May 22, 2019

Merv George (Reviewing Officer)
Forest Supervisor
Rogue-River Siskiyou National Forest
Attn: 1570 Appeals and Objection
3040 Biddle Road
Medford, OR 97504

Sent via email to <objections-pnw-rogueriver-siskiyou@fs.fed.us> and hand delivered paper copy with attachment to Forest Service office at 3040 Biddle Road.

Re: Objection of Upper Briggs Restoration Project
https://www.fs.usda.gov/project/?project=45593

Dear Supervisor George:

In accordance with 36 CFR 218 36 CFR 218 Subpart A and B , the Klamath-Siskiyou Wildlands Center (KS Wild), Oregon Wild, and Cascadia Wildlands object to draft decision notice (DN) described below.

DOCUMENT TITLE: Draft Decision Notice Upper Briggs Restoration Project issued by Wild Rivers Acting District Ranger Scott Blower dated April 18, 2019.

LEAD OBJECTOR: The Klamath-Siskiyou Wildlands Center is lead objector.

PROJECT DRAFT DECISON DESCRIPTION: The Draft Decision would implement the proposed action as described in the EA (chapter 2) and modified with Appendix A. The proposed action will conduct landscape and watershed restoration on approximately 4,017 acres. Thinning treatments would focus on trees less than 120 years of age that would not have been exposed to frequent fires. EA:22.

- Develop and Enhance Late Seral Habitat (DELSH) with various types of commercial logging on approximately 1,000 acres (e.g., group selection, patch creation, variable density thinning, and radial thinning; EA: 15,305).

- Restore pine-oak plant communities with variable density thinning and radial thinning on 706 acres.

- Reduce canopy cover and create openings for shade-intolerant sensitive plants with commercial logging on 42 acres.

- Remove (log) all encroaching conifer trees and shrub species to restore and maintain meadow boundaries on 188 acres. Utilize broadcast burning to replicate natural meadow disturbance processes.

- Use variable density or radial thinning, group selection, prescribed fire, directional falling, and/or targeted herbicide use to improve the diversity and composition of plant species within the riparian reserve on 55 acres. (EA:16,305)

- Create and maintain strategically located Fuel Management Zones (FMZ) with variable density thinning, patch cuts, and fuels treatment on ridgelines (711 acre) and roadsides (713 acres). EA:305

- Decommission existing road segments totaling 11.1 miles and place 1.6 road miles into storage (EA:30).

- Construct and decommission no more than 0.61 temporary roads (EA:131).

- The decision would also approve the Briggs Creek RTV Plan as a connected action. DN:3

PROJECT LOCATION (Forest/District): The analysis planning area encompasses approximately 24,650 acres located about 11 miles west of Grants Pass, Oregon in the Wild Rivers District of the Rogue River-Siskiyou National Forest. EA:6-7.

NAME AND TITLE OF RESPONSIBLE OFFICIAL: Wild Rivers Acting District Ranger Scott Blower

REQUEST FOR MEETING TO DISCUSS RESOLUTION: The Klamath-Siskiyou Wildlands Center, Oregon Wild and Cascadia Wildlands request a meeting to discuss potential resolution of the issues raised in this objection.

NARRATIVE DESCRIPTION OF THOSE ASPECTS OF THE PROPOSED DECISION ADDRESSED BY THE OBJECTION: We object to the commercial removal and sale of trees from all units except for variable density thinning in plantations or units less than <80 years as depicted in alternative 3.

SUGGESTED REMEDIES THAT WOULD RESOLVE THE OBJECTION:

We suggest the following remedy be incorporated into the final decision: Commercial tree harvest in units 2,9,21, 22 and 23 and would be dropped from final decision and not included in any timber sale planning in the foreseeable future.

The intent of this remedy is to make the decision more environmentally preferable and socially acceptable while harvesting a substantial amount of timber from remaining units to meet the purpose and need of the project. These five units are not located on ridges where NSO use is

low and fire danger is high. These units are located on the Briggs Valley floor and immediate lower slopes which are preferred use areas by NSO and hikers. Luke Rudiger (Klamath Forest Alliance) reported to the Forest Service a NSO observed in October 2018 while hiking a trail near these units. These units have demonstrated resilience to fire by exhibiting beneficial effects from the Taylor Fire which reduced understory vegetation and created desirable small clumps of tree mortality and openings (EA:301).

We believe the Taylor fire has put these units on a trajectory towards desirable old growth/RA 32 habitat conditions for NSO with increased resilience to future fires. We do not believe any commercial harvest is necessary in these units. In addition to NSO, these units have numerous red tree vole nests that could serve as high priority sites in the RTV Plan and help compensate for HPS lost from the fire. Finally, these units have extremely high recreational value as they are interspersed with the tallest Ponderosa pines in the world. People flock from Grants Pass to visit and obtain high quality nature experiences by hiking in these Briggs Valley forests, many of which are currently in a pristine state. Unlogged primary forests are becoming increasingly rare. Due to relatively flat terrain in the Briggs Valley, sparse brush, and no poison oak, people can go off trail for wilderness-like experiences. R. Nawa uses these forests for Siskiyou Field Institute classes because of their pristine, unlogged condition.

