAB for input before making apparently irrevocable decisions.

The SAB should offer the following advice to the USFS:

1. Start with the Proclamation.
2. With the guidance of the SAB, develop the elements of the Land Management Plan.
3. Analyze the forest as a whole – not as multiple zones for management.

4. Rely primarily on hand thinning and non-mechanical thinning and careful prescribed burning. Prescribed fire should be the primary management tool. Exceptions to thinning of trees up to 12 inches in diameter should be skeptically considered, since the forest fuels problem is trees up to 8 or 9 inches in diameter, brush, and lower branches. These are what should be removed – not the tree trunks and their canopy. Science has shown that thinning and logging increase wildfire intensity and severity and contribute to catastrophic events. Fuel reduction ignores the fact that woody materials provide nutrients for the soil and habitat for the species that live in the forest.
5. As part of the Management Plan develop a Fire and Fuels Management Plan that will spell out conservative criteria for allowing natural fire to burn – no fire suppression, it doesn't work or benefit the ecosystem.
6. Allow thinning of trees within the structure zone, i.e., within 200 feet of structures. Allow the removal of trees outside the structure zone in site specific situations, only AFTER an EIS is written that explores various alternatives to tree removal and contains valid scientific evidence. One specific instance that may require this process to allow tree removal might include protection of fisher habitat because of a high danger of a prescribed fire getting out of control. Another situation might be the removal or thinning of some of the thousands of artificial tree plantations inside the Monument.
7. Have the Giant Sequoia Ecological Cooperative come up with a tentative 'desired future condition' which is applicable to ALL sequoia ecosystems regardless of agency that 'owns' them.
8. Trend toward the tentative 'desired future condition' developed by the Giant Sequoia Ecological Cooperative slowly, with much monitoring and feedback of data to be sure they are on the right track. There is opportunity for scientific study because the USFS has already undertaken almost every invasive activity possible in the forest; the retrieval of data regarding how the forest responded is waiting, ready to be collected. For example, they should not go out and re-do logging in groves as a science project. Black Mountain, Peyrone, Alder Creek, Long Meadow Groves provide ample opportunity for discovering how groves respond to the drastic mechanical commercial logging meant to improve forest health.
9. Bulldozers and heavy equipment should not be used for fire suppression and trail building. Years of fire suppression have caused the forest to become unnatural. It would be less costly to provide metal roofs and stucco siding to protect homes and structures. Trail building with heavy equipment is harmful to the ecosystem and should be prohibited. Bulldozers and heavy equipment are one of the sources of exotic and invasive plant species.
10. The term “hazard trees” should be defined so that only truly hazardous trees are the subject of hazard tree removal. Hazard trees should not be removed from within 100 feet of roads if their hazardous tops or branches can be removed to render them not a hazard. The Park Service provides a good example of removing the tops of hazard trees and leaving them in the forest for habitat and protection of forest species, soil stabilization, soil nutrients, and erosion control.
11. Treatments in groves should not be specified. Logging in Giant Sequoia groves is harmful, unacceptable, and unnecessary.
12. Service contracts should be the only method of conducting thinning or restoration activities, with no timber sales. Timber sales create the wrong incentives, placing protection of Monument resources a distant second after financial considerations.

13. Personal-use fuel wood gathering should be restricted to trees less than 10 inches in diameter since larger trees would reduce canopy cover, nesting habitat, and protection while foraging for the Pacific fisher and other species.
14. Post-fire salvage logging should be prohibited. Natural restoration is less harmful and more efficient. No studies have demonstrated that salvage logging decreases fire risk.
15. The use of herbicides, pesticides, poisons, and other chemicals, which could harm the objects to be protected in the Monument, should be prohibited
16. The DEIS must study the impacts of permitting grazing to continue in the monument and its negative impacts on the objects to be protected.
17. What about “restoration” of the groves/regeneration issue? What do we suggest for that problem, if it exists?

We realize that the task before you is difficult and that the many issues we raise regarding the Monument and the management direction given by the Forest Service are the subjects of continued study and debate. We strongly believe, however, that the SAB must nonetheless push the Forest Service to develop a truly protective management plan for the Monument. That has not been done.

It is imperative that the Science Advisory Board not simply limit itself to accepting and commenting on the alternative chosen by the Forest Service. The SAB must state on the record all concerns it has regarding the DEIS, including for instance, the lack of comprehensive planning for all aspects of Monument management, the inordinate focus on justifying logging, the lack of scientific basis for proposed actions, the lack of planning for protection and restoration of the wildlife species within the Monument. If the DEIS’ chosen alternative is insufficient or wrong, the Board must state that truth.

The Science Advisory Board was created as an independent advisory board pursuant to the mandate of the Presidential Proclamation. We hope that the Board will demonstrate its independence from the Forest Service by demanding that any management plan developed by the Forest Service actually follow the mandates of the Proclamation. As set forth in the State of California’s critique of the DEIS, this plan does not do so. Thank you for your continued thoughtful work on the Monument.

Should the attached file be unreadable, please inform me and I will e-mail the pasted text to you. Thank you for your time in this regard.

Sincerely,

Ara Marderosian,
Executive Director
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Attached - California Attorney General, Bill Lockyer’s comment letter on the DEIS