

GIANT SEQUOIA GROVES PROTECTION AND MANAGEMENT
ACT OF 2000

APRIL 11, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 4021]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4021) to authorize a study to determine the best scientific method for the long-term protection of California's giant sequoia groves, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4021 is to authorize a study to determine the best scientific method for the long-term protection of California's giant sequoia groves.

BACKGROUND AND NEED FOR LEGISLATION

On February 14, 2000, President Clinton directed the Secretary of Agriculture to review and recommend within 60 days "whether appropriate stewardship for the sequoia groves warrants exercise of my authority under the Antiquities Act" by creating a Sequoia National Monument in the 1.2 million acre Sequoia National Forest. The 60-day period ends April 14, 2000.

There are approximately 43 giant sequoia groves outside the boundaries of the Sequoia National Park. These are found primarily in the Sequoia National Forest, but several groves also exist

in the Sierra and Tahoe National Forests. Additional groves are found on the Tule River Indian Reservation, in the Calaveras Bigtrees State Park, the Mountain Home State Forest, on Bureau of Land Management land at Case Mountain, and on various tracts of private property.

The sequoia groves cover a total of approximately 19,345 acres within the Sequoia National Forest. Despite this relatively small acreage, National Monument proposals range from 358,000 acres to 470,000 acres. Several noted scientific experts on sequoias have opposed any policy that would reduce management flexibility in the forest. They are concerned that a single plan for all the sequoia groves will increase risks to individual trees and jeopardize the long-term integrity of the groves.

In 1988, the Forest Service imposed a moratorium on management projects in the sequoia groves on Forest Service land pending additional study and completion of a Land Management Plan Amendment. At the time, land managers lacked clear data on grove boundaries, buffer zones and watersheds, and the long-term effects of various types of management practices. A Mediated Settlement Agreement (MSA) negotiated in 1990, followed by a 1992 Presidential Proclamation, provided policy direction to protect, preserve and restore the sequoia groves. The Proclamation and follow-up activities under the MSA led to an extensive inventory of trees and to development of the Giant Sequoia Ecology Cooperative, the purpose of which is to identify best management practices and to advise the various public and private managers of the groves.

In 1993 Congress requested an independent scientific review of the Sierra Nevada ecosystem, known as the Sierra Nevada Ecosystem Project (SNEP). This review included an examination of the MSA and offered recommendations for scientifically based mapping and management of the sequoia groves. The final SNEP report, published in 1996, concluded, "The MSA seems to provide the flexibility necessary to develop a scientifically supportable plan for giant Sequoia management. * * *" It also noted that inaction, or lack of management, is the most significant threat to giant sequoias, the groves, and their ecosystems, due to historically unprecedented fuel loads in most of the groves which has increased the likelihood of catastrophic wildfire.

The giant sequoia has been extensively studied, but land managers lack a comprehensive report, focused specifically on implementing the best possible combination of science and management experience, to develop the individual grove management plans required by the MSA. Currently, the Forest Service is managing its diverse collection of sequoia groves with a variety of management activities, including the use of prescribed fire and other silvicultural practices. However, the Forest Service does not allow any mechanical forest thinning or commercial logging within 1,000 feet of the sequoia trees, in accordance with the MSA.

Many scientists, government officials, and the local public are very concerned that efforts to draw an administrative line around the groves, in the form of a national monument, will limit management tools and actually hinder, rather than help, efforts to protect the trees. The National Academy of Sciences study authorized by H.R. 4021 would independently identify best management prac-

tices, review the adequacy of existing state and federal management, review existing scientific literature and make recommendations for future management policy. The report would also recommend ways to improve coordination between the three federal agencies, the State of California, the Tule River Tribe and the private landowners responsible for stewardship of the groves.

The scientific goals of H.R. 4021 are consistent with the purpose of the Scientific Advisory Team proposed in another bill, H.R. 2077, offered by the late Congressman George Brown (D-CA) in 1999. This critical review will assemble and update the information on the ecology and management of giant sequoia groves, a task that is sorely needed. The sponsors of H.R. 4021 believe, however, that the National Academy of Sciences can provide a thoroughly independent scientific review that an internally appointed team (as proposed in H.R. 2077) would be unable to produce.

H.R. 4021 authorizes the scientific study and resulting recommendations for future management, and it will prohibit use of the Antiquities Act to designate lands on the Sequoia National Forest until at least 90 days after publication of a final report on the results of the study.

COMMITTEE ACTION

H.R. 4021 was introduced on March 16, 2000, by Congressman George Radanovich (R-CA). The bill is cosponsored by Congressmen William Thomas (R-CA) and Calvin M. Dooley (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On March 28, 2000, the Subcommittee held a hearing on the bill. On April 5, 2000, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by a roll call vote of 20 to 12, as follows:

Committee on Resources
U.S. House of Representatives
 106th Congress

Full Committee

Date 4-5-00Roll No. 1

Bill No. H.R. 4021 Short Title Scientific Method for the long-term protection of California's giant sequoia groves.

