

STEWARDS OF THE SEQUOIA

Division of CTUC non profit 501c3
PO Box 1246
Wofford Heights CA 93285

July 10, 2017

The Honorable Ryan Zinke Secretary
U.S. Department of the Interior
Monument Review, MS-1530
1849 C Street, NW
Washington, D.C. 20240

Re: Violation of Antiquities Act

Dear Secretary Zinke,

Please consider our following comment and attached documents during your Monument review process in response to The Review of Certain National Monuments Established Since 1996; Notice of Opportunity to Comment, 82 Fed. Reg. 22016 (May 11, 2017).

1. The Antiquities Act of 1906 under which President Bush created the 90,000 acre Giant Sequoia Monument (Proclamation 6457 July 14 1992) and under which President Clinton later expanded it to 327,000 (April 15, 2000) states that any Monument proclamation "shall be confined to the smallest area compatible with proper care and management of the objects to be protected".

In order to comply with the Antiquities Act the 1992 the President Bush Giant Sequoia Monument Proclamation of 90,000 acres would have to be the smallest area required to protect the Giant Sequoia Groves. Therefore the Monument could not be subsequently expanded to a larger area under that Act, let alone three times larger.

2. Also just two years prior to the Bush proclamation the Sequoia Mediated Settlement, which was cited in the Bush Proclamation, determined that 27,000 acres was sufficient to protect the Giant Sequoia Groves as recommended by the Natural Resources Defense Council, Sierra Club and Save the Redwoods. Highlighting that 27,000 acres is probably the maximum size for the Giant Sequoia Monument that would be legally allowed under the Antiquities Act smallest area requirement.
3. As further evidence of the 327,000 Giant Sequoia Monument Proclamation being larger than necessary we provide the attached 2005 letter to Congressman Bill Thomas pointing out the many trails which were closed to certain uses as a result of arbitrary monument boundaries which were located many miles from the nearest Giant Sequoia Grove.
4. We also question the validity of prohibiting existing motorized use of trails under the Clinton Antiquities Act Monument expansion. We are not aware of any justification that motorized use of trails in any way endangers the Giant Sequoia Groves, making the prohibition of motorized trail use inappropriate under the Antiquities Act. It would therefore be reasonable to rescind the Clinton Monument regulation prohibiting motorized use on all trails. Besides that it appears all trails in the Groves were already non motorized at the time of the Clinton Monument expansion. The local Forest Service office is fully capable of determining if specific trails should be motorized or not as they have been doing while managing our National Forest for over 100 years.

So while there are many good environmental reasons to reduce the size of the Sequoia Monument in order to promote forest health etc (some of which we pointed out in our letter to you of June 6), your office may wish to address the administrative issue of violating the Antiquities Act by expanding the area needed for Giant Sequoia protection beyond the 27,000 acres determined in the Sequoia Mediated Settlement.

Sincerely,

Chris Horgan
Executive Director
Stewards of the Sequoia
Division of CTUC 501c3 non profit
chris@stewardsofthesequoia.org

cc: Honorable Kevin McCarthy
Honorable Devin Nunes
Kern County Board of Supervisors

"Since being founded in 2004, Stewards of the Sequoia continues to be the largest on-the-ground organization of volunteers in the Sequoia National Forest. Our crews have maintained over 3000 miles of trails and have planted hundreds of trees in reforestation projects. We represent in excess of 3000 members whose activities include camping, hunting, fishing, hiking, mountain biking, motorized recreation, boating, windsurfing, rock climbing and horse riding"

Promoting Responsible Recreation & Environmental Stewardship

STEWARDS OF THE SEQUOIA

Division of CTUC 501c3 non profit
PO Box 267
Lake Isabella, CA 93240

June 29, 2005

Congressman Bill Thomas
4100 Empire Drive, Suite 150
Bakersfield, CA 93309

Dear Congressman Thomas,

I'm am writing on behalf of nine state and national recreational trail organizations to request your assistance in addressing a serious problem resulting from the boundary established when the Giant Sequoia National Monument was created. Unfortunately, and we believe unwittingly, the Monument boundary was drawn so that several segments of four popular multiple-use trails were included in the boundary. The Forest Service was therefore required to close these popular recreational trails to motorized use because of restrictions contained in the Giant Sequoia National Monument's (GSNM) Proclamation. We believe the closure is inappropriate and unintended as motorized recreational use of these trails would have no impact on monument resources.

