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On behalf of the Conservation Congress, and individual Tonja Chi (contact info at end of objection), I am filing this Objection on behalf of all parties per 36 CFR 218, on the draft Decision Notice, FONSI and EA for the Plaskett-Keller Project on the Mendocino. It is not signed or dated but lists Ann Carlson, Forest Supervisor under the signature line on the FONSI and draft DN.

Conservation Congress staff and Tonja Chi have both visited the project area multiple times and Tonja Chi attended a FS field trip in 2021. Conservation Congress provided scoping comments on this project on 3/10/21 and draft EA comments on 9/1/21. Tonja Chi submitted comments on the draft EA on Sept. 4, 2021.

#### Proposed Project Location

The project is located about 15 miles east-southeast of Covelo and 36 miles west-northwest of Willows. The project area is 15,061 acres although treatments would only occur on less than 2,200 acres. The project includes Plaskett Meadows and Keller Lake to the south and extends north to Mendocino Pass. The Black Butte Wild and Scenic River (WSR) corridor is excluded from the project boundary and activities. The closest activity units are at least 0.4 miles from the WSR the corridor. The project is located in Mendocino and Glenn Counties, California in all or portions of T22N R10W Sec 10, 11, 12, 13, 14, 15, 16, 17; T22N 9W Sections 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36; T22N R8W Section 3; T21N R9W Sec. 1, 3, 4, 5.; MDBM (See attached map package document)

### Public Comment Violated

In our draft EA comments, we pointed out all the information in the BA was wrong and the EA/BA should not have been released when the MNF was aware of that. We suggested the documents be pulled and released when the information was corrected and the public could comment on it then. We were correct. We also pointed out the appendices that were supposed to be in the BA were not included, and still aren't. In both the response to public comment document (DB1 – DB16), and the BA, the MNF concedes the information in the BA was incorrect but was corrected in the final BA, which still isn't finalized until the USFWS signs off on it. In addition, information showing the final timeline for the BA (11& 12) show that the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> BAs were sent to the USFWS AFTER the release of the draft EA.

Clearly, the development of the BA and the information used in it has been problematic. The FS must use the best available scientific information and it must be verifiable. The FS must ensure the information sent to the public is accurate.

In another example of wrong information, the BA states the NSO population is currently stable and cites to a 2008 report (14 years old). BA-48 All of the annual NSO population reports are available on the USFWS website page for the NWFP, and they demonstrably show the NSO population continues to decline throughout its range in every sector including N CA. The study site closest to the MNF (Willows) shows annual declines in population. Furthermore, the USFWS issued an opinion the NSO was warranted to list as endangered, but precluded due to other species with a higher priority. Stating the NSO population is stable is flat out wrong and it is troubling the wildlife biologist on the MNF apparently doesn't know this, or where to find the information.

Remedy – the RO should remand this draft decision and order to the MNF to release the FINAL BA, whenever that might be, along with the Biological Opinion of the USFWS for public review and comment. The public has the right to review these documents prior to a final decision. As is, the MNF found a MALAA for the NSO and requested a take permit. This is very serious and speaks to the lack of recovery efforts on the MNF, in violation of the ESA.

### The MNF is violating the ESA

The FS and specifically the MNF is charged with recovery of threatened species so they don't become endangered. It has already failed in that endeavor for all practical purposes. The Plaskett-Keller August Complex Phase 1 EA speaks to how much acreage burned in the fire as well as the Ranch Fire and others and it is over a million acres. Yet project by project the MNF continues to plan commercial logging sales (both green and salvage) in critical habitat and LSRs.

This project includes 624 acres of CHU as well as LSR acreage. While it doesn't include 100-acre LSR habitat, the larger LSRs have been repeatedly logged and impacting Activity Centers to the point they don't meet minimum habitat thresholds for reproduction. There are 17 ACs in the project area and 9 will have significant logging in them. The three ACs that have the most remaining habitat after the fire, also have the most logging. This is a violation of RRP RA10 that requires the FS to maintain ALL ACs whether they are occupied or not (BA-52).

"Recovery Action 10 requires that agencies "Conserve spotted owl sites and high value spotted owl habitat to provide additional demographic support to the spotted owl population".

"Maintaining all historic ACs is a standard MNF protection measure. The MNF database includes a total of 226 NSO ACs that meet the USFWS survey protocol (Protocol) requirements. Many of these predate the 1990 listing of the NSO. All historic ACs from this list of 226, currently occupied or not, will be considered during project evaluations; however, ACs which are determined to be extinct (invalid) because of habitat loss from the Ranch and August Complex Fires may be removed from that list."

The FS takes the position that if an AC isn't occupied, they can be logged and that is a violation of the RRP. The RPP is not a legal document but the FS must be able to prove in court its rationale in violation of the RRP is sound. The above paragraph is invented by the MNF and not endorsed in the RRP.

