# William Farmer Comments and Responses to Region 5 Post-Disturbance Hazardous Tree Management Project #60950

 **INTRODUCTION**

 The comments submitted herewith are submitted by Warner Valley property owner and 6-month resident William Farmer on behalf of a number of local residents and property owners in Warner Valley (“we”), many of whom lost their cabins in the Dixie fire. We are hopeful that the Forest Service becomes our friend and collaborator in what and how it proposes to deal with certain rarely used and remote roads in the burned and scorched areas on the northeast side of Kelly Mountain in connection with the Hazard Tree Removal Program proposed by Region 5 of the Forest Service.

 First, for those of you who are not familiar with Kelly Mountain, or even Warner Valley, they are nationally (and even internationally) important visual and recreation resources along Plumas County Road 312, which runs from Chester California through Lassen National Forest (“LNF”) and Lassen Volcanic National Park lands, including Warner Valley, ending at the Drakesbad rustic resort inside the Park. County Road 312 is used frequently by the many residents of Warner Valley on a daily basis when not blocked by snow, and also by tourists and visitors to Lassen National Forest, the Park, and the Warner Valley Wildlife Area owned by the California Fish and Wildlife Department. The views along this road in Warner Valley are unforgettable to anyone who pauses along the County Road at the DFW-owned meadows (known locally as “the old Lee corral”) to enjoy the view of Lassen Peak and Kelly Mountain across the meadows of Warner Valley. Residents and Park visitors enjoy hiking, fishing, cycling, camping, bird and other wildlife watching in these public park lands, as well as simply touring in cars to enjoy the scenery along this road of the Lassen National Forest as highlighted by Kelly Mountain and Mount Lassen. When Lassen Peak first comes into view, one looks across the beautiful meadows that make up the Warner Valley Wildlife area to Kelly Mountain less than one mile away. It is an amazing view: Lassen Peak in the distance, Kelly Mountain to the south and a foreground of lush green meadows. Warner Creek, a popular fishing stream, flows through riparian zones at the foot of Kelly Mountain. The road continues through forest and alongside meadow and mountain stream until it dead ends at the popular Drakesbad Resort inside the Park. The views of Kelly Mountain are free of signs of urban culture or development, or even of timber harvesting. It is a pristine slice of untrammeled mountain, old growth conifers, and wildlife. It is visible from County Road 312, the major road into Lassen Volcanic National Park, and from many viewpoints along this main roadway through National Forest and Park lands, and it dominates the view from the heavily used trail from Warner Valley Road 312 up the side of Mount Harkness to Juniper Lake inside the Park and on up to the peak of Mount Harkness, where, again, the view of Kelly Mountain is a dominating feature of the landscape.

 But, yes, we know only too well--Dixie fire did attack Kelly Mountain and meadows at its foot, as well as some of the small private cabins along the opposite side of County road 312 from Kelly Mountain. Severe fire burned large portions of private property and of Lassen National Forest and the Park. The drive along Highway 89 and along Road 312 before reaching Warner Valley provide depressing views of National Forest land, due to recent 300-foot clearcutting on both sides of these roads. There is good news, however when a driver on road 312 reaches Warner Valley, and sees that the most severe burning was *not* on this visible side of Kelly Mountain. The intensity of the fire damage is shown on Forest Service RAVG Map 2, attached to the EA in this case, and it shows various levels of intensity along the side of Kelly Mountain visible from County road 312, ranging from unburned green to slightly affected to some areas burned severely. Road 29N75, about which these comments and objections are submitted, runs primarily through unburned and slightly burned areas. This can also beseen clearly from Road 312. There are still substantial wide green areas along the lower elevations of Kelly Mountain and where road 29N75 runs.

 Our specific comments and objections are described and discussed below. Mainly, these comments are submitted because of our concern over what the Plan will do to the side of Kelly Mountain that we will live with for decades following any rehab logging that LNF may direct in carrying out the Tree Removal Program (“the Plan”).

