

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Paul Oetken

Subseries:

OA/ID Number: 40308

FolderID:

Folder Title:
Sequoia National Monument [1]

Stack:

S

Row:

114

Section:

2

Shelf:

7

Position:

1

THE WHITE HOUSE
WASHINGTON

CC: BN
SR
BRL
JDP

April 17, 2000

BY FACSIMILE

The Honorable Helen Chenoweth-Hage
Chairman
Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives
Washington, DC 20515

Dear Chairman Chenoweth-Hage:

Your letter of April 14, 2000 to John Podesta has been referred to me for response. I regret that we are not able to provide the requested documents under the deadline you set on Friday afternoon. As we indicated on Friday, we have already produced a large volume of material and we are prepared to provide additional information in the near future. Consistent with our expressed determination that we would not provide material during the decision-making period, however, we did not begin gathering and reviewing non-public information before the President's weekend announcement. Because collection, review, and production require a reasonable amount of time, they cannot be accomplished in the time frame you have set forth.

As we have stated previously, we will cooperate with your request for additional information. We will complete our process as expeditiously as possible.

Sincerely,

Steven F. Reich (ESK)

Steven F. Reich
Senior Associate Counsel to the President

cc: John D. Podesta
Chief of Staff to the President

Jeffrey Petrich, Esq.
Minority Chief Counsel

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515
April 14, 2000

Mr. John D. Podesta
Chief of Staff to the President
The White House
Washington, D.C. 20500

Dear Mr. Podesta:

I am in receipt of Mr. Steven F. Reich's letter dated today to Doug Crandall, Staff Director of the Subcommittee on Forests and Forest Health, and Ms. Beth Nolan's April 7 letter to me, regarding records I have requested from you concerning the Sequoia National Forest. In the interest of accommodation, I wish to inform you that I am willing to extend the deadline for the Subcommittee's document request – but only until 4:00 p.m. Monday, April 17, 2000. As indicated in previous correspondence, your office has now had since March 30 – in excess of two full weeks – to be responsive to my request.

While I continue to disagree with the White House assertion that you do not have to release "predecisional" documents, all evidence indicates that on Saturday the decision will be publically announced. Therefore, if "the White House intends to cooperate with the Subcommittee's request for documents and information," as indicated in Mr. Reich's letter of April 14, I believe it is most reasonable to expect your full response on Monday, after the proclamation has been made. At that point, I will expect all responsive documents to be produced, whether created before or after the final decision.

In his letter, Mr. Reich claims ignorance of the specific Freedom of Information request referenced in my letter of April 12, 2000. He then casually noted, "it strikes me that the document to which the Chairman referred is similar in kind to the documents that we have already provided to the Committee." For your edification, the letter is precisely the type requested by the Subcommittee, but it is not included among the "publicly available" records you have thus far provided.

Mr. Reich's letter also feigns ignorance of the upcoming announcement. He wrote: "However, the news article attached to the Chairman's recent letter indicates that the President has scheduled an announcement this weekend regarding the Sequoia National Forest," as if to suggest the White House Counsel's Office is unaware of the President's schedule. As a matter of fact, the White House issued a press release on April 13, 2000, announcing that the President will visit the Sequoia National Forest tomorrow, April 15, to make "an environmental announcement." Furthermore, the Forest Service received the

Mr. John D. Podesta
April 14, 2000
Page 2

same information on Tuesday, April 11, by e-mail from the Sequoia National Forest. In that e-mail, the agency was advised to direct public inquiries "to the White House at 202-456-1414. (Some local media were contacted this evening.)" Mr. Reich's misleading, disingenuous statement is, sadly, reflective of the continuous pattern of deceptive behavior exhibited by this Administration when such announcements are planned.

If the Subcommittee does not receive the requested documents by 4:00 p.m. on Monday, April 17, 2000, I can only interpret it as indicating that you will not be responsive to our reasonable request. Such documents are necessary for the Subcommittee to fulfill its legislative and oversight responsibilities under Articles I and IV of the U.S. Constitution, and Rules X and XI of the Rules of the House of Representatives, and Rule 6 of the Rules of the Committee on Resources.

As noted in my previous correspondence, and reflecting the generous extension of time I am granting as noted above, please provide the requested information no later than 4:00 p.m. on Monday, April 17, 2000. The information is to be delivered to the Subcommittee on Forests and Forest Health, attention Michael Twinchek, Clerk, at 1337 Longworth House Office Building. If you have any further questions regarding this request, please contact Doug Crandall of my Subcommittee staff at (202) 225-0691.

Sincerely,



Helen Chenoweth-Hage
Chairman
Subcommittee on Forests and Forest Health

enclosure

cc: Mr. George Frampton
Chairman, Council on Environmental Quality

Secretary Dan Glickman
United States Department of Agriculture

Mr. Randle G. Phillips
Deputy Chief, Programs and Legislation
USDA - Forest Service

THE WHITE HOUSE
WASHINGTON

April 14, 2000

BY FACSIMILE

Mr. Doug Crandall
Staff Director
Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives
1337 Longworth House Office Building
Washington, D.C. 20515

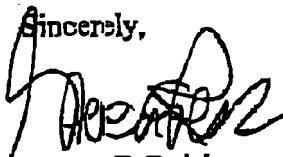
Dear Mr. Crandall:

This responds to the Chairman's April 12, 2000, letter to White House Counsel Beth Nolan, in which the Chairman asked that we provide a response to you. I want to assure you that the White House intends to cooperate with the Subcommittee's request for documents and information. Indeed, since receiving the Subcommittee's request two weeks ago, the White House has already produced 1197 pages of responsive materials. While I am not familiar with the specific Freedom of Information Act request referenced in the Chairman's letter, it strikes me that the document to which the Chairman referred is similar in kind to the documents that we have already provided to the Committee.

Ms. Nolan's April 7, 2000, letter to the Chairman indicates that we have serious questions about the appropriateness of congressional oversight of pending policy matters. However, the news article attached to the Chairman's recent letter indicates that the President has scheduled an announcement this weekend regarding the Sequoia National Forest. As a result, the White House expects to be able to provide additional responsive documents to the Committee in the near future, and I will forward them on a rolling basis as they become available.

If you have any questions, please feel free to contact me at (202) 456-5073.

Sincerely,



Steven F. Reich
Senior Associate Counsel to the President

cc: Jeffrey Petrich, Esq.
Minority Chief Counsel (w/encs.)

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515
April 12, 2000

Ms. Beth Nolan
Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Nolan:

Your April 7, 2000, letter in reply to my record request for an oversight review regarding the Sequoia National Forest was most disappointing. It contains invalid, tiresome excuses for the failure of Mr. Podesta and The White House to comply with my March 30, 2000, request for records – which was a very straightforward and legitimate request. First, you ignore the Subcommittee's direct Constitutional duty delegated through the Rules of the House of Representatives concerning the disposition of public land under Article IV of the United States Constitution. Then you ignore our current legislative work under that authority, and the authority bestowed in Article I, that requires compliance with the record request.

Your response ignores the nature of the Subcommittee's Constitutional reach concerning public lands issues under Article IV, which gives the Congress specific power over all matters on the public lands. Although Congress has delegated certain of those Article IV powers to the President concerning national monument designation through the Antiquities Act, constitutionally the nature of the power remains Congressional. My March 30, 2000, letter clearly states that the Subcommittee is *reviewing* the proposal to exercise the power – a proposal that significantly exceeds the delegation under the Antiquities Act. Indeed, this President has frequently, and inappropriately, exercised that authority that the Congress is directly responsible for under the Constitution. Because he has announced his intention to do so again, the Congress has a responsibility to examine his decision-making and the information on which he bases his decisions.

Your response also ignores the fact that the Subcommittee on Forests and Forest Health, the Committee on Resources, and the House of Representatives are considering measures that directly relate to the pending Sequoia proposal and the delegation of Congressional authority to the President through the Antiquities Act. The Committee has reported one bill that is expected to be soon considered by the House of Representatives, H.R. 4021, the Giant Sequoia Groves Protection and Management Act of 2000. The

Ms. Beth Nolan
Counsel to the President
The White House
Page 2

requested records are needed, in part, so that Members of the Committee and the House can make informed decisions about land allocations and other matters addressed in the bill concerning the Sequoia National Forest.

Additionally, H.R. 4121, which amends the Antiquities Act regarding establishment by the President of certain national monuments, has been referred to the Committee on Resources. Essential to consideration of this bill are the records requested in my March 30, 2000, letter. The pendency of this measure is directly linked to the ill-advised and overreaching past exercises by the President of Antiquities Act authority.

These measures are just two examples of our active legislative program concerning subjects related to the records. The measures provide a strong basis that, with the March 30, 2000, letter, require immediate production of the records sought by the Subcommittee. In addition, you casually assume that the request for records is the Subcommittee's attempt to somehow "participate" in executive branch decisions. Rest assured, participation in that decision is not the Subcommittee's desire. The Subcommittee has both legislative business and oversight business within our jurisdiction concerning public domain National Forests. Our business and work require immediate production of the requested records.

Your letter seems to infer some form of protection for "predecisional" documents, as though the lack of a final agency decision in a given matter renders all agency action immune from oversight until the Administration deems the matter closed. This irregular view of oversight is at odds with all legal and Congressional precedent and with common sense. Indeed, Congressional oversight extends to all matters on which legislation can be had, and is not limited by any description of the matter as "predecisional." You may be confusing an exemption under the Freedom of Information Act (FOIA) that covers predecisional documents. This document request is not being made under FOIA, and its exemptions do not apply here.

