

Giant Sequoia National Monument Fire Plan Declared Illegal

The California Attorney General has won a landmark lawsuit against Sequoia National Forest. A Federal judge has found that the Sequoia National Forest Fire Management Plan, the basis for much of the management of Sequoia National Forest and the Giant Sequoia National Monument is illegal. This victory doubtless will influence the Sierra Club's lawsuit against the Monument Plan, but the greatest winners are those beleaguered sequoias of Sequoia National Forest.

We are extremely pleased by the AG's victory! Bill Lockyer's staff did an outstanding job with this complicated lawsuit. We have been holding our breath for the outcome knowing that it was an essential key to winning the battle for sound ecosystem management of the Monument.

What was this lawsuit vs. the Sequoia National Forest's Fire Plan all about? We here locally had been fighting to get Sequoia Forest to write a Fire Management Plan for many years, ever since the 1988 Land Management Plan ordered that a Fire Plan be written. When we raised the issue of the lack of a Fire Plan during the Monument planning process, we were stunned to learn that they suddenly had this Fire Plan. We had seen no public notice, no requests for comments, and no environmental documentation. From somewhere in the bowels of the Supervisor's office the Fire Plan emerged as a final document-- a done deal.

Apparently, in 2003, three years after the creation of the Giant Sequoia National Monument, Sequoia National Forest thought it could get away with writing a Fire Plan in their back room even though this Fire Plan dictated and constrained almost every aspect of their supposedly public Giant Sequoia National Monument (GSNM) planning process that was already underway.

The management of fire is central to management of sequoias, indeed the entire Sierra Nevada ecosystem. For decades Sequoia National Park has been successfully using fire - and very little logging - to manage and protect sequoias and related forests. In contrast, the Forest Service decided that logging, not fire, was the way to restore and protect their sequoias in the new Monument. To this end, they did not allow even the Scientific Advisory Board, who had the responsibility for guiding the formation of the GSNM Management Plan, to give any input about this inadequately prepared Fire Plan. The Fire Plan underlies almost every aspect of the Monument Plan as it dictates if, where, and when fire may be used as a management tool. It disallows natural wildfire in nearly all of the Monument--yet the public was not told this nor allowed to comment on fire management because, as the Forest Service put it, "the subject is beyond the scope of this (Monument Plan) document." Can you imagine the audacity to tell the scientists and the public that a discussion of fire was not appropriate when planning for the fate of over half of the earth's sequoias?

Even before the Monument Plan was final, the State Attorney General filed a

lawsuit on just this one discrete issue alleging that Sequoia National Forest's Fire Plan was illegal because it was not approved subsequent to the requirements of the National Environmental Policy Act and several other Federal regulations.

The Federal Judge agreed.

Now that the Attorney General has won his lawsuit against this illegal Fire Plan, it is my personal opinion that the Giant Sequoia Monument Plan, which stands on the shoulders of that bogus Fire Plan, must be withdrawn. There has not yet been any decision on what remedies will follow. The AG's office will be working on that in the next few weeks.

The Forest Service manages only a few National Monuments and we are seeing that they have a long way to go in learning how to manage lands for the perpetuation of ecosystems instead of for logging. Now they have a second chance; they need to go back to square one in planning for the Monument's future.

We are very impressed by Sequoia Park's success in managing their sequoias and by their open attitude. The Sierra Club recently has been urging that Sequoia National Park, instead of the Forest Service, be given the responsibility for managing the Giant Sequoia National Monument. The Park system already manages more than 80 National Monuments in addition to the National Parks.