 **POINT 1**

**THE EA FAILS TO RECOGNIZE AND ACCOMMODATE SPECIFIC VISUAL RESOURCES ON KELLY MOUNTAIN**

 The Lassen National Forest Management Plan recognizes the importance of maintaining mountain scenery. It says:

 **“**Section 21. VISUAL RESOURCES” –"The visual resource is how the Forest looks to those passing through or recreating in it.…These general landscape types provide the settings forpoints of interest enjoyed by Forest visitors and permanent residents. The ***natural appearance*** of all these landscapes contributes significantly to their popularity and appeal.” LNF Management Plan, p.3-33.[[1]](#footnote-1)

More importantly, the Management Plan continues as follows (at 3-33):

“In1990, there were about 1,242,600 RVD’s (Rec-
reation Visitor Days) of recreation use on the
Forest. Activities that are enhanced by scenic
quality, such as sightseeing, driving for plea-
sure, and hiking, represent 70 percent of that
total recreation; the recreationist’s concern for
scenery is known to be high.”

The Management Plan further states that “[t]he distinctive landscapes are found mostly in the southwestern portion and surrounding Lassen Volcanic National Park.” Road 29N75 terminates at the Park boundary and the entire western portion of Kelly Mountain abuts the Park boundary. The Management Plan then lays down the following key principle:

 ***“Visual quality objectives guide all ground and vegetation-disturbing projects.”*** p. 3-33.

These statements in the Lassen N.F. Management Plan are consistent with, and required by, ***The Forest Service Manual,*** which provides that the Forest Service has developed a Landscape Management program having “the objective to manage all National Forest System lands so as to attain the highest possible visual quality comensurate with other appropriate public uses and benefits.” (Forest Service Manual 2380).

In other words, whatever is planned for forest rehabilitation must take into account whether and how to minimize disruption to the visual quality of the land being treated or logged. Due to the heavy volume of work to be done following the Dixie fire, it may be years before low priority, remote and little used roads like 29N75 would in the logical priorities of the Plan be subjected to its prescriptions laid out in the Plan and Scoping Report. Because of this likely delay there is no reason to dispense with the usual visual resource conservation measures in name of “salvage” logging. We object to the Plan and the incorporated Scoping Reports on the basis that visual resources get little more than brief lip service, and that each of the roads marked for wide, 300 feet wide cutting on either side, have not been properly assessed for potential damage to visual resources.

We object to the EA because there is no discussion or even mention of the visual resources of Kelly Mountain. This objection relates to Point 3 below.

 **POINT 2:**

**THE EA IS SO VAGUE AND GENERAL THAT IT PROVIDES INADEQUATE NOTICE TO THE PUBLIC REGARDING INTENDED ACTIONS**

The EA purports to describe actions to be taken with regard to over 1000 miles of Forest Service Roads in Lassen National Forest, but nowhere in the EA can one discern just what activities are planned for any one road. For example will a one-lane dirt road passing through only a small burned area be used as is, with hand crews cutting a few danger trees, or will it be “*upgraded*,” widened and converted to a gravel road suitable for heavy equipment? The EA provides that it could be either depending on what is then deemed “appropriate” in the judgment of FS employees, applying some unknown selection of “best management practices.” Those “practices” (in reality, just a list or summary descriptions of all the possible measures that could be taken, ranging from avoiding undue noise to voiding any felling in sensitive botanical areas) take up more than 20 pages just to list, and each one has conditions as to whether it would actually be used. This is a lot of writing, and noise, that tells one nothing about the actual actions that presumably are already being planned and about which the public is entitled to know in advance and to comment on.

It appears that the Region management avoids the need to be specific by deferring specific plans and decision-making to each individual Forest. Here is what the April 8, 2022 cover letter for the EA, signed by Regional Forester Jennifer Eberlien, said with regard to delegating specific decisions to each individual Forest:

 ***The Forest Supervisors for each of the nine forests will ultimately decide whether to implement the proposed actions, an alternative action that meets the purpose and need, or take no action.***

EA cover letter, April 8, 2022, p. 1.

