



SAVE AMERICA'S FORESTS

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Washington, DC 20003
202-544-9219

Destructive and Illegal Logging In The Giant Sequoia National Monument



Photo 1 – The Forest Service logged aggressively for timber in the Sequoia National Forest during the 20th century, creating huge clearcuts in the giant sequoia groves. Ancient giant sequoia trees were logged.

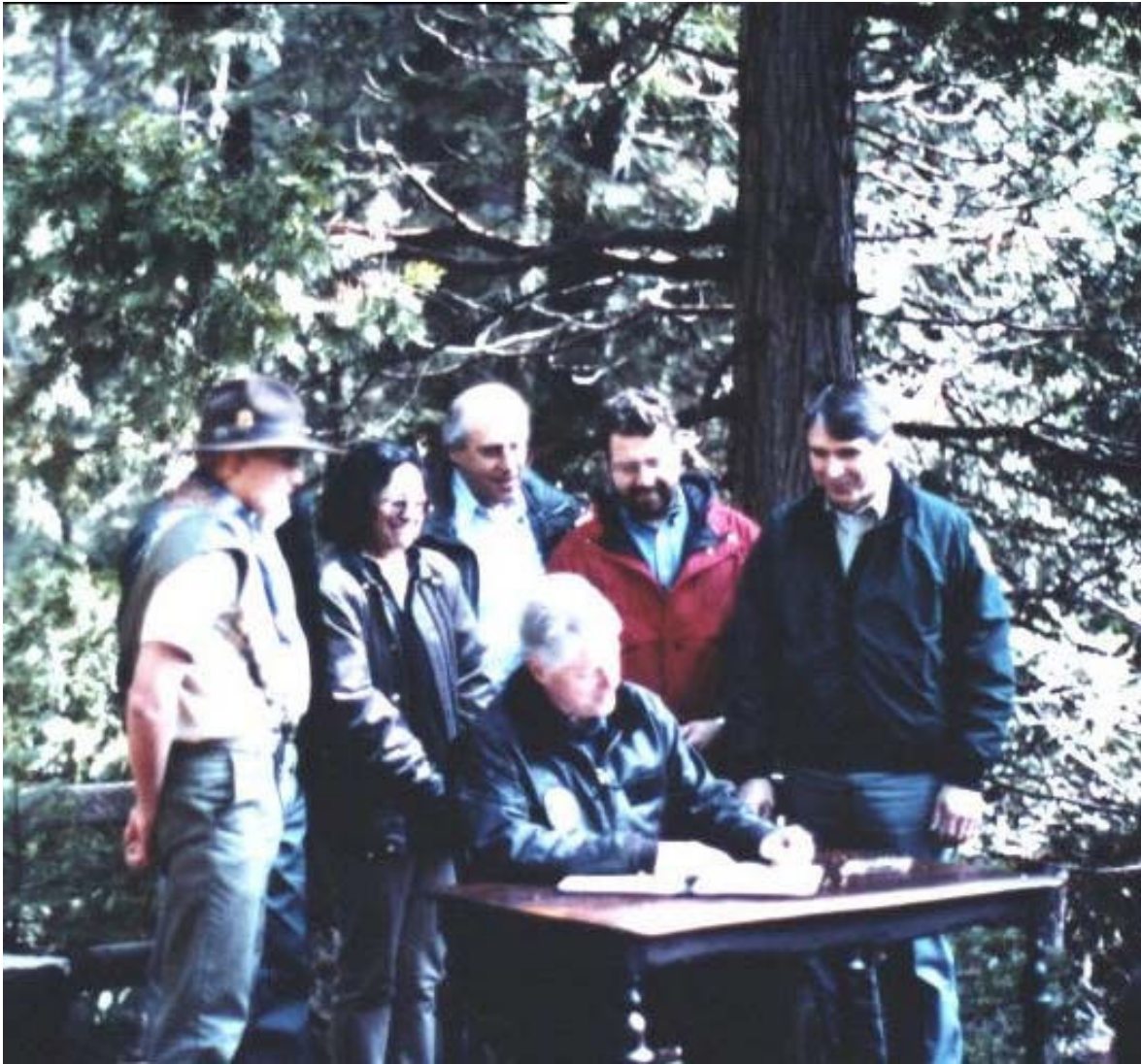


Photo 2 – President Clinton signs the Proclamation creating the Giant Sequoia National Monument (GSNM) out of the Sequoia National Forest on April 15, 2000. The signing ceremony is held in the premier tourist area, the Trail of 100 Giants. The Proclamation states the purpose of the newly designated monument is to protect the Sequoia forests and end logging for timber.