This pattern of non-compliance appears to extend throughout the Administration. Indeed, I sent similar letters of request on March 30, 2000, to Forest Service Deputy Chief Randle G. Phillips, Secretary of Agriculture Dan Glickman, and CEQ Chairman George Frampton, and I have yet to receive any appropriate response. Furthermore, according to today's Fresno Bee (copy enclosed), you have responded to requests for similar documents under the Freedom of Information Act while ignoring your responsibilities to comply with Constitutionally-based Congressional requests. This prioritization raises serious concerns.

Ms. Beth Nolan
Counsel to the President
The White House
Page 3

Therefore, the document request and its deadline still stand. You have already had more than adequate time to comply. We will expect to receive the requested documents no later than 4:00 p.m. Friday, April 14, 2000. The Committee on Resources has the authority to compel production of the records, and will do so if necessary. Please contact Doug Crandall of my Subcommittee staff in writing no later than 4:00 p.m. Thursday, April 13, 2000, to indicate whether The White House intends to fulfill its Constitutional responsibilities and fully comply with this request.

Sincerely,



Helen Chenoweth-Hage
Chairman

enclosure

cc: CEQ Chairman George Frampton

Secretary of Agriculture Dan Glickman

Forest Service Deputy Chief Randle G. Phillips

fresnobee.com

The Fresno Bee

Clinton in Sierra Saturday

President plans a trip to Sequoia National Forest, where he is expected to announce a monument.

**By Michael Doyle
Bee Washington Bureau**

(Published April 12, 2000)

WASHINGTON -- President Clinton has scheduled a quick morning trip to the southern Sierra Nevada on Saturday to announce the creation of a new sequoia-protecting national monument.

Clinton's expected trip would include an overnight stay Friday in Northern California and a helicopter jaunt Saturday morning to Sequoia National Forest. While there, Clinton would designate the national monument, which could span as much as 355,000 acres.

White House officials confirmed the trip early Tuesday evening, but would only say the president planned a "major environmental announcement" on his first-ever visit to the Sequoia forest. Informed sources, however, expressed confidence that the monument announcement is a done deal.

The monument's name, its final size and the exact timing of Clinton's Saturday visit remain unclear. Some park officials have suggested possibilities such as California Big Tree National Monument and Sierra Nevada National Monument, in order to avoid confusion with Sequoia National Forest and Sequoia National Park.

"I'm really excited," Tehachapi resident and longtime sequoia activist Joe Fontaine said. "This is probably the biggest step forward in protecting the sequoias in the 40 years that I've been working on it."

A retired science teacher from Bakersfield's Foothill High School, the 66-year-old Fontaine has been working on sequoia preservation issues since he stumbled on a forest clear-cut while leading a 1962 Boy Scout hike. He's also a past national president of the Sierra Club, whose members have joined the Natural Resources Defense Council in pressing Clinton to create the sequoia monument.

The environmentalists have not yet been advised about the president's plans, and even local Forest Service officials say they've been left in the dark.

"We have not been told the president is coming," Sequoia National Forest Supervisor Art Gaffrey said Tuesday afternoon. "I believe I'm going to be the last one to know."

While plans could change, the California trip is said to follow a scheduled presidential appearance Friday in Atlanta.

Clinton, according to this plan, would arrive in Fresno relatively late Friday night. None of the area's congressmen, including Hanford Democrat Cal Dooley, would be there to greet the president or help arrange crowds for his third trip to the southern San Joaquin Valley.

Dooley, Mariposa Republican George Radanovich and Bakersfield Republican Bill Thomas all oppose creation of the new monument.

"This might be politically popular in San Francisco and Los Angeles, but it's bad for the Central Valley and represents an economic threat to the area," Dooley said Friday following Agriculture Secretary Dan Glickman's recommendation that Clinton declare the monument.

Clinton would travel the roughly 50 miles by helicopter Saturday from Fresno Yosemite International Airport to a snow-free part of the 1.2 million-acre Sequoia National Forest. Afterward, he would fly to Southern California for two Democratic fund-raising events.

"We'll do our best to be there en masse so the president could see us and hear us," Auberry resident Barbara Ferguson, vice president of the 4,000-member Backcountry Horsemen of California, promised Tuesday while lobbying against the monument in Washington.

The new monument's name, although not the highest priority, has already incited serious debate. In a March 9 letter to Gaffrey, obtained under the Freedom of Information Act, Sequoia National Park Supervisor Michael Tollefson urged a name "that will not further confuse a public that already must contend with both a Sequoia National Forest and Sequoia National Park."

Tollefson floated six alternatives, with the first mentioned being California Big Tree National Monument.

THE WHITE HOUSE
WASHINGTON

April 7, 2000

Honorable Helen Chenoweth-Hage
Chairman
Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives
1337 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Chenoweth-Hage:

This responds to your letter dated March 30, 2000, to White House Chief of Staff John Podesta regarding Sequoia National Forest. As you know, no final decision regarding the designation of a national monument at this location has been made by the President. For that reason, your request seeks production of the Administration's predecisional documents and information. A 1981 opinion of then-Attorney General William French Smith questioned the appropriateness of congressional oversight of pending policy matters:

It is important to stress that congressional oversight of Executive Branch actions is justifiable only as a means of facilitating the legislative task of enacting, amending, or repealing laws. When such "oversight" is used as a means of participating directly in an ongoing process of decisionmaking within the Executive Branch, it oversteps the bounds of the proper legislative function. . . . Congress will have a legitimate need to know preliminary positions taken by Executive Branch officials during internal deliberations only in the rarest of circumstances.

5 Op. OLC 27 (1981).

Accordingly, I regret that we cannot fully comply at this time with your request. We are in the process, however, of gathering publicly available documents on the subject, and a first installment of those documents will be provided to the Subcommittee next week.

Sincerely,



Beth Nolan
Counsel to the President

cc: Honorable Adam Smith
Ranking Minority Member

DON YOUNG, CHAIRMAN

U.S. House of Representatives**Committee on Resources****Washington, DC 20515****March 30, 2000**

Mr. John D. Podesta
Chief of Staff to the President
The White House
Washington, D.C. 20500

Dear Mr. Podesta:

As part of the Committee's ongoing oversight of government activities pursuant to Article I and Article IV of the United States Constitution, Rule X and XI of the Rules of the House of Representatives, and Rule 6(a) of the Rules of the Committee on Resources, the Committee on Resources, Subcommittee on Forest and Forest Health is currently conducting a review of the President's proposal to designate a national monument in the Sequoia National Forest. From this review we expect to better understand the underlying basis for considering the monument designation, the implications on management of the giant Sequoia groves under such a designation, the scientific underpinnings of such a proposal, and whether or not the process thus far has been objective and in concert with law and regulation.

The information requested below is vital to completing this review. Please provide the Subcommittee with the following information related to the proposed Sequoia National Monument:

- (1) a list of all meetings held, and copies of all records, draft or final, including but not limited to agendas, notes, outlines or summaries, proposals to be considered and lists of attendees, for each meeting held between the Forest Service, the Department of Agriculture and/or the Administration on the development of a proposal for a national monument for the Giant Sequoia groves in California;
- (2) a list of all meetings held, and copies of all records, draft or final, including but not limited to agendas, notes, outlines or summaries, proposals to be considered and lists of attendees, for each meeting held between the Forest Service, the Department of Agriculture and/or the Administration and any nongovernmental interest groups, on the development of a proposal for a national monument for the Giant Sequoia groves in California;
- (3) advance public notices, complete lists of all invitees, and public records from all of the above meetings;

Mr. John D. Podesta

March 30, 2000

Page 2

- (4) copies of any correspondence or other records between the Forest Service, the Department of Agriculture and/or the Administration and any nongovernmental interest groups regarding proposals to establish a national monument for the Giant Sequoia groves in California.
- (5) any maps, draft or final, prepared by or submitted to the Forest Service showing the locations of giant Sequoia trees, Sequoia groves, administrative boundaries, zones of influence, subwatershed boundaries, or any other boundaries, existing or proposed, surrounding or otherwise including the Sequoia groves.

For purposes of this inquiry, the term "record" or "records" includes, but is not limited to, copies of any item written, typed, printed, recorded, transcribed, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, accounting materials, memoranda, diaries, telephone logs, telephone message slips, electronic messages (e-mails), tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation and shall also include redacted and unredacted versions of the same record. The term includes records that are in the physical possession of the White House, including but not limited to the Council on Environmental Quality, and records that were formally in the physical possession of the White House, including but not limited to the Council on Environmental Quality, as well as records that are in storage. Furthermore, with respect to this request, the terms "refer", "relate", and "concerning", means anything that constitutes, contains, embodies, identifies, mentions, deals with, in any manner the matter under review.

Please note that the term "records" also includes maps and any other visual representation of the boundaries of suitable national monuments, areas being considered for special use classification, or areas under review for possible administrative change in protective status. All materials should clearly indicate who drafted or prepared the document, who received the document, and the date on which the document was prepared or distributed.

Please provide the above information no later than 5:00 p.m. on Friday, April 7, 2000. The information should be delivered to the Subcommittee on Forests and Forest Health, attention Michael Twinchek, Clerk, at 1337 Longworth House Office Building. If you have any questions regarding this request, please call Anne Heissenbittel, Legislative Staff, at 202-225-0691.

Mr. John D. Podesta
March 30, 2000
Page 3

There is some urgency to this matter, since, as you know, the President established a 60-day deadline for the Secretary to develop his recommendation on the monument proposal. That deadline will expire in mid-April. We must, therefore, request your response to all questions and submittal of all records by the deadline noted above. I thank you in advance for your prompt reply.

