

Data Submitted (UTC 11): 8/15/2022 7:00:00 AM

First name: Rene

Last name: Voss

Organization: Sequoia Forestkeeper

Title: Attorney

Comments: Sequoia ForestKeeper Objection of the Draft Land Management Plan, FEIS, and draft Record of Decision of the Sequoia National Forest

August 15, 2022 <https://cara.fs2c.usda.gov/Public//CommentInput?Project=3375>

Deputy Regional Forester Elizabeth Berger Objection Reviewing Officer

USDA Forest Service Pacific Southwest Region 1323 Club Drive

Vallejo, CA 94592

Re: Sequoia ForestKeeper Objection of the Draft Management Plan, Draft Record of Decision, and Final Environmental Impact Statement for the Sequoia National Forest Plan Revision

Ms. Berger,

On behalf of Sequoia ForestKeeper, the Objector, I am filing this objection of the draft Revised Forest Plan, draft Record of Decision, and Final EIS for the Sequoia Land and Resources Management Plan.

The Responsible Official for this objection is Theresa Benson, Forest Supervisor of the Sequoia National Forest. A statement of the issues and/or the parts of plan revision to which the objection applies follows, which includes a concise statement explaining the objection and suggesting how the proposed plan decision may be improved. It also identifies where the plan revision is inconsistent with law, regulation, or policy.

This objection is linked to prior substantive formal comments, submitted by Sequoia ForestKeeper (SFK) on August 25 and 30, 2016, regarding the Draft Plan and Draft EIS; and on September 26, 2019, regarding the Revised Draft Plan and Draft EIS. In addition, SFK submitted comments on January 31, 2014, regarding the "Need for Change" analysis; and on October 23, 2015, regarding the Sequoia National Forest Plan Preliminary Draft Monitoring Program.

SFK has been involved with planning on the Sequoia National Forest and Giant Sequoia National Monument for decades at both the forest and project level to ensure the Forest Service complies with the law and its trust

obligations in managing these publically-owned lands.

1. Concise Statement Explaining Our Objection and How the Proposed Plan Decision Maybe Improved

First, our objection explains the Forest Service's failure to include monitoring provisions that will account for carbon stocks and sequestration in the Sequoia National Forest (and other forests at either the forest or regional level). Including such a monitoring provision would improve the decision by allowing the agency and public to understand changes in carbon stocks and sequestration at the forest level where management decisions are made and where events or projects, such as wildfires, logging, or fuel treatments occur. The draft Plan provides no reference to current monitoring of similar carbon stocks or sequestration at the regional or sub- regional level.

Second, the objection also highlights the dearth of new proposed Wilderness in the Forest Service's proposed/preferred alternative for Sequoia National Forest lands for areas that are clearly eligible and should be recommended for Wilderness, with an emphasis on one particularly-eligible area (the Woodpecker IRA as an addition to the Domelands Wilderness), which should be recommended as Wilderness because of its ecological and remoteness contributions to the Domelands Wilderness. Including this area as recommended Wilderness would improve the decision.

Third, the objection addresses a related issued regarding the Forest Service's continued failure to close the Sirretta Trail to motorized vehicles even though it is located in a Semi-Primitive Non- Motorized (SPNM) area and an area that qualifies as Wilderness. All previous considerations to keep this trail open to motorized use were rejected, but after over 30 years of analyses, the Forest Service continues to allow motorized access, which is inconsistent with planning directives for a non-motorized area. The plan can be improved by finally addressing this issue and permanently closing the trail to motorized vehicles, which is supported by the existing NEPA analysis.

1. Include Monitoring Provisions for net Carbon Sequestration at the National Forest Level(or alternatively, the Regional Level)

To account for changes in estimated carbon stocks, based on changes to the forest's baseline conditions and management activities (tree growth, tree removal, carbon loss from fire, insects, disease, etc.) the Plan can be improved by adding monitoring protocols for carbon stocks and sequestration at the National Forest level. We were unable to find references for comparable monitoring protocols for planning purposes at the Regional Level (the agency's suggested alternative to forest-level monitoring), either of which are necessary to provide feedback for management actions at the forest level.

SFK raised this issue in our September 26, 2019 comments and suggested adding the following monitoring provision and approach:

A Forest Carbon Sequestration (or Storage) Budget is necessary and would provide a means to accurately account for carbon losses and gains from natural growth, wildfires, and management activities. Such a budget is necessary to meet the plans' strategic and stated desired conditions and goals to help ensure climate stability and increase long-term carbon storage and sequestration. Moreover, the Forest Plans should add specific Forest Plan Level Monitoring for carbon gains and losses. Desired Conditions/Goals state:

10 Terrestrial ecosystems provide a variety of benefits that improve people's economic, social, and physical wellbeing (clean water, forest products, livestock forage, carbon sequestration and storage, energy generation, recreational opportunities, landscapes with scenic character and scenic integrity, cultural uses, and biodiversity).