ORDER NO. 04 - 1

SEQUOIA NATIONAL FOREST
TULE RIVER/HOT SPRINGS RANGER DISTRICTS

TRAIL of 100 GIANTS CLOSURE

Pursuant to 36 CFR 261.50(a) and (b), and in order to protect public health and safety, the following act is prohibited within the Tule River/Hot Springs Ranger Districts of the Sequoia National Forest. This order is effective from May 3, 2004 through December 31, 2004.

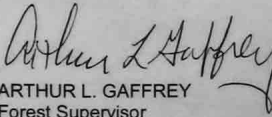
1. Going into or being upon the Trail of 100 Giants Closure Area, which is located within the Long Meadow Grove, north of County Road SM107 (Western Divide Highway), in the northeast quarter of Section 35, T.22S., R.31E., MDB&M, as shown on the attached map. 36 CFR 261.53(e).
2. Being on the Trail of 100 Giants (Forest Trail No. 31E00), as shown on the attached map. 36 CFR 261.55(a).

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

Any Federal, State or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

Done at Porterville, California this 30th day of April, 2004


ARTHUR L. GAFFREY
Forest Supervisor
Sequoia National Forest

A violation of these prohibitions is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Photo 3 – The Forest Service retains control of the GSNM, and in 2004, cordons off the Trail of 100 Giants for a year, preventing the public from seeing what is going on, under penalty of \$10,000 fine and jail. The Forest Service told the public it was only going to log 138 hazard trees (trees that were about to fall over and could injure someone) in the Trail of 100 Giants, and would not sell any.



Photo 4 – When the public returns to see the Trail of 100 Giants in the Spring of 2005, they discover that over 200 large trees, and hundreds of smaller trees (that could not have been large enough to fall on anyone) have been cut, and the most valuable ones have been sold to the timber mill. Many of the trees were over 300 years old, and these giants had no disease or any weakness that would have indicated they might have been ready to fall over. The Forest Service changed the reason given for the major logging operation to “fire prevention”.



Photo 5 – The giant trees lie fallen in the Trail of 100 Giants, summer 2005. The giant trees, some 6 feet wide at the base, have no branches until 100 feet up the trunk. These centuries-old trees had not had branches near the ground for over a century. They would have been very resistant to burning (before they were cut), as they had been for the centuries previous to being cut, when fires periodically swept through these sequoia forests. Stump in foreground is 70 inches in diameter.



Photo 6- Forest Service Chief Dale Bosworth



Photo 7- Representative Maurice Hinchey questioning Forest Service Chief Dale Bosworth in House sub-committee hearing March 9, 2006. Hinchey is holding questions and pictures supplied by Save America's Forests.

In March of 2006, Chief of the Forest Service Dale Bosworth testified in a House Appropriations sub-committee hearing about the logging in the Trail of 100 Giants, in answer to questions from Representative Maurice Hinchey. Chief Bosworth answered with many falsehoods, including that the trees were cut because they were a fire hazard that could act as ladder fuels. In fact many small trees with branches close to the ground were left, and were not cut, but the giant trees with no branches near the ground, the ones least likely to burn, were logged.



Photo 8- In 2006, the Forest Services builds 17 miles of new logging roads in order to facilitate logging in other areas of the Giant Sequoia National Monument



Photo 9- In September 2007, the Forest Services once again illegally entered the Trail of 100 Giants in the Long Meadow Grove of the Giant Sequoia National Monument and illegally logged the trees that had been felled in 2004-2005 and were laying there since. Sequoia National Forest cut up about 20 pieces of 4 to 6 foot diameter bucked logs, each from 16 to 20 feet in length, which were left behind from the hazard tree project that was completed in 2005. For the past two years, these logs have lain where they were felled next to their stumps and in the past two few weeks the Forest Service has cut these logs into about two foot thick sections.

By implementing this logging activity in the Trail of 100 Giants of the Long Meadow Grove, the Forest Service has violated Judge Breyer's order to follow the Mediated Settlement Agreement, which states:

"For the purposes of this agreement, 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 Forest Service has no Grove specific fuel load reduction plan and Grove specific EIS for the Long Meadow Grove.



