CALIFORNIA
NATIVE PLANT SOCIETY
2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

November 15, 2021

USDA Forest Service Region 5
Pacific Southwest Regional Office
Ecosystem Planning
1323 Club Drive
Vallejo, CA 94592

Re: California Native Plant Society Comments on Region 5 Post Disturbance Hazardous Tree Management Project Scoping Notice

Dear Region 5 Planning Team:

Thank you for the opportunity to comment on the Region 5 Post-Disturbance Hazardous Tree Management project. The following comments are submitted on behalf of the California Native Plant Society ("CNPS"), a non-profit environmental organization with over 10,000 members in 35 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

CNPS recognizes the need to remove hazard trees from areas surrounding roads and infrastructure in the interest of public safety. However, this project needs to be carried out with adequate consideration and protections for botanical resources. In addition to the comments articulated in the joint letter submitted on behalf of Sierra Forest Legacy, Defenders of Wildlife, CNPS, and other organizations, CNPS makes the following additional suggestions and requests that these questions and concerns be addressed in the forthcoming environmental review document.

I. A Full Environmental Impact Statement Should Be Prepared.

We urge the Forest Service to prepare an Environmental Impact Statement, rather than an Environmental Assessment. Millions of acres burned during the 2020 and 2021 fire seasons, and performing hazard tree abatement on even a fraction of that area will have a significant environmental impact. Pursuant to 36 C.F.R. § 220.5, an EIS is required for projects "that would substantially alter the undeveloped character of an inventoried roadless area or a potential

wilderness area." The maps for the Plumas, Klamath, and Sierra National Forests all show extensive proposed hazard tree treatments along trails within roadless areas and wilderness areas. Given this encroachment into roadless and wilderness areas and the likelihood of significant environmental impact that will occur as a result of project activities, the Forest Service should prepare an EIS.

We also urge the Forest Service not to consider an Emergency Situation Determination for this project. While hazard tree abatement is important for public safety, past fire events, such as the 2013 Rim Fire, generally have shown that it takes approximately 7-8 years for medium to large fire-killed trees to fall. As such, there is ample time for the Forest Service to fully consider the environmental impacts of the project in an EIS before trees damaged or killed from the 2020 and 2021 fire seasons will pose a legitimate risk to people and infrastructure. We also do not believe an emergency situation exists based on the risk of loss of merchantable timber. The loss of commodity value from merchantable timber that may result from not expediting the project does not seem likely to jeopardize the agency's ability to accomplish the project objectives. (36 C.F.R. § 218.21). The Forest Service should not curtail the environmental review process through an ESD simply to capture the maximum commercial value of salvaged timber.

II. Explain the Differences in the Botanical Project Design Features.

It is unclear why the standard botanical protection measures are inconsistent between the North, Central Sierra, and Southern Sierra Zones. The project design features should be consistent between the zones. If there is a need for divergence, the Environmental Assessment should explain why certain zones call for altered botanical protection measures. We highlight some key inconsistencies below and ask that the Forest Service rectify them or provide an explanation for these differences in the Environmental Assessment.

First, why do the Central Sierra and Southern Sierra Zones not have a Botany 3 design feature? Botany 3 requires that "potential habitat for threatened, endangered, proposed, candidate, Forest Service sensitive, survey and manage, or endemic plant, lichen, and/or fungi species must be surveyed or be determined unsuitable habitat by a botanist or designee prior to work beginning in the project area." Botanical surveys are essential for determining the project's impact to plant species and creating avoidance and protection measures that adequately protect sensitive plant species. The Central Sierra and Southern Sierra Zones project design features will not sufficiently minimize or eliminate the harmful effects of the project unless Botany 3, or a comparable botanical survey requirement, is incorporated into those zones' suite of standard protection measures.

