

STATEMENT OF  
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Before the  
Subcommittee on Forests and Forest Health  
Committee on Resources  
United States House of Representatives

Concerning

H.R. 4021  
Giant Sequoia Groves Protection and Management Act of 2000

March 28, 2000

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to present the Administration's view on H.R. 4021, the Giant Sequoia Groves Protection and Management Act of 2000. I am Randy Phillips, Deputy Chief of Programs and Legislation for the Forest Service.

H R. 4021 would require the Secretary of Agriculture (Secretary) to enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study of the ecology, management and protection of sequoia groves within the Sequoia National Forest. The report would be completed within 18 months, and no lands within the boundaries of the Sequoia National Forest would be available for proclamation as a national monument by the President of the United States under the authority granted by the Act of June 8, 1906, commonly known as the Antiquities Act of 1906, until at least 90 days after publication of the final report.

The Administration strongly opposes H R. 4021, and the Secretary of Agriculture would recommend that the President veto the legislation if presented to him in its current form. The Administration objects to Section 2(d), which would limit the President in exercising his discretion to designate a National Monument under the authority granted by the Antiquities Act. Also, while the Administration supports the role of science in the administration and management of our national forests, the Administration believes that an 18 month study is a completely unnecessary requirement.

## Background

Since their discovery by early settlers in 1852, giant sequoias have fascinated people throughout the world. Early exploitation by commercial interests led to many laws and administrative decisions to protect giant sequoias on public lands. In 1890 the Sequoia, General Grant, and Yosemite National Parks were created, in part, to protect giant sequoias.

Approximately 19,000 acres of national forest land is occupied by about 40 groupings of giant sequoias (commonly referred to as groves), with about 34 groves located within the Sequoia National Forest boundary. The Sequoia National Forest Land and Resource Management Plan (Forest Plan), completed in 1988, provides the current basis for management of the giant sequoia resource. One part of the Sequoia National Forest Land and Resource Management Plan includes a Mediated Settlement Agreement (MSA), signed in 1990, which provides the management direction currently applied to giant sequoias. The management goal for administration of giant sequoias in the MSA is “[t]o protect, preserve, and restore the groves for the benefit and enjoyment of present and future generations.”

On July 14, 1992, President George Bush issued a Proclamation regarding giant sequoias in national forests, in which he affirmed that giant sequoias “[s]hall be managed, protected, and restored by the Secretary of Agriculture, acting through the Forest Service, to assure perpetuation of the groves for the benefit and enjoyment of present and future generations.” The proclamation also stated that the groves should continue to be managed by the Secretary of Agriculture as unique objects of beauty and antiquity for the benefit and inspiration of all people.

Congress has also provided direction on management of giant sequoias. It has included a provision in the annual appropriations for the Forest Service for a number of years, most recently in fiscal year 2000, stating that no funds in the appropriations Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia which are located on National Forest System or Bureau of Land Management lands.

Congressional interest has been high, as evidenced by a hearing held on September 4, 1991, concerning Sequoia National Forest Giant Sequoia Management before the House Subcommittee on General Oversight and California Desert Lands, Committee on Interior and Insular Affairs, and held a second hearing on H.R. 2153, the Giant Sequoia Preservation Act, on March 10, 1994 before the House Subcommittee on Specialty Crops and Natural Resources, Committee on Agriculture.

The late Congressman George Brown introduced H.R. 2153, the Giant Sequoia Preservation Act, on May 19, 1993, which proposed creation of a 442,425 acre preserve. A similar bill, H.R. 2077, was introduced again in 1997 and 1999, proposing a 340,835 acre preserve.

On February 14, 2000, President Clinton asked the Secretary of Agriculture to review the status of giant sequoias on the Sequoia National Forest and make a recommendation

within 60 days regarding whether appropriate stewardship for sequoia groves warrants exercise of his authority under the Antiquities Act to extend permanent protection to objects of historic or scientific interest on federal land. As part of the review, the Secretary was directed to consult with appropriate members of Congress, as well as with tribal, state, and local officials and other interested parties. To this end, two public sessions were held in Visalia and Fresno, California, on March 18 and 19, 2000, and Congressional consultation sessions were held on March 24, 2000.