Photo 10 - Giant slices are all that remain of many behemoth trees, dwarfing Esther Litton. Trail of 100 Giants, Giant Sequoia National Monument, Fall 2007.



Photo 11 – These remains bear witness to the environmentally catastrophic and illegal logging perpetrated on the once pristine Sequoia groves by the U.S. Forest Service.

12 – Following is an October 2007 letter sent by three members of the U.S. Congress requesting an official investigation into the charges documented by **Save America's Forests** and **Sequoia ForestKeeper** that the logging (illustrated in this booklet) by the Forest Service in Giant Sequoia National Monument is both environmentally damaging and illegal.



Congress of the United States
House of Representatives
Washington, DC 20515

October 10, 2007

Ms. Phyllis K. Fong
Inspector General
U.S. Department of Agriculture
1400 Independence Avenue, S. W.
Washington, D.C. 20250

Dear Inspector General Fong:

As members of the House Appropriations Subcommittee on the Interior and Environment, we write to you with a request to look into a matter concerning logging projects in the Giant Sequoia National Monument (GSNM). We are concerned that despite the Presidential Proclamation creating the Monument, which stated that “no portion of the monument shall be considered to be suited for timber production,” logging occurred in the Monument that may violate this directive.

More specifically, we are interested in learning more about the logging projects in the Giant Sequoia National Monument (GSNM) conducted in the Trail of 100 Giants that may have been in violation of laws, and may have also harmed the natural ecology of the sequoia forest ecosystems. In your review of this issue, we call to your attention verbal and written testimony of the Agriculture Department and the Forest Service to the House Interior and Environment Appropriations Committee in hearings in 2006 and 2007 and material provided by Forest Service in response to questions submitted for the record on the GSNM logging project.

As you know, the GSNM was created by Presidential Proclamation in 2000 for the express purposes of restricting new road building and logging projects in order to protect the sequoia forests. However, in 2004 and 2005, a large logging project was conducted in the premiere tourist destination in the GSNM, the Trail of 100 Giants; the very spot where President Clinton proclaimed the Monument. This logging project apparently resulted in a number of centuries-old trees being logged as “hazard trees” and sent to the local timber mill as prime saw timber. In September of 2007, the Forest Service implemented another project which used chainsaws to cut into small pieces several hundred feet of the downed trees that had been left on the ground in the trail area for two to three years.

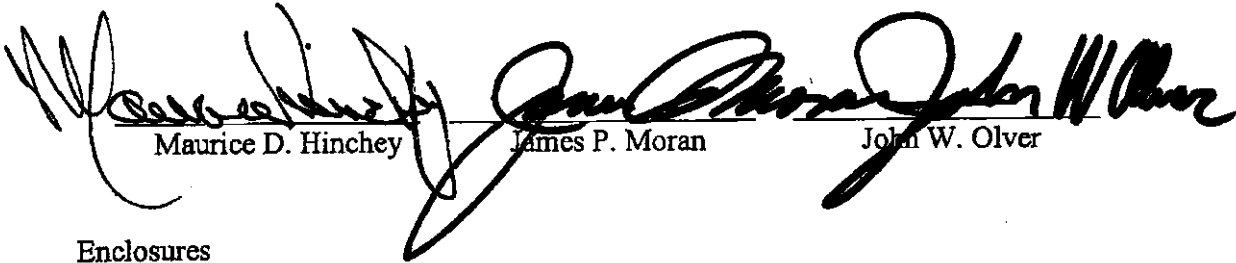
Several conservation groups maintain that these logging projects violated one or more laws, including NEPA, NFMA, and the APA. We have enclosed papers that

documents these alleged violations which include failure to: 1) provide adequate public notice; 2) provide an adequate public comment period; 3) perform adequate environmental reviews; 4) conform to Best Management Practices provided for in the Sequoia LRMP (Land and Resource Management Plan); 5) conform to the Sequoia LRMP's Mediated Settlement Agreement; and 6) follow Hazard Tree Guidelines for Alternatives. The conservation groups maintain that the Forest Service inappropriately applied categorical exclusion and arbitrarily segmented the project.