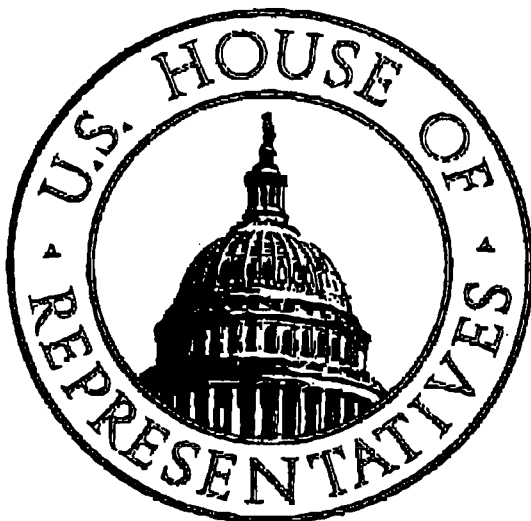
Sincerely,

A handwritten signature in black ink, appearing to read "Helen Chenoweth-Hage". The signature is fluid and cursive, with the first name "Helen" being more prominent.

Helen Chenoweth-Hage

Chairman

Subcommittee on Forests and Forest Health



Committee on Resources
Subcommittee on Forests
and Forest Health

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

(202) 225-0691

Fax (202) 225-0521

FAX TRANSMISSION

TO: John Podesta, Chief of Staff to the President, The White House

FROM: ☒ DOUG CRANDALL
☐ VERONICA ROLOCUT
☐ MICHAEL TWINCHEK

☐ ANNE HEISSEN BUTTEL
☐ ANDY GILLESPIE

DATE: 4 / 14 / 2000

TOTAL PAGES: 13 (Including cover sheet)

FAX NUMBER 202-456-6279

If you do not receive all pages, please call (202) 225-0691.

***** NOTES *****

4/17/00

Steven Reich

Directive

Dinah left docs on her sofa

Ellen - Deputy GC
~~Almas~~ → ask who else @ WH
→ ask when started considering
→ prob. 1 yr. max;
Will check.

WHD
OVP - CEAV.
DMB
CEQ
OPD ✓
OSTP

4/18/00

~~Docs~~ Docs on
Dinah's sofa: some deliberative

Aug 25, 1999 (stamped rec'd Aug. 30)
Pres presented Pres Medal Freedom to Sierra Club
Hon president (Wayburn) → sent int - components
Stephen: - 1 wk?
- deliver to...?
- Ellen checking timing

THE WHITE HOUSE
WASHINGTON

April 18, 2000

MEMORANDUM FOR: WHITE HOUSE OFFICE
OFFICE OF THE VICE PRESIDENT
COUNCIL OF ECONOMIC ADVISERS
OFFICE OF MANAGEMENT AND BUDGET
COUNCIL ON ENVIRONMENTAL QUALITY
OFFICE OF POLICY DEVELOPMENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

FROM: BETH NOLAN 
COUNSEL TO THE PRESIDENT

SUBJECT: REQUEST FOR DOCUMENTS

We have received a request for documents regarding the President's designation of a national monument in the Sequoia National Forest. Accordingly, please conduct a thorough and complete search of all your records – whether in hard copy, computer form, or any other form – for any materials relating to the President's designation of a national monument in the Sequoia National Forest, including but not limited to the following:

- (1) a list of all meetings held, and copies of all records, draft or final, including but not limited to agendas, notes, outlines or summaries, proposals to be considered and lists of attendees, for each meeting held between the Forest Service, the Department of Agriculture and/or the Administration on the development of a proposal for a national monument for the Giant Sequoia groves in California;
- (2) a list of all meetings held, and copies of all records, draft or final, including but not limited to agendas, notes, outlines or summaries, proposals to be considered and lists of attendees, for each meeting held between the Forest Service, the Department of Agriculture and/or the Administration and any nongovernmental interest groups, on the development of a proposal for a national monument for the Giant Sequoia groves in California;
- (3) advance public notices, complete lists of invitees, and public records from all of the above meetings;
- (4) copies of any correspondence or other records between the Forest Service, the Department of Agriculture and/or the Administration and any nongovernmental interest groups regarding proposals to establish a national monument for the Giant Sequoia groves in California;

- (5) any maps, draft or final, prepared by or submitted to the Forest Service showing the locations of giant Sequoia trees, Sequoia groves, administrative boundaries, zones of influence, subwatershed boundaries, or any other boundaries, existing or proposed, surrounding or otherwise including the Sequoia groves.

Every employee is responsible for searching his or her own files and records to ensure a comprehensive search. Each office head or Assistant to the President must certify that his or her staff has done a complete and thorough search.

In addition, if you believe that files from your office that have been sent to the Office of Records Management may contain responsive information, please advise us so that we may ensure that all responsive documents have been located.

All materials must be provided to Steven Reich in EEOB Room 127 by 5:00 p.m. on Wednesday, April 26, 2000. If you have any questions, please contact Steven Reich at 6-5073.



"Caring for the Land and Serving People"

ALBERT M. FERLO
Counselor to the Chief

Forest Service
14th & Independence, S.W.
Washington, D.C. 20090-6090

(202) 205-0896
Fax (202) 205-1765

4/5

CEQ - OLC dispute ^{Ann 6-7909}

Squaw Mountains

OLC solution - it might?

CEQ (Dinah Bear)

OLC: CEQ wrong on law
& solution OK

(Randy
+ Dan
Rosemary)

4/5

Antiquities Act -
1906 — Pres authority to
designate nat. monuments

June 10,
1933

EO
6166

→ admin consolidated in
Nat'l Park Service

1979: Carter designated several
monuments in Alaska -
did not specify who admin.

OMB asked OLC

'79 OLC: Nat. Park Service

AQ asked again -

'80 Can co-manage via
MOU b/t Interior + Agric.

This Admin:

4 monuments → Bureau Land Mgmt
(Interior)

Escalante

+ 3 others

↓
Utah

CRS: Pamela Baldwin:

memo:

- Complicated Q
- prob. ct wd uphold
→ BLM

'33 ED

Reorgan acts (some: Chadha
proofs)

'84 Act:

Ratified prior Reorg. acts
w/ Chadha proofs

CRS: { No Chadha flaw in '33 reorg.
- ambig whether
84 reorg.
accidentally ratified
'33 reorg. ~~and~~

Interior raised CRS upon w/ OLC

OLC: Not prob b/c w/in Interior

Agric

Sequoia Monument - in Seq. Nat Forest
managed by Forest Service

Someone asked OLC: What about
33 order

DLC:] 79 + 80 opens —
can't stretch any further

CER:] 1) EO: ^{words} on futurity?
2) Ratification →
why CRS thought
ambiguous?

3) EO exception:
"reservation"
→ term of art
historically used
can incl. nat. forest
"facility"

— threat to BLM ~~monuments~~ monuments?

→ DLC 79 open
DLC says fixes

4/5/00

Dan
Kogler

Randy
Moss

Jay
Wexler

Rosemary
Hart

84 - statute ratified reorganization plans

- Futurity arg:

- 1) same reorg. plan did all sorts of thing (e.g. create IRS as we know it)
- 2) ^{OLC} said prospective in '79

- Reservation/facility

- does not refer to Pres
- shd have been avail in '79

Co-management in '77

day-to-day mgmt given to Forest Serv.

requires only consultation w/ Interior Dept

RIGHTEOUS
P·I·L·G·R·I·M

The Life and Times of
HAROLD L. ICKES

1874-1952

T. H. WATKINS

HENRY HOLT AND COMPANY ■ NEW YORK



Gifford Pinchot's observations regarding the Interior Department's management of the O & C lands took on an added fillip of interest for those closest to the controversy because these lands contained much the same kinds of magnificent old-growth forests that were at stake in another, often equally malignant conservation battle: the fight to create Olympic National Park in northwestern Washington State.

On Washington's Birthday, 1897, President Grover Cleveland had established a 2.18-million-acre forest reserve on the Olympic Peninsula as one of the last acts of his administration. In addition to hundreds of thousands of acres of some of the oldest and biggest trees on this continent, the reserve was home to herds of Olympic elk, in the view of many people the most stately and beautiful of the species in this country; their teeth were attractive, too, especially to members of the Benevolent and Protective Order of Elk, and the animals were being killed so wantonly by professional hunters for their teeth that as early as the turn of the century, Representative Francis Cushman of Tacoma had proposed legislation that would have created a national park out of the whole reserve. It did not succeed. Neither did attempts by Representative William Humphrey to establish the area as a federal game refuge in 1906 and 1908. Finally, in 1909 Humphrey used the elk slaughter as the means of persuading President Theodore Roosevelt to establish Mount Olympus National Monument on 620,000 acres of the reserve and ban hunting as well as logging.

In 1915 the Forest Service—which, until Franklin Roosevelt's Executive Order of June 1933, administered all national monuments—persuaded President Woodrow Wilson that much of the land in the Mount Olympus region contained rare deposits of manganese, a metal essential to the manufacture of armaments. With the probability of war growing with every passing week, Wilson removed from the monument 292,000 acres of "manganese lands" chosen by the Forest Service. As it happened, no significant deposits of manganese were ever discovered in these lands. But there were a lot of Douglas fir, spruce, and western red cedar present, and they were soon in the mills of the timber industry. Cynics maintained that this was what the Forest Service had had in mind all along, particularly when they noticed that virtually all of the "manganese lands" had been found in the heavily forested lower slopes and river valleys of the mountains. Willard Van Name of the Emergency Conservation Committee was one of the cynics, noting that "most of the timber still left in the Monument is small, scrubby high mountain stuff, worthless commercially. . . . The Forest Service took all the meat and left the bone for the public."

