

René Voss – Attorney at Law

15 Alderney Road
San Anselmo, CA 94960
Tel: 415-446-9027
renepvoss@gmail.com

May 23, 2013

Sent to:
comments-pacificsouthwest-sequoia-greenhorn@fs.fed.us

Penelope Shibley – District Planner
Kern River Ranger District
P.O. Box 9
Kernville, CA 93238

**cc: Ara Marderosian
Georgette Theotig
Joe Fontaine
Michael Connor**

Subject: Rancheria Project 2nd Round Scoping Comments for Sequoia ForestKeeper,
Kern-Kaweah Chapter of the Sierra Club & Western Watersheds Project

Sequoia ForestKeeper (SFK), the Kern-Kaweah Chapter of the Sierra Club (the Club) and Western Watersheds Project (WWP) thank you for the opportunity to comment. We would like to incorporate our previous scoping comments into this 2nd round of scoping comments, by reference. Please note that we expect the agency to respond to all the issues raised in those previous comments when it prepares its environmental analysis.

Please consider the following additional comments.

1. Support for Alternative 3: non-commercial hand-thinning & prescribed burning

SFK, the Club, and WWP thank the Forest Service for agreeing to explore a non-commercial hand-thin and prescribed burn alternative (Alternative 3) in detail, which is the only alternative that is responsive to the various issues raised during the first round of scoping. Because Alternative 2, the proposed action, does not adequately respond to the issues raised during scoping, it should not be selected.

More specifically, Alternative 2 will not maintain canopy cover for Pacific fisher in those stands proposed for heavy thinning; it will remove trees up to 30 inches in diameter, which are important habitat components for Pacific fishers, California spotted owls, and northern goshawks; it will result in compacted soils in areas treated with mechanical equipment; and it will reduce the potential for snag recruitment and large down logs in heavily-thinned stands, which are important habitat components for Pacific fishers and California spotted owls.

Therefore, we urge the Forest Service to do a bona fide and detailed analysis of Alternative 3, which is a viable alternative which the agency must select in the final analysis because it responds to the issues raised during scoping.

2. Pacific Fisher

The West Coast Distinct Population Segment of the Fisher (“Pacific fisher”) is a candidate species for listing under the ESA. The USFWS is undertaking a status review for the taxon and

it will likely be listed as endangered or threatened before the Rancheria Project is implemented. For that reason, the Rancheria Project must prioritize Pacific fisher habitat protection and restoration as a co-equal goal of the project, and it must ensure that it maximizes those habitat elements necessary for the conservation and recovery of Pacific fishers. Moreover, the analysis must also consider and disclose the effects from hand thinning and burning on hiding-cover for fishers.

- a. Restoration of Pacific fisher habitat should be explicitly included in the “Purpose and Need” for the project

In 2010, the Forest Service brought together scientists and community leaders to discuss actions that the Forest Service thought should be taken in the Rancheria Project area (then called the Sawmill Project area). The meetings resulted in much consensus and some disagreement as to what is needed to be done. Much of this is described in the Sawmill Forum meeting notes, which were included in Exhibit C of our first round of scoping comments.

During discussions at the forum, there was consensus on a number of issues that change the normal direction of what the Forest Service does in these types of projects. Key outcomes, included:

- Co-equal objectives of habitat and community fire protection.
- Re-introducing fire, including pockets of high intensity fire, is beneficial for the ecosystem and resiliency and should be pursued in the project
- Preserve or enhance existing and create future fisher habitat (leave or recruit snags, oak woodlands, downed logs, canopy cover)

SFK & the Club’s First Round Scoping Comments, Exhibit C – Forum Agreements, PDF p. 1 and Meeting Notes from May 18, 2010, p. 1 – Key Outcomes (PDF, p. 13).

Although the first two points have been incorporated in the “Purpose and Need” for the project, the proposal makes Pacific fisher habitat protection or restoration subservient to fuel reduction treatments. This is unacceptable and is a departure from the consensus reached at the collaborative meeting.

SFK, the Club, and WWP urge that the Forest Service elevate Pacific fisher habitat protection and restoration as a priority by including the third point (above) as a specific “Purpose and Need” for the Rancheria Project to “Preserve or enhance existing and create future fisher habitat (leave or recruit snags, oak woodlands, downed logs, canopy cover).”

- b. The need for additional down woody material and abundant large snags

In our first round of scoping comments, we requested that the Forest Service

- Please provide us with data about the existing conditions for each unit, including:
 - tree density
 - the range of tree sizes and basal area

- % of current canopy cover
- the number and size of snags
- the number or size of large down logs (>12 inch at midpoint)
- information about the understory for each unit, such as the % of area with shrub cover or in montane chaparral patches

In addition, we stated that we expected the Forest Service to

- [P]rovide us with specific information about what the Forest Service plans to leave after implementation for each unit by action alternative, including:
 - tree density
 - the range of tree sizes and basal area
 - % of canopy cover after thinning
 - the number and size of snags (here's an opportunity to increase the number of snags by girdling trees rather than felling or removing them)
 - the number or size of large down logs (>12 inch at midpoint) (here's also an opportunity to increase the number of large down logs rather than removing them)
 - information about the understory for each unit, such as the % of area with shrub cover or in montane chaparral patches after thinning

Without this specific data, we must assume that the habitat elements in the project area for Pacific fisher are inadequate, as a baseline.