Fortunately, the situation may be relatively easy to remedy. This letter is to formally request you examine this issue and support an effort to make minor adjustments in the Monument boundary. Such an effort would be consistent with the Monument's mandate to protect the Giant Sequoia Groves.

Please review the information attached. We believe you will agree that closure of popular recreational trails is an unintended consequence of the creation of the GSNM. We encourage you to contact California State Senator Roy Ashburn and California Assemblyman Bill Maze regarding the situation. We believe both have a clear understanding of the problem and will lend their assistance in a solution.

Thank you for your attention to this important matter,

Chris Horgan
Executive Director
Stewards of the Sequoia
sequoiastewards@verizon.net

For & by the following individuals & organizations:

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CC: Senator Ashburn
Assemblyman Maze

Promoting Responsible Recreation & Environmental Stewardship

SITUATION:

During the monument designation process, the full impact of boundary decisions were not disclosed where routes were bisected with boundary lines, which resulted in the closure of certain multiple use trails.

The closure of these routes has a negative impact on the recreating public. These routes are valuable components of the Forest Service travel system on adjacent public lands. These routes provide a "loop" trail opportunity, which is important to develop a manageable, and sustainable motorized trail system and enjoyable recreation opportunity. Indeed, providing loop routes is one of the goals of Forest Service recreation planning.

The final Monument Boundary description gives no indication that consideration was given to possible route closures to motorized use or how to avoid motorized route closures that would impact motorized route systems originating outside the monument boundaries.

These routes, which are Sunday Peak and Telephone Ridge Trails, pose no immediate threat to the Giant Sequoia Grove approximately five miles away to the north at Deer Creek. Spease Canyon and Tobias Trails are approximately 1.5 miles at their closest point to the Starvation Creek Grove. These facts were confirmed by Forest Staff and are documented in the GSNM Final Environmental Impact Statement (FEIS) Map, Figure II-8.

The above noted situation also exists with Spease Canyon Trail 32E32. That route weaves in and out of the Monument boundary, crossing a fixed straight-line boundary that does not account for the "on-the-ground" realities. (See enclosed map hand marked by Forest Service Staff.) We are told there is no printed map). Spease Canyon Trail also connects to a road (22S10) just inside the Monument boundary.

And, similar circumstances apply to Tobias Creek Trail 32E34 which has a very short section connecting to a road (22S10) just inside the Monument. As with Sunday Peak and Telephone Ridge, we propose a boundary of 60 feet from the centerline of the route be established to define the Monument boundary. These minor boundary adjustments would retain the four routes for multiple use access by excluding them from conflict with Monument boundaries and preserve a loop trail system.

Please review the following proposal and let us know if you can assist in achieving a reasonable boundary adjustment to retain the multiple use routes as part of the motorized recreation trail system. The proposal requires an amendment to the boundaries of approximately 60 feet from the centerline of the routes. The routes subject to this proposal are on the border of the monument. This boundary adjustment would locate these routes outside the monument and retain them as multiple use routes as part of the motorized recreation trail system

MONUMENT BOUNDARIES

The Record of Decision (ROD) and FEIS for the Giant Sequoia National Monument include maps that show vague boundaries. Forest Service Staff have stated there are no detailed maps or documents regarding the Giant Sequoia Monument boundaries. Yet, the more recent Forest Service Trail Designation process inventory maps, released late last year (2004), show a very precise Monument boundary.

The Monument boundary includes part of Telephone Ridge 31E67 and Sunday Peak 31E66 routes. Historically, both routes have been designated and managed as multiple-use. The District Ranger stated any multiple use routes that are in the Monument or wilderness will be closed except to pedestrian or equestrian access. These two routes were cited as examples of closures since some part of the routes are within the Monument boundary. The view from Sunday Peak is

incomparable. It would be cruel to loose this destination trail to multiple-use especially after having so many other trails closed by proclamation.

Existing Giant Sequoia Monument Boundary documentation does exist. The boundary descriptions are imprecise and arbitrary with respect to the "on-the-ground" reality. Along Sunday Peak and Telephone Ridge Trails, the ridgeline is used as reference points without regard to the existing multiple use routes being considered as a portion of the boundary. Within other monument and wilderness boundary decisions, existing 'on-the-ground" routes have been incorporated into the boundary with a caveat that a specified distance from centerline of the route is the permitted corridor or boundary for wilderness.

