



October 30, 2018

Jason Kuiken Forest Supervisor Stanislaus National Forest 19777 Greenley Road Sonora California 95370

Ray Cablayan District Ranger Calaveras Ranger District Stanislaus National Forest PO Box 500 Hathaway Pines, California 95233

# Re: Comments on the Arnold-Avery Healthy Forest Restoration Project

Dear Jason and Ray:

Sierra Forest Legacy and Foothill Conservancy are writing to express our dissatisfaction with the collaborative process and final decision on the Arnold-Avery Healthy Forest Restoration Project (Arnold Avery Project). Our organizations support active forest management and we believe the Arnold Avery Project area is not in a resilient condition. We are not questioning the need for active management. Rather, it is the intensity of the treatments proposed and the Calaveras Ranger District's disregard for the collaborative process and the general lack of responsiveness to our questions and concerns that are at issue. In addition to our concerns about the collaborative process, the project decision violates Standard and Guideline 7 of the 2004 Sierra Forest Plan Amendment (2004 SNFPA). The district is aware of our concerns and has not brought the project before the Amador-Calaveras Consensus Group (ACCG) for a consensus decision. Despite not having the support of the collaborative, the district intends to use Collaborative Forest Landscape Restoration Program (CFLRP) Cornerstone Project funds to implement the project. As founding members of the ACCG, we believe that using CFLRP funding to implement a project that does not have the support of the ACCG is an affront to the time and resources we spent helping to secure those funds and engaging in the process. We also view this as a potential violation of the Collaborative Forest Landscape Restoration Act.

## Collaboration

It has been demonstrated time and again in ACCG that there is less controversy when projects are developed collaboratively prior to scoping. Due to the lack of collaborative engagement prior

to scoping on behalf of the Forest Service and the collaborative's inability to achieve consensus on several recent projects, we organized a meeting between the Eldorado and Stanislaus Forest Supervisors, the Regional and Deputy Regional Foresters, Calaveras Healthy Impact Product Solutions (CHIPS), and the conservation organizations that attend ACCG to discuss these issues. At the meeting on January 11, 2018, we used the development of the Hemlock Project on the Calaveras Ranger District as an example of how best to collaboratively develop projects in ACCG. We stressed that it was essential to the success of the Hemlock Project that the project description was developed and had ACCG support prior to NEPA scoping. Our understanding from that meeting was that the group gathered agreed to develop future projects consistent with the methods that were used to develop the Hemlock Project. Despite this commitment, the ACCG was neither engaged nor consulted during project design or prior to scoping for the Arnold Avery Project.

When we raised our concerns with the district that the project was not collaboratively developed prior to scoping, as was done in the Hemlock Project, the district responded that they were not aware of how the Hemlock Project was developed or the commitment by the Stanislaus Forest Supervisor to follow that model. The district stated that they were under pressure to move the project through NEPA to achieve timber targets and there was no time to develop a project collaboratively. It was also suggested that the district provided the ACCG with an opportunity to develop a project description for the Arnold Avery area prior to scoping, but the group did not take the opportunity to do so. We do not believe that it would be practical or efficient for the ACCG to create a project for the U.S. Forest Service without the agency taking the lead in coordinating such an effort. Such a response also demonstrates a fundamental misunderstanding of the district's role in the collaborative. The district is not separate from the collaborative. The district is itself a member of the collaborative.

In our scoping comments and throughout the process, we provided thoughtful, science-based information developed by U.S. Forest Service scientists demonstrating that effective fuel treatments need not degrade spotted owl habitat and that the proposed treatment intensity in Arnold Avery was excessive from a wildfire fuels perspective. The district disregarded this information, but did not provide any substantive information on which to base their disregard.