A DEPARTMENT OF CONSERVATION

563

In October 1933 the Washington State Game Commission announced a four-day elk-hunting season in Olympic National Forest (the monument itself remained closed to hunting). Most of the animals killed (estimates range from 150 to 230) were big bulls, depleting the future strength of the herd by an estimated 20 percent. In April 1934 the Emergency Conservation Committee issued a pamphlet written by Willard Van Name that expressed outrage over both the hunt and the continued logging of old growth just outside the monument, and proposed that the monument be restored to its original size and the whole region be established as a national park. In response to the pamphlet, the Washington State Planning Council formed a committee to study the proposal, and in spite of objections from the supervisor of Olympic National Forest (who said that while the pamphlet was "so inaccurate that it deserves no consideration," it still had been "read by many and is believed by the gullible and may do this country great harm"), there was enough support for the idea to cause Park Service director Arno Cammerer to appoint his own committee.

The Park Service committee's report was issued in October and concluded that while a park of the size advocated by proponents was impracticable because the proposed additions included "much valuable timber," the monument at least could be enlarged by about 110,000 acres and a park created out of this expansion. On February 20, 1935, Cammerer submitted a memorandum to Ickes noting that "several towns on the Peninsula and conservationists throughout the country are in favor of the establishment of a national park to preserve this wilderness area. Congressman Wallgren [Monrad C. Wallgren of Seattle] is also very much interested. It is recommended that in order to crystallize public sentiment, necessary legislation be drawn up, subject to your approval, for the establishment of this area as a national park." Cammerer had also included a map of the proposed park boundaries; it had embraced only one complete river system, that of the Bogachiel, but in his notation on the memorandum, Ickes himself added the river corridor of the Quinault as well.

A few days later, Willard Van Name met with Ickes and emphasized the desire of the Emergency Conservation Committee that the original monument boundaries be used for a park, not those of Cammerer's smaller proposal. On March 15, Arthur A. Demaray, Cammerer's assistant, apparently at Ickes's urging, sent Van Name a map of the proposed park, adding that "the map will be submitted to Congressman Wallgren who expressed his intention of introducing a Mount Olympus National Park bill during the current session of the Congress." Wallgren did so on March 28, calling for the creation of an even larger park that would include

564 IN A KINGDOM OF PRIESTS, 1933-1952

328,000 acres in the present monument and add some 400,000 acres from Olympic National Forest. Local opposition from Forest Service officials and towns and organizations dependent upon the timber industry was stiff enough to keep the bill from moving during 1935—and to inspire Henry Wallace, after a visit to the area in October, to issue a statement that he would not yield any area under the administration of the Forest Service without local consent.

That was the situation when newspaperman and Emergency Conservation Committee officer Irving Brant interested himself in the project early in 1936. In February, while in Washington, D.C., during a research trip for a biography of President James Madison, he had been granted a long meeting with Wallace and Silcox, the subject being the question of protecting the old-growth forests around the monument. Afterward, he reported on the meeting to Roosevelt. On coming out of the President's office, Brant encountered Ickes waiting to go in. The Secretary apparently asked for a report himself, and on February 13, Brant gave him a written summary of what he had been up to:

I had made some comment to Secretary Wallace about the unwillingness of the Forest Service to let go of any of its lands, and he asked me to have lunch with himself and Mr. Silcox to talk about the Olympus situation. . . . Silcox (who seems to have a genuine desire to protect virgin timber) said that if the facts were as I stated he would support a move to have additional areas (he did not say how extensive) permanently protected. But he said he would not sanction the transfer of a single acre to the "administrative methods" of the Park Service. . . .

Silcox said the Forest Service could be trusted to guard these forests in perpetuity. I told him that in 1927 or thereabouts the Forest Service officials in Portland had told me they were going to make these forests into a wilderness area to be preserved forever, but now they were planning to run roads and railroads in and log them off. Silcox then said he would be willing to see the Olympic (sic) National Monument extended if administration of it were transferred to the Forest Service, or if administration of the added area were left to the Forest Service.

With this communication, Brant began a second career as a kind of ambassador without portfolio for the Interior Department, not only keeping both Ickes and Roosevelt informed on developments attendant on this and other conservation matters, but in many respects acting as their emissary and agent—without authority but with considerable influence nevertheless. "It turned out that I put in so many hours on the Olympic park project—by this time an administration affair," he remembered, "that I was working half-time for the White House without being paid for it." That would change; in the meantime, his role as ombudsman for the

A DEPARTMENT OF CONSERVATION

565

park could not have been more useful. "He is all the more effective," Ickes would write, "because he is not connected with the Department or the Government in any way. He has been quite willing to cooperate."

Brant's effectiveness was felt almost immediately. Shortly after he had been in to see Roosevelt in February 1936, the President sent a note to Ickes and Wallace: "I understand that there is a forest area immediately adjacent to the [Olympus] national monument. Why should two Departments run this acreage? If the forest portion is not to be used for eventual commercial forestation and cutting, why not include the forest area in the national monument?" After discussions on Roosevelt's questions between Cammerer and Silcox took place with no firm resolution, Ickes drafted a proclamation that Roosevelt might issue that would pull more than 100,000 acres out of Olympic National Forest and add them to the national monument as interim protection under the stipulations of the Antiquities Act of 1906. When Roosevelt passed the proclamation on to Homer Cummings for a legal opinion, however, the Attorney General was skeptical:

I deem it advisable . . . to invite your attention to the statutory provision that the land reserved as a part of a monument shall in all cases be confined "to the smallest area compatible with the proper care and management of the objects to be protected." The area proposed to be included in the national monument consists of approximately 429,630 acres. Although there is no statutory limit upon the size of national monuments, the area in this instance is so extensive that it raises the question whether . . . the whole of it is needed for the purposes stated.

Meanwhile, the pressure being exerted by the Forest Service was having its effect. When his first bill died in the last session of the Seventy-fifth Congress, Representative Wallgren asked the Park Service to endorse a compromise that would reduce the size of the proposed park to about 648,000 acres. The Park Service recommended endorsement and passed it on to Ickes. On February 4, 1937, perhaps on the theory that this proposal was as good as they were likely to get—particularly since Cummings had strongly advised against protection by proclamation—Ickes approved the compromise. On February 15, Wallgren introduced the new bill.

While the Forest Service and the timber industry were partially (though by no means completely) mollified by the compromise, the Emergency Conservation Committee was outraged. "The power of the Forest Service over the Park Service is clearly demonstrated by the introduction of this new bill of Congressman Wallgren," Rosalie Edge wrote Ickes on February 19. "May I ask you a direct question? Will you fight?" It is probably

fortunate that Ickes was too preoccupied with the steadily deteriorating situation in Puerto Rico to give her a direct answer to her direct question, but if her letter angered him—and it almost certainly did—there is no question but that he was ready to be prodded in the direction of a larger park in spite of his earlier endorsement of the Wallgren compromise. By early June he apparently had changed his mind entirely. "As you know," Harry Slattery wrote in a memorandum to Assistant Park Service Director Arthur Demaray on June 11, "there have been a great many protests against the proposed boundaries of the present Wallgren bill. . . . The Secretary wants the matter looked into and does not agree that the boundaries proposed by the present Wallgren Bill will be sufficient."

Irving Brant played a part in this turnabout by keeping Ickes informed of his own gambits following the introduction of the revised Wallgren legislation. Among these was a letter to Henry Wallace calling the new bill "a shocking retreat" that would "make a mockery of the movement to save the last primeval stand of Douglas fir and Sitka spruce on our Pacific Coast." He could not believe, he said, that "the Department of Agriculture will become a partner in this wanton commercialism. . . . Knowing you as I do, I hope that you will not hold the pen that dooms [the trees] to destruction."

Five weeks later, Wallace sent him the unsigned *draft* of a reply, probably written by Silcox, asking for his comments. "Silcox and I are just as determined as you are that adequate and representative portions of our remaining virgin forests, in the Northwest and elsewhere, shall be preserved for posterity," the letter said, then went on to offer an analysis of the region's potential for timber production and jobs that Brant found deranged. "According to the Forest Service ratio," he recalled, "the entire acreage of the original Wallgren bill would sustain 9,585 persons instead of 860. The entire Grays Harbor timber area would sustain a population of 191,700. . . . The whole proposition was preposterous." He returned the Wallace draft with a number of comments to that effect, concluding, "I do not believe that Mr. Silcox would tolerate the course he has approved if he were free from the myopic effects of the rivalry between the Forest Service and the Park Service."

After a summer of impasse (and, for Ickes, a heart attack and recovery), the movement for a large park took on new life when Roosevelt himself became an active player. At the end of September he made a tour of the Olympic Peninsula, including the lands proposed for the new park. On his arrival at Port Angeles, he pointed to a sign erected by the children of a local schoolhouse—"Please, Mr. President, we need your help. Give us an Olympic National Park"—and proceeded to extemporize as only he

A DEPARTMENT OF CONSERVATION

567

could: "Mr. Mayor and friends of Port Angeles, that sign on the school house is the appealingest appeal that I have seen in all my travels. I am inclined to think it means more to have the children want that park than all the rest of us put together, so, you boys and girls, I think you can count on my help in getting that national park. Not only because we need it for us old people and you young people, but for a whole lot of young people who are going to come along." He followed that announcement by meeting with both opponents and proponents of a large park and, according to a report furnished Brant by Irving M. Clark of Seattle (a member of The Wilderness Society's governing council), calmly demolished the arguments put forward by regional forester C. J. Buck. He made his feelings additionally clear during his automobile tour of the national forest when he spotted an old clear-cut area that had never recovered: "I hope the son-of-a-bitch who logged that is roasting in hell!"

