

**FAQ: Sequoia and Kings Canyon National Parks tree cutting and burning project in
Wilderness lawsuit
By Wilderness Watch**

What exactly is the National Park Service (NPS) action we're challenging?

- NPS issued a decision memo in October 2022 authorizing activities to intensively alter forest conditions in and around numerous sequoia groves within the designated Wilderness areas of Sequoia and Kings Canyon National Parks. What NPS wants to do is use chainsaws to cut down trees across several thousand acres of forest surrounding these groves and to purposefully light fires to burn across additional thousands of acres. All the activity would be heavily assisted by helicopters and other motorized equipment.
- NPS issued the decision to pursue this work without conducting environmental analysis or public involvement as required by the National Environmental Policy Act (NEPA). NPS acknowledges that much of the work is incompatible with the Parks' current Fire and Fuels Management Plan. The agency has pointed to "emergency" conditions as the reason it can forego typical public process, but a project that spans years of planning and implementation cannot reasonably be characterized as a bona fide emergency. Already enough time has passed that NPS could have more fully complied with NEPA.

Why is it a big deal?

- Never before has a federal agency authorized the use of chainsaws to cut down trees like this across thousands of acres of designated Wilderness. The subjective moniker of "fuels reduction" has long been used to mask extensive and impactful (and often commercial) timber management activity in the National Forest System, and it is crucial not to let the NPS' penchant for active management—whatever their intentions—chip away at the important protection of federally designated Wilderness. The mere existence of climate change and our short-term concerns about "desired fire intervals" are not sufficient to abandon Wilderness-level protections—to distrust nature's own processes and manhandle forest ecosystems more quickly into the structure we deem best. It's imperative that we enforce the legal strictures of the Wilderness Act here and not allow the proliferation of a trend in which government managers engineer environmental conditions everywhere on the landscape, rather than leaving nature alone to shape these special protected areas as the law requires.

Why is maintaining wilderness character in Sequoia and Kings Canyon National Parks important?

- For starters, it's the law. The Wilderness Act mandates that the NPS must, first and foremost, preserve the area's wilderness character. Sequoia National Park is one of America's oldest parks, established in 1890, and Kings Canyon National Park was established in 1940. Most of the parks' backcountry was designated as Wilderness by Congress in 1984 and 2009.
- Since that time, natural forces have been allowed to determine the fate of these Wilderness areas, and until now even the NPS has recognized that the Wilderness areas should be left untrammelled and natural, without intervention, as expressed in its Fire and Fuels Management Plan.
- The ecological conditions in the parks' Wildernesses have always depended on natural fire to maintain their diverse ecosystems. In fact, high-severity fires are an important component of Giant Sequoia regeneration; the seeds of these trees are only released from their cones at high heat, and landscapes scorched to mineral soil are best suited for seedling re-establishment.

Are Plaintiffs against protecting giant sequoias? Do they just want to let giant sequoias get wiped out by wildfire?

- While we recognize that recent fire seasons have burned through many Sequoia Groves and killed many large sequoias, the vast majority of Giant Sequoias (over 80-85%) have not been adversely affected by these fires. In fact, the natural regeneration from these fires has regenerated literally millions of seedlings, which are thriving and will naturally replace these lost giants.
- We stress that there should be a difference between wilderness-protected sequoia groves and those in many of the Parks' front country that are actively maintained to perpetuate them in a certain state. In designated Wilderness areas, it's important to let natural forces shape forest succession and the transition from old to new generations of sequoias. It's not up to us to force the ecosystem to reflect a structure we think it ought to have—and our scientific understanding of nature (and our humble respect for it) suffers when we leave no places unmanipulated to observe and learn from and appreciate.
- In its “emergency” response, driven more by fear than science, the NPS has failed to recognize that high-intensity fire is necessary to retain giant sequoias in their natural conditions.
- In its attempts to try to inoculate sequoia groves through tree cutting, to then experience mostly low-intensity fires, the NPS is setting these groves up for long-term extinction. Only natural higher-intensity fires, consistent with Wilderness values, will allow these groves to thrive in the long-term.¹

Are the forest conditions in Sequoia and Kings Canyon unnatural and in need of our help to fix them?

- While climate change and drought have affected forest conditions throughout the Sierra Nevada Mountains, the NPS' plans to manipulate the Giant Sequoia Groves through mechanical tree cutting over thousands of acres will not protect them from the types of fires we have recently seen, which were affected mostly by drought and extreme fire weather conditions rather than fuel conditions.
- These were not fuel-driven fires, and the NPS' reduction of fuels would do little to affect fire behavior under extreme conditions similar to those seen in 2020 and 2021.
- In fact, the tree cutting proposed by NPS could have the opposite effect. Mechanized tree cutting of understory trees and creation of burn piles opens the understory to increased winds that add oxygen to wildfires, which can result in increased severity of mature tree mortality.
- The smarter and more wilderness-respecting approach is the hands off one. In most ecological scenarios, we must allow natural fires to burn with their natural variability in conditions and intensity and contribution to mortality and natural forest succession. We should let natural fires burn with sufficient intensity to allow Giant Sequoias to release their seeds to spur a new generation of sequoias. Mechanized tree cutting will not allow sequoia groves to experience the necessary fire intensity that can maintain these groves into the future.