To try to resolve the issue we raised regarding the intensive treatment intensity in the spotted owl PAC Protected Activity Center (PAC), we attended a field visit to a portion of the spotted owl PAC proposed for treatment to discuss which trees >16 inches dbh might need to be removed to reduce wildfire hazard. After several hours in the field, three cedar trees >16 inches dbh were identified that could be considered ladder fuels due to the presence of branches that reached the forest floor. These were the only trees >16 inches dbh identified by district staff as potentially creating a fuels hazard. As a result of the field visit, staff agreed to a 16-inch dbh limit in the PAC, with exceptions for ladder-fuel trees 16-24 inches dbh. Although the science we submitted to suggest that one rarely needs to remove trees >16 inches dbh was upheld on the site visit, staff suggested that the situation we encountered on the field trip was a one-off.

Throughout the process we requested information from district staff, including stand data and spotted owl survey data. Our requests were repeatedly ignored. We also sent at least a dozen emails raising our concerns about the project's effects on spotted owls, the need for consistency with the forest plan, and to provide science demonstrating that addressing fire resilience and

forest health did not require the treatment intensity proposed. We did not receive a response from the district. In fact, the only piece of information ever cited to suggest that canopy cover must be modified to reduce wildfire hazard was Agee and Skinner (2005). However, we pointed out that this paper also found that that reducing canopy cover may not be necessary and asked that the following quote from the paper be included in the decision memo, "Some effective fuelbreaks had only surface fuels and ladder fuels treated, with residual canopy cover exceeding 60– 70% (Fig. 8). Even though canopy bulk density was insignificantly reduced, fire severity was significantly reduced, suggesting that reductions in canopy bulk density are not always needed to reduce wildfire severity." (Agee and Skinner p. 9, emphasis added) Our request for the inclusion of this statement in the decision memo and acknowledgement that the paper stated this were ignored.

### The Arnold Avery Project Violates Standard and Guideline 7

The Arnold-Avery Project includes reducing canopy cover to 40% on all 528 acres of spotted owl Home Range Core Area (HRCA) habitat proposed for commercial harvest. Standard and Guideline 7 in the 2004 SNFPA Record of Decision (pgs. 50-51) pertains to mechanical thinning treatments and canopy cover retention in HRCAs and states (emphasis added):

"Within California spotted owl Home Range Core Areas: Where existing vegetative conditions permit, design projects to retain at least 50 percent canopy cover averaged within the treatment unit. **Exceptions are allowed in <u>limited</u>** <u>situations</u> where additional trees must be removed to adequately reduce ladder fuels, provide sufficient spacing for equipment operations, or minimize re-entry. Where 50 percent canopy cover retention cannot be met for reasons described above, retain at least 40 percent canopy cover averaged within the treatment unit."

Our scoping comments provided considerable science information demonstrating that surface and ladder fuels are the primary wildfire fuels concern in the Sierra Nevada and ladder fuels are rarely trees >16" dbh (North et al. 2009), canopy cover need not be reduced significantly to provide an effective fuel break (Agee and Skinner (2005), open-canopied forests can be more fire hazardous and less resilient than closed canopied forests (Thompson and Spies 2009, Fry et al. 2015), and logging trees >12" dbh does not increase fire resilience or treatment longevity (Collins et al. 2011). At no time has the Calaveras Ranger District provided any information demonstrating that it is necessary to reduce canopy cover to 40% or engaged with us to discuss these concerns. This practice of reducing canopy cover to 40% in HRCA habitat in the WUI is not universally practiced by the Forest Service in the Sierra Nevada. For example, there is not a project on the entire Eldorado National Forest that we are aware of that this level of treatment intensity in HRCAs has been proposed, despite having the same forest species composition, similar topography, and many projects that occur in the defense zone of the Wildland Urban Interface.

Not only did we provided considerable science information demonstrating that canopy cover need not be reduced to achieve fire resilience or to minimize re-entry, the exception to the 50% canopy cover retention criterion is only allowed in **limited situations**. The Calaveras Ranger District stated that a limited situation was triggered because the HRCA habitat intersected with the Wildland Urban Interface (WUI). However, Blakeseley et al. (2010) found that

approximately 50% of California spotted owl territories are associated with the WUI. Given this, by no logical means does the fact that HRCA habitat overlaps the WUI constitute a "limited situation." A desired condition for Home Range Core Areas is to have "at least 50-70% canopy cover." (2004 SNFPA ROD, p. 46) Therefore, under the current management belief of the district, approximately half of all HRCAs must be logged to a level that does not allow the HRCA land allocation to achieve desired conditions.