We would appreciate your careful review of these papers and look forward to receiving your comments as to the veracity and substance of the allegations they identify. The Giant Sequoia National Monument contains approximately 50 percent of the world's remaining sequoias, which are the largest trees on earth and are found naturally nowhere else on earth. If these allegations prove true, it raises some fundamental concerns about public confidence and commitment of the Forest Service to properly manage these national resources.

We thank you for your consideration of this request and look forward to your response.

Sincerely,


Maurice D. Hinchey James P. Moran John W. Olver

Enclosures

13 – October 2007 Press
Release from
Representative Maurice
Hinckley announcing
letter to USDA Inspector
General requesting
investigation into Giant
Sequoia National
Monument

For Immediate Release
October 10, 2007

Contact: Jeff Lieberman (Hinckley) 202-225-1265
Austin Durrer (Moran) 202-225-4376
Sara Burch (Olver) 202-225-5335

House Members Request Formal Probe Of Possible Illegal Forest Service Logging Projects In Giant Sequoia National Monument

*Hinckley, Moran & Olver Press U.S. Dept. of Agriculture Inspector General To Examine
Why More Than Two Hundred Large Trees From Protected Forest Were Chopped Down & Sold To
Timber Mill*

Washington, DC -- Three House Democrats today called on U.S. Department of Agriculture Inspector General Phyllis K. Fong to open an investigation into whether the U.S. Forest Service illegally chopped down more than 200 protected trees in the Giant Sequoia National Monument (GSNM) and then sold some of them to timber mills. Congressman Maurice Hinckley (D-NY), Congressman Jim Moran (D-VA), and Congressman John Olver (D-MA) wrote to Fong that they were made aware by several conservation organizations of possible illegal logging in the GSNM, including the Trail of 100 Giants, which is protected under a 2000 presidential proclamation.

"If these allegations of illegal logging in the Giant Sequoia National Monument prove to be true, it will be a national disgrace," Hinckley said. "The Giant Sequoia National Monument is an area of great natural and environmental significance for our country and it should be safeguarded in perpetuity. If the Bush administration did authorize the chopping down of protected ancient trees in a national forest, then one has to wonder how much longer it will be until the White House starts auctioning off marble slabs from the Lincoln Memorial."

Moran said, "The Sequoia National Monument is a sacred resource that the Forest Service has an obligation to protect for future generations. We need to know if the troubling allegations raised by local conservation groups are legitimate."

Olver said, "The sequoias at the GSNM are a national treasure. We owe it to future generations to do the due diligence to ensure that they are being protected."

The Forest Service logged aggressively for timber in the Sequoia National Forest during the 20th Century, creating huge clear cuts in the giant sequoia groves. On April 15, 2000, President Clinton signed a presidential proclamation that created the GSNM out of the Sequoia National Forest, which was intended to protect the forest and end logging for timber in the area.

However, in 2004, the Forest Service cordoned off the Trail of 100 giants for a year and prevented the public from seeing what was going on under penalty of a \$10,000 fine and imprisonment. The Forest Service told the public it was only going to log 138 hazard trees (trees that were at risk of falling over and injuring people) in the Trail of 100 Giants, and would not sell any of them. In the summer of 2005, the Sequoia ForestKeeper and members of Save America's Forests witnessed widespread logging in the Trail of 100 Giants, which involved more than 200 trees. Seventy-six of those trees, some of which were giant 300 year-old sugar pines, the most valuable furniture grade wood in available in the Monument, were reportedly sent to the local timber mill as prime saw timber.

According to the conservation groups, the chopped down trees showed no signs of weakness that would have indicated they might have been ready to fall over. The Forest Service then changed its reason for the major logging operation to "fire prevention." However, the logged trees didn't have branches lower than 100 feet up the trunk and had not had branches near the ground for more than a century. The trees were very resistant to burning as they had been for the centuries previous to being cut, when fires periodically swept through these sequoia forests. In September 2007, the Forest Service implemented another project which used chainsaws to cut into small pieces several hundred feet of the downed trees that had been logged in 2005 and left on the ground in the trail area since then.

At a House Appropriations Subcommittee on March 9, 2006, Congressman Maurice Hinckley (D-NY) questioned Forest Service Chief Dale Bosworth about logging at GSNM. Bosworth's responses proved to be untrue, including his claim that an environmental study was conducted.