As evidenced by the above discussion, there has been intense interest by the Executive and Legislative branches of government, as well as the American people, in providing permanent protection to giant sequoias on federal lands. The Administration is demonstrating its support through its request to the Secretary for a recommendation regarding whether appropriate stewardship warrants exercise of his authority under the Antiquities Act to extend permanent protection for sequoia groves.

#### H.R. 4021, the Giant Sequoia Groves Protection and Management Act of 2000

H.R. 4021 directs the Secretary to enter into an agreement with the National Academy of Sciences, the Board on Agriculture and Natural Resources (NAS Board) to conduct a detailed comprehensive study of the ecology, management and protection of sequoia groves within the Sequoia National Forest and to provide science-based recommendations for future management. The NAS Board would submit a final report to the appropriate federal agencies, the Congress, and the Governor of California within 18 months of the signed agreement. The Secretary would provide up to \$800,000 from roads and trails funds to finance the study. The lands would not be available for proclamation of a national monument until at least 90 days after publication of the final report.

The Secretary would recommend that the President veto this bill in its current form. Specifically, the Administration objects to Section 2(d), which would limit the President in exercising his discretion to designate a National Monument under the authority granted by the Antiquities Act.

The Administration also strongly opposes the provision in the bill requiring an 18 month study as a precursor to designation of the monument. The body of science and research on giant sequoias and their management that has been done in the last 30 years is extensive, well-documented, and has been thoroughly reviewed and synthesized recently. For example, a symposium was held in June of 1992, in Visalia, California entitled "Giant Sequoias: Their Place in the Ecosystem and Society." The proceedings from this symposium provide an extensive compilation of research results and documents the wide spectrum of public values associated with giant sequoias. More recently, the Sierra Nevada Ecosystem Project (SNEP) Report to Congress in 1996 contains an analysis and synthesis of giant sequoia ecosystem health, conditions, and science-based management options, and includes an extensive bibliography on the existing body of research on giant sequoias. Most recently, the Forest Service published in August, 1999, a report by Dr Douglas D. Piirto and Robert R. Rogers entitled An Ecological Foundation for Management of National Forest Giant Sequoia Ecosystems. Broad management options

have been thoroughly considered by Dr. Nathan L. Stephenson in a 1999 publication entitled Reference Conditions for Giant Sequoia Forest Restoration: Structure, Process, and Precision

While management of sequoia groves will require and receive further research, little original research can be accomplished in 18 months, and the last three decades of sequoia research have already been thoroughly summarized and synthesized. The Administration does support the use of committees or boards of scientists for the benefit of national forest management, as evidenced by our use of committees for efforts such as the Northwest Forest Plan, and the development of both the original and new proposed planning regulations. The concept of a scientific committee or board to advise the Forest Service in planning and management of the sequoia groves will be one of the considerations made as we develop our recommendation for the President.

#### Summary

In conclusion, the Administration strongly opposes H.R. 4021, with the Secretary of Agriculture prepared to recommend to the President that he veto the bill if presented to him in its current form. The Administration specifically objects to Section 2(d), which would limit the President in exercising his discretion to designate a National Monument under the authority granted by the Antiquities Act. The Administration also does not support the requirement for an 18 month study by the NAS Board, as we feel the existing body of science is extensive, well-documented, and has been recently analyzed and summarized.

The desire to preserve, protect, and restore giant sequoias is broadly supported. As we develop our recommendation to the President on whether appropriate stewardship for sequoia groves warrants exercise of his authority under the Antiquities Act to extend permanent protection to objects of historic or scientific interest on federal land, we will use the most current information available.

This concludes my written statement. I would be happy to answer any questions you and other members of the Subcommittee might have at this time.