Photo 1. Briggs unit 2. The proposed action would log some of these large (20-40 inch DBH) fire resistant trees to reduce canopy to 60 percent to produce timber volume. This unit already has desirable old growth features in critical NSO habitat. NSO and rare plant habitat benefited from the fire. We do not believe it is necessary to have commercial logging in this unit with this decision. Photo by R. Nawa on May 22, 2018.

Photo 2. Briggs unit 9. The proposed action would log some of these large fire resistant trees to reduce canopy to 60 percent to produce timber volume. We expect that the two largest legacy trees in the photo would be retained. Forest structure in unit 9 is about as good as it gets as illustrated and is on a trajectory to improve through ongoing natural decadence and fires. This unit benefited from the 201 fire through reduced understory vegetation. We recommend the final decision drop this NRF unit in critical NSO habitat from commercial treatments. Photo by R. Nawa on May 22, 2018.

DESCRIBE HOW THE OBJECTIONS RELATE TO PRIOR COMMENTS: We identified environmental, legal and policy conflicts with proposed commercial harvest in our June 7, 2016 letter and during a June 1, 2016 field trip. We also raised concerns with the adequacy of the NEPA analysis in our comment letter. Oregon Wild submitted a scoping comment. We also submitted a detailed 12 page technical letter dated December 5, 2018 about new information/changed circumstances due to the fires.

SPECIFIC OBJECTION ISSUES RELATED TO THE PROPOSED ACTION AND THE RED TREE VOLE CONSERVATION PLAN:

1. **We object to the Finding of No Significant Impact (DN p. 10). We identify several impacts that when considered singly or collectively would require an Environmental Impact Statement.**

The degree to which the effects are likely to be highly controversial.

The DN:10 falsely states **"**The nature of potential effects of forest management activities proposed in this project is well established and not likely to be highly controversial in a scientific context."

Downgrading NSO Habitat and taking 4 NSO for purported reduced risk of fire
The assertion that proposed logging that downgrades NSO NRF habitat is a scientifically established treatment to "increase development of high quality NRF habitat and increased fire resilience" is highly controversial in the scientific literature. Several scientists disagree with this premise with published findings in the scientific literature. Odion et al. (2014:37) state that

> "[e]ven if rates of fire increase substantially, the requirement that the long-term benefits of commercial thinning clearly outweigh adverse impacts is not attainable with commercial thinning in spotted owl habitat. It is also becoming increasingly recognized that exclusion of high-severity fire may not benefit spotted owls in areas where owls evolved with reoccurring fires in the landscape… Spotted owls evolved with fire in the Klamath Region (see Clark et al. 2013)."

Odion et al. find that contrary to statements in the EA/DN, the long term benefits of thinning do not outweigh the adverse impact of downgrading NSO habitat.

New information by Lesmeister et al. 2019:16 states:

"Management actions employed in dry forest types to reduce wildfire risk may not work equivalently in mixed-severity regimes. Active management actions that include mechanical treatments degrade suitability of forests for nesting and roosting by northern spotted owls (Lesmeister et al. 2018) and may not always decrease risk of high-severity fire. "

Similar to Odion et al., Lemeister cautions that thinning may degrade NSO habitat with no reduced susceptibility to high severity fire.

We do not assert that all Forest Service projects that thin NSO habitat to reduce fire danger are "likely to be highly controversial". Controversy for this decision is heightened because it would result in the incidental take of four adult and any associated young spotted owls. (BiOp 62). We assert that an EIS would provide for more in depth analysis of the tradeoffs and disclosure of countervailing analysis as intended by the NEPA,

We assert that the EA does not provided a convincing science based argument that purported long-term benefits of "increased development of high quality NRF habitat and increased fire resilience from strategic fuel treatments throughout the watershed" outweigh the downgrading of critical NRF habitat that results in 4 takes.

The Response to Comments p.19 states that the project BO provides an explanation of the trade off of owl take and commercial thinning for fuel reduction (BO pp 33-42). The BO describes the trade-off but does not provide any discussion that supports the DN statement that the "the nature of potential effects of forest management activities proposed in this project is well established and not likely to be highly

controversial in a scientific context." The BiOp's purpose is to provide compliance with section 7 of the ESA. A BiOp is not intended to substitute for lack of analysis in the EA.

Red Tree Vole Conservation Plan

The RTV Plan is inherently controversial because this is the first time the Forest Service has developed a RTV Plan that would eliminate required protection of known sites, required surveying and subsequent protective management for RTV that has been the standard protocol for implementing forest management projects for decades. The RTV Plan was reviewed by Region 6 scientists, Mr. Huff and scientists at the Pacific Northwest Research Station prior to inclusion in the decision. This amount of review demonstrates the RTV plan is scientifically controversial and is not a routine district level scientific determination. The RTV Plan is scientifically controversial because it asserts that red tree voles will have a reasonable assurance of persistence without conducting pre-disturbance surveys and subsequent protection of known sites within Briggs project units proposed for logging. The red tree vole data used to develop the RTV Plan was not collected to develop a RTV Plan. The RTV distribution data is only applicable to a small part of the Briggs Creek Watershed. The RTV Plan relies on presence/absence data which has limited usefulness in modeling future populations and trends. The RTV Plan and supporting data fails to estimate RTV population abundance in the Briggs Creek Watershed or population trends. Implementing a RTV Plan whose primary effect will be to reduce RTV habitat and populations due to logging their habitat must be considered highly controversial since it creates new risks to viability and distribution of the RTV (in addition to substantial loss of habitat due to fires) with no substantive benefits whatsoever. We assert that an EIS is needed to adequately evaluate the increased risk to RTV from implementing the RTV Plan and abandoning previous survey and manage protocols that provided scientific certainty by protecting all known sites from logging.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The DN p. 10 falsely states that **"**The effects on the human environment from the action alternative are not uncertain and do not involve unique or unknown risks. All proposed actions are standard practices that have been previously implemented with known cause and effect relationships."