In Appendix B, Table 4 is the MNF Habitat Changes between 2008-2020. The MNF has lost 40.8% of N/R habitat; 23.2% foraging habitat; and 35.4% dispersal habitat.

"Action Area: The Action Area (AA) is defined for ESA purposes as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action" (50 CFR 402). The AA for this BA includes all NSO territories that overlap into the 1.3-mile buffer around the project treatment units. The AA for this project is 29,389 acres."

Prior to the fires there was only 5,134 acres of N/R habitat; 6,360 acres of foraging habitat and 6,783 acres of dispersal habitat. Post fire there are 1,562 acres of N/R habitat; 2,473 acres of foraging habitat; and 2,440 acres of dispersal habitat for a total of 6,475 acres of remaining N/R/F/D habitat or 22% of the action area.

These figures are in the document "Action Area Baseline Adjustment". The purpose of the document is to "asses the changes to the NSO habitat within the Plaskett-Keller August Complex Phase 1." This document includes a section on fire suppression impacts to NSO habitat within the Plaskett-Keller project repeatedly states that burnouts, dozer lines and hand lines were not tracked. It remains unknown how much habitat was lost due to these activities.

“The project is proposed to treat 157.5 acres of previously suitable N/R, 510.3 acres of previously foraging habitat and 456 acres of previously dispersal that were burned at high severity. The estimated treatment acres are 2,164 combining both the roadside hazard tree removal units and the commercial salvage units.” (BA-65) Note below the acreage adds up to 3,651 acres – another discrepancy in the BA.

Why was this particular area chosen for salvage logging? The MNF is close to one million acres in size and most of it has burned. This sale, along with Smokey, Hardin, Snow Basin, Cold Springs and Powell Salvage are all in CHU/LSR. According to Table 72 in the BA 27% of the action area is planned for timber harvest – the majority in LSR/CHU. The BA states 28% of suitable nesting habitat and 31% of suitable foraging habitat will be logged in the action area. These numbers would be high if the MNF has not classified moderately burned lands as unsuitable. As is, this is 24% of all suitable habitat in the action area. None of these sales have diameter limits and the FS is permitting the logging of late-successional and old growth trees, many if not most with only a 50% chance of mortality up to 75% mortality. Many old growth trees survive wildfires and continue to store carbon and provide essential wildlife habitat to NSO and other late successional species. We also object to the MNF “removing” all forest stands that burned at 50-75% severity from the owl suitable habitat base (BA-63). These are moderately burned lands and can and will function as owl habitat. They should not be removed from owl suitable habitat. There is no biological citation mentioned to support this decision. This was done so the project could remove moderately burned habitat from Activity Centers claiming it is not “suitable” owl habitat, and providing artificially low numbers of what will be logged.

It is important for the Region to understand this point. By classifying all moderately burned forest as unsuitable, the MNF will log suitable habitat from Activity Centers. It also makes the amount of suitable habitat logged artificially low.

Further evidence supporting continued violations of the ESA is the discussion in the BA of MOCAs/LSRs. All of them were meant to support 20 or more pairs of NSO or more. 100 Acre LSRs were meant to support additional NSO. These areas have been logged repeatedly for commercial purposes and the MNF is not finding 20 pairs of owls even pre fire.

The Plaskett-Keller project will log nine ACs. Table 50 shows the amount of pre and post fire habitat. Table 68 in the BA shows how much timber will be removed from each AC. Over 914 acres will be logged within 0.7 mile of ACs (core areas) and over 2,737 acres will be logged within 1.3 miles of ACs (home ranges) for a total of 3,651 acres. The majority of this acreage is being taken from three ACs that contain the most remaining owl habitat (Pinto Creek, Keller-Lake, and Butte Creek). “The highest impacted ACs are Pinto Creek, Keller Lake and Butte Creek with the most treated acres. However, Keller Lake and Butte Creek Activity Centers

almost completely overlap with one another, indicating some treatments would affect both ACs simultaneously.” BA-103

Basically, the entire timber sale is being taken out of NSO Activity Centers. This is why NSO populations continue to decline, owl habitat continues to be lost to logging, barred owls are increasing, and the MNF is failing in recovery efforts. [Remedy – drop all logging units in Pinto Creek, Keller-Lake, and Butte Creek ACs]

In addition, another 25+ acres of suitable owl habitat will be lost to landings and temporary roads.

Can the MNF claim there is virtually no other place than owl habitat to plan a timber sale? Could it be that lands outside owl habitat were unsustainably harvested and the majority of large trees no longer exist? That isn't the public's problem – that is the fault of the Forest Service.