Sequoia NF Revised Draft Forest Plan, Chapter 2. - Forestwide Desired Conditions and Management Direction, p. 26 (emphasis added);

03 National forest uses such as recreation, forest products, carbon sequestration, power generation and water production are provided in an ecologically sustainable way that also contributes to economic and social sustainability in local communities.

Id., p. 85 (emphasis added); and

Carbon stability was a focus of analysis; this is because managing for long-term carbon stability, within a carbon carrying capacity, is a forestwide desired condition. Carbon stocks and sequestration both depend on the carbon carrying capacity, and, consequently, are highly related to the carbon stability of an ecosystem.

RDEIS, p. 229.

Thus, the desired conditions and goals of ensuring carbon stability, storage, and sequestration must include some way to measure the current carbon resources and budget for carbon losses and gains from various naturally-caused and management-related effects. Since the plans are specific to each national forest, this measuring of the current carbon resources and accounting should take place at the national forest level.

To do this, we urge that the Forest Service add a Monitoring Program under Chapter 4 of each forest plan, titled "Carbon Storage and Sequestration," which can be added after the section titled "Climate Change and Other Stressors":

Carbon Storage and Sequestration

The plan monitoring program includes monitoring questions and associated indicators to determine whether naturally-caused and management-related changes to the plan area result in changes to carbon stability and provide for an accounting of carbon storage and sequestration.

Table XX. Monitoring questions and associated indicators that measure changes in carbon stability and provide an accounting of carbon stored and sequestered resulting from natural or management events.

Code	Selected Desired Condition and Objective or Other Plan Component	Monitoring Question	Associated Indicators
------	--	---------------------	-----------------------

CS01TERR-FW-DC-10	Terrestrial ecosystems provide carbon sequestration and storage.	What is the current amount of carbon stored or sequestered on the national forest, and to what extent does a natural event or management action cause a change in stored or sequestered carbon on the national forest?	
-------------------	--	--	--

- * Baseline amount of carbon stored in vegetation and soil at the time of the plan decision.
- * Add amount of additional carbon sequestered from natural growth on an annual basis, added to baseline.
- * Subtract amount of carbon released from a specific wildland fire event (~5% of baseline for area burned).
- * Subtract amount of carbon removed from the forest during a management action (100% of portion burned at biomass facility; 70% of portion used for sawtimber).

SFK Comments, Section C., pp. 5-6.

In response, the Forest Service rejected this approach with the following Response to Comments in Appx. H of the Final EIS:

Response: While the 2012 Planning Rule (as amended) states that monitoring questions and indicators should be based on desired conditions or other plan components, it also states that not every plan component needs to have a corresponding monitoring question. It also directs that a broader-scale monitoring strategy should be developed for monitoring questions that are best answered at a geographic scale broader than one plan area. Changes in carbon resources overtime are monitored as part of the Pacific Southwest Region's Broader-scale monitoring strategy, which includes an indicator for forest carbon stocks and flux. Consistent with the planning rule, monitoring in this plan monitoring program is focused on priority management questions and related core information that are achievable within the financial and technical capability of the Sierra and Sequoia National Forests.

Appx. H, p. H-63 (emphasis added). This response, however, is inadequate because it fails to provide any further information about the "Pacific Southwest Region's Broader-scale monitoring strategy," which the Forest Service asserts is also a requirement of the 2012 Planning Rule (as amended), nor does it provide a feedback mechanism to achieve the forest's desired conditions and goals of the plan.

Moreover, the FEIS appears to lack adequate discussion of baselines or management effects on carbon stocks or sequestration. First, the FEIS states under the "Climate Change" section that "Carbon sequestration and greenhouse gas emissions are not covered in this section but are addressed in Air Quality and Terrestrial Ecosystems." FEIS at 80. Instead, that section only summarizes Climate Change trends, which exacerbate drought and increased water stresses.

A review of the "Air Quality" section (FEIS, pp. 158-174) provides little assurance that carbon sequestration or GHG emission are given much thought, since the section lacks any discussion of those topic at all and only analyzes qualitative/relative management effects on air quality (emissions), recreation, and visibility. See, e.g. FEIS, p. 174 (Table 16).

