



December 15, 2016

Eric La Price, District Ranger
Western Divide Ranger District

Dear Mr. La Price,

On behalf of the John Muir Project of Earth Island Institute and the Center for Biological Diversity, we are submitting the following scoping comments on the proposed Spear Creek and Bull Run Creek hazard tree logging projects (maps of proposed projects were sent to us via email by Sequoia N.F. staff) in the Cedar fire area. These comments are in addition to those we submitted on November 30, 2016 in response to the Sequoia National Forest news release of Oct. 31, 2016.

1: We believe an EIS should be conducted in light of the potential significant effects to sensitive wildlife – California spotted owls and Pacific fishers. The removal of large swaths of trees of any size (300 feet on either side of the road, for many miles) can eliminate fisher den and/or resting trees, owl nesting and/or roosting trees, habitat quality in general for fisher and owls, and primary habitat for black-backed woodpeckers. Such removal also degrades or eliminates preferred spotted owl foraging habitat, and is associated with loss of territory occupancy (Bond and Hanson 2014 [CSO FESA Petition]). Given the very low numbers of fishers in the southern Sierra, the rapidly declining owl populations in the Sierra, and the need to protect rare woodpecker habitat, loss of such critical trees/habitat should be recognized as having the potential to cause significant impacts to these species, thus warranting an EIS.

The Forest Service's California Spotted Owl Technical Report (Verner et al. 1992), p. 86, states that spotted owls in the southern Sierra Nevada select habitat with about 20 snags per acre 15 inches in diameter *or larger* (and this did not include snags less than 20 feet tall, so the actual snag densities would have been even higher). On p. 96 of the Technical Report, it states that, in terms of snags, spotted owl nesting/roosting habitat in the Sierra Nevada is defined by 30 to 55 square feet per acre of snag basal area. For perspective, a snag 15 inches in diameter at breast height has 1.23 square feet of basal area, so 55 square feet per acre of snag basal area equates to about 45 snags per acre, *on average*. Even if the snags were an average of 24 inches in diameter, 55 square feet per acre of snag basal area equates to an *average* of about 18 snags per acre. Page 86 of Verner et al. (1992) further states that the percent coefficient of variation for this large snag density was 132—i.e., the standard deviation was 1.32 times larger than the mean. Given that the mean was 19.5/acre, this means that the standard deviation was 25.7, which means that 34% of the nest habitat had large snag densities up to one standard deviation above the mean—i.e., 45 per acre, and 16% (over one standard deviation above the mean) had *more than* 45 per acre. With regard to Pacific fishers and their resting habitat in the southern Sierra Nevada, Purcell et

al. (2009), Table 3, found that one of the most important variables was high snag basal area, which averaged 0.5 square meters per 0.07-hectare plot, or 5.4 square feet per 0.173 acres—i.e., about 31.2 square feet per acre. The standard deviation was 0.7 square meters of snag basal area per 0.07-hectare plot, which equates to about 43.7 square feet per acre. This means that about 34% had snag basal area up to 75 square feet per acre (up to one standard deviation above the mean), and 16% (over one standard deviation above the mean) had snag basal area of more than 75 square feet per acre. Clearly, when two of the key indicator species for these forests are preferentially selecting forests, for nesting/roosting and denning, that have dozens of snags per acre, these conditions are important for these species, and removing large swaths of snags could have significant adverse impacts—especially given the cumulative effects that would result from all three of the post-fire roadside logging projects discussed above (Spear Creek, Bull Run Creek, and the unnamed project in the southern portion of the Cedar fire).

2: We also note that the Spear Creek Hazard Tree Project map shows the project as essentially the same action as proposed in the northwestern portion of the hazard tree project, and associated map provided by Sequoia N.F. staff, that you described in your 11/30/16 press release, yet Spear Creek is now being described as a separate project, based on the map you sent us. Similarly, the Bull Run Creek Hazard Tree Project map shows the project as largely the same action as proposed in the northeastern portion of the hazard tree project, and associated map from Sequoia N.F., that you described in your 11/30/16 press release. Yet some of the roads proposed for hazard tree logging in the map associated with the 11/30/16 proposal, such as 24S80 (and spur roads off of 24S80), 24S83, and 24S37, are not shown as being proposed for hazard tree logging in the Bull Run Creek logging map. Further, the entire southern portion of the map for the 11/30/16 proposal shows many miles of hazard tree logging proposed in a third area within the Cedar fire—an area south of the Spear Creek and Bull Run Creek maps. So, as far as we can tell, there are now three post-fire logging projects proposed in a single fire area—all of them contiguous. These projects, especially from a cumulative perspective, will likely have significant impacts to sensitive wildlife for the reasons just described above—i.e., these 3 projects together will lead to the loss of many important trees that serve as critical habitat.