On February 8, 1938, Roosevelt went even further, calling a meeting in the White House among all interested parties, including Cammerer, Silcox, Wallgren, and both of Washington's senators, and demanded they hammer out the details of a large park. Meeting again on February 12, they came up with substitute legislation that increased the size of the park proposal to 898,292 acres. On March 26, Henry Wallace, finally giving up his opposition, notified the Bureau of the Budget that his department would not oppose the new bill or any amendment that might be made to it, and when the bureau approved the legislation, Wallgren introduced it on March 28 as a substitute for his 1937 bill.

The bill was reported out of committee in the House and passed on May 16, but stalled in the Senate. Added pressure was supplied by Ickes, who recorded a speech, broadcast on the CBS affiliates in Seattle and Tacoma on May 17, that was written by Brant and that lambasted the timber industry for having "made a shambles" of the environment already and now wanting to move on to "destroy the last wilderness." Reporting to Brant, Clark said that the speech "was all that could be desired and I feel sure will be tremendously helpful," but the bill still threatened to die in the Senate as the adjournment date of June 16 approached. Roosevelt then suggested a compromise that would allow for the designation of a smaller park with an amendment to the effect that, with the consultation of the state's governor and other parties, the President would be empowered to add national forest and selected private lands up to the maximum size desired.

That did it. On June 11 the bill was amended by the Senate Committee on Public Lands to establish a park of 648,000 acres and give the President authority to add as much as another 250,292. In this form it

568 IN A KINGDOM OF PRIESTS, 1933-1932

passed and was sent back to the House for concurrence. After a few more housekeeping details stalled it long enough to give its proponents small strokes, Speaker of the House William Bankhead finally slammed his gavel down at 6:30 P.M. on Thursday, June 16, the last minute of the last day of the session. "Bang! That was over," Brant, who was in the House gallery with his wife and a few supporters, recalled. "I let out a yip, and we left before anybody called the police."

The Secretary was so impressed by the energy and competence of his *sub rosa* lieutenant that after passage of the Olympic National Park legislation he asked Brant to become director of the National Park Service. "The Secretary," Brant recalled, "had taken a strong dislike to Director Arno Cammerer, about whom he used epithets associated with excessive weight. But the reasons were only symbolically physiological. 'Cammerer,' he said, 'has no guts. He is afraid to disagree with me. He tries to guess my position and support it.' Cammerer's attitude," Brant added, "was in harmony with an impression widely held in the Interior Department that it was dangerous to disagree with the ardent secretary." What Ickes might have done with the substantial avoidupois of civil service careerist Cammerer was not mentioned, but in any case Brant turned the offer down.

He did agree, however, to go on the payroll part-time as a consultant to the National Resources Board, and his first assignment was to make a trip to the Olympic Peninsula, spend a few weeks studying the land, and return to submit a report recommending which of the areas adjacent to the new national park should be added to it by Presidential proclamation, as stipulated by the June legislation. Gathering a team of Park Service specialists about him, Brant began his investigations in July 1938; by the middle of December he had produced a 114-page book, complete with photographs, recommending that ten specific areas be included in the Presidential additions. It took another year of consultation and negotiation with state officials, Forest Service people, sundry politicians, and industry representatives, but on January 2, 1940, all but 62,881 acres of Brant's original recommendations were officially added to Olympic National Park.*

Long before that happy outcome, Brant was deeply involved in a

* This acreage included a corridor to the ocean along the Quetz River, a nine-mile corridor on the Bogachuel River, and a fifty-mile strip of shoreline on the Pacific Ocean—lands encountered by various administrative difficulties (including the necessity of purchasing private inholdings) that prevented their addition for several years. By the middle of the 1950s, however, the park was finally completed.

A DEPARTMENT OF CONSERVATION

569

second park proposal whose economic and political intricacies were every bit as tangled as those that had accompanied the creation of Olympic—Kings Canyon, an almost entirely wild region of more than half a million acres in the Sierra Nevada range of California adjacent to the northern border of Sequoia National Park. The first proposal to make this region a national park had been offered as early as 1881 and echoed ten years later by John Muir; and in 1893, Interior Secretary John W. Noble had gone so far as to put the matter before Congress. Nothing came of this, but in that same year the area was embraced within the Sierra Forest Reserve established by President Benjamin Harrison. In 1911 and for each of several years thereafter, legislation was introduced for the enlargement of Sequoia National Park to take in the Kings Canyon region, but even then disagreements between the Forest Service and the National Park Service had left bills stranded in Congress.

The situation was muddled in 1920, when the Federal Power Act opened national parks to hydropower development; in response to pressure from Park Service director Stephen Mather and his well-entrenched lobby, the act was amended in 1921 to exclude existing parks, but it still left such potential areas as Kings Canyon open, even if they should become parks. Power and irrigation interests in the San Joaquin Valley were adamant that they would need the watersheds of the Kings River drainage for future development and forced a compromise in 1926 that enlarged Sequoia National Park but left Kings Canyon out of the equation. Since then, a preponderance of local opinion had held that Kings Canyon and its rivers should be left in the hands of the Forest Service.

John R. White, who had been superintendent of Sequoia National Park both before and after its enlargement and who was not a man who enjoyed controversy, tended to agree. As early as May 12, 1933, he had cautioned Cammerer against reviving the national park idea: "There is no doubt whatever that the San Joaquin Valley has expressed itself against further park extension, and I hope this will settle the matter so far as the National Park Service is concerned for a good many years to come. It is most unhealthy and it is against the best interests of the National Parks to have this Kings Canyon proposition constantly coming up and constantly inviting invidious comparisons between the parks or the forests."

This level of timidity was a bit much even for Cammerer, however, and later that year he let White know that the National Park Service was keeping an open mind on the subject: "There is a good deal of difference between respecting and recognizing the present feeling and considering the matter closed for all time. In fact, from what I glean here and there,

570 IN A KINGDOM OF PRIESTS, 1933-1953

there is already a perceptible change in the attitude of some of the people." One suspects that the person from whom Cammerer was getting most of his attitudinal readings was Ickes, for the Secretary was not long in putting the Kings Canyon park on his own agenda. In March 1935, Assistant Director Arthur Demaray finished a task Ickes had assigned him—draft legislation for a Kings Canyon National Park bill—and the Secretary persuaded Senator Hiram Johnson to introduce it. In September he followed up on this with a memorandum to Cammerer that outlined his intended policies for the management of the park, should it come to pass: "This park will be treated as a primitive wilderness. Foot and horse trails to provide reasonable access will be encouraged, but roads must be held to the absolute minimum. The state road now being constructed should never be extended beyond the floor of Kings River Canyon. . . . Accommodations provided must be of a simple character and the rates moderate. No elaborate hotels shall be constructed."

The Forest Service had other plans for the region, which it began to develop even as Ickes's park bill languished in Congress, stalled by opposition in California so immediate and forceful that Hiram Johnson never seriously pushed the legislation after introducing it. Though it is not likely that it was designed as a direct response to Ickes's somewhat premature directive, the Forest Service proposal, issued in December 1936, served the purpose well enough: it would have placed the highest peaks and mountain valleys of the region in the High Sierra Primitive Area, but virtually everything else would be left open to "multiple-purpose" management—including logging, mining, summer home developments, intensive recreation use, many roads and developed trails, and, especially, dams and reservoirs for water storage, power generation, and irrigation in two of the area's most spectacular canyons, Tehipite Valley on the Middle Fork of the Kings River and Cedar Grove on the South Fork. Robert Marshall, by then chief of lands and recreation for the Forest Service, was appalled. "If I was outside the government," he wrote in an official comment on the report, "and was shown this plan of the Forest Service, I would swallow all my prejudices against the Park Service and root for a Kings River National Park merely to keep out these commercial desecrations and the roads which will go with them from as glorious a wilderness as remains in the United States. . . . If the Forest Service was to keep the Kings River country as a National Forest, I think it should burn this Kings River report and write a radically new one."

While the Forest Service made its plans (and ignored Marshall's objections) and his park legislation finally died aborning, Ickes calmly included the Kings Canyon proposal among his future goals in each of the

A DEPARTMENT OF CONSERVATION

571

Interior Department's annual reports. This alone was enough to cause the somewhat paranoid San Joaquin Valley Council of the California State Chamber of Commerce to call a meeting in Fresno in October 1937 to discuss rumors that the Park Service had more specific plans in mind. Among the sixty-five people in attendance were representatives of local chambers of commerce, irrigation districts, power companies, farm bureaus, and sportsmen's associations, as well as Charles Dunwoody, director of the Conservation Department of the California State Chamber of Commerce; C. B. Morse, assistant regional forester for the Forest Service; Frank Kittredge, the National Park Service's California Region director; and a number of private citizens. Each of the government men was asked to outline his agency's plans for the Kings Canyon area. Kittredge said he had no specifics to give them, since he was new on the job. Morse was a good deal more vocal, outlining in loving and enthusiastic detail the service's 1936 plan. A resolution was then offered that requested the board of directors of the California State Chamber of Commerce "in the full spirit of its adopted National Park Policy to oppose the creation of the proposed Kings River National Park." After general discussion, and to no one's surprise, the motion was adopted.