And a review of the environmental consequences on "Terrestrial Ecosystems" section (FEIS, pp. 258-284) is also of little help to provide any assurance that quantitative monitoring regarding carbon stocks and sequestration will occur at any level. There, the FEIS only provides a relative/qualitative discussion about carbon stocks, sequestration, and stability with no mention of monitoring at either the forest or regional level. See, e.g., FEIS, p. 281. In each of the sections that discuss carbon stocks, sequestration, and stability, any references to any data or studies supporting the assertions refer to the Carbon Supplemental Report. See FEIS, pp. 260, 262, 266, 271, & 274.

Finally, the Carbon Supplemental Report (CSR) does, at least, include some baseline information/data about carbon stocks at the National Forest Level. See CSR, p. 6, Table 1 (although that data is almost 10 years old as assessed in 2013). That is a good starting point for monitoring carbon stocks and sequestration, and it supports our contention that the agency has the ability to monitor at the forest level since it already has initial data up to 2013.

The remainder of the report does not mention any monitoring of carbon stocks or sequestration; nor does it reference what the Forest Service asserts about a "Pacific Southwest Region's Broader-scale monitoring strategy" as an alternative to forest-level monitoring. This is a major oversight and must be corrected in the final Plan and decision.

POTENTIAL RESOLUTION: Without some sort of qualitative data gathering and monitoring of carbon stocks and sequestration, there is little confidence that the propose management approach can be verified. The Plan,

therefore, could be improved by either adding something similar to the monitoring protocols we have suggested at the forest level; OR the Plan could alternatively be improved by including the monitoring protocols from the "Pacific Southwest Region's Broader-scale monitoring strategy" to show that the Forest Service will address monitoring of carbon stocks and sequestration, in compliance with the 2012 NFMA regulations (as amended), and apply those to verify management approaches at the forest level.

1. Include Much of the Woodpecker IRA/Domeland Wilderness Addition-West to Recommended Wilderness in the Final Plan Decision

Because of unique ecological resources and because the area provides significant remoteness as a primitive area and outstanding opportunities for solitude, the Plan can be improved by adding much of the Woodpecker IRA/Domeland Wilderness Addition-West to the final decision. This 8,900+ acre area is depicted by the map in Figure 2 below, which is based on a smaller portion of Polygon #1394 that excludes the entire Cannell Meadow trail (33E32), and roads, and depicts most of the western boundary at the ridgetop starting with Sirretta Peak. The boundary, as proposed, would shield the area from the sights and sounds from the Cannell Meadows Trail, which is open to motorized use and excludes all known developments and past management.

See attachment for Figure 1. - Domeland Wilderness Addition-West/Woodpecker Roadless Area, viewed from Sirretta Peak ridge, north peak, looking east towards Domeland Wilderness boundary (ridge on right) and down Trout Creek where the Wilderness Boundary starts at the lowest point in the view. Photo by Ren[eacute] Voss.

See attachment for Figure 2. - This 8,900+ acre Proposed Wilderness Addition to the Domelands Wilderness (based on a subset of Polygon #1394). The .kml and .kmz files for this proposed area are available for download from these links: [DA.kml&#amp;](#) [DA.kmz](#).

What makes this area so special is its outstanding ecological and scenic features, which should be part of the Domelands Wilderness:

*

* All of the streams of the watershed drain into the Domelands Wilderness, including Machine Creek and Little Trout Creek and their many tributaries.

* The area includes the Twisselmann Botanical Area, which is recognized as the nexus between the southern and northern range of at least 5 pine species as well as many other conifer species, and contains many other significant botanical features.

* Although the area is designated a Semi-Primitive-Non-Motorized, the area beyond the western ridge makes the area function as a Primitive Area due to its ability to shield sights and sounds in the entire area.

* The eastern lower elevation of the area contain the largest contiguous and completely intact mid- to high-elevation Old Growth area on the Sequoia National Forest and Kern Plateau (see Google Earth image in Figure 3 below).

* The area contains undisturbed habitat for rare species, such as Pacific fishers, California spotted owls, northern goshawks, and many more species, all present in this area.

* The area is within the Trout Creek South Fork Kern critical aquatic refuge, supporting native and endemic trout species.

* The area "presents a moderate opportunity to protect ecological groups that may be minimally represented in the National Wilderness Preservation System [and] consists of

ecological groups that have less than 5 percent of their national extent protected in the National Wilderness Preservation System." FEIS Appx. B, p. B-176, -177.

See attachment for Figure 3. - Proposed Domelands Wilderness Addition-West viewed from NE to SW.

The Cannell Meadows Trail (33E32) and all roads have been drawn out of the suggest boundaries for the area in Figures 2 & 3, and the Sirretta Trail (34E12) is planned for closure to motorized use in the future. See FEIS Appx. B, p. B-63 ("The Sirretta Trail is identified in the Mediated Settlement of 1990 for removal or replacement.").