A portion of the Giant Sequoia Monument Boundary Document regarding Sunday Peak and Telephone Ridge Trails is quoted below:

"Thence southerly, entering Kern County, and across a saddle and ascending the most prominent spur to the top of Sunday Peak in the W ½ of Sec. 6, T.25S., R.32E., elevation approximately 8295 feet;

Thence southwesterly to a knob in the W ½ of the W ½ of said Sec. 6;

Thence generally westerly along the top of Telephone Ridge across Secs. 1, 2, 3 and into the NE ¼ of the NE ¼ of Sec. 4, T.25S, R.31E. to the intersection with the north boundary of said Sec. 4;

Thence easterly along the north boundary of Sec. 4., which is also the boundary between Kern and Tulare Counties, and the boundary of the Sequoia National Forest, to the SE corner of Sec. 32, T.24S., R.31E., M.D.M., said point being the POINT OF BEGINNING of this description of the Southern Portion of the Giant Sequoia National Monument.

Containing approximately 224,870 acres of land, 224,055 acres of in Tulare County, and 815 acres in Kern County."

A portion of the Giant Sequoia Monument Boundary Document regarding Spease Canyon and Tobias Creek Trails is quoted below:

Thence easterly along the north boundary of Sec. 8 to the S ¼ corner of Sec. 5;

Thence northerly along the N-S centerline of Sec. 5 to the N ¼ corner thereof;

Thence westerly along the north boundary of Sec. 5 to the NW corner thereof;

Thence southerly along the east boundary of Sec. 6 to the N 1/16 corner between Secs. 5 and 6, being also the SE corner of Lot 1, Sec. 6;

Thence westerly along the south boundary of Lots 1 and 2 in Sec. 6 to the CN 1/16 corner of Sec. 6, being also the SW corner of Lot 2;

Thence northerly along the west boundary of Lot 2 in Sec. 6, being also the N-S centerline of Sec. 6 to the N ¼ corner of Sec. 6;

Thence westerly along the south boundary of Sec. 36 of T.20S., R.29E. to the S ¼ corner of said Sec. 36;

Thence northerly along the N-S centerlines of Secs. 36 and 25 to the N ¼ corner of Sec. 25;

Thence easterly along the north boundary of Sec. 25 to the NE corner thereof;

Thence easterly in T.20S., R.30E., along the south boundary of Sec. 19 to the SE corner thereof;

Thence northerly along the east boundary of Sec. 19 to the NE corner thereof;

Thence easterly along the south boundary of Sec. 18 to the SE corner thereof;

Thence northerly along the east boundaries of Secs. 18 and 7 to the E ¼ corner of Sec. 7;

Thence westerly along the E-W centerline of Sec. 7 to the CE 1/16 corner of Sec. 7;

Thence northerly along the N-S centerline of the NE ¼ of Sec. 7 to the E 1/16 corner common to Secs. 6 and 7;

Thence northerly along the N-S centerline of the SE ¼ of Sec. 6 to the CE 1/16 corner thereof;

Thence easterly along the E-W centerline of Sec. 6 of T.20S., R.30E. to the E ¼ of Sec. 6;

Thence northerly along the east boundary of Sec. 6 to the NE corner thereof;

Thence northerly along the east boundaries of Secs. 31, 30, 19 and 18, to the NE corner of Sec. 18, T.19S., R.30E.;

There is one paved road M3 (23S16), between the grove & Spease Canyon trail & Tobias Canyon trail. It seems unlikely that there could possibly be any impact on the groves over 1.5 miles away on the other side of the paved road.

A stated purpose for creating the Monument was to provide environmental protections for the Giant Sequoia Groves and retain the area for recreation purposes. The FEIS for the Giant Sequoia Monument stated: *“Any proposals that affect road or trail access (including removal, relocation, or new construction) will be open for public scrutiny and comment during site-specific project analyses.”*

We are proposing the Monument boundary be amended as follows:

A corridor or boundary shall exist 60 feet from the centerline of the existing motorized routes such as Sunday Peak 31E66, Telephone Ridge 31E67, Tobias 32E24 and Speas Canyon 32E32 where such routes follows the general direction of the legal description and is positioned such that segments of the routes would cross a fixed line of sight boundary and would be outside the Monument.

Again, we are asking that the Giant Sequoia Monument boundary be adjusted 60 feet from the centerline of the routes so these routes would not be inside the Giant Sequoia Monument in order to keep a viable recreation opportunity for the public.

We hope that your office will review this proposal and support the proposed boundary adjusted to reflect the true intent of the creation of the Giant Sequoia Monument to protect the Giant Sequoia Groves and retain a viable recreation route system outside the Monument.