The fact that all these timber sales are in LSR/CHU is also a violation of the LRMP/LSRA. These areas are not classified for commercial timber purposes. While some logging can occur, that is not the primary purpose. If the FS could develop projects that managed timber while still recovering the NSO that would be lawful. But that isn't the case. The majority of optimal owl habitat has already been logged, and now the MNF goes back project after project and takes the little that is left. In the summary of effects in the BA (116) the MNF concludes that PBFs 2 (N/R) and PBFs 3 (Foraging) will be negatively affected. (The BA also contradictorily states no nesting habitat will be logged on page 42 of the BA and in other places.)

The FS argues about whether or not owls use burned habitat and claims the issue is controversial. It is only controversial to the FS and the researchers who are paid by the FS. Independent researchers agree that owls use all burn severities for life needs. We included a picture of an NSO roosting in a burned-out pine tree on the Six Rivers NF in our draft EA comments. We know they forage in burned areas and prefer to forage in severely burned areas. The FS mentions these studies but does not substantively analyze them or consider information that contradicts what the FS wants to do. This is a violation of NEPA. While at least acknowledging that owl forage in burned habitat, the Plaskett-Keller project will also log post fire foraging habitat. “Fire created edge foraging opportunities do occur in portions of the project treatment areas. A total of 233 acres of PFF occur within the project treatment units.”

We appreciate the MNF conducted 2012 owl protocol surveys in 2021, but they weren't conducted at the appropriate timeframe (they were done after the window when owls are most likely to be found). The MNF states it will conduct surveys this year, AFTER a decision is made on the project. This again demonstrates a bias by the FS to do what it wants despite biological information required by law to use BEFORE making a decision. Only two male owls were found

in 2021, but many more owls may be found in 2022 when fires are not burning, especially if they are conducted in the appropriate time frame which is coming up soon.

LOPs in this project are only through July 31<sup>st</sup> and can be lifted with biologist approval. We recommended an LOP of Sept 15<sup>th</sup> when owlets are likely to have fledged. They are still in the nest on July 31<sup>st</sup> and just beginning to think about disbursing. Again, there is no benefit of any kind provided for owls on the MNF. Even with some surveys, the MNF could easily miss where NSO are located. The FWS has stated that owls continue to shift around due to loss of habitat, fires, and the barred owls. Every effort should be made to ensure NSO are protected, especially in designated critical habitat and LSRs that were set aside for that purpose, and not commercial logging.

The FS can't claim that wildfires are the sole reason for this situation. Had the MNF legally managed CHU and LSR for the benefit and recovery of owls, they likely would have had more habitat and less burned. Another inconvenient truth for the FS is that unmanaged lands (wilderness) have been documented by researchers to burn less frequently than managed, logged lands.

### Need for EIS

Due to all the violations listed above that are preventing any level of recovery, and the continued decline of NSO, an EIS should have been prepared for this project as we stated in our draft EA comments. It is clear the NSO is not faring well on the MNF and this project concedes it will make that situation worse. Furthermore, the FWS is preparing a Biological Opinion and a take permit for the project – documents that accompany decisions demonstrating a significant impact on the human environment. EAs are generally accompanied by an LOC without a take permit.

The MNF determined a May Affect, Likely to Adversely Affect the NSO – a species that should be listed as endangered but is still threatened. The Plaskett-Keller project will do nothing to help owls in the short term or long term.

### Objection Points Submitted By Tonja Y. Chi, and In Conjunction with Denise Boggs of Conservation Congress on January 21, 2021

Over the last thirty years, Northern spotted owls (NSO) located within the Mendocino National Forest (MNF) (and range-wide) have faced a gradual decline in quality and quantity of suitable habitat. In the past, this was the result of clearly stated and socially accepted goals – to remove timber for economic gain. However, once the owl became Federally listed and protected, it became increasingly difficult to gain legal and public support to approve the timber sales (and economic gains) that might be detrimental to the owls. Today, thirty plus years after the owl became “protected”, populations are still declining. Northern spotted owls continue to experience habitat loss on public lands from Forest Service authorized projects, suffer from delayed effects of past habitat loss and excessive timber harvest from

the 1950s – 1990's, and are further threatened by the influx of a dominating competitor species – the barred owl.

The Northern spotted owl is rapidly moving toward extinction due to impacts of increasing barred owl populations (in conjunction with current and past habitat loss). The subspecies entire northern region populations serve as a grim example demonstrating the degree of threat Northern spotted owl populations are facing from barred owl. This is a real-life study where the subspecies entire northernmost range populations have plummeted and collapsed. Historic locations that once supported NSO now are densely populated by pairs of barred owls. This is the science of an entire region demonstrating that: as barred owl populations are increasing, spotted owls populations are decreasing to unsustainable population numbers. Meanwhile land management of Northern spotted owls on public lands in the southernmost portion of the range, where barred owl populations are continuing to increase, are not heeding these warnings or acknowledging the dangers posed by additive effects of barred owls and habitat loss.