For example, the U.S. Forest Service's own Forest Inventory and Analysis (FIA) fixed plots for the Sequoia and Sierra National Forests provide that the average snag density across the forested landscape within the fisher's range is only about 8.7 large snags per acre on average—well below the levels that Pacific fishers need. *See* Zielinski et al. (2006). Zielinski et al. (2006 [Table 2]) found that fishers need 15.4 large snags (over 38.1 cm in diameter, or over 15 inches in diameter) on average per 0.5 hectares, or about 12.5 large snags per acre, within Sierra and Sequoia National Forests.

Moreover, the FIA data also shows that there were only about 19 large downed logs per acre on average within the fisher's range in the Sierra and Sequoia National Forests—well below the levels that Pacific fishers need. *See* Zielinski et al. (2006). Zielinski et al. (2006) found that fishers need about 65 large downed logs (over 25.4 cm in diameter) per hectare, or about 26 logs over 10 inches in diameter per acre.

Without baseline data of current habitat conditions and information about habitat conditions that result from each of the Rancheria Project alternatives, the Forest Service cannot meet the goals of protecting and restoring Pacific fisher habitat and the analysis will be fatally flawed.

3. Hazard Trees and Large Down Logs

The proposal includes felling hazard trees along 19.63 miles of roads within the project area.

a. Consider leaving felled hazard trees as necessary wildlife habitat

Hazard trees usually constitute the largest trees that are considered for felling and often include important habitat components as snags for Pacific fishers, California spotted owls, and northern goshawks. Once these trees are felled, the hazards are averted, and these large felled snags can still serve as important habitat components for these species as large down logs. To mitigate the habitat loss from felling these large snags, the Forest Service must also consider leaving the felled trees on site to meet the habitat needs for fishers, owls, and goshawks. Based on FIA plots or stand-specific data about snags and large down logs, the Forest Service must consider leaving many if not all felled hazard trees in the project area.

A recent project analysis in the Hume Lake Ranger District of the Sequoia National Forest found that, on average along approximately 43 miles of road, there were only 7.68 tons/acre of large down logs, which is not adequate to provide the necessary habitat components for wildlife. *See* Exhibit 1 – Hume Roadside and Recreation Site Hazard Tree Project Preliminary EA (PEA), p. 30. In that project, the Forest Service developed a Drop and Mitigate alternative in which “Alternative C would mitigate hazards on approximately 58 miles of roads ...” and “Portions of the downed trees would be left on site to ensure that dead and down woody material requirements for wildlife and soil quality are maintained.” PEA, pp. 13, 15.

Because there is likely to be a habitat need to mitigate the felling of snag habitat for wildlife and an even greater need to retain large down logs in the project area, the Forest Service must develop the project with this consideration in mind. Both action alternatives must consider leaving felled hazard trees as important habitat components for ecological restoration.

b. Use the updated Region 5 Hazard Tree Guidelines

In the Hume Roadside project, the Forest Service is applying the newer 2012 Region 5 Hazard tree guidelines, which should be applied to the Rancheria Project as well. *See* Exhibit 1, PEA, p. 4 (“Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region (R5 Hazard Tree Guidelines) (Angwin et al 2012)”).

4. Rare Plants

The treatment area has populations of *Fritillaria brandegeei* (Greenhorn fritillary) which is a Rare Plant Rank 1B.3 species. Rare Plant Rank 1B species meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Wildlife Code, and are eligible for state listing. According to California Native Plant Society, *F. brandegeei* is possibly threatened by logging. *See* <http://www.rareplants.cnps.org/detail/821.html>.

Also, as pointed out in comments submitted by the Kern Chapter of the California Native Plant Society, mechanical thinning and roadside brushing, through compaction or scraping, will like adversely affect or eliminate populations of the following rare plants, since all are found along the Sawmill and Rancheria road, on a road cut, down in a drainage, or spread out above the road cut. These rare plant species include:

Calochortus westonii, Shirley Meadows Star Tulip
Fritillaria pinetorum, Pine Fritillary
Eriastrum tracyi, Tracy's Eriastrum
Gilia leptantha ssp. *pinetorum*, Pine Gilia
Nemophila parviflora var. *quercifolia*, Oak-leaf Nemophila
Wyethia invenusta
Viola Sheltonii
Viola adunca ssp. *adunca*
Garrya fremontii

This native plant heritage should not be diminished or lost and must be analyzed in detail.