This action, like Ickes's memorandum of 1935, was a bit premature—but the meeting of October 1937 served to illustrate both the depth and character of the opposition that would coalesce swiftly and ride at full gallop against every effort to create Kings Canyon National Park for the next three years. The opposition's first chance came in the spring of 1938, when Ickes apparently felt it was time to test the waters again; at his request Congressman René De Rouen of Louisiana, chairman of the House Committee on Public Lands, introduced yet another bill for a Kings Canyon National Park of a little over 450,000 acres in size. Not especially well drawn, the bill probably was meant to serve notice to the Forest Service that the Interior Department remained determined to obtain the area and to sound out opposition and support as a beginning toward fashioning workable legislation. This was the bill under consideration when Irving Brant put aside his duties on the Olympic National Park matter in August 1938 and took a six-day pack trip into the Kings Canyon country at Ickes's behest, accompanied by Frank Kittredge and Joel Hildebrand, president of the Sierra Club. As a result of the trip, Brant remembered, he concluded:

The problem of Kings Canyon boundaries . . . was 99 percent political. From the standpoint of national-park standards, one could put markers anywhere along hydrographic ridges, and if the markers were far enough apart, they would produce a park of superb beauty. The political problem was double: the

572 IN A KINGDOM OF PRIESTS, 1933-1952

contest between the Forest Service and National Park Service for custodianship, and the contest between the environmentalists and the irrigationists for Cedar Grove and Tehipite. . . . Had the two bureaus been united, they could have saved both scenic gems by persuading the irrigationists of the truth—that better power sites existed on the North Fork of the Kings River, outside the proposed park. Instead, the Forest Service backed the demand for dams at these two points.

Brant also returned convinced that the active support of the Sierra Club was going to be necessary for the success of any kind of legislation affecting its native state of California. At his urging, then, Ickes met with the Sierra Club directorate in San Francisco's Bohemian Club on October 21 during a trip west. After an informal dinner, Ickes talked for more than an hour, assuring the club's officers of the Interior Department's passion for a wilderness park and otherwise wooing and winning them in a burst of candor and charm. "The whole thing was a grand triumph, on both sides," Joel Hildebrand declared in a letter to Brant two days later.

While Ickes courted the aid of the Sierra Club and Brant continued to knit up the strands of support in Congress and among other conservation groups, S. Bevier Show, regional director for the Forest Service, marshaled his own forces and launched an attack before there really was anything substantial to be attacked. On October 11 he had issued a statement to the press announcing that proper development of the Kings Canyon region would require that "The water must be impounded back in the mountains. Many reservoirs, not a single one, will be required to fully regulate and use the water." Flood control, too, the announcement said, "will undoubtedly require a comprehensive series of reservoirs throughout the drainage. . . . A permanent flood control program can hardly be carried out if the land is dedicated to a single purpose [a park], as is now proposed." Another press release on December 2 made his position even clearer:

The Forest Service will fight any proposed extension of national parks in California that will lock up national forest resources vital to the welfare and prosperity of the people and the State. This applies to the proposed Kings Canyon National Park and any other new parks which under National Park Service policy would be permanently closed to all economic use and development and managed solely for special classes of recreation. California already has more national parks and monuments than any other State in the Union. . . . This is surely an adequate reservation.

Show apparently loathed both Roosevelt and Ickes with a depth of feeling that was still running strong nearly thirty years later when he wrote that "the amoral national administration and the conscienceless leader operating within it" had forced "this innate, built-in Agriculture-Interior

A DEPARTMENT OF CONSERVATION

573

conflict of aim, method and morality from the series of skirmishes and localized battles into the status of a general war." Ickes himself, Show said, was determined "to expand, without bounds, the single-purpose parks and grazing districts at the expense of the national forest system, and to capture control of the latter through transfer to his tender care," then went on in an attempt to eviscerate the Secretary personally: "If anyone doubts Ickes' overweening ambition, the sublimity of his valorous and ignorant self-confidence, his ready and eager embrace of any method, however mean, venal or ruthless, calculated to further his ends, his intolerance of and contempt for opposition, his egocentric imposition of his will on subordinates who accepted or else, let such a doubter read the record."

Show himself was not subjected to the "egocentric imposition" of anyone's will but his own. Like many regional foresters, he seemed to operate with near autonomy. Wallace, according to Brant, admitted at one point that "I can't control the Forest Service," citing the powerful ties to local interests his regional foresters—particularly in the Northwest and in California—enjoyed and which they exploited to strengthen their positions and further their ambitions. Keeping an angry, arrogant man like Show in line would have been difficult even if Wallace and Silcox had actively tried; they had not, and over the next several weeks California's regional forester would spend much of his time both overtly and covertly in a stubborn campaign against the Kings Canyon proposal.

The struggle took on real substance when Congressman Bertrand W. Gearhart of Fresno, whose district embraced two-thirds of the area that would fall within the proposed park, announced that he planned to introduce his own park bill immediately after the opening of the new Congress in January 1939. At Gearhart's request, Cammerer and Demaray fashioned park legislation and sent it around for comment; the Sierra Club people, Brant, and Ickes all disliked it, mainly because it made no provision for wilderness management. At Ickes's direction, Brant and Demaray got to work on a revision. The new version designated the park the "John Muir-Kings Canyon National Wilderness Park" in honor of the Sierra Club's founder, and stated the principle that the park would be managed as wilderness, with a minimum of roads and no hotel or other unseemly concessionaire facilities. It sought to satisfy the desires of the irrigation lobby by excluding the Tehipite Valley and Cedar Grove areas from the park as potential reservoir sites, providing, however, that the two areas would be managed essentially as wilderness by the Park Service until such time as the Bureau of Reclamation might be authorized by Congress to build dams in either place and that all lands above the high-water mark of either completed reservoir would remain in Park Service

management. If the two sites were ever deemed not suitable for reservoirs by the Bureau of Reclamation by official notice, the bill said, they would immediately be folded into the park by proclamation. Finally, in one of the few noncontroversial sections of the bill, it stated that the existing 2,548-acre General Grant National Park—established to preserve a grove of especially fine sequoias—would be absorbed by the new park.

In a further effort to dissipate the opposition of the irrigationists, the previous spring the Interior Department had announced its support of legislation that would authorize the Bureau of Reclamation to build a large irrigation, flood-control, and public power dam at Pine Flat well outside the bounds of the proposed park. This support, together with the Park Service's promise to exclude the Tehipite and Cedar Grove sites from the park, had gone a long way toward getting the Kings River Water Association, a major coalition of irrigation interests, to formally withdraw its objection to a Kings Canyon National Park. Roosevelt himself had attempted to stem Forest Service opposition by issuing an order specifically prohibiting it. "I am told," Wallace wrote the President on January 13, "that your instructions to the Forest Service to refrain from public opposition to the proposed park have been conveyed to the Regional Forester at San Francisco, and I have no reason to believe that they are being violated." He soon would have, for on January 17 Roosevelt learned that Show's assistant forester had gone before the California state legislature with the local office's objections. "I am told," FDR wrote in an angry note to Wallace, "that at the Senate Rules Committee meeting of the State Senate in Sacramento, California, Regional Forester J. H. Price of San Francisco appeared in opposition to establishing the Kings Canyon National Park. How long are the orders of the President, the Secretary of Agriculture and the Chief Forester to be disobeyed?" He ordered Wallace to have Price transferred out of the California office immediately, and the insubordinate forester ended up in Milwaukee.

All the bases, then, seemed to have been covered when Gearhart's bill was introduced on February 7, 1939, and referred to the House Committee on Public Lands, where hearings were scheduled for the middle of March. A few days after the bill's introduction, Ickes traveled to California and on February 13 attended a morning conference on the bill held in the Mark Hopkins Hotel. "This conference was well attended by both proponents and opponents of the park," he wrote in his diary.

The leader of the opposition was a man who had been one of the organizers of Farmers, Inc. [Associated Farmers, Inc.], the labor-baiting, fascist minded group that constitutes a front for the antilabor bankers and businessmen of his state. I let everyone have his say, either for or against, and then I summed up

A DEPARTMENT OF CONSERVATION

575

the arguments pro and con, giving my reasons for the park and meeting the objections of those who are fighting it. Since the facts were with me, it wasn't difficult to meet these arguments, and at the end of the meeting I had the distinct impression that we had made a good deal of headway.

Two days later he gave another speech before the Commonwealth Club, California's admirable forum of public opinion. Written by Brant and broadcast by NBC over most of its California affiliates, it reiterated the arguments in favor of the bill, reemphasized the intent to manage the new park as wilderness, then included a slightly barbed gesture of conciliation toward Wallace and the Forest Service. After announcing that Wallace had written him an official letter stating the Department of Agriculture's support of the national park proposal, he added:

At this point let me express my appreciation of the attitude that has been taken by the United States Department of Agriculture and the Washington office of the Forest Service. . . . The letter from Secretary Wallace to me . . . did not represent a change of policy on the part of the Department of Agriculture. On the contrary, Secretary Wallace adhered to a long-established and consistent record. This national park project had been supported by the Secretary of Agriculture and by the Chief of the Forest Service on every occasion when their opinion has been sought by committees of Congress, beginning about 1920. . . .

In other words, when some of the minor employees (how Show would have hated that characterization!) of the Forest Service were so busy in California, making speeches and getting articles in newspapers opposing a national park . . . their superiors in Washington were taking the precisely opposite position.