Moreover, it has not been explained why, in these HRCAs, "additional trees must be removed to adequately reduce ladder fuels, provide sufficient spacing for equipment operations, or minimize re-entry." Thus, the exception to Standard and Guideline 7 being invoked by the district for any and all HRCA acres being logged to 40% canopy cover in the Arnold-Avery Project remains undefined. We asked on numerous occasions what exception to this standard and guideline was being invoked. We only received a verbal response that it was being done for ladder fuels and to minimize reentry. When asked what specific information was being relied on for each logging unit in HRCA habitat, we were not provided an answer.

We also attempted to discuss forest health issues in the project area with district and forest staff. According to the stand data used to develop the project, many of the treatment units have relatively low Stand Density Index (SDI) levels, with many units having SDI values less than 250, well below 60% of SDImax, despite not having been thinned or logged for many decades. However, almost all of the issues we raised in our emails on forest health regarding the stand data were ignored. On Monday October 1, we were invited to attend a meeting with Stanislaus National Forest staff to discuss the forest health issues in the project area. After agreeing to meet staff in Sonora immediately after being invited, we learned that the decision memo had already been signed. Clearly, the Forest Service had no intention of making any changes to the project description as a result of stakeholder input and collaborative involvement.

## Using CFLRP Money to Fund Arnold Avery

In early 2011, the Amador-Calaveras Consensus Group submitted its Cornerstone Project to Region 5 Leadership, seeking funding under the Collaborative Forest Landscape Restoration Act. The application could not have been completed without the considerable efforts of non-FS members of the collaborative, including our organizations. In 2012, the project was selected for funding. Since then, the Calaveras Ranger District has developed a variety of projects that have used CFLRP funds for implementation, including the landscape-scale Hemlock Project. Prior to Arnold-Avery, the district planned and developed individual projects with active participation and review from the ACCG's Planning Workgroup at all stages of project development. Before projects were finalized, they were brought forward by the workgroup to the full ACCG for what the previous CFLR Coordinator called "concurrence." This process ensured that CFLR funds were spent only on projects substantially agreed to by the full ACCG.

The decision memo for Arnold-Avery was signed without the Calaveras Ranger District receiving concurrence from the ACCG Planning Workgroup, and the project was never brought to the full ACCG for concurrence. Consequently, we were shocked to learn that the STF plans to use CFLR funds for at least a portion of the project implementation. We consider this a potential violation of the CFLRA statute, a violation of the intent of the CFLRA, and definitely a breach of trust with the non-FS members of the ACCG. This is the first time in the history of the

Cornerstone Project that the FS has chosen to use CFLR funds for a project without the concurrence of the full ACCG. As organizations who have supported continued funding for the CFLRP in Washington, we find this truly egregious.

#### Conclusion

We are very concerned about how the Arnold-Avery Project was developed, its failure to use best science or comply with the forest plan, and the decision to move forward with CFLR funds without ACCG consensus. We believe it to be a clear violation of commitments made by Region 5 and Stanislaus officials and a slap in the face of those of us who have collaborated in the ACCG for nearly 10 years to improve forest management in our region.

We would like to know if this is how the Stanislaus intends to work in the future, and if not, what changes you will make to work collaboratively with the ACCG and follow longstanding ACCG practices and the decision processes laid out in the ACCG MOA.

Thank you for your time and attention. Please direct any questions or comments to Ben Solvesky (ben@sierraforestlegacy.org; 928-221-6102).

Sincerely,

Ben Solvesky Sierra Forest Legacy

Katherin K. Watt

Katherine Evatt Foothill Conservancy

Cc: Regional Forester Randy Moore Deputy Regional Forester Barnie Gyant Director of Ecosystem Planning Al Olson Deputy Forest Supervisor Scott Tangenberg Steve Wilensky, CHIPS

### References

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