Will the Forest Supervisors decide to take action, or modified action or no action on the lightly traveled National Forest roads near Warner Valley? There is no way to know. We object to going forward with the overly general Region-wide plan until the specific Forests “decide” what and how they plan to implement the actions that are so far “proposed” only in very general terms in the Region plan and its EA. It appears from Regional Forester Eberlien’s statement that the needed specificity must come from the individual Forests, but only then will the public be able to respond and understand the true scope and nature of the plans to be implemented. We respectfully request time to review such plans and to comment on them before any heavy equipment is employed.

1. **THE EA AND PLAN DO NOT REVEAL WHETHER AND WHAT LOGGING AND PROTECTIVE MEASURES WOULD BE ADOPLTED. FOR KELLY MOUNTAIN WE REALLY KNOW NOTHING FROM THE SCOPING REPORT AND ENVIRONMENTAL ASSESSMENT**

The Plan and EA give only general reference to a catalogue of the special management practices that exist (ranging from avoiding the noise of chain saws near the nests of threatened or endangered bird species--***if*** such were discovered in the vicinity of planned logging activities-- to avoiding disturbing archaeological sites ***if*** any were discovered. The prescriptions read as though all of them would be employed—hand cutting, leaving sites alone, restricting cutting seasons, avoiding any cutting, clear cutting where economic or efficient, etc., as though all measures would be employed. However, there are conditions and exceptions which the FS can use almost at will to be relieved of implementing inconvenient or expensive specific practices. The result? No one knows what will be the actual plan. For **Kelly Mountain**, the following questions need to be addressed and the answers revealed specifically and publicly

 -What heavy equipment will be used to do the logging that the FS wants to do to protect the few vehicles that might ever use the road?

 -Will bulldozers and excavators be used to “improve the road?

 -How much gravel would be imported; what culverts would need to be constructed or rebuilt?

 -Will the logging, road-building, log skidding and log hauling activities add material amounts of silt and soil to Warner Creek below?

 The FS’s own design features published in the Scoping Report for the Plan provide no requirements, only possibilities. Which of the following design features will actually be used?

 -measures to minimize erosion and soil disturbance on steep slopes;

 -protection of ephemeral water courses and springs from being silted and polluted with ashes;

 -avoiding disturbing very dry soils where moisture is less than 20%, with oversight by a FS soil scientist or hydrologist;

 -protecting riparian areas from use of heavy equipment;

 -restrictions on use of skid trails for removing logs;

 -using wildlife protection measures, including retaining at least ten tons per acre of the largest downed logs, and retaining 20 of the largest snags per acre;

 -making sure that wildlife specialist employees survey for the presence of spotted owl, northern goshawks, and nests or dens of any sensitive species, which have been documented as present on Kelly Mountain (see previous timber sale analyses recognizing potential disturbance to marten, fox and other threatened mammals;

 -making botanical surveys for sensitive botanical sites or areas, and describing specific measures to avoid such sites, including marking areas containing sensitive lichen and plant communities and making sure that tree falling activities will not interfere with such areas.

1. **SPECIFIC DELINEATION OF PLANNED MEASURES ON KELLY MOUNTAIN NEED TO BE STATED IN THE PLAN DOCUMENTATION RELEASED FOR PUBLIC COMMENT**

The Plan and EA give general reference to many of the special management practices that exist, as though all of them may be used. However, as you know, these all have conditions and exceptions which the FS can use at will to avoid implementing specific practices. The result? No one knows what will be the actual plan or what practices will be applied to the Kelly Mountain area. The following questions need to be addressed and the answers revealed publicly:

 -What heavy equipment will be used to do the logging that the FS wants to do to protect the few vehicles that might ever use the road?

 -Will bulldozers and excavators be used to “improve the road?

 -How much gravel would be imported; what culverts would need to be constructed or rebuilt?

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 -making sure that wildlife specialist employees survey for the presence of spotted owl, northern goshawks, and nests or dens of any sensitive species, which have been documented as present on Kelly Mountain (see previous timber sale analyses recognizing potential disturbance to marten, fox and other threatened mammals from timber harvesting activities (Warner Rim Timber Sale, North Dusty Timber Sale; Domingo Timber Sale, Warner/Mosquito Timber Sales). These sales claimed that Road 29N75, and other connected roads would be closed when the timber sale logging was completed—in order to mitigate wildlife habitat disturbance, but this did not occur except for a few weeks at most);

 -making wildlife and botanical surveys for sensitive botanical sites or areas, and describing specific measures to avoid such sites, including marking areas containing sensitive lichen and plant communities and making sure that tree falling activities will not interfere with such areas.