Downgrading NSO Habitat and taking 4 NSO for purported reduced risk of fire

The assertion in the EA that the downgrading of 550[1] acres of NRF habitat is outweighed by alleged future benefits to habitat and reduced fire risk is highly uncertain. The EA/Decision does not provide a convincing science based argument or actual analysis that purported long-term benefits of "increased development of high quality NRF habitat and increased fire resilience from strategic fuel treatments throughout the watershed" outweigh the downgrading of 509[1] acres of critical NRF habitat that results in 4 takes. Scientists find that the adverse

[1] The timber harvest NRF acres in the Draft Decision was reduced to 358 acres because some NRF units were dropped due to >50% basal area fire mortality (EA p.324).

impacts to NSO are certain but the alleged benefits are uncertain. Odion et al. (2014:37) state that "[e]ven if rates of fire increase substantially, the requirement that the long-term benefits of commercial thinning clearly outweigh adverse impacts is not attainable with commercial thinning in spotted owl habitat. It is also becoming increasingly recognized that exclusion of high-severity fire may not benefit spotted owls in areas where owls evolved with reoccurring fires in the landscape."

The Response to Comments p.19 does not directly address sophisticated analysis and conclusions stated in Odion et al. 2014 but instead defers to statements in the BiOp that identify NSO habitat losses from fire. We do not assert that fire is not reducing NSO habitat but it must be recognized that NSO in the project area evolved with fire (see Clark et al. 2013). Thus there is uncertainty about the alleged benefits of reducing fire which are not adequately discussed in the EA. For example, effects of future fires are highly uncertain since fire can both improve and degrade NSO habitat as demonstrated by the 2018 Taylor Fire. Even high intensity fire has been found beneficial to NSO.

New information reported by Lesmeister et al. 2019 further confirms that adverse impacts from thinning are certain while purported benefits are uncertain. Lesmeister et al. 2019:16 states: "Management actions employed in dry forest types to reduce wildfire risk may not work equivalently in mixed-severity regimes. Active management actions that include mechanical treatments [e.g. proposed thinning] degrade suitability of forests for nesting and roosting by northern spotted owls (Lesmeister et al. 2018) and may not always decrease risk of high-severity fire. " (emphasis added)

Finally, the BiOp identifies uncertainty for purported benefits from thinning due to the large scale of the project and uncertain response from barred owls, a known competitor of NSO.

The BiOp p.40 states:

> "Many of the Upper Briggs' treatment units are contiguous and/or spatially woven together with other types of treatments and it is unclear to what degree this may influence spotted owl use of habitats. There is uncertainty in both the prey and spotted owl response to this much treatment, and it is likely not insignificant and discountable." (emphasis added)

The BiOp p. 41 further states:

> "Considering these potential changes to prey and observed responses of spotted owls to barred owls, we are uncertain how spotted owls in the action area will use the habitats or where they may be in future years, but we assume that the availability of untreated habitat in the action area ameliorates or can potentially offset the negative influence of barred owls. The largest blocks of untreated habitat will be retained in this landscape can potentially provide a place for spotted owls to occupy." (emphasis added)

The BiOp was written prior to the loss of NSO habitat by the 2018 fire. The assumed availability of untreated habitat has been substantially reduced by the 2018 fire which increases uncertainty about the benefits of treatment.

We acknowledge that the NSO Recovery Plan includes recommendations to thin NSO habitat to reduce fire danger but this does not excuse the Forest Service from NEPA requirements when implementing this recommendation on a large scale in an area that has been affected by several fires. Similarly a BiOp does not excuse the Forest Service from NEPA requirements when implementing the thinning recommendation on a large scale. In addition, new information has become available since the 2011 Recovery Plan was released that points to uncertainty of benefits when implementing the NSO Recovery Plan thinning recommendation with large scale thinning project that downgrades 550 acres of NRF habitat to the extent that there are four owl takes. Again we wish to reiterate that we are not asserting that every Forest Service thinning project to reduce fire risk requires an EIS, however, this project due to its large size and NSO take determination rises to the requirement for an EIS.

Post-harvest Windthrow (aka "blowdown")

Much of the thinning will occur on ridgetops where windthrow is likely to be a factor. The EA: 244 discusses adverse impacts from wind in the no action by stating "As time progressed in the buffer zone, there would be fewer trees in the understory due to shading; and trees would be very tall in comparison to their diameter, increasing the risk for stand collapse from breakage due to snow and wind events." The EA:235 states "Tree height to diameter ratios would increase, leading to higher risk of snow and or wind breakage" with the no action alternative. Action alternatives also increase risk for windthrow. For example, saddles on ridges funnel the wind and would cause units located at those locations to be at high risk of windthrow. Proposed thinning of trees on ridges will lead to risks of windthrow that could cause the stand to fall below the 40% canopy and greatly increase fuel loading. BLM 2015 has documented that post-harvest windthrow has caused many units to fall below NSO canopy retention standards. The amount of windthrow of residual trees post-harvest for this project is uncertain but could be substantial. We assert that the proposed action may not be able to meet canopy retention standards in the BiOP due to uncertainty about post-harvest windthrow.