If Wallace ever read this speech, he probably would not have been pleased to learn that Ickes had managed to praise him for his support while simultaneously reminding him that one of his biggest agencies was out of control. Nevertheless, the last obstacle in official Washington seemed removed, and with the stated support of the Kings River Water Association, the Sierra Club (not to mention most, though not all, of the rest of the conservation organizations in the country, including the Emergency Conservation Committee and the Izaak Walton League), most of the state's newspapers, and a probable majority of those who lived in the districts affected, the hearings on the bill in the House seemed assured of fairly smooth going. In the middle of the session being held on March 29, however, Congressman Gearhart rose to a point of privilege and announced that the Kings River Water Association had renounced its support of both the park bill and the bill authorizing the construction of a dam at Pine Flat. "In view of this startling information," Gearhart said, "and in view of the fact that it is the irrigationists alone whom I desire to

376 IN A KINGDOM OF PRIESTS, 1933-1952

serve," he requested that the committee delay its hearings until the new development could be investigated. Chairman De Rouen refused, and the testimony continued.

Throughout the hearings Ickes took an active role; and during the last of his three appearances before the committee, the Secretary thoroughly discredited the Water Association's motives by submitting strong evidence that the organization had changed its mind primarily because the California State Chamber of Commerce, the Associated Farmers, and other pro-private-power groups had persuaded the association's leadership that the U.S. Army Corps of Engineers wanted to build the dam at Pine Flat and that if it did, the irrigationists would not have to abide by the stipulations of Reclamation Law (true)—nor would they have to pay anything for the delivery of federal water to their lands (not true). Suddenly, Ickes said, the irrigation interests now wanted Pine Flat and any other dam project in the region taken out of the hands of the Bureau of Reclamation and given to the Corps of Engineers.

The hearings finally ground to an end after twenty-three straight days. The private-power lobby tried one more trick to keep the bill as submitted from reaching the floor, persuading Clyde L. Seavey, acting chairman of the Federal Power Commission, to ask President Roosevelt for an amendment that would permit the wholesale development of all power sites in the proposed park should it be found necessary in order to satisfy California's power needs in the future. Roosevelt rejected this proposal. The bill was subsequently reported for passage on May 25, though along the way it had suffered some damage: the name "John Muir" was removed and all specific references to the intent to manage the park as wilderness were stripped away (even so, De Rouen got the proposal designated the "Kings Canyon Wilderness National Park," thus at least establishing the clear intent of Congress). Finally, after fighting off one more amendment that would have opened the whole park to hydropower development, the House passed the revised Gearhart bill on July 18, after which Congress adjourned for the remainder of the summer.

One important casualty in an otherwise acceptable bill was the excision of Section 5, that part of the legislation that had stipulated that the Tehipite Valley and Cedar Grove would not be included in the park proposal but that they would be administered by the Park Service. Instead, Section 3 now made reference only to "the lands withdrawn" without naming them specifically, although these unnamed lands were still to be administered by the Park Service. The bill was less than Ickes and its other promoters had wanted, Demaray admitted in a letter to Brant the next day, but explained the Secretary's determination to push it in spite of its

A DEPARTMENT OF CONSERVATION

577

shortcomings: "I have just had the opportunity to discuss the bill with the Secretary, who states that he would prefer that the bill be passed in its present form by the Senate, if that can be done without Senate Public Lands Committee hearings. It is his view that if the bill can be thus handled, we can seek legislation next year to provide for Park Service administration of the reclamation withdrawals for recreation purposes."

It was a gamble to let the bill go forward without making some specific recommendation about the two areas, and not everyone was happy about such a long shot. The National Parks Association had been against the Gearhart bill from the beginning because of the withdrawals and believed the final House version to be even worse. Robert Sterling Yard of The Wilderness Society had been equally opposed, although Robert Marshall had persuaded the organization's governing council, by a vote of five to one, not to actively oppose the bill but to concentrate its efforts on an attempt to save the two withdrawn sites, "which can be properly safeguarded only through the creation of a Park." For his part, Yard had no faith at all in Ickes or the Park Service. "I'm quite sure," he had written at one point to Anne Newman of the Izaak Walton League, "that the Park Service would be glad to accept the park filled with power dams from the glacial lakes down rather than leave it safe with the Forest Service."

In spite of the split in the conservation movement, the bill had taken on strength and a kind of momentum now. When the Senate reconvened in November, the Public Lands Committee reported the Gearhart bill without hearings and with no changes, calling for a vote of unanimous consent. But Senator Key Pittman of Nevada, a lurid Ickes despiser, refused consent, and the bill was laid over. By the time it was put back on the calendar for February 19, 1940, Pittman apparently had decided that he had made his point; that afternoon, after delivering a thirty-minute speech in denunciation of Ickes on general principles, the senator sat down without making objection to unanimous consent and the bill was read into the record and passed. On March 4, 1940, Roosevelt signed it into law, and one of the most beautiful regions in the United States found safety in the National Park System.

If Robert Sterling Yard remained skeptical, others found reason for celebration. William Colby of the Sierra Club had been pursuing the goal of a Kings Canyon National Park ever since the death of his mentor, John Muir, in 1914. "I feel now that I can 'die in peace,'" he wrote Ickes on February 20, the day after the bill passed the Senate. "At least you have added the greatest possible joy to my remaining years." It is unfortunate that neither he nor Ickes would live to see the final victory: in 1965, after several years when it became increasingly clear that the irrigation and

578 IN A KINGDOM OF PRIESTS, 1933-1952

power needs of the Central Valley were never going to require exploitation of Tehipite Valley and Cedar Grove, Congress vindicated Ickes's gamble by passing legislation adding these still essentially wild sites to the national park.

Ickes lost his best conservation lieutenant after the Kings Canyon fight; shortly after passage of the act, Irving Brant resigned his consultancy to devote most of his time to his multivolume biography of James Madison, although he would remain active with the Emergency Conservation Committee and return to the barricades regularly as a private citizen for the rest of his long life. "Just a word of appreciation," Ickes had written him on his departure, "to convey to you my very real thanks for the tremendous and tireless help that you gave in support of the bill to establish the Kings Canyon National Park."

Ickes also lost Arno Cammerer that year—though it gave him no comparable regret. The Park Service director had suffered a heart attack in 1939 (caused, Cammerer's friends and Ickes's enemies believed, by being overworked by his boss), and after the director's recovery Ickes began casting about for a replacement. Brant had made it clear in 1938 that he was not interested, but among the other names that Ickes seriously considered were those of Gerard Swope, former president of General Electric, and Robert Moses, the park czar of New York State. Swope took a job as director of the New York Housing Authority before the Secretary could offer him the job, and Roosevelt was worried that Moses "would run the Park Service without reference to me," if the President appointed him, Ickes reported in his diary. "I don't think that he would," Ickes added, "and even if he should, I can't see that any harm would come to the Park Service. A year of vigorous administration by someone other than a bureaucrat would do the parks a lot of good." But Roosevelt, who still entertained a cordial hatred of Moses, was adamantly against it. A third name was that of Ferdinand Silcox, whom Ickes had grown to like and respect in spite of his Forest Service connections and the fights over Olympic and Kings Canyon. He had been determined to make Silcox an undersecretary with responsibility for the parks and forests if his hopes for reorganization were ever fulfilled, but any plans Ickes may have contemplated for the chief forester became moot when Silcox died suddenly just before Christmas of 1939.*

* His friend and fellow forester Robert Marshall had also died suddenly, just a little more than a month before.

A DEPARTMENT OF CONSERVATION

579

Ickes finally settled on Newton B. Drury, the Save-the-Redwoods League leader who had turned down the job six years before. The Californian's worries over the political aspects of the position apparently had dissipated over the years, for on June 17, 1940, Drury accepted the offer after negotiating an agreement with Ickes that would assure him of a little more autonomy than Cammerer had enjoyed. Cammerer, probably with relief, resigned and was installed as regional director in Richmond, Virginia, a much less demanding job (though it would not prevent Cammerer's death after another heart attack a year later). Robert Sterling Yard, an admirer of Drury, but still sharpening his knives for Ickes, did not know quite what to make of this development. "I was amazed," he wrote a friend on June 21,

when the announcement appeared in the *Evening Star* on June 19. Not because Cam had resigned. We had been expecting that for years. He and the Secretary never had got on very well together.

What amazed me was that his successor is one of the highest-minded conservationists in the United States. I have known Newton Drury intimately for years. He is not only the executive secretary of the Save-the-Redwoods League, in California, but an active member of the Wilderness Society. . . . He is a writer on parks, always from their idealistic point of view. All the fine redwoods publications you have seen came from his office at 114 Sansome Street, San Francisco. . . .

Why Ickes should name an idealist, without warning . . . must be explained. How the appointment came about must also be explained. . . . Sooner or later I'll discover the inside story.

No, he would not, because there was none. Ickes had wanted a strong man as director of the National Park Service, a man with a powerful interest in preserving as much of the wilderness character of the parks as was possible. In Drury, whose interest in "primeval parks" was no less intense than that of Robert Sterling Yard, he had found him. End of story. And among Drury's first and most significant actions was the institution of a general policy of wilderness management for both Olympic and Kings Canyon national parks—a policy that survives to this day—not only vindicating the Secretary's faith in him, but giving weight to the words put in Ickes's mouth by Irving Brant in February 1939: "The United States, rich beyond all other countries in the variety and beauty of its mountains and forests, can afford to set aside and protect some of its mountains and forests, not merely from commercial exploitation, but from a too intensive use for recreation. In dealing with some spot of supreme beauty, let us not, like a boy holding a butterfly, destroy it by a too ardent laying on of hands."