Current management approach is to focus on individual pairs of owls at individual project level locations. When survey information is not available, managers default to “assumed presence” and assume spotted owl life history needs, but fail to consider potential additive effects of competitive interactions from barred owls. Surveys are imperative in evaluating the status, health, and extent of barred owl impact to the spotted owl population on the Mendocino National Forest. Information from each project is a piece of the puzzle, but does not give a complete picture of the overall MNF spotted owl population and how it has been impacted by habitat loss and competition. If owls are evaluated piece-by-piece and project-by-project, the owls will be gone by the time we have the full picture. Each project that is implemented is slowly denigrating the remaining NSO population, in effect resulting in death by a thousand cuts, or extinction by a thousand projects.

Nothing can replace the biologically significant information gained from implementation of protocol-level surveys for the species. In the absence of surveys evaluating the health of the MNF population, at the very least attention must be given to potential barred owl impacts to spotted owls as experienced in other regions (northern portion of the range), and this must be considered in conjunction with landscape management and spotted owl habitat alteration. Decisions to move forward with habitat alterations that impact spotted owls are currently based on assumptions being made in lieu of survey and biologically significant information. These assumptions may be faulty and potentially devastating to NSO because they do not represent the ecological situation on the ground and are the oversimplification of a dynamic system that does not incorporate additive effects of combined stressors facing Northern spotted owl: barred owls, historic habitat loss, and in this case loss of cover and nesting/roosting habitat by fire.

In the 1990's it was clear that removal of mature forests that resulted from large numbers of timber sales negatively impacted spotted owl population stability. However, in order to continue economic benefits gained from the sale of timber, an alternative narrative emerged as a way to justify and necessitate the removal of timber on public lands. Timber extraction and sales have continued to take place (albeit at a slower rate) but have now shifted to more benign project titles. On the ground these are just glorified timber removal projects that still ***result in loss of suitable habitat for Northern spotted owl*** and are commonly referenced as: fuels treatments, forest health, forest resilience, forest restoration, and



salvage projects. The focal point has become and emphasizes the removal of timber to restore forests to healthy ecological systems that will create fire resilience and benefits to the forest, native species, and humans.

In 2002, I spent more than sixty hours a week from April to July working on the Mendocino National Forest for the sole purpose of surveying and locating NSO by revisiting historic Northern spotted owl activity centers and detections. We visited site after site where spotted owls had been located, repeatedly finding historic spotted owl nest stands clearcut, or cut so extensively, that suitable spotted owl habitat was no longer present. Very few of these locations still supported owls despite the survey efforts we put forth. This was especially evident in the southern portion of the forest, where the habitat was more xeric, slower to regenerate, and had less complex structural components and mixed conifer forest on the landscape. There were far fewer owls located in 2002 than there were historic records for. Many historic locations lacked owls and exhibited severely degraded or destroyed NSO habitat. Over the course of the field season, it became increasingly apparent how few activity centers were occupied, and even fewer were occupied and reproductively successful.

Since 2002, I have continued to follow proposed forest projects and visit the Mendocino National Forest. I have been involved in many of the more recent proposed projects that may impact NSO on the Mendocino National Forest; the most recent being the Smokey Fuels Treatment. I have stayed current with, and carefully evaluated the spotted owls survey maps, call points, data, forms, and survey results from MNF contractor-generated project information. I am aware of the barred owl expansion, detections, locations, and presence on the Mendocino National Forest and am familiar with the most recent literature regarding barred owls, spotted owls, competitive pressures, and demographic studies and trends. In addition, I have spent the last ten years working in burned forests, studied conifer regeneration in high intensity burned forests, and fire-adapted and -specialized species and ecology. Experience, scientific information and literature, Mendocino National Forest-specific data, and more than twenty years of spotted owl expertise are integrated into my comments regarding the Plaskett-Keller August Complex Project.

I have reviewed and provided thoughtful and detailed comments regarding the information presented in the Draft Environmental Assessment (August 2021) and The Draft Biological Assessment and Evaluation (August 2021). I have read the Plaskett-Keller\_30Day\_Comment\_Analysis Response to Comments (December 7, 2021) and the Plaskett-Keller August Complex Phase 1 Environmental Assessment (December 2021) and Wildlife Biological Assessment and Evaluation (December 2021). Although some of my comments and concerns were addressed in either the Response to Comments or the Plaskett-Keller August Complex Phase 1 Environmental Analysis (December 2021), or Wildlife Biological Assessment and Evaluation (December 2021), many issues addressing the scientific context, foundation, and need to perform the Project were not included.

My comments below are in response to the Final EA (December 2021), although some are repeat subjects (carried over from the Draft EA), that have not been acknowledged or responded to. As a spotted owl biologist, I am gravely concerned about any activity that may adversely impact and result in more stress to the NSO local population. I urge careful evaluation and consideration of the project to determine whether activities are essential and necessary, when considering the serious impacts to NSO in



conjunction with additive effects of multiple stress factors (barred owl, habitat loss from fire, and habitat loss by project implementation). To evaluate and assess how “essential” proposed project activities may be, I am including a body of additional information in the form of recently generated scientific and peer reviewed studies that discuss findings pertinent to conclusions and information presented in the Plaskett-Keller August Complex Fire EA/BA and Evaluation. This information may provide a better understanding of proposed activities and determine the true level of “need”, when considering the NSO.