Unfortunately, by including roads and motorized trails in its evaluation of Polygon #1394, which detract from the area's Wilderness Character, we believe the Forest Service has unfairly left this area out of Alternative B or modified Alternative B, which it should reconsider as an addition to the Domelands Wilderness in the final Plan and decision. Once the area is redrawn to exclude the Cannell Meadow Trail, roads, the Sirretta Trail's motorized use is the only remaining obstacle that could potentially diminish the area's Wilderness Character and potential for Wilderness suitability. See FEIS Appx. B, p. B-177 & -178 ("The limited access, light visitor use, and the steep topography facilitate manageability in the central area of the polygon except where the motorized route (Sirretta Trail) dissects the polygon.")

As discussed in the next section in greater detail, the Forest Service, long ago, promised all parties during the last plan revision in 1990 (as documented in the Mediated Settlement Agreement (MSA)), to either relocate or close the Sirretta Trail (34E12) to motorized use. The parties to the MSA were promised this resolution over 30 years ago, but it took another ten years for the Forest Service to publish their revised Draft EIS, issued in 2002. The revised Draft EIS supports closure of the Sirretta Trail to motorized use in all alternatives, but has now been

lingering "on hold" since that time[hellip]for the last 20 years! See FEIS Appx. B, p. B-178 ("An existing motorized route, the Sirretta Trail, is identified in the mediated settlement agreement of 1990. Motorcycle use was identified as an accepted inconsistency in the area classified as semi- primitive nonmotorized until an alternative route was built or a decision not to build an alternative route was made. In either case, the current trail location would be closed to motorized use. This has not been resolved even though extensive work has been done by planning teams.")

See attachment for Figure 3. - View looking south from Sirretta Pass towards Big Meadow in the Twisselmann

Botanical Area, Kern Plateau, Sequoia National Forest. Photo by Ren[acute] Voss.

The only reason this closure issue has not been resolved is the Forest Service's inaction for 20 years. This delay is unreasonable and has now unfairly interfered with the Wilderness Evaluation process that could have resulted in a recommendation of the area for Wilderness in the draft Plan, but for the resolution of the Sirretta motorized trail issue.

POTENTIAL RESOLUTION: The Forest Service should consider our suggested boundary for a recommended Domeland Wilderness Addition-West that excludes any nonconforming developments (map in Figure 2) and include that area in its recommended Wilderness in the final Plan decision. Such a recommendation would resolve the 30-year delay, and it is consistent with the EIS process for disposition of the Sirretta Trail, which would permanently close the trail to motorized use under all its alternatives. This worthy, unique, and special area should not have to await another 15 year planning process to be considered by the Forest Service again for Wilderness and should be recognized now as recommended Wilderness in the final Plan decision.

1. Permanently Close the Sirretta Trail to Motorized Vehicles in the designated SPNM Areas Part of the Plan Decision

Related to the previous issue, the Forest Service should bring the SPNM designation in the Woodpecker Roadless Area into compliance by closing the 34E12 trail to motorized vehicles so the area can actually function as a "non-motorized" area. All previous alternatives studied, now for 30 years, have determined that the trail should be closed to motorized use, and the Forest Service has the authority to do so through the Forest Plan revision process.

SFK raised this issue previously in our August 25, 2016 comments:

The Mediated Settlement Agreement discussed the closure of the Sirretta Peak Trail (34E12). This trail remains open to motorcycles without restriction and leads into the wheeled vehicle restricted Domeland Wilderness. On page 17, line 153, References and Remarks column of the MSA Comprehensive Review_05_02_2009.xls1 "Will be addressed in site specific analysis and forest plan revision if needed. (The Siretta (sic) Trail project is site specific[mdash]where forest plan comes in is if change is needed to SPNM.) Due to the biologically remarkable "Twisselmann Botanical Area" only accessible via this trail and due to the increased fire danger that motor vehicle access presents to this unique grove of conifers, we ask that this area be immediately added and included in the Forest Plan Revision as an addition to Domelands Wilderness and the trail be designated as a foot trail only." Twenty-six years of promises have yielded no action. The time to fulfill these promises is now.

But the Forest Service has not addressed this in the "forest plan revision" as it has failed to deal with the

inconsistency and continue allowing a nonconforming motorized use in a SPNM area.

Background and Timeline Regarding the Sirretta Motorized Closure Issue

After nearly 10 years of inaction subsequent to the Plan Revision, the Forest Service issued a 2002 Revised DEIS, which left no other option but to close the Sirretta Trail to motorized uses in compliance with the 1990 Mediated Settlement Agreement. In the meantime, the Forest Service has asked us to be patient while it finalizes the current Plan revision process.