Red Tree Vole Conservation Plan

The concurrent development of the RTV plan and its implementation with this project creates scientific uncertainty. The RTV Plan is a major divergence from previous management to conduct pre-disturbance RTV surveys and protect known RTV sites with 10 acre no cut buffers. This management provided near certainty that RTV would persist in areas where they have existed in the past (i.e. no change from baseline conditions). The RTV plan would allow thinning at previous known occupied sites and thinning in unsurveyed areas. These actions have uncertain consequences for RTV at the affected sites which is not discussed in the EA. In lieu of ten acre no cut buffers,the proposed action would retain known nest trees and adjacent 'touching' trees. This major reduction in habitat retention has uncertain impacts since this proposed action management prescription for known RTV sites has never been implemented or monitored. There are no monitoring or research results from this novel proposed RTV management.

Trends of RTV abundance and known distribution is extremely limited. The RTV plan and its implementation creates additional uncertainty about future abundance and trends of RTV in the project area. We assert that the uncertainty about impacts of implementing the RTV plan concurrently with this project creates uncertainty that merits an EIS.

The assertion in the RTV Plan that RTV have a reasonable likelihood of persisting in the Briggs Creek 5th field watershed (despite adverse impacts from the proposed thinning and fire mortality) does not excuse the Forest Service from NEPA analysis for the project area which has considerable uncertainty as compared to past management that surveyed and protected RTV with 10 acre no cut buffers. In other words, alleged compliance with 2001 Survey Manage ROD via the RTV Plan does not mean that NEPA compliance via an EIS is not warranted for project implementation due to uncertainty of impacts over a large management area of several thousand acres.

The statement in the DN that "All proposed actions are standard practices that have been previously implemented with known cause and effect relationships" is obviously false because the RRSNF or any other Forest has never implemented a RTV Plan that allows thinning of known RTV sites and elimination of pre-disturbance surveys for proposed thinning units in suitable RTV habitat.

2018 Fires

Despite the Changed Condition Review, we believe the cumulative effects of the 2018 fire and proposed action are **"highly uncertain or involve unique or unknown risks"** due the magnitude and extent of the fire and large project size. There has been no intensive monitoring of fire effects. The short term and long term effects of the fire on NSO, fisher, red tree vole cannot possibly be adequately determined with a few field visits last fall (EA 295). Although it is stated in the LOC that NSO core areas are not expected to shift significantly, the adjustment of NSO home ranges is common post fire. For example, approximately 69,000 acres of NSO habitat was lost from the fires in KLW-2. We assert that it uncertain to what extent NSO from this vast burned area may occupy areas thought to be of "low use" for NSO in the project area but are proposed for thinning. We assert that that there is uncertainty about the need to retain additional habitat in the project area to meet anticipated NSO needs due to vast areas of NSO habitat lost by fires. Compliance with the ESA with the LOC does not mean there is no uncertainty about habitat impacts to NSO. It would seem that the fire impacts to critical habitat unit KLW-2 would be an incentive to eliminate any NSO takes for this project with a thorough analysis in an EIS. Similarly the red tree vole has lost substantial amounts of habitat and known nest sites but there has been no increases in HPS with the RTV plan.

Tree mortality due to the fire will continue for at least 5 years creating uncertainty about possible overcutting that would result in canopies falling below the 40% standard in the BiOp for dispersal habitat. The changed condition review does not describe how post fire tree survival can be established when tree mortality will be ongoing for several years. Baseline live TPA is unknown/uncertain for fire affected units but proposed action moves forward with decision to conduct substantial green tree logging.

We believe that uncertainty created by the 2018 fires and other factors presented in this objection requires an EIS. The Changed Condition Review (Appendix A) tacked on to the end of the pre-fire EA is clearly not adequate for a project of this size with significantly changed conditions for the KLW-2 NSO area.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The DN p. 11 falsely states that **"**The action will not establish a precedent for future actions with significant effects, because it conforms to all existing Forest Plan direction.*"*

The RTV plan p. 17 states "The red tree vole plan enacted for the Briggs Creek fifth-field watershed provides management direction for red tree voles in the watershed until updated, replaced or removed through a new project NEPA decision (Huff 2016:24). The expected longevity of the RTV Plan is 15 years." Contrary to what is stated in the DN, the RTV plan establishes a precedent for future forest disturbance activities in portions of the Briggs watershed which would allow these actions to proceed without conducting pre-disturbance surveys or protecting known sites with ten acre buffers (see EA:360 Map illustrating non-HPS areas in light gray/green color).

Cumulative effects. No significant cumulative effects have been identified.

Northern Spotted Owl

The EA failed to analyze probable cumulative effects from increased barred owl competition with NSO due to the proposed action and reduced "owl" habitat due to 2018 fires. The 2017 BiOp p. 41 states:

"Considering these potential changes to prey and observed responses of spotted owls to barred owls, we are uncertain how spotted owls in the action area will use the habitats or where they may be in future years, but we assume that the availability of untreated habitat in the action area ameliorates or can potentially offset the negative influence of barred owls. The largest blocks of untreated habitat will be retained in this landscape can potentially provide a place for spotted owls to occupy."