#### JUSTIFICATION OF PROJECT PROPOSAL

##### REFORESTATION (EA Reason 1)

The proposal states: “In these severely burned areas, large swaths of trees across all species and age classes were killed. Too far removed from surviving trees that could aid in reforestation, these areas are unlikely to return to their prior states and provide the same ecological benefits to the wildlife and users who depended on them (North et al. 2019).” There are many recent scientific works that provide measurements, values, and distances in scientific plots that would indicate that natural reforestation does occur in severely burned mixed conifer forests and may be possible for this project. Based on some of these scientific studies, Plaskett-Keller proposed units might potentially benefit from closer surviving trees as seed sources in neighboring areas. Those units with higher potential, are those that are immediately adjacent to stands with lesser burn severity and a lower percentage of basal area loss based on the RAVG map on page 7 of the EA. The entire southern boundary of Unit 5 is adjacent to a very large 0-25% Basal Area Loss stand on the RAVG map. Units 20 and 21 are adjacent to Butte Creek, an area with 0-25% and 25-50% Basal Area Loss categories that would have living trees that could act as a seed source. These peer-reviewed works I discussed in a section in my original comments made for the Draft EA (August 2021). I am including this information for a second time in these comments.

##### “NATURAL CONIFER REGENERATION

A key assumption used to justify salvage logging in high-severity burned forest patches on public lands, is based on the concept that no viable seed sources are present to allow natural regeneration of forests. Salvage logging is a technique to remove the burned snag forest, followed by artificially planting tree seedlings to re-establish the forest. The assumption has been that heat from the high severity burn destroys existing seeds in the ground thereby leaving the only seed source as the closest live tree. It is thought that without an adjacent seed source, trees will not naturally regenerate, especially in the interior of large high-severity burn patches. However, a growing body of evidence are finding otherwise.

Peer-reviewed studies focused on conifer regeneration in burned forest patches from original mixed conifer (unlogged) forests stands before the fire, where measurements are made in suitably sized sample plots (ranging in size from 0.01 ha to 0.076 ha) indicate that substantial conifer regeneration does naturally occur in all sizes of high-severity burn patches (Donato et al. 2009, Crotteau et al. 2013, Hanson 2018, Downing et al. 2019, Dunn et al. 2020), and at all distances into the interior of burned patches, including distances > 300 m (Hanson and Chi 2021). In these studies, the variability of measured density in seedling regeneration, reports values ranging

from 256 stems  $\text{ha}^{-1}$  (>300 m from a live tree) to 1953 stems  $\text{ha}^{-1}$  ( $\leq 50$  m from a live tree). Although each study was independently designed and implemented, in order to accommodate for natural landscape variability in each of these studies, the similarities found between studies are the relative size of sample plots used; where plot sizes were large enough to adequately detect regeneration; generally requiring plot sizes  $\geq 0.01$  ha in size. Notably Dunn et al. (2020) showed that increasing plot size from 0.0025 ha to 0.01 ha, increased the number of the plots with seedling growth detected from 73% to 96%. Other published studies (Welch et al. 2016), have been conducted to evaluate regeneration in high-severity burned forest patches, however caution must be applied to results generated from very small plot sizes (0.006 ha), which may create potential biases. This sampling creates higher likelihood of error because plots measured are not a meaningful representation of the variability found on the landscape.” (T.Chi, Plaskett-Keller Draft EA Comments September 4, 2021)

#### FUTURE WILDFIRE SEVERITY MITIGATION (EA Reason 2.) and TO FURTHER THE SCIENTIFIC UNDERSTANDING OF SHORT- AND LONG-TERM EFFECTS OF SALVAGE LOGGING (EA Reason 3.)

The proposal states: “To mitigate future wildfire severity by reducing dead fuel levels” and “While dead trees are a natural part of the forest ecosystem, inordinate amounts of dead trees, either as standing snags or downed logs, can increase wildfire severity (Stephens et al. 2018).” Recent science has resulted in an extensive meta-analysis that determines that overall salvage logging does not have a significant impact on fuel load and incorporates extensive information regarding many studies that have already been conducted to evaluate effects of salvage logging. This is another subject that was previously incorporated into my September 4, 2021 Draft EA comments. I am including the section written in my previous comments below to reiterate the information.