For over 30 years now, Joe Fontaine, the Kern-Kaweah Chapter of the Sierra Club, Sequoia Forest Alliance, and others have tried to get a formal and permanent change in the management status of the Sirretta Peak Trail from its current use, which is still open to motorcycles even though the area is classified in the Sequoia Forest Plan as a semi-primitive non-motorized area.

1 http://www.fs.fed.us/r5/sequoia/gsnm/msa_comprehensive_spreadsheet.pdf

More recently, Sequoia ForestKeeper has taken on the challenge to seek a permanent solution, which would protect the trail and surrounding area from motorized use, as well as permanently protect the Woodpecker Roadless Area as Wilderness.

Thirty years ago, in 1990, the various parties to the Mediated Settlement Agreement (MSA) settled various appeal claims regarding the first Sequoia National Forest Land and Resources Management Plan Revision (the Forest Plan). Included in the MSA is language that appeared to provide a speedy recourse to the issue of motorized use on the Sirretta Peak Trail. See Mediated Settlement Agreement excerpts - MSA pp. 72, 92-99, 158, 161. Most of the Sirretta Peak Trail is located within the Woodpecker Roadless Area, which is designated for non-motorized use:

Woodpecker Roadless Area will be classified as unregulated. It will retain its current Plan designation of Semi-Primitive, Non-Motorized. (See also Off Highway Vehicles, section L below.)

MSA, p. 72. The agreement, however, provided an interim, specific, and conflicting exception, which allows for the continued use of the Sirretta Peak Trail by off-highway vehicles (OHVs; in this case motorcycles) in this semi-primitive, non-motorized (SPNM) area, stating:

OHV's shall be allowed to continue to utilize the trail over Sirretta to the Dome Land Wilderness boundary in

Trout Creek. This shall entail an exception to full implementation of the SPNM standards as established in the Plan. Specifically, continued use of OHV's on this trail shall be allowed for the interim time period.

MSA, p. 97.

To resolve this conflict, the parties agreed to a process that would "explore locations for alternate trails, primarily to accommodate OHV travel, in the Sirretta Peak and Dry Meadows/Long

Valley areas." MSA, p. 93. The agreement stated that "Over the long term, the U.S. Forest Service shall consider the separation of OHV use and the popular equestrian/hiker camp areas near the north end of Big Meadows in pursuing opportunities to link a north[mdash]south OHV trail through the area." MSA, pp. 94-95. Moreover, the parties all agreed to this alternative trail

"investigation and analysis" and that, "[i]f necessary the SPNM boundary shall be adjusted to accommodate motorized use on a new trail." MSA, p. 96. "An environmental analysis shall be done to ensure evaluation of important resources, with particular emphasis on effects on soils and vegetation." Id.

The parties also agreed that "[i]f the final decision is not to build a new trail, the Sirretta Peak trail shall be closed to OHV use at the time that the final decision is made or final appeal or litigation is concluded." MSA, p. 97. Finally, "In the absence of unforeseen circumstances, a decision will be made within two years of entry of this Agreement." MSA, pp. 96-97 (emphasis added). Again, the MSA was signed in 1990 and, to date, no decision has been made.

The Forest Service continues to maintain a project website for the Sirretta Peak Trail at <https://www.fs.usda.gov/project/?project=16550>. Three environmental analysis documents are posted there, which were the Forest Service's initial attempts to dispose of the issues regarding the trail:

Sirretta Peak Trail, Draft EIS 1998 (PDF 7369kb)

Sirretta Peak Trail, Supplemental Draft EIS, 1999 (PDF 2011kb)

Sirretta Peak Trail, Revised Draft EIS 2002 (PDF 7743kb)

According to the 1998 DEIS, scoping began in February 1991 and public information meetings were held on April 16, 1991. In June 1993, letters were sent to 99 public contacts to update them on the progress of the analysis and in October 1993, a Notice of Intent was published in the Federal Register advising that an EIS would be prepared. The public submitted various comments, which are documented in Appendix A of the 1998 DEIS.

It is unclear why it took another 5 years to release a DEIS, but the first DEIS was released in February 1998, which proposed 6 alternatives, including a no-action alternative. The proposed new OHV trail (Alternative B) would have been routed to the north and cross to the east of the main ridge into the Woodpecker Roadless Area and connect to a Forest Service Road just east of Sherman Pass Vista. See 1998 DEIS, PDF p. 39 (map); see also *id.*, PDF pp. 40-43 (maps for other alternatives). Only Alternative F would have located the proposed trail entirely outside of the SPNM area, although the start would have crossed the ridge and would have been located in a small part of the Woodpecker Roadless Area. See 1998 DEIS, PDF p. 43 (map).