The 2017 BiOp was written prior to the loss of NSO habitat by the 2018 fires. The assumed availability of untreated habitat has been substantially reduced by the 2018 fire which increases the potential for adverse competition between NSO and barred owls. The EA failed to consider increased barred owl competition as a cumulative impact. The Changed Condition Review does not address barred owl/NSO competition that would be expected to increase due to large areas of habitat lost to fires (i.e. 60,000 acres lost in NSO critical habitat unit KL-2)

Red Tree Vole

Although the Red Tree Vole Plan was modified due to the 2018 fire to exclude areas severely affected by fires (EA:320) there is no discussion in the Changed Condition Review of how the cumulative effects of reduced protection for RTV in the proposed action (non HPS designations) and loss of suitable habitat due to the fire would affect Red Tree Vole distribution and abundance in the project area. The revised RTV plan (although necessary) does not provide for required cumulative impact analysis in the EA.

The EA also fails to discuss cumulative impacts from the implementation of other RTV plans for 5th field watersheds that would reduce existing protections at the RRSNF scale. For example, the soon to be released Shasta Agness project DEIS will have a similar RTV plan based on Huff 2016 which will likely exempt proposed thinning units from existing protections by designating areas containing the units as non-HPS.

Degree action may adversely affected endangered or threatened species or its habitat that has been determined to be critical under the ESA.

The DN p. states "Implementation of the proposed action is likely to adversely affect spotted owl critical habitat due to activities that will result in the downgrade 509[2] acres and remove 16 acres of NRF habitat in the KLW-2 critical habitat subunit." The DN fails to report that the proposed action will result in the incidental take of four adult and any associated young spotted owls. (BiOp 62). We assert that downgrading of substantial acres of NSO critical habitat resulting in the take of four NSO is a significant action requiring an EIS (as was confirmed in the White Castle court decision Case No. 6:14-CV-0110-AA). The DN asserts that since the proposed action complies with recommendations in the final critical habitat rule the impacts are not significant. Mere compliance with the procedural requirements of the ESA does not excuse the Forest Service from disclosing significant impacts (i.e. take of 4 NSO) in an EIS.

This action does not threatened a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The adoption and implementation of the Red Tree Vole Conservation Plan Briggs Creek Fifth-field Watershed in this draft decision violates the 2001 survey manage ROD. We assert that the Red Tree Vole plan is invalid for reasons identified below (#2-#8) and cannot be used to provide for the elimination of ten acre no-cut buffers for known sites within proposed units

2. The EA violates NEPA by failing to discuss direct and cumulative impacts to RTV habitat and known sites from implementation of RTV plans.

The EA fails to discuss cumulative impacts from the implementation of this RTV plan in combination with other RTV plans for 5th field watersheds in the RRSNF that would reduce

[2] The timber harvest of NRF acres in the Draft Decision was reduced to 358 acres because some NRF units were dropped due to >50% basal area fire mortality (EA p.324).

existing protections. For example, the soon to be released Shasta Agness project DEIS will have a similar RTV plan based on Huff 2016 which will likely exempt proposed thinning units from existing protections by designating areas containing the units as non-HPS.

Statements about "reasonable assurance of persistence" obfuscates the actual reduced RTV protections from logging in the proposed action on hundreds of acres with known RTV nests as compared to no action baseline. For example, comparison tables EA 2.4 fail to compare the number of known RTV site buffers that would be logged with No Action (0 RTV sites affected), Proposed Action (? RTV Sites affected) and Alternative 3 (? RTV sites affected). The decision maker and public are mislead into believing that the RTV Conservation Plan has a net benefit for RTV when the opposite is occurring with the draft decision.

3. **Huff 2016 does not provide for Forest Service districts to develop a "Red Tree Vole Conservation Plan" in recommendations as per 2001 amendment ROD.**

   There are no provisions to develop a "Red Tree Vole Conservation Plan" in the NW Forest Plan, the 2001 amendment to the Survey and Manage standards and guidelines (USDA and USDI 2001) or Huff 2016. The decision is wrong by adopting a "Red Tree Vole Conservation Plan" that is not explicitly defined in the NW Forest Plan, 2001 ROD or Huff 2016 (i.e. there is no definition or direction for developing a "Red Tree Vole Conservation Plan)

4. **The Draft Decision to adopt the Red Tree Vole Plan violates NEPA and the 2001 Survey and Manage ROD because the Wild Rivers District failed to include the anticipated RTV plan in the May 16, 2016 scoping notice for the Upper Briggs Project or a separate scoping notice during 2016 or 2017.**

   The 2001 ROD and Huff 2016 give direction for NEPA compliance when pursuing high priority site recommendations at the project scale to ensure public involvement. No scoping notice was issued for the Red Tree Vole Conservation Plan. Objectors were harmed because they were denied an opportunity to submit scoping comments about the Red Tree Vole Plan prior to its release with the EA. Nearly 2 years passed from May 2016- May 2018 with no public notification or opportunity to comment about the development of the Draft RTV Conservation Plan in a timely manner. A 30 day review period of the RTV plan piggy-backed to the EA is not appropriate compliance with NEPA or direction in the 2001 ROD and/or Huff 2016. NEPA compliance is required to accompany implementation of high priority site recommendations at the project level.