#### “IMPACTS OF POST-FIRE SALVAGE LOGGING

An extraordinary global meta-analysis uses 225 data points from 37 publications representing 30 individual study sites to bring clarity to conclusions found in a broad number of peer reviewed studies published in the most recent literature (between 2004 and 2019) regarding the subject of salvage logging (including post-fire), ecological impacts, and subsequent fuel loads and accumulations (Leverkus et al. 2020). Overall, the meta-analysis did not find any significant difference in fuel load with or without salvage logging. There were small shifts in the types of prevalent fuels based upon the timing and activity. For example, following salvage logging operations, there was an immediate increase in smaller wood and finer fuels which gradually decreased up to 5 years. Whereas in areas with no treatment, there was a slow increased presence of coarse surface fuels after fires, such as broken tree branches or fallen snags; all materials that generally do not increase the spread of fire due to slow rates at which they burn, the smaller surface to volume ratio, and the ability to retain moisture, especially if on the ground.

The key findings of the meta-analysis emphasize that there are implications of salvage logging; operations which tax and subsequently slow the progress of natural succession and ecological processes, reducing the rate of regrowth and regeneration, reduce biodiversity, structure, and result in simplification of the ecosystem. There is variability in the degree of these impacts

which may increase or decrease depending upon project-specific conditions such as the number and size of trees removed, the area it covers, the type of mechanized equipment and technique, the amount of edge it creates, and the time since the fire or disturbance; where generally, the more time that passes before removal, the less of an impact on the ecosystem. Despite this variability, there is no uncertainty that post-fire salvage logging is not a restorative activity, it is human disturbance that impedes the natural recovery of forests (Lindenmayer et al. 2004).

All summarized information above highlights the most recent advances in scientific research studies from peer reviewed journals that conceptually challenge many of the supporting claims used to validate this project.” (T.Chi, Plaskett-Keller Draft EA Comments September 4, 2021)

TO CONTRIBUTE TO THE FOREST SERVICE’S CONGRESSIONAL DIRECTIVE OF FURNISHING A CONTINUOUS SUPPLY OF TIMBER FOR THE USE AND NECESSITIES OF THE PEOPLE OF THE UNITED STATES (EA Reason 3.)

This reason supports the proposal desire to work toward reaching the goal of a continuous supply of timber for the United States (Organic Act 1897), however it does not support the long-term sustainability of other natural resources (wildlife resources/Northern spotted owl), and thereby violates the requirements stated in the Multiple-Use Sustained-Yield Act of 1960. In order to make a responsible decision concerning the stewardship of the public lands and ALL associated resources, an exhaustive evaluation of the most current and contemporary literature must be integrated into the analysis.

#### REMOVAL OF SPOTTED OWL HABITAT

Historic owl activity centers and territories located on the western side of the project Action Area have suffered an extensive shift in habitat quality due to the effects of the August Complex Fire. It is unclear how these fire-caused alterations will impact the immediate or near future use and occupancy by the NSO. However, there is no question that **existing conditions will be further deteriorated for use by Northern spotted owls if snag forest habitat is removed within and adjacent to biologically relevant pre-fire owl locations.** It is acknowledged in a significant body of scientific literature that studies have shown spotted owls foraging within stands of fire-burned forest to support biological dietary requirements. The Wildlife Biological Assessment and Evaluation (pg 59-60) states that “NSO use burned forest” and makes references to the studies and authors, but fails to acknowledge, evaluate, or comment on the obvious: **if spotted owls will use burned habitat, it must be recognized that removal of that habitat, will impact spotted owls in the vicinity.** Although there is an inconclusive agreement on the degree to which these areas are used by spotted owls, it is generally accepted by the spotted owl biological community that owls will use these snag forest habitats. It also is undisputed that spotted owls do not use salvage logged landscapes and actively avoid these areas. Therefore, any salvage logged area will be functionally removed from available habitat to any spotted owl in the area.

Spotted owls that might remain in the area would need to have access to moderate or low intensity burn landscape for day roosts. Areas with residual cover (Basal Area Loss of 0 – 75 %) located adjacent to high intensity burned areas would have more potential to be frequented by spotted owls for foraging purposes. This would include areas pertaining to portions of snag habitat in Unit 5, Unit 20, and Unit 21. Protection of these areas may be important because they are within very close proximity to the most

extensively burned spotted owl locations #6082 Butte Creek historic activity center (appx. 0.1 mi) and although the amount of residual cover available along Pinto Creek is not clear from the RAVG map (pg 7), Unit 16 is also very close to (appx 0.1 mi) the #6048 Pinto Creek historic activity center.

Based on Table 24 (Plaskett-Keller August Complex Phase 1, Final EA pg 78):

- #6082 Butte Creek, 2666.6 acres of area within 1.3 miles of the AC burned at high severity – 78.5% of the activity center.
- #6048 Pinto Creek, 2,578 acres of area within 1.3 miles of the AC burned at high severity – 75.8% of the activity center.

Very high percentages of these two activity center locations have burned at a high-severity that has transformed the existing pre-fire habitat. However post-fire landscape could still offer potential habitat value to the spotted owl and might be used for foraging. Salvage logging would remove the habitat altogether and would be of no biological value to Northern spotted owl.