A year later, the Forest Service supplemented the DEIS by adding Alternative G, which would have located the new OHV trail entirely to the west of the ridge and outside both the SPNM and the Woodpecker Roadless Area. See 1999 Suppl. DEIS, PDF p. 13 (map). In 1999, Ara Marderosian submitted an extensive comment letter on behalf of Sequoia Forest Alliance.

Another 2 years passed until the Forest Service again addressed the environmental consequences, seeking additional comments regarding a planned revised DEIS. In 2001, Ara Marderosian submitted another set of extensive comments, this time on behalf of Sequoia ForestKeeper.

Roughly a year later, the Forest Service released its final 2002 Revised DEIS, stating that "It was necessary to prepare a revised DEIS in order to incorporate new information relating to the Sierra Nevada Forest Plan Amendment Record of Decision (SNFPA ROD), released in January 2001." 2002 Revised DEIS, Cover Letter, p. 1. Remarkably, the new proposal dropped all of the alternatives to the east of the main north-south ridge, which comprised the SPNM and roadless boundaries, leaving only the no-action and two alternatives, both similar to the old Alternatives C and G from the 1999 Suppl. DEIS. See 2002 Revised DEIS, PDF p. 26 (map).

Even more remarkable, it stated:

All alternatives include the provision, agreed to in the Sequoia National Forest Land and Resource Management Plan Mediated Settlement Agreement (1990), that motorized use of Sirretta Trail would discontinue upon construction of a new trail or selection of a no action alternative. After reviewing the alternatives and associated environmental effects, the Responsible Official has identified Alternative 1, No Action, as the Forest Service Preferred Alternative.

Id. PDF p. 5 (Abstract, emphasis added). So, even if the final EIS and Record of Decision were to chose one of the other alternatives, which would have allowed construction of a new OHV trail, that would be the end of any motorized use of the Sirretta Peak Trail.

What happened next is unclear. Although the Forest Service sought comments in June 2002 on the Revised DEIS, the Forest Service has not published a final EIS. Instead, it has appeared to have abandoned the EIS process or simply put it on an extended hold until it revises the forest plan. There have been numerous speculations for why a final EIS and decision were not issued, but this delay has allowed the Forest Service to maintain the status quo, allowing motorcycle use to continue accessing and degrading the area using the Sirretta Peak Trail.

More Recent Efforts to Close the Trail and Restart the Process

In October 2014, we were contacted by Joe Fontaine who made us aware of the issues with the Sirretta Peak Trail and the Woodpecker Roadless Area. Around that time, the Forest Service was starting the Forest Plan revision process for the three early adopter forests in the Southern Sierras, including Sequoia. In 2014, Joe Fontaine submitted a comment letter to the forest planners at the region, calling on the Forest Service to comply with the MSA, finish the EIS process, and close the Sirretta Peak Trail. See 2014 Fontaine email to Forest Planners (Attachment 1 hereto).

Shortly thereafter, we contacted the Kern River Ranger District (KRRD) by email about the Sirretta Peak Trail and were informed that the trail remained open to motorcycles as displayed on the official Motor Vehicle Use Map.

In March 2015, and in preparation for a March 12, 2015 conference call between Ara Marderosian, Joe Fontaine, Ren[eacute] Voss, and District Ranger Al Watson, we sent Ranger Watson a list of reasons why the Forest Service should close the Sirretta Peak Trail to motorized vehicles. See Reasons to Close Sirretta Trail to OHVs (Attachment 2 hereto). Ara, Joe, and Ren[eacute] also held an in-person follow-up meeting with Watson at the KRRD Kernville office on June 25, 2015 where we again discussed Sirretta Trail issues. The next day, Ren[eacute] Voss drove hiked up to Sirretta Peak and Sirretta Pas and took the photographs in the Figures in the previous section above. He reported to Ara and Joe that the area was pristine and there was no sign of any motorcycle use this season.

More recently, on October 26, 2018, Ara hiked the Sirretta Peak Trail and found some motorcycle use. There were several motorcycle tracks in which users left the trail to get around downed trees. 2018 Email from Ara (not included).

Sequoia Forest Plan Revision - Wilderness Planning

Thereafter, the Forest Plan revision for the Sequoia National Forest started in earnest. The initial evaluation of Wilderness potential was for a larger area (Polygon #1394), which included the Woodpecker Roadless area and the Sirretta Peak Trail. The December 2015 draft narrative briefly discusses the trail issue:

An existing motorized route, the Sirretta Trail, is identified in the mediated settlement agreement 1990. Motorcycle use was identified as an accepted inconsistency in the area classified as semi-primitive nonmotorized until an alternative route was built or a decision not to build an alternative route was made. In either case, the trail would be closed to motorized use. This has not been resolved even though extensive work has been done by

planning teams.