5. **The Draft Decision violates the 2001 ROD because it adopts the RTV Plan which depends on Riparian Reserve land use allocations that are actually managed "not consistent" with Red Tree Vole conservation.**

   Huff 2016 p. 16 states:

> "Management objectives for land-use allocations in the watershed should be evaluated in relation to red tree vole needs. Land-use allocations, or portions thereof, should not be included in this base layer if management of the land-use allocation would include activities that would trigger pre-disturbance surveys (Huff et al. 2012). For instance, in some land-use allocations, management may be desired to provide greater stand resiliency from fire, insects, or drought or to return to an historic ecological condition, and those goals may not necessarily provide short- or long-term conservation for red tree voles."

The RTV plan p.2 states the following:

> **"Connectivity Areas** include small riparian reserves not identified as LUA-RTV and additional habitat corridors in between HPS and LUA-RTV. These areas are at least 300 feet wide and would not likely provide long-term occupancy by a red tree vole population but would provide dispersal habitat to larger patches of habitat. Management of these connectivity areas would not trigger pre-disturbance surveys for red tree voles." (emphasis added)

Contrary to statements in the RTV plan above, the "outer" Riparian Reserve (i.e. outer 175-300 ft) is often logged to 40% canopy which would trigger pre-disturbance surveys for red tree voles. Thus, the RTV plan does not comply with HPS recommendations in Huff 2016 and violates the 2001 ROD.

The RTV plan p. 12 states the following:

> "Late-successional reserve and large perennial stream riparian reserves (>600 ft wide) are the land-use allocations identified as managed consistent with red tree vole conservation in the watershed."

Contrary to this statement in the RTV plan, the "outer" Riparian Reserve (generally the outer 175-300 ft) is often logged to 40% canopy which is not consistent with red tree vole conservation in the watershed. Thus, the RTV plan does not comply with HPS recommendations in Huff 2016 and violates the 2001 ROD.

6. **The Draft Decision violates NEPA because the Forest Service failed to provide a reasonable range of alternatives for the Red Tree Vole plan. An alternative RTV plan with two enlarged HPS designations (that include a cluster of known RTV sites) was submitted by KSWild et al. with EA comment but there is no indication that it was analyzed by the Forest Service during development of the post fire RTV plan. The Forest Service failed to state why the KSWild identification of HPS was not used.**

The Response to Comments p.13 states "There are multiple ways to provide RTV conservation within a watershed, and new information may result in new approaches." Our EA comment

included a modified map from the May 2018 Draft RTV Plan that included clusters of known RTV sites to be designated as High Priority Sites. The area we identified for an enlarged HPS contains older forests that are resistant to stand replacing fires as recommended by Huff 2016. The Forest Service failed to analyze this KS Wild et al. alternative delineation of HPS in the revised 2019 EA or March 2019 Red Tree Vole Plan. The area we identified as HPS survived the fire intact while numerous other areas identified as HPS in the May 2018 Draft RTV plan burned and had to be dropped from the Final RTV Plan. We believe the Forest Service erred by not analyzing the alternative HPS designation we submitted which has proved to be fire resilient. In addition, the Final Red Tree Vole plan failed to identify additional HPS in fire resilient older forests such as the HPS we identified.

7. **The EA violates NEPA because it failed to adequately disclose adverse impacts to Red Tree Voles expedited by the Red Tree Vole Plan which allows for the thinning of previously protected no cut buffers and thinning of suitable habitat with no surveys to identify nest trees. The EA fails to disclose that the proposed thinning will double the RTV losses caused by the fire (i.e. cumulative effect)**

The DN p. 3 states that "this decision would also approve the Briggs Creek RTV Plan as a connected action." Connected actions must be analyzed in the EA as part of the proposed action. The EA failed to report acres of degraded red tree vole habitat and the acres of known site buffers that would be thinned or removed due to the proposed action implementation of the Red Tree Vole plan. The alternative comparison tables EA 19-21 contain no information about RTV sites or habitat affected. The EA failed to disclose the cumulative effect of RTV habitat lost from fire and losses from proposed action thinning. The fire removed 27 known sites (RTV Plan p.11) but this quantitative information was not carried forward into the EA or the Changed Condition Review (which merely indicates that the RTV plan was revised due to the fires [EA:320]). The RTV plan can support but not substitute for required NEPA analysis in the EA.

The Response to Comments (p. 15) states that "Seventeen known sites are not within the HPS or LUA-RTV in this area [adjacent Meyers Creek] and are within alternative 2 treatment units in NSO dispersal habitat." The EA implies that impacts to RTV outside high priority sites will be "minimized" by merely reserving the nest tree and adjacent touching trees (EA:41;172) when science clearly indicates that thinning buffers of known sites to 40-60% canopy will result in decreased RTV abundance and distribution. Protocols for managing RTV sites call for ten acre no cut buffers to maintain canopy to ensure persistence in the long term.

The EA fails to report that the RTV Plan actually maximized impact to known RTV sites by excluding all known sites that occurred in proposed units from high priority site designation. The EA fails to discuss how the Red Tree Vole plan by opening known sites to thinning will exacerbate the 27 known RTV sites lost to the fire and associated suitable habitat (i.e. cumulative effect). The lack of analysis of the adverse effects to RTV in the project area due to implementation of the RTV plan is clearly inconsistent to direction in Huff 2016 and the 2001 Survey and Manage ROD to have RTV high priority site designation effects be analyzed and not merely described and "minimized" in project

NEPA documents. The RTV plan violates the 2001 ROD because it lacks adequate analysis in the project EA about reduced protection from the no action baseline.