#### BARRED OWL COMPETITION

Increasing barred owl populations create direct competition with northern spotted owl for limited quantities of essential resources where their presence is known to result in negative impacts to spotted owls (Jenkins et al. 2019, Wiens et al. 2014). The *Revised Recovery Plan for the Northern Spotted Owl* (USFWS 2011) delineates and identifies threats posed to northern spotted owl by barred owl and indicate barred owl to be the leading short-term threat facing recovery of the northern spotted owl (USFWS 2011). Since the release of the Revised Recovery Plan, barred owl presence and population continue to increase across the landscape and adversely impact northern spotted owl populations. This is documented annually by continued declines in northern spotted owl population trends observed across thirteen long-term demographic studies sites where increasing barred owl presence has shown negative effects on survival, productivity, recruitment, population viability of northern spotted owl and has increased local territorial extinction rates for northern spotted owl (Dugger et al. 2016). Impacts to spotted owls are widespread and far-reaching where the extent of these concerns is highlighted and conservation recommendations are presented in the Revised Recovery Plan. A greater scientific understanding of barred owl impacts on spotted owls continues to be the focus of much ongoing research that is represented by a growing body of published information (Long and Wolfe 2019).

It is of great concern that the presence of barred owl in the Plaskett area, has not been mentioned or addressed in these documents. Barred owl detections require very careful attention and deliberation because of complex intraspecific competitive interactions, and the role these play in the detectability and behavior of northern spotted owl. Consideration must be given to the extent of barred owl presence and a spatial understanding of all available habitat. Protocol level surveys conducted in preparation for the Smokey Fuels Treatment Project documented presence of barred owls by auditory and visual responses to spotted owl calls. Although barred owl-specific surveys have not been conducted, barred owls have been regularly detected during spotted owl surveys and consistently documented in the region in 2010, 2011, 2013, 2014, 2015, 2017, 2018, 2019.

## REFERENCES

- Crotteau, J.S., J.M. Varner III, M.W. Ritchie. 2013. Post-fire regeneration across a fire severity gradient in the southern Cascades. *For. Ecol. Manage.* 287: 103-112.
- Donato, D.C., J.B. Fontaine, W.D. Robinson, J.B. Kauffman, and B.E. Law. 2009. Vegetation response to a short interval between high-severity wildfires in a mixed-evergreen forest. *Journ. of Ecol.* 19: 142-154.
- Downing, W.M., M.A. Krawchuk, G.W. Meigs, S.L. Haire, J.D. Coop, R.B. Walker, E. Whitman, G. Chong, and C. Miller. 2019. Influence of fire refugia spatial pattern on post-fire forest recovery in Oregon's Blue Mountains. *Landscape Ecol.* 34:771-792.
- Dugger, K.M., E.D. Forsman, A.B. Franklin, R.J. Davis, G.C. White, et. al. 2016. The effects of habitat, climate, and barred owls on long-term demography of northern spotted owls. *Condor* 118:57-116.
- Dunn, C.J., J.D. Johnston, M.J. Reilly, J.D. Bailey, and R.A. Miller. 2020. How does tree regeneration respond to mixed-severity fire in the western Oregon Cascades, USA? *Ecosphere* 11 (Article e03003).
- Hanson, C.T. 2018. Landscape heterogeneity following high-severity fire in California's forests. *Wildlife Society Bull.* 42: 264-271.
- Hanson, C.T. and T.Y. Chi. 2021. Impacts of postfire management are unjustified in spotted owl habitat. *Front. in Ecol. and Evol.* 9: 1-7 (Article 596282).
- Jenkins, J.M., D. B. Lesmeister, E.D. Forsman, K.M. Dugger, S.H. Ackers, L.S. Andrews, C.E. McCafferty, M.S. Pruett, J.A. Reid, S.G. Sovern, R.B. Horn, S.A. Gremel, J.D. Wiens, and Z. Yang. 2019. Social status, forest disturbance, and barred owls shape long-term trends in breeding dispersal distance of northern spotted owls. *Condor* 121:1-17.
- Leverkus, A.B., L. Gustafsson, D.B. Lindenmayer, J.C. Castro, J.M. Rey Benayas, T. Ranius, and S. Thorn. 2020. Reviews: Salvage logging effects on regulating ecosystem services and fuel loads. *Frontiers in Ecol. and Env.* 18(7):391-400.
- Lindenmayer, D.B., D. foster, J.F. Franklin, M. Hunter, R. Noss, F. Schiemegelow, and D. Perry. 2004. Salvage harvesting after natural disturbance. *Science* 303:1303.
- Long, L. L. and J.D. Wolfe. 2019. Review of the effects of barred owls on spotted owls. *Journal of Wildlife Management* 83(6):1281-1296.
- USFWS (U.S. Fish and Wildlife Service). 2011. Revised recovery plan for the northern spotted owl, *Strix occidentalis caurina*. U.S. Fish and Wildlife Service, Portland, Oregon.
- USFWS (U.S. Fish and Wildlife Service). 2012. Revised Protocol for surveying in proposed management activities that may impact northern spotted owls. U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California.

