



SIERRA CLUB

TEHIPITE CHAPTER

Our Sierra Club Lawsuit Against the US Forest Service and the Nelder Giant Sequoia Grove Logging Project

BY GARY LASKY, SIERRA CLUB TEHIPITE CHAPTER

The Tehipite Chapter filed a lawsuit in 2023 against the U.S. Forest Service in the U.S. District Court in Fresno. Our goal is to halt a logging project in the Nelder Grove giant sequoia stand in the Sierra National Forest, and the litigation is ongoing. Our co-plaintiffs are Earth Island Institute and Sequoia ForestKeeper and our attorney is Thomas Buchele of the Earthrise Law Center of the Lewis and Clark law school in Portland, Oregon. As of late May this year, work has stopped in the contested areas of the project.

Nelder Grove is a 1,540-acre (2.4 sq. mi.) giant sequoia grove located within the Sierra National Forest in Madera County. In addition to 60 mature sequoias, the largest concentration in the Sierra National Forest, the grove also has ponderosa pine, white fir, and California incense cedar trees, which are the primary targets for forest logging, or as it is distinguished by the Forest Service, “forest thinning.”

Nelder Grove had approximately 400 mature sequoias prior to the arrival of European Americans in the 1800s. Human occupation of the grove dates back approximately 15,000 years, as it served as a hub for the Mono and Miwok tribes during their trans-Sierra activities in the warmer months. Around 70% of mature sequoias were logged in the timber era until 1897. Due to a federal policy of fire suppression dating back to at least the first National Forest in 1891 (think Smokey the Bear), the understory of these forests became overgrown with large quantities of fuel, increasing the intensity of wildfires over time.



Photo by Bryant Baker

On August 29, 2017, the Railroad Fire was reported in the Sierra National Forest north of Oakhurst, near Highway 41 and just a few miles south of Yosemite National Park. On September 3, mandatory evacuations were ordered for residents in the vicinity of the fire. Fire crews wrapped historic structures in the Nelder Grove Historic Area, including cabins from the late 1800s, in protective, heat-shielding material (the trees were not wrapped to avoid a “baked potato” effect from fire).

By September 10, the fire had burned 12,358 acres (20 square miles) and was 70% contained, with 1,035 fire fighters present, and it had burned 12,407 acres before it was fully contained on October 24. The fire threatened communities in the area, including historic buildings in the Nelder Grove Historic Area, Tenaya Lodge, and Yosemite Sugar Pine Railroad, after which the fire was named. According to the Forest Service, the Railroad fire killed 39 out of the remaining 104 giant sequoia trees in Nelder Grove. The cause of the fire remains unknown. However, factors contributing to the fire included the historic California drought (2011-2017), which caused significant dieback and stress to giant sequoias, and a century of fire suppression. This suppression created heavy fuel buildup on the forest floor and dense understory growth, creating the conditions for high-intensity fire.

Forest watchers had warned of this risk for decades. As early as the 1960s, Madera County discussed acquiring the grove to bypass federal restrictions on timber cutting and prescribed burns in the Sierra National Forest. Despite these warnings, no major preventive actions were taken before the Railroad Fire.

According to forest ecologist, attorney, and recent Sierra Club national board member, Chad Hanson, Nelder grove is one of eleven groves under a NEPA “emergency” provision. Tately used, “Emergency” as it applies to Forest Service logging projects is defined in federal law as an urgent situation in which there is no time to delay, when property and lives are at stake: for example, a



Photo by Chad Hanson

fire moving toward a populated area. Firefighters can’t wait for approval to cut a fire break to make a stand against the flames.

But in this case, there is clearly not an emergency. The Forest Service was unable to take action in the winter months, and needed to first identify contractors and organize to bring in the seedlings from nurseries. Initially begun in July 2022, the logging project was proposed for two years, until August 2024, but they’re still logging. Not an emergency by any stretch of the terminology. Confronted with our lawsuit, the Forest Service has backed off on logging.

Today, forest ecologists explain, certain forest types including giant sequoias *require high-intensity fire* to perpetuate themselves. Although trees can propagate in low- and medium-intensity fire, the results are anemic and, over an extended period of time, the sequoia groves would inevitably die out. But recent fires have demonstrated that sequoia trees require high-intensity fire to open up their cones and scatter thousands of seeds. Also, where the forest floor is covered with pine needles and duff, seeds invariably are unable to sprout, and, if they do the seedlings die off. In a high-intensity fire, however, the forest floor is converted to a nitrogen-rich powder medium, perfect for sprouting healthy giant sequoia seedlings.

So why launch a logging project in a grove which has recently had high-intensity fire? Perhaps the answer to this question lies in politics, not science. All National Forests were viewed from their outset as forest *reserves*. Back in the 1890s, the robber barons of the unregulated Gilded Age did a poor job of controlling their appetite for logging. Just as in recent decades, corporate logging companies were using debt-financing to acquire other companies. Their plan was to log their forests — as fast as possible — to pay off this debt. Unfortunately for their business model, the glut of sawmill logs that resulted led to a crash in the lumber market.

Gifford Pinchot, the inventor of National Forests, pitched his idea to the lumber barons in New York City. By locking up the forests until a point in time when they could be rationally logged, excessive logging could be reduced, propping up lumber prices, and their corporations could return to profitability. In other words, National Forests were seen as a *commodity*, like a farm crop. According to this reasoning, the National Forests were there for the corporations’ future profitability, and the Forest Services long-used motto, “Land of Many Uses” was never true! Sure, boating and camping and skiing are fine, so long as the trees can be logged.

TO BE CONTINUED.



Photo of firefighters standing on top of a giant sequoia stump.
By Sierra National Forest, U.S. Forest Service