DRAFT PROCLAMATION FOR
THE GIANT SEQUOIA NATIONAL MONUMENT

The rich and varied landscape of the Giant Sequoia National Monument holds a diverse array of scientific and historic resources. Magnificent groves of towering giant sequoias, the world's largest trees, are nested within a great belt of coniferous forest, jeweled with mountain meadows. Bold granitic domes, spires, and plunging gorges texture the landscape. Elevation climbs from about 2,500 to 9,700 feet over a distance of only a few miles, capturing an extraordinary number of habitats within a relatively small area. This spectrum of ecosystems is home to a diverse array of plants and animals, many of which are rare or endemic to the southern Sierra Nevada. The Monument embraces limestone caverns and holds unique paleontological resources documenting tens of thousands of years of ecosystem change. The Monument also has many archaeological sites recording Native American occupation and adaptations to this complex landscape, and historic remnants of early Euroamerican settlement and commercial exploitation of the giant sequoias. The Monument provides exemplary opportunities for biologists, geologists, paleontologists, archaeologists, and historians.

Ancestral forms of giant sequoia were a part of the western North American landscape for millions of years. Giant sequoias are the largest trees ever to have lived, and are among the world's longest-lived trees, reaching ages of more than 3,200 years or more. Because of this great longevity, giant sequoias hold within their tree rings multi-millennial records of past environmental changes such as climate, fire regimes, and

consequent forest response. Only one other North American tree species, the high-elevation bristlecone pine of the desert mountain ranges east of the Sierra Nevada, holds such lengthy and detailed chronologies of past changes and events.

Sequoias and their surrounding ecosystems provide a context for understanding ongoing environmental changes. For example, a century of fire suppression has led to an unprecedented failure in sequoia reproduction in otherwise undisturbed groves. Climatic change also has influenced the sequoia groves; their present highly disjunct distribution is at least partly due to generally higher summertime temperatures and prolonged summer droughts in California from about 10,000 to 4,500 years ago. During that period, sequoias were much rarer than today. Only following a slight cooling and shortening of summer droughts, about 4,500 years ago, has the sequoia been able to spread and create today's groves.

These giant sequoia groves and the surrounding forest provide a great opportunity to understand the consequences of different approaches to forest restoration. These forests need restoration to counteract the effects of a century of fire suppression and logging. Fire suppression has caused forests to become denser in many areas, with increased dominance of shade-tolerant species. Woody debris has accumulated, causing an unprecedented buildup of surface fuels. One of the most immediate consequences of these changes is an increased hazard of wildfires of a severity that was rarely encountered in pre-Euroamerican times. Outstanding opportunities exist for studying the

consequences of different approaches to mitigating these conditions and restoring natural forest resilience.

The great elevational range of the Monument embraces a number of climatic zones, providing habitats for an extraordinary diversity of plant species and communities. The Monument is rich in rare plants and is home to more than 200 plant species endemic to the southern Sierra Nevada, arrayed in plant communities ranging from low-elevation oak woodlands and chaparral to high-elevation subalpine forest. Numerous meadows and streams provide an interconnected web of habitats for moisture-loving species.

This spectrum of interconnected vegetation types provides essential habitat for wildlife, ranging from large, charismatic animals to less visible and less familiar forms of life, such as fungi and insects. The mid-elevation forests are dominated by massive conifers arrayed in a complex landscape mosaic, providing one of the last refugia for the Pacific Fisher in California. The fisher appears to have been disappeared from the northern Sierra Nevada. The forests of the Monument are also home to great gray owl, American marten, northern goshawk, peregrine falcon, spotted owl, and a number of rare amphibians. The giant sequoias themselves are the only known trees large enough to provide nesting cavities for the California condors, which otherwise must nest on cliff faces. In fact, the last pair of condors breeding in the wild was discovered in a giant sequoia that is part of the new Monument. The Monument's giant sequoia ecosystem remains available for the return and study of condors.

The physiography and geology of the Monument have been shaped by millions of years of intensive uplift, erosion, volcanism, and glaciation. The Monument is dominated by granitic rocks, most noticeable as domes and spires in areas such as the Needles. The magnificent Kern Canyon forms the eastern boundary of the Monument's southern unit. The canyon follows an ancient fault, forming the only major north-south river drainage in the Sierra Nevada. Remnants of volcanism are expressed as hot springs and soda springs in some drainages.

Particularly in the northern unit of the Monument, limestone outcrops, remnants of an ancient seabed, are noted for their caves. Subfossil vegetation entombed within ancient woodrat middens in these caves has provided the only direct evidence of where giant sequoias grew during the Pleistocene Era, and documents substantial vegetation changes over the last 50,000 or more years. Vertebrate fossils also have been found within the middens. Other paleontological resources are found in meadow sediments, which hold detailed records of the last 10 millennia of changing vegetation, fire regimes, and volcanism in the Sierra Nevada. The multi-millennial, annual- and seasonal-resolution records of past fire regimes held in giant sequoia tree-rings are unique worldwide.

During the past 8,000 years, Native American peoples of the Sierra Nevada have lived by hunting and fishing, gathering, and trading with other people throughout the region. Archaeological sites such as lithic scatters, food-processing sites, rock shelters, village sites, petroglyphs, and pictographs are found in the Monument. These sites have the

potential to shed light on the role prehistoric peoples, including the role they played in shaping the ecosystems on which they depended.

The earliest recorded reference to giant sequoias is found in the notes of the Walker Expedition of 1833, which described “trees of the redwood species, incredibly large....” The world became aware of giant sequoia when sections of the massive trees were transported east and displayed as curiosities for eastern audiences. Logging of giant sequoias throughout the Sierra Nevadas began in 1856. Logging has continued intermittently to this day on nonfederal lands within the area of the Monument. Early entrepreneurs, seeing profit in the gigantic trees, began acquiring lands within the present Monument under the Timber and Stone Act in the 1880s. Today our understanding of the history of the Hume Lake and Converse Basin areas of the Monument is supported by a treasure trove of historical photographs and other documentation. These records provide a unique and unusually clear picture of more than half a century of logging that resulted in the virtual removal of most forest in some areas of the Monument. Outstanding opportunities exist for studying forest resilience to large scale logging and the consequences of different approaches to forest restoration.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on lands owned or controlled by the Government of the United States to be national Monuments, and to reserve as a part thereof parcels of land, the limits of which

in all cases, shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Giant Sequoia National Monument:

NOW, THEREFORE I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Giant Sequoia National Monument, for the purpose of protecting the objects identified in the above preceding paragraphs, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Giant Sequoia National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 355,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws including, but not limited to, withdrawal from locating, entry and patent under the mining laws and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the Monument. Lands and interests in lands not owned by the

DRAFT

United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

The establishment of this Monument is subject to valid existing rights.

Timber sales under contract as of the date of the proclamation and timber sales with a decision notice signed prior to January 1, 2000 may be completed consistent with the terms of the decision notice and contract. No portion of the Monument shall be considered to be part of the suitable timber base, and no part of the Monument shall be used in a calculation of or basis for providing a sustained yield of timber from the Sequoia National Forest. Removal of living trees from within the Monument area may only take place only if clearly needed for the purposes of ecological restoration and maintenance or public safety.

The Secretary of Agriculture shall manage the Monument through the Forest Service, pursuant to applicable legal authorities, to implement the purposes and provisions of this proclamation. The Secretary of Agriculture shall prepare, within three years of this date, a management plan for this Monument, and shall promulgate such regulations for its management, as he deems appropriate. The plan shall provide for and encourage continued public and recreational access consistent with the purposes of the Monument.

Unique scientific and ecological issues are involved in management of giant sequoia groves, including groves located in nearby and adjacent lands managed by the Bureau of

Land Management and the National Park Service. The Secretary, in consultation with the National Academy of Sciences, shall appoint a Scientific Advisory Board to provide scientific guidance during the development of the initial management plan. Board membership shall represent a range of scientific disciplines pertaining to the objects to be protected, including, but not necessarily limited to, the physical, biological, and social sciences.

The Secretary, through the Forest Service, shall, in developing any management and any regulations governing the Monument, consult with the Secretary of the Interior, through the Bureau of Land Management and the National Park Service. The final decision to issue the plan and any other subsequent management rules and regulations rests with the Secretary of Agriculture. Management plans or regulations developed by the Secretary of the Interior governing uses within national parks or other national monuments administered by the Secretary of the Interior shall not apply within the Giant Sequoia National Monument.

The management plan shall contain a transportation plan for the Monument that addresses the actions necessary to protect the objects identified in this proclamation. No new roads or trails will be authorized within the Monument, except to further the purposes of the Monument. Roads and trails may be closed or altered to protect the objects of interest prior to the development of the management plan, if there is a clear risk to the values of the Monument.

For the purposes of protecting the objects included in the Monument, all motorized and mechanized vehicle use off designated roads and trails is prohibited, except for emergency or authorized administrative purposes.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of California with respect to fish and wildlife management.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this Monument is established. The priority date of such reserved water rights shall be the date of enactment of this proclamation. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

Laws, regulations and policies pertaining to administration by the Department of Agriculture of grazing permits and timber sales under contract as of the date of this proclamation on all lands within the boundaries of the Monument shall apply to lands within the Monument.

Nothing in this proclamation shall be deemed to affect existing special use authorizations; existing uses shall be governed by applicable laws, regulations, and ^{the} management plan.

DRAFT

Nothing in the proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this xxxx day of xxxxx, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.