Welch, K.R., H.D. Safford, and T.P. Young. 2016. Predicting conifer establishment post wildfire in mixed conifer forests of the North American Mediterranean-climate zone. *Ecosphere* 7 (Article e01609).

Wiens, J.D., R.G. Anthony, and E.D. Forsman. 2014. Competitive interactions and resource partitioning between northern spotted owls and barred owls in western Oregon. *Wildlife Monographs* 185:1-50.

### Remedy

We suggested the MNF develop a project that only logged true hazard trees (90% chance of mortality) that were a threat to the public on well-traveled roads. The FS states it looked at this alternative and it would address the safety concerns of the project. However, it didn't consider it because "Limiting available timber for harvest to only roadsides and recreation areas would also decrease the likelihood of a viable timber sale, thereby negating purpose and need No. 3: recovering the economic value of dead and dying trees."

Suitable owl habitat was not designated for commercial timber sales or economic value to log mills. Considering the timber sale is in the remaining burned owl habitat this is unacceptable. Over 62% of the burned area is at low and moderate burn severities and could be used by owls. "NRF habitat that was burned at low severity is still considered to be functional. Low severity fire may have burn or scorch individual or small groups of trees and may result in some loss of the midstory but the multi-layered, complex forest with high canopy cover is still present. As these fire-affected trees die, they will fall and provide coarse woody debris. NRF habitat also functions as dispersal habitat." BA-43 Moderately burned habitat will be logged from Activity Centers claiming it is not "suitable" owl habitat.

We are particularly aggrieved the MNF classified moderately burned timber as unsuitable, and request these areas should be returned to the suitable category. If done, this will increase the amount of suitable habitat proposed for logging but it will be more accurate. We are not aware of any owl researchers making the claim that NSO don't use moderately burned habitat. This appears to be yet another false claim by the MNF in an attempt to justify logging in owl suitable habitat. Even the highly burned areas are used by owls for foraging and roosting. The MNF should drop this sale. At a minimum it should drop all 624 acres of CHU and the three Activity Centers that have the most remaining habitat (Pinto Creek, Keller-Lake, and Butte Creek). Or it could do as we suggested and only cut true hazard trees at 90% mortality along publicly travelled roads and campgrounds.

The FS can't provide a legitimate rationale for continuing to log suitable owl habitat, when there are others areas on the forest the MNF could choose.

This draft EA should be pulled and an EIS should be conducted if the FS wants this project to proceed as is. Logging much of the remaining owl habitat in the Action Area is a significant impact on the human environment requiring an EIS.

We also request this project not proceed because the Public has never reviewed the FINAL BA (the 4<sup>th</sup> one submitted to the FWS on Nov. 8, 2021), or the USFWS BiOp and take permit which has never been released. Based on inaccurate and simply wrong information in the BA, it is likely the FWS will require additional changes before agreeing to this project.

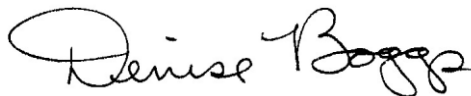
### Conclusion

We request the Regional Office remand this DN, FONSI and EA back to the Mendocino NF for further analyses, to correct the misinformation and the environmental baseline to add back in the moderately burned forest stands as suitable habitat, and order it to conduct an EIS if the project proceeds.

“The U.S. Fish and Wildlife Service (USFWS) has designated critical habitat for northern spotted owls and the Northwest Forest Plan designated Late Successional Reserves for a similar purpose (57 FR 1796, USDI 1992b, USDA and USDI 1994a & b, USDI 2008). Both strategies are based to theories of island biogeography, meta-population dynamics, and refuge design. The primary concept relating these theories is that stable population(s) can be achieved by designing a system of sufficiently protected large “reserves” interconnected by areas over which owls can move relatively freely (dispersal habitat) (ISC 1990). Courtney et al. (2004) concluded that conservation strategies for the northern spotted owl are based on sound scientific principles and findings, which have not substantially altered since the time of listing (USDI 1990), adoption of the Northwest Forest Plan (USDA and USDI 1994b), and the Final Recovery Plan (USDI 2008).”

The Plaskett-Keller timber sale does not in any way, support the aforementioned paragraph which is the BAS. The MNF continues to violate the ESA by doing nothing to work towards the recovery of the Northern spotted owl. The NSO is endangered and in an age of climate change, all benefits of the doubt should be in favor of the NSO. Surely, the FS can spare this area to further logging of most of the remaining suitable habitat.

Sincerely,



Denise Boggs, Director



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