In their letter sent to Fong today, the House members included evidence from several conservation groups that alleges several violations of law, which include the failure to: 1) provide adequate public notice; 2) provide an adequate public comment period; 3) perform adequate environmental reviews; 4) conform to Best Management Practices provided for in the Sequoia LRMP (Land and Resource Management Plan); 5) conform to the Sequoia LRMP's Mediated Settlement Agreement; and 6) follow Hazard Tree Guidelines for Alternatives. The conservation groups maintain that the Forest Service inappropriately applied categorical exclusion and arbitrarily segmented the project.

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14 – October 2007 – News Article in Fresno Bee about letter from three members of Congress calling for USDA Inspector General to investigate logging in Giant Sequoia National Monument

FresnoBee

Timber cutting probe sought

East Coast congressmen ask USDA to check allegations in Giant Sequoia monument.

By Tim Sheehan / The Fresno Bee
10/12/07 23:29:13

Three East Coast congressmen are asking the Department of Agriculture to investigate allegations of illegal timber cutting in the Giant Sequoia National Monument.

U.S. Reps. Jim Moran, D-Va., Maurice Hinchey, D-N.Y., and John Olver, D-Mass., sent a letter this week to USDA Inspector General Phyllis K. Fong expressing concern over tree-cutting near the Trail of 100 Giants during 2004 and 2005.

Conservation groups contend that more than 200 sugar pines and other trees were cut down by the U.S. Forest Service -- an agency of the Department of Agriculture -- in violation of a presidential proclamation establishing the monument.

President Clinton created the 328,000-acre monument within the Sequoia National Forest in the mountains of eastern Tulare and Fresno counties in 2000.

His proclamation declared that "no portion of the monument shall be considered to be suited for timber production."

But **Martin Litton, president of Kernville-based nonprofit group Sequoia ForestKeeper**, accused the Forest Service of cutting the trees "under the pretext of taking down hazardous trees" and then selling them for timber.

"They blocked off the Trail of 100 Giants for 13 months, put up signs threatening fines and jail time, and cut down these giant sugar pines up to 6 feet in diameter and a couple of hundred feet tall," Litton said. "We got wind of it and were able to stop it with an injunction."

Litton and Carl Ross, director of Save America's Forests in Washington, D.C., said Forest Service officials tried to mislead members of Congress during budget hearings over the last two years.

Moran, Hinchey and Olver are all members of the House Appropriations Committee, which controls the purse strings of federal agencies including the Forest Service.

"The Sequoia National Monument is a sacred resource that the Forest Service has an obligation to protect for future generations," Moran said in a written statement. "We need to know if the troubling allegations raised by local conservation groups are legitimate."

"If these allegations of illegal logging in the Giant Sequoia National Monument prove to be true, it will be a national disgrace," Hinchey added in a statement issued by his office.

Tina Terrell, who became the supervisor for the Sequoia National Forest and the Giant Sequoia National Monument this year, said dead and dying trees near trails, roads and campgrounds pose a danger to visitors in case they fall. "Based on those issues, we decided we needed to remove these dead trees.

"We have guidelines for identifying a hazard tree," she added, "but people don't always agree on what is a hazard."

Foresters initially identified about 170 hazard trees, Terrell said, but the number rose to more than 200 as crews went into the field to mark trees for removal. No giant sequoia trees were cut, she added.

Terrell said the Forest Service also followed its established procedures before selling some of the fallen trees to a timber company to eliminate potential hazards from the forest floor.

Litton said that even though no sequoia trees -- among the largest living things in the world -- were cut, the logging activity can damage the giants' shallow roots as downed trees are dragged across the ground.

Tim Aiken, Moran's legislative director, said his boss was concerned over discrepancies between answers provided by the Forest Service in the budget hearings and photographs and information offered by the conservation groups.

"That frustration led members to ask for what we hope is an independent third-party review," Aiken said.

Rep. Devin Nunes, the Visalia Republican whose district includes Sequoia National Forest, was said by staffers Friday to be surprised and unhappy at the unexpected request by his colleagues. The first that Nunes' office heard of the letter to the inspector general was after news releases had been sent out. Nunes' staff conveyed his displeasure to the offices of the representatives who signed the letter.

This is not the first time the Forest Service's management practices for the Giant Sequoia National Monument have been questioned.