The "known occurrence" standard in the Central Sierra and Southern Sierra Zones is also problematic given the absence of Botany 3 from those zones. Botany 1 for the Central Sierra and Southern Sierra Zones requires that only "*Known* Forest Service Sensitive plant occurrences shall be flagged for avoidance." However, without requiring that botanical surveys be performed

with sufficient recentness (e.g., 5 years, per CDFW botanical survey protocols[1]), only avoiding already-known sensitive plant occurrences will not ensure that the project's adverse plant impacts will be minimized or eliminated. Site-specific botanical survey data is essential for determining the presence of sensitive plant species in the project area and making sure those species are adequately protected. Relying on "known occurrences" from existing databases is not an acceptable replacement for botanical surveys, since many areas of California forests have not been surveyed recently, or have never been surveyed at all. It is crucial that botanical surveys are integrated into the project design features for each of the three zones, not just the North Zone.

Second, why does Botany 1 for the North Zone use different definitions of species to be avoided than the Central Sierra and Southern Sierra Zones? North Zone Botany 1 requires avoidance of "species of special concern," while the Central Sierra and Southern Sierra Zones only require avoidance of "Known Forest Service Sensitive plant occurrences." We assume that this distinction is related to the referenced Forest Plan S&G 6-7, 7-4, but is there a material difference between these two categories of plants? If there is a material difference, why are there different classes of plants being avoided between the North Zone and Central/Southern Sierra Zones? Since there is no Forest Plan reference for Botany 1 in the Central and Southern Sierra Zones, why not make Botany 1 consistent between each of the Zones? We suggest the most inclusive definition (i.e., the definition that includes the most plant species) be used in all three zones unless doing so would violate an existing Forest Plan or policy.

The proposed project design features should also require that surveys be performed early enough in the project design process to meaningfully inform project design. The current standard for botanical surveys in the 2004 Sierra Nevada Forest Plan Amendment is instructive and should be applied to the survey requirements for this project. The 2004 SNFPA requires botanical surveys to be conducted early enough in the project planning timeline to enhance the design and implementation of the project:

> Conduct field surveys for TEPS plant species early enough in the project planning process that the project can be designed to conserve or enhance TEPS plants and their habitat. Conduct surveys according to procedures outlined in the Forest Service Handbook (FSH 2609.25.11). If additional field surveys are to be conducted as part of project implementation, survey results must be documented in the project file.
>
> (2004 SNFPA Appeal Decision p.56)

[1] "In habitats dominated by long-lived perennial plants, such as forests, surveys that were not conducted within the previous five years may not adequately represent the current baseline conditions and should be re-conducted." Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, p. 6 n.14, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline.

Additionally, Botany 4 seems unlikely to be successful. Plant identification is complex and challenging and this task should be appointed to qualified botanists and completed prior to project design. It is unlikely that new populations will be identified during any phase of the project outside of a protocol-level survey conducted by a qualified botanist. This underscores the importance of incorporating Botany 3 in each zone so that site-specific protection measures can be implemented to minimize or eliminate impacts to sensitive plant populations.

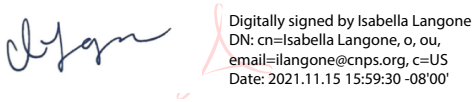
Finally, it is unclear why Botany 6 is only included for the Southern Sierra Zone. Do the North and Central Sierra Zones not contain any "rock outcrops, seeps and springs, and other communities, which support unique plant communities"? Botany 6 should be implemented in all three zones so that unique or sensitive plant communities in each zone will be protected from project activities. Botany 6 should also be revised to require complete avoidance of unique and sensitive plant communities and protection from all project activities, not just "protection from motorized equipment and vehicles."

III. Make Sure Qualified Botanists Are Staffed on Project Teams.

Many of the proposed project design features rely on consultation with and determinations from qualified botanists. Please ensure that a sufficient number of qualified botanists are staffed on project teams and appropriately consulted on botanical issues.

Thank you for the opportunity to comment on this project and please reach out if you have any questions.

Sincerely,



Isabella Langone, J.D.
Conservation Analyst
California Native Plant Society
ilangone@cnps.org