Draft Results of Wilderness Evaluation, p. 140 (emphasis added). Not much has changed since the draft. The latest Forest Planning document, which touches on the trail issue is the FEIS in Appx. B. The appendix includes an evaluation of the Domeland Wilderness Addition-West, and a the larger area is recommended for Wilderness under Alternatives C & E. The narrative states: "The Sirretta Trail is identified in the Mediated Settlement of 1990 for removal or replacement." FEIS Appx. B, p. B-63. But with regard to manageability, it states: "The limited access, light visitor use, and the steep topography facilitate manageability in the central area of the polygon except where the motorized route (Sirretta Trail) dissects the polygon." FEIS, Appx. B, p. B-178 (emphasis added).

In addition to Wilderness, the Forest Service has zoned the forest into various ROS setting, which include rural, roaded natural, semi-primitive motorized and semi-primitive nonmotorized (SPNM) classes. The latter SPNM class is the same in both the old and new plan for the Woodpecker Roadless Area where the Sirretta Trail is located. That SPNM class has advanced in the preferred modified alternative B, as well as the other alternatives, which means that the SPNM designation will likely be retained in the Sequoia Forest Plan decision.

Yet, there is no mention anywhere in the draft plan, specifically dealing with the Sirretta Peak

Trail's non-conforming motorized use in an SPNM area. In fact, the only mention of the trail in the draft Plan is in a standard, which states:

Standard (DA-SIA-STD)

01 The Sirretta Peak trail must not diminish the natural conditions of the Twisselmann Botanical Area or adjacent sensitive areas, including areas to the north of Sirretta Pass such as Sirretta Meadows.

Draft Plan, p. 128. But this does not address the non-conforming motorized allowance in an SPNM area. Instead, the only mention of this issue, without further explanation and without even mentioning the Sirretta Trail, is in the draft Record of Decision, which states:

Existing travel management decisions, as reflected on the Sequoia National Forest motor vehicle use map, specifically motorized trails within areas classified as semi-primitive non-motorized, may proceed unchanged per FSH 1901.12 Chapter 23.211.

Draft ROD, p. 12 (emphasis added). We could not, however, find any section in the FSH with that numerical designation, so that reference must be an error.

Instead, the FSH specifically states, as it relates to the NFMA regulation at 36 C.F.R. 219.10 (b)(1)(i) for "Sustainable Recreation":

The plan must include plan components, including standards or guidelines, to provide for sustainable recreation integrated with other plan components as described in 23.21a. To meet this requirement the plan:

* * *

c. May include objectives where existing recreation opportunity spectrum settings for an area differ from the desired recreation opportunity spectrum for that area. Examples of such objectives are: an objective that roads be obliterated within a certain time period on lands with a desired condition of nonmotorized recreation opportunity spectrum classes[hellip].

* * *

g. Should include specific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired recreation opportunity spectrum classes. Standards or guidelines can also apply to specific desired recreation opportunity spectrum settings, specific recreation opportunities, trails, developed recreation, interpretive and educational opportunities, dispersed recreation, special uses, or other recreation activities.

FSH 1901.12 Chapter 23.23a, Section 2 c. & g. Moreover, the FSH also requires:

1. Related to recreational trails, the plan:

1. Should include desired conditions for recreational trails. The desired condition of the recreational settings and opportunities should lead to plan components aligned with the desired recreational settings and opportunities of the plan (sec. 23.23a of this Handbook).

* * *

c. May identify the types of trails and recreational use that are suitable or not suitable in a management or geographic area; these should be aligned with the desired recreational settings and opportunities (sec. 23.23a of

this Handbook). While the plan does not determine the use for each specific trail, it does establish desired conditions and other plan components that indicate what types of trails are appropriate within different parts of the plan area.

FSH 1901.12 Chapter 23.23i, Section 3 a. & c.

In reviewing the draft Plan and decision, we could not find any plan components, such as objectives, desired conditions, standards, or guidelines, which state that the SPNM areas would be brought into conformance as the Forest Service Handbook requires. This is a major oversight, and the final Plan and Record of Decision must be updated to include statements that any travel management plans shall be brought into conformance with the ROS spectrum, especially for SPNM areas.

POTENTIAL RESOLUTION: We ask that the Forest Service deal with its 30-year delay in bringing the Sirretta Trail into conformance with the designation of the SPNM area by directing the closure of the trail to motorized use. Also, we suggest that the final Plan and decision can (and must) be improved to bring them into compliance with the FSH and the NFMA Regulations by adding specific plan objectives, desired conditions, standards, and guidelines that the Forest Service will deal with non-conforming uses, such as motorized trails in SPNM areas or other non-conforming recreation uses in each ROS class, in a timely manner.