In 2006, a federal judge ruled that the Forest Service's 2003 monument management plan failed to comply with federal environmental laws. The state of California and environmental groups had sued the Forest Service over the management plan because it allowed cutting of smaller trees by timber companies to reduce the potential for wildfires -- a practice called "mechanical thinning" by the Forest Service and decried as "commercial logging" by environmentalists.

In 2006, Rep. Anna Eshoo, D-Calif., introduced legislation called the Act to Save America's Forests with 84 co-sponsors in the House. One provision of the bill, which never came to a vote in Congress, would have transferred jurisdiction of the Giant Sequoia National Monument from the Agriculture Department and the Forest Service to the Department of the Interior, where it would fall under the authority of the National Park Service.

Bee Washington Bureau reporter Michael Doyle contributed to this report. The reporter can be reached at tsheehan@fresnobee.com or (559) 622-2410.

<http://www.fresnobee.com/local/sv/v-printerfriendly/story/163488.html>

15 – November 2007 – News Article in Fresno Bee announcing commencement of investigation by USDA Inspector General into logging in Giant Sequoia National Monument

FresnoBee.com

Feds investigate logging in forest Environmentalists complain too many trees removed.

By Michael Doyle / Bee Washington Bureau

11/07/07 00:02:18

WASHINGTON -- Agriculture Department investigators are in the Giant Sequoia National Monument this week probing allegations of illegal logging, lawmakers revealed Tuesday. The investigators from the department's Office of Inspector General are examining claims that the Forest Service allowed about 200 protected trees to be chopped down in 2004 and 2005. Environmentalists contend the logging included trees removed near the popular Trail of 100 Giants.

"They're looking to move pretty quickly," said Jeff Lieberman, spokesman for Rep. Maurice Hinchey, D-N.Y. "We wanted them to take a look and see what the real deal is." The investigation could reopen old wounds around the Giant Sequoia National Monument, established by President Bill Clinton in 2000 despite some local opposition. Critics contended the 327,769-acre monument, carved into the existing Sequoia National Forest, would unduly cramp important commercial and recreational activities. Monument supporters fear loggers have continued to hold too much power even in areas meant to be preserved. National monuments are supposed to be off limits for timber production, but logging is allowed on national forests.

"It is the responsibility of the Forest Service to protect the trees within the Giant Sequoia National Monument, not to chop them down and sell them to timber companies," Hinchey said in a prepared statement issued Tuesday. In a letter delivered to Capitol Hill by a courier on Monday, Inspector General Phyllis Fong said she expected the investigation field work to be completed by December. A formal report will be issued sometime after that.

Three investigators have been working in the Giant Sequoia National Monument since Oct. 29, according to Sequoia National Forest spokeswoman Mary Chislock. "We are working with an OIG team from the San Francisco office," Chislock said. As is customary, Forest Service and Office of Inspector General officials declined further public comment about the investigation while it is ongoing.

Hinchey is on the House appropriations subcommittee that funds the Forest Service and other public land agencies. Last month, Hinchey joined with fellow Democratic panel members Rep. James Moran of Virginia and John Olver of Massachusetts to request the inspector general review. The Office of Inspector General is the Agriculture Department's law enforcement arm, as well as its internal auditing branch. Its investigators handle both criminal and civil matters, ranging from crop insurance fraud to logging contracts and rural housing grants.

The three lawmakers, in turn, were responding to complaints filed by Sequoia ForestKeeper and **Save America's Forests**. The environmentalists claim that the 200-plus trees allegedly cut around the Trail of 100 Giants far exceeded the number of hazard trees the Forest Service publicly said it needed to remove.

"It's essential that we get to the bottom of what went on," Save America's Forests Director Carl Ross said Tuesday.

Forest Service officials have previously said they had to remove all the dead and dying trees to protect hikers and campers. No giant sequoia trees were cut.

The environmentalists further claimed that 76 of the trees -- commercially valuable sugar pines -- were sent to a nearby Sierra Forest Products timber mill.

Sierra Forest Product officials could not be reached to comment Tuesday, but they previously told staffers for Rep. Devin Nunes, R-Visalia, that they welcome any investigation as they did nothing wrong, according to Nunes' legislative director, Damon Nelson. Nunes' district includes the Sequoia National Forest.

The reporter can be reached at mdoyle@mcclatchydc.com or (202) 383-0006.

<http://www.fresnobee.com/263/story/184999.html>