Amendment or matter voted on: Final Passage

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)	X			Mr. Miller		X	
Mr. Tauzin				Mr. Rahall		X	
Mr. Hansen	X			Mr. Vento			
Mr. Saxton				Mr. Kildee			
Mr. Gallegly	X			Mr. DeFazio		X	
Mr. Duncan				Mr. Faleomavaega			
Mr. Hefley				Mr. Abercrombie	X		
Mr. Doolittle	X			Mr. Ortiz			
Mr. Gilchrest				Mr. Pickett			
Mr. Calvert	X			Mr. Pallone		X	
Mr. Pombo				Mr. Dooley	X		
Mrs. Cubin	X			Mr. Romero-Barcelo		X	
Mrs. Chenoweth-Hage	X			Mr. Underwood	X		
Mr. Radanovich	X			Mr. Kennedy			
Mr. Jones	X			Mr. Smith		X	
Mr. Thornberry	X			Mr. John			
Mr. Cannon	X			Mrs. Christensen			
Mr. Brady				Mr. Kind		X	
Mr. Peterson	X			Mr. Insee		X	
Mr. Hill	X			Mrs. Napolitano		X	
Mr. Schaffer				Mr. Tom Udall		X	
Mr. Gibbons	X			Mr. Mark Udall		X	
Mr. Souder	X			Mr. Crowley			
Mr. Walden	X			Mr. Holt		X	
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson							
Mr. Tancredo				TOTAL	20	12	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill would affect direct spending by authorizing the use of timber receipt funds for the National Academy of Sciences study (these funds are permanently appropriated). However, the Congressional Budget Office indicates that the bill "would have no significant effect on the federal budget".

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 7, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4021, the Giant Sequoia Groves Protection and Management Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

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

CBO estimates that enacting H.R. 4201 would have no significant effect on the federal budget over the 2000–2005 period. Implementing H.R. 4021 would affect direct spending; therefore, pay-as-you-go-procedures would apply. We estimate, however, that any such impact would be negligible in any single year. H.R. 4021 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 4021 would direct the Forest Service to fund a scientific assessment of the giant sequoia groves in California and prohibit the President from designating certain lands as national monuments until 90 days after the study is completed. The bill would authorize the Forest Service to spend up to \$800,000 for an 18-month study by the National Academy of Sciences on the scientific basis for managing giant sequoias. For the purposes of this estimate, CBO assumes that the Forest Service would use funds that otherwise would be spent for roads and trails. These funds are derived largely from timber receipts and are available without further appropriation. CBO expects that changing the purpose for which those mandatory funds could be spent would change the timing of outlays relative to current law, but would have no significant effect on direct spending in any single year.

Provisions delaying possible designations of lands within the Sequoia National Forest as a national monument could, under some conditions, affect offsetting receipts from existing timber contracts and other federal expenditures. Based on information from the Forest Service, however, CBO expects that such effects are unlikely. Existing contracts on some of the lands under consideration for designation currently generate net offsetting receipts of about \$1 million a year from the sale of federal number resources. Implementing this bill would affect those only if, under current law, the President otherwise would have modified those contracts as part of a designation of a national monument. CBO has no basis for predicting whether the President would make such a designation under current law or whether a designation would occur within the time period covered by the bill. Based on past monument declarations under the current Administration, however, we expect that the existing contracts would be largely unaffected by any designation, we expect that the monument declarations under the current Administration, however, we expect that the existing contracts would be largely unaffected by any designation, at least in the near term.

Hence, we estimate that implementing this restriction on the President's authority would have no significant effect on direct spending in the next five years.

The CBO staff contact is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

We join the Administration in strongly opposing H.R. 4021. This legislation would effectively circumvent the President's authority to use the Antiquities Act of 1906 to protect the giant sequoias by mandating an 18-month scientific study prior to national monument designation. The study is unnecessary, duplicative and costly. Sequoias have been studied extensively for decades. As recently as March 1997, the Sierra Nevada Ecosystem Project summarized the science, and concluded that the giant sequoia ecosystems are "in an ecologically vulnerable state, with the health of these systems far from optimal."

More importantly, the study's real purpose is to preemptively derail protection efforts for the sequoia ecosystem under the guise of "science." Despite overwhelming support for sequoia protection and ample scientific data on management, sequoias remain without permanent protection. Current management is based, not on sound science, but on the terms of a settlement negotiated in response to logging abuses in the 1980's and on an executive order that does little to protect the sequoias' ecosystem. The Forest Service has been unable to produce a management plan for a decade. Congress, which has had years to act on this issue, has also failed to act; bills to protect the sequoias have been repeatedly introduced since the 102nd Congress. In this Congress, H.R. 2077 was introduced by the late George Brown yet denied a hearing.

Congressional and administrative inaction prompted the President to consider action to protect this invaluable resource. H.R. 4021 thwarts presidential authority granted by Congress almost a 100 years ago under the Antiquities Act. In the last 90 years, all but three presidents have used this authority to designate over 100 national monuments, including the Grand Canyon. Past efforts to repeal or diminish this presidential power have failed. If the President acts in this instance and Congress does not support the designation, the appropriate process would be for Congress to amend or repeal the monument's designation.

Rather than permanently protecting the sequoias, H.R. 4021 permanently stalls monument designation. H.R. 4021 impedes the protection of these irreplaceable treasures and undermines the Antiquities Act, and we urge our colleagues to oppose it.

GEORGE MILLER.

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