If you should have any questions, please contact Ren[eacute] Voss. For Sequoia ForestKeeper,

Sincerely,

Ren[eacute] Voss - Attorney at Law

Ara Marderosian - Executive Director, Sequoia Forestkeeper Attachments 1 & 2 follow

Attachment 1

Email Comment by Joe Fontaine re Forest Plan Revision

From: Joe Fontaine

Date: Fri, Sep 26, 2014 at 4:35 PM

Subject: Woodpecker Roadless Area in Sequoia National Forest. To: R5PlanRevision@fs.fed.us

I was a member of the Mediated Settlement Agreement (MSA) team that agreed on a package of amendments to the Sequoia National Forest Plan in the early 1990s. I was one of the represents for the Sierra Club. One proposal in the the MSA dealt with the Sirretta Peak Trail that passes through the Woodpecker Roadless Area adjacent to the Domeland Wilderness. The MSA on page 97 called for an EIS to be done to consider an alternative motorized trail outside the Roadless Area. If an alternative trail was chosen outside the Roadless Area the Sirretta Peak Trail would be closed to motorized traffic. If the EIS did not recommend an alternative trail, the Sirretta Peak Trail would still be closed to motorized use.

The Cannel Meadow Ranger District released a Revised Draft Environment Impact Statement on the Sirretta Peak Trail dated June, 2002. The preferred Alternative, Alternative 1, the No Action Alternative, page S-5 of the Revised DEIS, was the Preferred Alternative. That would result in the Sirretta Peak Trail being closed to motorized traffic once a decision was made. The final decision with a Final EIS was never made and the trail has remained open to motorized traffic in the interim.

The MSA called for an EIS to be done but it was never completed. That is a violation of the MSA which the Forest Service and all of the participants signed. A final decision is a required part of the NEPA EIS process.

The Forest Service had two options to comply with the MSA. Either provide an alternative trail or take no action which is the preferred action in the Revised DEIS. In either case the Sirretta Peak Trail would be closed to motorized use.

I call upon the forest Service to comply with this requirment in the MSA in the new managemnt plan being developed for Sequoia National Forest.

Therefore in the current process to develop a new management plan for Sequoia National Forest the plan should implement the EIS requirement for the Sirretta Peak Trail as it agreed to when it signed the MSA.

Joe Fontaine

Attachment 2

Reasons to Immediately Close the Sirretta Trail to OHVs 3/12/2015

1. Per agreement under the 1990 Mediated Settlement Agreement (MSA) - A decision to complete a Sirretta Trail EIS and issue a decision was to be made within 2 years, which is now 23 years overdue. NOTE: OHV interests signed the MSA, agreeing to these provisions.
2. Per the Sirretta Trail EIS - The 2002 DEIS for the Sirretta Trail recommended closure of the Sirretta Trail to motorized use in each of the three alternatives. A NEPA decision is now 13 years overdue.
3. The Sirretta Trail traverses a Semi-Primitive NON-Motorized (SPNM) area, as designated in the 1988 Sequoia Forest Plan.
4. The Sirretta Trail traverses the Woodpecker Inventoried Roadless Area.
5. The Sirretta Trail traverses the sensitive Twisselman Botanical Area, which includes the southern-most stand of foxtail pines and other sensitive plant species.
6. The Sirretta Trail traverses many riparian areas, springs, wetlands, and golden habitat, including:

1. Salmon Creek
2. 3 springs near the headwaters of Salmon Creek
3. Little Trout Creek Meadow (a wetland)
4. Little Trout Creek Riparian Area
5. Snow Creek Riparian Area
6. There are Golden Trout in these streams

7. The Sirretta Trail provides illegal access to:

1. Domeland Wilderness near its terminus
2. Machine Creek Riparian Area & springs - along trail 33E28
3. Trout Creek Riparian Area & Boone Meadow - along trail 33E28 NOTE: There are Golden Trout in these streams as well.

8. The FS has the discretionary authority to close motorized trails, if motor vehicle use on an NFS trail or in an area on NFS lands is directly causing or will directly cause adverse effects on public safety, soils, vegetation, wildlife, wildlife habitat, or other natural or cultural resources:

1. 36 C.F.R. [sect] 212.52(b)(2)
2. Executive Order (EO) 11644,
3. Forest Service Manual (FSM) 2353.28d,

9. FSM 7716.51, and

1. FSM 7717.2 (provisions for closure for more than 1 year).