 **POINT 3**

 **A SIMPLE SOLUTION**

 Many of the points discussed above relating to Kelly Mountain would not be of any serious concern if the following proposal were implemented:

 Rather than close all of road 29N75, close only the portion of the road beginning at the point where it crests at elevation 5900’ and then runs downhill to elevation 5400’ and northwest across the northeastern side of Kelly for approximately five miles to its dead end terminus at the Lassen National Forest boundary shared with the Park boundary. Lassen National Forest decided as far back as 1990 to close all of Road 29N75 as a mitigation measure to protect wildlife habitat in connection with timber sales on Kelly Mountain. Unfortunately, Lassen management failed to follow through with the prescribed closure, which was specifically stated in timber sale documentation from 1990 and 1992. In particular, the Environmental Assessment for the Warner / Mosquito Timber Sales included the following language: “*8G. The following road links would be closed to vehicle traffic following the timber harvesting…to maintain and improve wildlife habitat: …29N75. Closing the roads would re-establish some wildlife travel corridors, especially on the north side of Kelly Mountain*.” Subsequently, in 1992, the Warner Rim Timber Sale EA explicitly called for the closure of 29N75: *“…all other roads* ***[including 29N75]*** *would be closed following the timber sale*.” The road closures were specified as measures which would mitigate the disturbance to wildlife on that portion of Kelly Mountain. Habitat needing mitigation was described as including black bear, deer, pine marten, as well as fisher, Sierra red fox and wolverine for which “[t}here are historical records of sightings.” The EA referred to the “shy nature of these animals” and “their need for minimal disturbance.” However, this road has remained “open” ever since these timber sales and logging were completed, despite the fact that it was again in 1997 slated for closure following the North Dusty timber sale project. The matter should be concluded here and now with the downgrade of 29N75 and exclusion of it from the treatments identified in this Plan. When the FS timber contract officer was contacted about the road closure following the North Dusty sale, he commented that the FS does not “have to” follow or carry out mitigation measures if they prefer not to do so. In this case, the preferences of local hunters and a few others trumped the work of wildlife experts within the FS. This is bad public policy and bad environmental compliance.

 **Compromise Solution**

The objection of locals to the road closure was said to be because they “like” to drive up to the top of Kelly Mountain. Of course there is no road to the “top” of Kelly Mountain, but 29N75 does go to the top of the south side of Kelly Mountain before descending somewhat into a five mile long traverse of the steep northeastern side of the Mountain (the portion we are concerned with that is visible from County Road 312). Road 29N75 begins on the southwestern side of the mountain in the Willow Creek drainage, where it departs the Willow Creek road (FS Road 29N14” and angles and switchbacks up the mountain to elevation 5900’ on the south flank crest. This part of the road and the relatively flat crest area could be left open and used by those seeking to enjoy the view. The remainder of the road would be closed. There are no other uses of this part of the road—no facilities, no trails, no campgrounds, no FS amenities—basically **no target** that a falling tree would endanger. Closing the last five miles of the road before it dead ends against the Park boundary would eliminate any danger to vehicles since none would be permitted on this stretch. With no “targets” to protect, there would be no danger trees and no cause for 300-foot clearcutting on both sides of this portion of the road.

 **4. CONCLUSION**

 Concerned Warner Valley property owners and users would be pleased to meet with Forest officials concerning the matters raised in these comments; indeed, we request the opportunity to do so before any response to these comments is prepared. In particular, we request the opportunity to meet with LNF personnel who will be directly involved in preparing such responses, since the decisions to take action will be made at that level, according to the Regional Forester, as noted above in this letter.

Respectfully submitted,

May 11, 2022

William “Buck” Farmer

1. Emphasis added throughout unless otherwise indicated. [↑](#footnote-ref-1)