5. Cumulative Effects from the Thinning and Grazing

The treatment area is within Wagy Flat, Little Poso, Lumreau, and Cedar Creek Allotments. There is no mention of these allotments in the project description. The Forest Service must explain how the treatment areas will be affected by the combination of thinning and grazing, how it will be rested from grazing to facilitate restoration, and explain the cumulative effects of cows and treatments on invasive weeds and sensitive resources etc.

6. Overstating the Adverse Effects of Fire on Wildlife and Understating the Adverse Effects from Thinning on Wildlife

In our first round of comments, we stated that “Assumptions About Increases in High Severity Fires in the Scoping Documents are Unsupported and Inaccurate.” Yet, the scoping document continues to make unsupported statements about the adverse effects from high-severity fire on wildlife:

“leaving forest stands and wildlife habitat at risk of drought, disease, and stand-replacing wildfire” Proposal, p. 1.

“Reduce fuel loadings and stand density in order to reduce the risk to people, property, and wildlife habitat from uncharacteristically severe wildfire.” Proposal, p. 4.

“The risk of uncharacteristically severe wildfire due to extreme fuel loadings poses an immediate and imminent threat to the long-term conservation of important wildlife habitat for the Pacific fisher (*Martes pennanti*) and California spotted owl (*Strix occidentalis occidentalis*)” Proposal, p. 5.

A recent scientific report issued by five leading fire ecologists, DellaSala et al. (2013), attempts to dispel the myth that high-severity fire is adverse for wildlife and states that habitats created by high-severity fires—known as “complex early seral forests” (CESF)—are some of the rarest habitat types in the Sierra Nevada region on which many species depend.

In fact, some of the species the Rancheria Project aims to protect actually need or seek out high-severity burned forests. As explained by Monica Bond, a California spotted owl expert:

Available evidence and knowledge of spotted owl ecology across all three subspecies (Mexican, California, Northern; Bond et al. 2002, Jenness et al. 2004, Clark 2007, Roberts 2008, Bond et al. 2009, Roberts et al. 2011, Lee et al. 2012) show that owls tolerate some degree of moderate to high-severity fire within territories, and in some cases, appear to prefer foraging in severely burned stands as long as a burned territory is capable of supporting a pair of owls, whereas owls avoid post-fire logged areas. Managing CESFs for high levels of ecological integrity may therefore provide important prey habitat for California Spotted Owls, a species that the Forest Service assumes is threatened by high-severity fire (Living Assessments 2013). However, the owl is known to occur and reproduce in territories burned at all fire severities in this region, and preferentially selects high-severity fire areas for foraging (Bond et al. 2009). California spotted owl reproduction has been found to be 60% higher in unmanaged mixed-severity fire areas than in unburned forests (Roberts 2008), and mixed-severity fire (with an average of 32% high severity) does not reduce spotted owl occupancy, though post-fire logging may precipitate territory extinction (Clark 2007, Lee et al. 2012).

See Exhibit 2 – DellaSala et al. (2013) “Conservation Science Perspective On Complex Early Seral Forests: What Are They And How To Manage Them In The Sierra Nevada Ecoregion?” p. 13 (emphasis added).

Moreover, a subset of the same scientists recently responded to a study by Stephens and colleagues (2012), undermining the efficacy of fuel treatments in reducing the susceptibility of uncharacteristically-severe fire:

Stephens and colleagues did not include studies documenting adverse effects of thinning on small mammal prey species for northern spotted owls (*Strix occidentalis caurina*; e.g., Meyer et al. 2005) or on rare species, such as black-backed woodpeckers (*Picoides arcticus*; Hutto 2008).

...

Moreover, Stephens and colleagues did not fully represent the benefits of high-severity fire by limiting analysis to the earliest postfire period (0–4 years postfire), thus excluding the portions of the data sets that they used that show that more bird species increase than decrease in high-severity fire areas after several years. In addition, the impetus for thinning is overstated. Only one study from one region is cited to suggest that fire severity is increasing and that it should be mitigated via thinning, but the authors did not mention that current data show no increase in fire severity in many western US regions.

Exhibit 3 – Hanson et al. (2013) – Letters in Bioscience.

The environmental analysis must not overstate the adverse effects from high-severity fire on wildlife and must also disclose the adverse effects from the proposed thinning on wildlife.

For Sequoia ForestKeeper, the Kern-Kaweah Chapter of the Sierra Club, and Western Watersheds Project.



René Voss – Attorney at Law
renepvoss@gmail.com

Ara Marderosian – Executive Director
Sequoia ForestKeeper
P.O. Box 2134
Kernville, CA 93238-2134
(760) 376-4434
ara@sequoiaforestkeeper.org

Georgette Theotig – Chair
Kern-Kaweah Chapter of the Sierra Club
P.O. Box 38
Tehachapi, CA 93581-0038
(661)822-4371
gtheotig@sbcglobal.net

Michael J. Connor, Ph.D.
California Director
Western Watersheds Project
P.O. Box 2364
Reseda, CA 91337-2364
(818) 345-0425
mjconnor@westernwatersheds.org