8. **The RTV Plan is inconsistent with the 2001 ROD because it is purposely biased in favor of timber production at the expense of RTV persistence.**

The RTV Plan p. 9 states: "All HPS were evaluated for conflicts with other management objectives." Neither the 2001 ROD nor Huff 2016 recommend evaluating high-priority sites for conflicts with other management objectives as this would obviously bias the selection of high priority sites in favor of timber management objectives at the expense of RTV persistence. However, this timber harvest "conflict" or trade-off was obviously the sole factor for eliminating numerous known nest sites from high-priority designation in the Red Tree Vole plan. Known RTV sites in units 2,3,4,6,9,10,15,16, 3b,48,253,504,505,508 and 652 were not identified as high priority sites. Existing minimum ten acre buffers were replaced with "retain the nest tree and adjacent trees" (EA 40). There was no discussion of this trade-off in the EA or the reason for the conspicuous absence of high priority site designations within units.

9. **The Proposed Action is in violation of the NW Forest Plan because it fails to protect known red tree vole sites or comply with survey and manage requirements.**

The Red Tree Vole Plan is not valid for implementation with this project for reasons stated in items 2-8 above.

10 . **The Proposed Action is in violation of the SNF Plan because it proposes to thin trees up to 120 years.**

The SNF Plan IV-136 states that "[c]ommercial thinnings should normally occur between stand ages 40 and 100 years, with the objective of contributing substantial volume during the next 8 to 10 decades, or until around the year 2080." Contrary to this S&G the Proposed Action proposes to thin trees up to 120 years with DELSH treatments (EA:20;Table 7). We note that Alternative 3 would be consistent with the SNF Plan because it would thin trees to 80 years but Alternative 3 was not selected in the Decision. The Decision fails to explain why it chose alternative 2 (that violates the SNF Plan) and not alternative 3 that complies with the SNF.

10. The Proposed Action violates the SNF because it fails to explicitly identify the requirement to buffer meadow boundaries and/or meadow restoration boundaries with 200 ft no cut buffers.

Meadows and meadow buffers must be managed according to Siskiyou National Forest Plan IV-117.:

"***MA9-21*** *Meadows and Meadow Buffers. A forested 200-foot-wide (average) band should be maintained around each meadow one acre or larger (the meadow edge band should be*

at least equivalent to two 'sight –distances", on sight –distance is the distance at which 90 percent or more of an adult deer or elk is hidden form the view of a human). These buffers serve as hiding cover of many wildlife species that use the meadow or meadow –forest edge. Deer and elk populations are supported at or near maximum rates in meadow areas, assuming adequate hiding and thermal cover is adjacent to the meadows. The band is defined as follows:

1. The meadow edge vegetation (within 50 feet of the meadow edge) should generally not be disturbed (vertical habitat diversity is greatest here). Vegetation in the meadow edge may be manipulated , if beneficial to wildlife. For example, when manipulation of vegetation would help restore meadow areas already lost to encroachment: trees which must be killed should be girdled and left standing unless realization of meadow management objective would be hampered. In reclaimed portion of meadows, a new buffer zone will be established.

2. Ground cover, shrubs and understory trees should be encouraged in a band from 50 to 200 feet away (average) from the meadow edges. If trees need to be killed in this zone, they shall not be removed (harvested) unless necessary to meet meadow management objectives. Habitat capability for cavity-using wildlife should never be less than the 100 percent level. As a general guideline, until comprehensive management plans are developed for each District's special wildlife and botanical sites, unprogrammed timber harvest should not take place in no more than one-third of this buffer area in a 20 –year period (on half if the meadow is less than 210acres)

Alternative 2 would Restore Meadow Systems by "improving" habitat transition between meadow and forested boundaries which may include commercial harvest (EA:15). There is no identified need to commercial harvest trees in the 200 ft buffer to meet meadow management objectives. The Wildlife Report p. 6 identifies the need to remove trees from the meadow but not from the 200 ft buffer adjacent the restored meadow. We assert all commercial sized trees in the buffer are needed to provide hiding cover for wildlife as intended by the SNF.

The Response to Comments p. 10 states "The Forest would implement these [MA 9-21] standards and guidelines for the meadow restoration units" but the EA/DN does not make specific reference to a 200 ft no commercial cut buffer. This is important because the 200 ft no commercial cut buffer needs to be included in any contracting for meadow restoration. If the 200 ft no commercial cut buffer adjacent meadows is not explicit in the Decision or EA it won't be in the contract.

11. The EA/DN violates NEPA because the action alternatives and baseline conditions are inadequately described. Despite requests in our scoping letter, previous letters about proposed logging in the Briggs Valley and verbal requests during field trips, the

EA fails to estimate live Trees Per Acre (TPA) retained for relevant size classes for each unit in each alternative and baseline No Action TPA for comparison.

The descriptions of the alternatives fail to provide quantitative comparisons of baseline (no action) alternative TPA in each unit with TPA remaining in each unit in each alternative after thinning. We know these TPA data are available because limited TPA is reported in the Wildlife Report (p. 80.) for NSO impact analysis but TPA data is not provided in the EA in the context of alternative description. Similar to NSO analysis, pre- and post-thinning TPA data would be extremely important for NEPA compliance in that it would provide quantitative comparisons between the alternatives and indicate the extent of large and small tree density reduction from baseline conditions.