3: We further note that there is no reason that the varying laws at issue here – e.g., the forest management provisions in the overall Sequoia National Forest, as well as for the Giant Sequoia National Monument (GSNM) portion of the forest – should result in not conducting a single EIS for the hazard tree logging at issue. You would be dealing with those different provisions, and the differences in on-the-ground application that might result, in the multiple EAs anyway, so those differences can be addressed, along with the cumulative effects, in a single EIS. NEPA regulations require that “[p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement”. 40 CFR Sec. 1502.4(a). NEPA regulations also define cumulative impacts as follows: “‘Cumulative impact’ is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 CFR Sec. 1508.7. NEPA regulations further describe “Cumulative actions, which when viewed with other proposed actions have cumulative significant impacts and therefore should be discussed in the same impact statement”, and

requires an EIS in such circumstances. 40 CFR Sec. 1508.25(a). In addition, NEPA regulations state that “Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 CFR Sec. 1508.27(b)(7).

4: The proposals do not appear to have gone through the proper process of public notification and comment under NEPA. Nowhere can we find these proposals on the Sequoia National Forest’s online Projects page, nor can we find them on the forest’s current Schedule of Proposed Actions. Please withdraw the current proposals until after proper public notice and comment have been solicited.

5: The Forest Service’s 10/31/16 press release states that trees “deemed as hazards” would be felled, and many removed, “within 300 feet of the road”, citing to the Forest Service’s “Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region”. However, these guidelines do not identify a zone of such huge width—a 600-foot wide swath (300 feet on each side of the roads). In fact, the Guidelines describe hazard trees as trees that could actually fall on the road. Is an 80-foot tall snag that is located 200 feet away from a road, on level ground, a hazard tree? Or a 120-foot tall snag located 290 feet from a road on level ground? How about a 120-foot tall snag located 100 feet from a road, but down a steep slope far below the road, and leaning downslope away from the road? The logging proposal, as described in the press release, is far too broad and does not even follow the Guidelines. Moreover, the Guidelines themselves have never undergone a NEPA analysis through an EIS, so reliance on them is improper under NEPA. We are also concerned about the Forest Service’s comment, via email, regarding trees deemed hazardous to workers, since in reality such trees are only a tiny fraction of snags--i.e., those with clear structural instability issues which are at imminent risk of falling. On the Moonlight fire for example, in a 4000-acre or so roadside hazard tree logging project, the Forest Service only identified just a couple of dozen such trees. Yet the Sequoia National Forest’s description does not indicate that the agency would be limiting felling of such operational-hazard trees to trees with obvious instabilities. In fact, nothing in the Forest Service’s communications so far describes any criteria for such trees, which increases our concerns about unnecessary felling, and potentially 600-foot-wide clearcuts in California spotted owl, Pacific fisher, and Black-backed woodpecker habitat.

6: We also request that you fully consider action alternatives that would: a) limit hazard tree felling to trees that are likely to fall and hit the road in question; b) leave all or most felled trees on the ground as large downed log habitat for wildlife; and c) drop the roadside logging proposed in the Giant Sequoia National Monument along roads 24S93, 24S94, 24S93A, and 24S93B, as these roads are dead-end old logging roads that are not necessary for access to trails, campgrounds or inholdings (e.g., trail 31E60 is accessed from the west, from the road that passes Poso Cabin on the way to Panorama Heights), and instead convert these roads to Maintenance Level 1.

7: To the extent that proposed tree felling along roads in the Sequoia Monument would be associated with removal of trees (as opposed to leaving them on the ground), this does not appear to be consistent with the Giant Sequoia National Monument Proclamation, or the management plan for the Monument, since “removal” of the trees would not be “clearly needed” either for public safety or ecological restoration—even in areas where the minimum downed log standards

would be met or exceeded by the levels of downed logs that would occur after hazard tree felling. In your email communications in early December 2016, Forest Service staff stated that, in the GSNM, after hazard trees are felled, they would be removed to avoid “excessive fuel loading.” However, the Forest Service does not explain what level (e.g., tonnage/acre) of downed logs would be deemed “excessive”; nor does the agency cite to any science to support the notion that large downed logs—which have an extremely low surface area to volume/mass ratio and, therefore, are not very relevant to flaming combustion—are somehow a significant driver of fire intensity.

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