¹ Sequoias are born with fire. In fact, sequoia cones need a hot fire to roast them open. Each tree can drop tens of thousands of seeds to the ground to restart a new generation of sequoias. In the following season the bare mineral soil below these burned sequoias is often covered with so many seedlings—sometimes vast carpets of thousands—that it is difficult not to step on them. Several years after a fire, the understory in these burned groves is often waist-high in dense thickets of sequoias.

- Moreover, the NPS is creating a false sense of security that its actions will protect Giant Sequoias by suggesting that its “fuel reduction” will avert further harm to sequoias, while in the long run, its actions will not allow these sequoia groves to thrive and evolve, consistent with the Wilderness Act.

Do climate change and past fire suppression justify intensive management of giant sequoia groves in Wilderness now?

- No. The mere existence of climate change and our short-term concerns about “desired fire intervals” are not sufficient to abandon Wilderness-level protections—to distrust nature’s own processes and manhandle forest ecosystems more quickly into the structure we deem best. It’s imperative that we enforce the legal strictures of the Wilderness Act here and not allow the proliferation of a trend in which government managers engineer environmental conditions everywhere on the landscape, rather than leaving nature alone to shape these special protected areas as the law requires.

Why isn’t NPS’ “emergency” posture justified by the effects of climate change on wildfire?

- The NPS has stated that it is attempting to help sequoia groves adapt to the effects of global climate change with “emergency” action. But the groves being cut are not in need of “emergency” treatments that necessitate the elimination of a public process ordinarily required for these public lands.
- An “emergency” is a discrete event—say, an individual fire threatening human structures—that managers must act quickly in responding to such that sometimes environmental compliance processes must be arranged differently. The broad, generalized sense that climate change and other long-term factors are shaping the environment in ways we don’t like cannot reasonably count as an “emergency” that allows NPS to disregard statutory environmental protection rules. If we allow such logic to prevail at government agencies, we stand to lose our few important tools for keeping detrimental human activity in check and monitoring and engaging with federal public lands management actions.
- In fact, a recent fire in one of the grove areas proposed for chainsaw cutting is a good example why no “emergency” exists. The Redwood Fire, burning in August and September 2023 in an area of the Redwood Meadow Grove, is having a difficult time staying lit due to the moist conditions still present after last year’s winter. The fire would likely burn itself out quickly, despite high levels of understory fuels. Instead, the NPS has been actively re-igniting the fire to keep it going, using aerial ignitions, from aircraft over Wilderness. See <https://inciweb.nwcg.gov/incident-information/caknp-redwood-fire>.

How did NPS violate NEPA in approving this project?

- NPS has foregone legally required public process and evaded important statutory restrictions that apply to its actions, and it has improperly raised the banner of “emergency” to circumvent legal compliance.
- A multi-year project spanning tens of thousands of acres of intensive landscape reconfiguration cannot properly be characterized as limited to the direct, immediate impacts of an emergency, as the law requires, and thus cannot fall within the narrow regulatory frame through which NPS is purportedly acting.
- Typically, when agencies cite emergencies for why they need “alternative arrangements” for NEPA compliance, they will explain how they needed to act quickly in response to a discrete event and how they’ll complete all required NEPA analysis regarding what they did and are continuing to do related to the event. But the NPS decision here looked nothing like that.

Instead, the agency planned a years-long project, prospectively, with no public process or full NEPA compliance. They didn't describe any discrete emergency event but merely stated that they would skip normal NEPA process because they wanted to get going on the work without all the hassle. The agency only generally cited the century-long and well-known effects of past fire suppression and the ubiquitous effects of climate change as their excuse, and their fear about the predicted effects of future fires. In this flawed approach, we see only the prospect for ever-increasing agency abuse of the regulations to evade their NEPA work and public engagement.

Don't the Parks have a Fire and Fuels Management plan that applies to this activity? What's the status of that plan?

- In 2003, citing the influence of past practices of fire suppression on forest conditions, NPS issued a Fire and Fuels Management Plan to mitigate threats to humans and property “while at the same time restoring and/or maintaining [wildfire's] function as a natural process.”
- However, the Fire and Fuels Management Plan did not incorporate the practice of mechanical fuel reduction (cutting trees with chainsaws) in designated Wilderness where motorized equipment use and intensive management to coerce natural ecosystem processes are statutorily prohibited with only narrow exceptions.
- NPS acknowledged this Wilderness Act safeguard and also stated that “serious questions remain as to whether the outcomes of large-scale mechanical fuel treatments could produce ecological effects that sufficiently mimicked the effects of fire[.]”
- As NPS wrote in the Fire and Fuels Management Plan, considering Wilderness designation, “[m]echanical techniques to reduce fuel load prior to prescribed burning is therefore limited by law and administrative policy to only the park developed areas.”
- The Fire and Fuels Management Plan remains in effect, and NPS admits that it is taking actions “beyond the scope of this original plan.”
- Although NPS has asserted that it is concurrently taking action to initiate a planning and environmental compliance process on a revised Fire and Fuels Management Process, no such process has been noticed to the public.
- Instead, the NPS stated in its decision that “the emergency action ... will be immediately initiated, opportunistically implemented in line with project mitigations, and will cease upon completion of an updated Sequoia and Kings Canyon National Parks Fire and Fuels management Plan and associated NEPA analysis....”
- In other words, the NPS will take action now and ask the important environmental (and legal) questions later, after completion of the project.