TPA data is particularly relevant since the fire has reduced live tree densities in many units and the Proposed Action will thin these units that now have reduced baseline TPA. A few units were dropped because of high basal area mortality but most were not (EA:305). Accurate baseline conditions in terms of live TPA per acre may require additional surveys that we believe necessary before moving ahead with irreversible green tree logging. Tree mortality due to the fire will continue for at least 5 years creating uncertainty about possible overcutting that would result in canopies falling below the 40% standard in the BiOp. The changed condition review does not describe how post fire tree mortality can be established when it will be ongoing for several years. Baseline live TPA is unknown/uncertain for fire affected units but proposed action moves forward with decision to conduct substantial green tree logging.

12. The EA/DN fails to meet SNF Plan requirements for fisher and fails to identity units and total acres where fisher habitat would be degraded due to canopy reductions below 60%.

The SNF Plan p. IV-30 states that "Habitat use of the Siskiyou by [fisher] shall be evaluated. In cooperation with State Fish and Wildlife agencies, attempts should be made to verify the presence of these species on the Siskiyou National Forest. Occupied essential habitat shall be provided through a species management guide, or plan."

It appears that the Wild Rivers District prepared a desk top optional draft Red Tree Vole plan in 2018 to expedite logging in at least 20 existing ten acre no cut RTV buffers while failing to develop a fisher plan identified in the SNF Plan over 20 years ago. The RRSNF has failed to identify "occupied essential habitat" through a species management guide or plan that would help ensure persistence of fisher and protection of fisher habitat in the project area.

We object to the failure of the RRSNF to systematically search the project area for fisher as recommended in SNF. All suitable habitats must be assumed to be occupied.

We object to the EA:193 finding that "Implementation of Alternative 2 **May Impact Individuals and or Habitat, but not likely contribute towards a trend to federal listing or a loss of viability to the population or species** for **Pacific fisher** or **Pacific marten** (coastal population) due to potential disturbance to individuals and limited adverse effects to habitat from treatments." (emphasis in original)

The RRSNF has not completed a fisher plan to guide project actions such as the Proposed Action. The EA analysis does not support the determination that Alternative 2 will not contribute to a trend to federal listing or a loss of viability at the SNF scale. The EA:191 indicates that 12% of the fisher habitat in the planning area would have long-term adverse impacts because canopy would be reduced to below 60% for decades. Since the RRSNF has failed to produce a fisher plan, we assert that cumulative adverse effects from thinning to below 60% in presumably occupied fisher habitat in this and other projects precludes certainty for long–term viability for fisher in the SNF.

Alternative 2 has no diameter limit and will log thousands of large trees in presumed occupied fisher habitat. Pine-Oak restoration and Strategic Ridgeline FMZ logging of canopy down to 40% would not recover to even 50 percent canopy after 40 years (BA p. 76 in Wildlife Report). Fishers would avoid these areas making them unsuitable habitat. In general , the EA gives the false impression that alternative 2 logging is beneficial to fishers even though logging to 40% canopy renders alleged habitat improvements unsuitable. EA: 177.

EAs often use maintenance of spotted owl NRF and dispersal habitat as a surrogate for fisher habitat because of assumed similarities of species needs for canopy retention in older forests. The EA is inadequate because it fails to use quantitative analysis of 550 acres of downgraded NRF habitat as a surrogate for degraded fisher habitat.

The EA failed to provide a spatially explicit analysis to identify lands with high habitat value for fisher and identify where specific conservation actions are needed (as would be contained in a fisher plan as identified in the SNF Plan). For example, FMZ treatments, riparian thins, and fuels treatment projects are in conflict with fisher preferred habitat and spatially explicit analysis is needed to ensure that cumulative impacts from the project and the fire do not unnecessarily harm fisher habitat. The EA implies that project impacts are not important because there is abundant fisher habitat that is not being impacted (e.g. 12% of habitat degraded). Assuming fishers can go elsewhere for quality habitat is particularly not valid because the fire degraded large areas of fisher habitat. The EA must provide spatially explicit analysis at the project scale to identify high value habitat for fishers for protection and enhancement of "key elements". The EA failed to use the USFWS Species Report to develop spatially explicit models to identify high value fisher habitat. Since the Forest Service has prepared a RTV plan with spatially explicit analysis for this project, the Forest Service certainly can prepare similar analysis and conservation planning for fisher.

We note that the fisher is a sensitive specie proposed for federal listing while the red tree vole is not designated as sensitive nor proposed for listing in southern Oregon. The Forest Service priorities for wildlife management are not following Forest Service policy to prioritize sensitive species.

We object to the failure of the draft decision to explicitly adopt "A timing restriction on thinning, yarding and burning activities from March 1 through June 30, unless protocols are implemented to determine that fishers are not denning in any given unit" (see Wildlife Design and Mitigation Measure for fisher on p. 41). Again we wish to reiterate the inappropriate prioritizing of the optional Red Tree Vole Plan for implementation while mandated conservation management for fisher is ignored even though fisher is a sensitive species proposed for listing.

Citations

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Sincerely,

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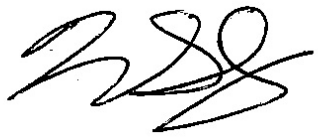

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Enc: Lemeister et al. 2019.