

Lockyer files Sequoia suit

Attorney general fights logging in plan to cut wildfire fuel in monument.

By Tim Sheehan / The Fresno Bee

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California Attorney General Bill Lockyer sued the U.S. Forest Service on Thursday for including logging in plans to reduce wildfire fuels in Giant Sequoia National Monument in eastern Tulare, Fresno and Kern counties.

Lockyer's suit was filed with the U.S. District Court in Sacramento. In a statement, Lockyer denounced the Bush administration's efforts to "turn John Muir's big trees into dead wood." President Clinton established the Giant Sequoia National Monument by proclamation in 2000 under the Antiquities Act of 1906. Lockyer contends that the management plan adopted in 2003 by Sequoia National Forest Supervisor Art Gaffrey and the Forest Service fails to live up to the proclamation's preservation goals. The controversy turns on how to protect giant sequoia trees that grow only in the Sierra Nevada range. The giant sequoias are the largest trees in the world with trunks up to 30 feet thick and heights of 250 feet or more. Some of the largest are believed to be thousands of years old.

About two-thirds of the sequoia trees in the world are located inside the monument boundaries.

Plans call for a combination of controlled fires and "mechanical" thinning — including logging of young sequoias and other tree species less than 30 inches in diameter — on about 64,000 of the monument's 327,769 acres to reduce the dangers of wildfire. The Forest Service estimates that about 1.5 million cubic feet — or 7.5 million board-feet — of wood would be harvested each year in the plan's first decade.

"Vegetation smaller than 30 inches in diameter is generally less than 130 years old and represents the bulk of vegetation found in overly dense stands with a high risk of catastrophic fire," Gaffrey wrote when the plan was adopted in December 2003. Tom Dresslar, a spokesman for the Attorney General's Office, said Lockyer's suit alleges that the plan's logging provisions violate Clinton's proclamation forming the monument and break a 1990 agreement between the Forest Service and the state governing the management of the Sequoia National Forest, including the area now within the monument.

"We're talking about one of the most treasured resources not just in the state, but in the country," Dresslar said of the giant sequoia groves, "and we just can't sit by and watch it be destroyed."

Matt Mathes, a spokesman for the U.S. Forest Service's Pacific Southwest Region in Vallejo, said Lockyer's suit wasn't a surprise, "but it's certainly a disappointment."

"His comment [about turning the giant trees into 'dead wood'] is an insult to employees of the Sequoia National Forest and the Forest Service ... who consider it one of their highest callings to preserve and protect these giant sequoias," Mathes said.

"Nobody in this outfit has any intention of cutting any of these magnificent old trees," he added.

For much of the past 100 years, Mathes said, the Forest Service followed a policy of putting out all fires: "We didn't have a full understanding of the role of fire in the natural life of a forest."

As a result, Mathes said, an "unnatural number" of smaller trees and brush has grown in. And while the trunks of giant sequoias can withstand fire, the undergrowth and smaller trees provide a "ladder" for flames to reach the vulnerable crowns of the giants.

"We're realizing that perhaps Smoky Bear did too good a job," Mathes said. Conditions in parts of the forest now, he added, are too dangerous for the Forest Service to rely solely on prescribed burns without the potential for fires to rage out of control.

"We put an enormous amount of time working with scientists to come up with a plan that meets the spirit of President Clinton's proclamation," Mathes said.

Another federal suit filed Jan. 27 against the Forest Service by a coalition of environmental groups headed by the Sierra Club also seeks stronger prohibitions on logging in the monument.

"We're all after the same thing," Dresslar said. "The main objective is to protect the giant sequoias from destruction that's not required to protect the ecology and protect the public safety."

Officials with Tulare County, who in 2003 lost a legal bid to block the monument, are disappointed by Lockyer's suit.

"I think the attorney general is misguided," said Steve Worthley, vice chairman of the county's Board of Supervisors. "The whole purpose of the plan is to manage and protect the monument."

"Timber harvesting and thinning is an important part of what you need to do that," he added. "It's one of the tools we need to have in our belt."

Eric Coyne, a county spokesman, said the Valley's air quality must also be a consideration. Fire helps to control excess fuel, he said, but smoke is a concern.

"In areas where the risk of a fire getting out of control is too high, then mechanical thinning is better, not only in safety but from an air-quality point of view," he said. But the Sierra Club applauds Lockyer's suit.

Barbara Boyle, the group's senior regional representative in Sacramento, said the Sierra Club is sensitive to Tulare County's air-quality concerns but prefers prescribed burns to logging.

"When you're dealing with air-quality issues, it's important to plan controlled fires to avoid smoke being blown back into the valley," she said. "That can go a long way to addressing a few days of air-quality issues."

"The tradeoff we have to look at here is more frequent, more intense fires with a much greater air-quality impact," she said. While both the Lockyer and Sierra Club suits seek to block unneeded logging, Boyle said her organization isn't opposed to cutting trees when necessary.

"We can support mechanical thinning to a point in or near communities that are in danger of a fire," she said. "But you don't need to cut trees bigger than about 12 inches in diameter for that. ... There's no excuse for cutting trees between 20 and 30 inches." Dresslar said that the similar goals of the two lawsuits make it possible that the cases could be combined.

"We're going to notify the court that the two cases are related, and it will be up to the court to decide to what extent these would be joined or on the same time line," Dresslar said. "We would expect that they would ultimately be heard before the same judge."