



Feb. 7, 2025

STNF – SFMU
Attn: District Ranger Jones
PO Box 1190
Weaverville, CA 96093

www.fs.usda.gov/project/?project=64536

Re: Hyampom Community Wildfire Risk Reduction Project

Conservation Congress and Tonja Chi (CC is submitting Tonja's comments with ours on her behalf), appreciate the opportunity to provide comments on the draft EA. We do not support this project in NSO habitat for the reasons listed below.

The STNF sought and received an Emergency Action Declaration to eliminate the objections process. The FS is also using this "emergency" as an excuse for not having two years of protocol surveys for NSO before implementation. The fact is, this project has been on the SOPA for about a decade and there is no "emergency." Poor planning on the FS part does not constitute an emergency on the part of the public.

The most recent FS iteration of this project came out in 2020 – almost five years ago. The FWS LOC stated it first consulted on this project back in 2014. There hasn't been a fire in the project area, and the FS has had at least four years to conduct recent protocol level NSO surveys, and 10 years to conduct annual surveys. This project does not warrant an emergency determination that would forgo the objection process and we request the FS not use it.



The Hyampom project's purpose is to reduce the risk of high severity wildfire in and around the community of Hyampom, and to improve forest health and resilience. Despite these myths not working, and increasing the risk of wildfire, the FS continues to trot out the same old manipulations to the public. The project proposes to "treat" 12,415 acres – all in designated critical habitat, and two LSRs (920 LSR acres combined). The FS only did a "streamlined" consultation with the FWS rather than a more in-depth Biological Opinion. Considering the number of NSO ACs and actual NSO in the project area, the species deserves far better. It is on the cusp of extinction, and this project will worsen the situation.

If the FWS was doing its job it would have required a BiOp, and the FS should have conducted an EIS for this project.

According to the FWS LOC there are 18 Activity Centers that will receive treatment. (We are relying more heavily on the LOC than the BA due to discrepancies) To avoid take, FWS requires "at least 400 acres of NRF in a core area" and at least 1,336 acres total NRF in a home range (inclusive of the core). "NSO territories in the CA Klamath Province are approximately 3,398 acres (USDI FWS 2012)" Of the 18 ACs listed in the LOC, every single one is below minimum habitat thresholds – meaning they are already at take level. No matter how you slice it, the FS and the FWS are violating requirements relied upon for environmental analyses for decades. Worse, the FS intends to cut in some core areas in 10 of the ACs, and cut the home ranges of 13 ACs. The FS claims it is meeting RA-10 and RA-32 but that is impossible. The project area already contains numerous barred owls, and reducing the canopy and opening up the understory will only result in further entry by barred owls. It is a sad commentary when both agencies outright lie to the public in an attempt to get what they want.

The action area (not project area) includes 56,843 acres of FS lands and 16,733 acres of private land. Private lands do not provide owl habitat. There are approximately 16,342 acres of NRF habitat and 19,915 acres of dispersal habitat in the action area. The project area is only 12,415 acres of FS lands in the action area. All of the cutting will be done in the project area, having a far greater impact to the ACs in the project area and the local owls using them.



Not surprisingly, the BA and LOC do not state how much NRFD habitat is in the project area. The project will log 596 acres of NRF (5%), 1,460 acres (12%) of foraging habitat, and 2,552 (21%) acres of dispersal habitat in the project area. That is 37% of the project area which is 100% designated critical habitat. All of the NRF will be “degraded” and this degradation will last 5-20 years. The FS only intends to maintain 40% canopy cover in all N/R/F habitat. 40% is high quality dispersal habitat. NSO need 60% canopy for foraging and 80% canopy for N/R for high quality habitat. During the 5 -20 years’ time, the NSO’s prey will be also be impacted and displaced, other food sources impacted, and hiding and thermal cover reduced. While prey will be displaced or killed, neither agency offers what any NSO are to do if their food source is gone for up to 5 years.

The FS and FWS agreed to leave somewhat more NRF or apply additional seasonal restrictions to the 7 currently occupied ACs. The other 11, which are ACs that are supposed to be protected for future colonization by NSO according to the Revised Recovery Plan will be logged. Logging these ACs is a violation of the RRP and the best available science.

The FS is relying on Project Design Features (PDFs) to avoid impacts to NSO. You can have all the PDFs in the world, but when ACs are already at take level, they will not work. All of the contingencies and mitigation for NSO are spurious because of the current status of all of the ACs. The FS and FWS can’t claim reproduction won’t be harmed or even NSO won’t be killed. The agencies aren’t meeting even minimum standards. In fact, the FS can remove seasonal restrictions if it determines NSO are not occupying an AC. Considering its track record of failing to conduct protocol surveys, and FWS allowing them to get away with it, forgive us if we don’t trust the FS to accurately know if an AC is occupied or not.

The FS and FWS agreed to allow smoke producing activities from Feb 1 – Jul 9 if the FS employs firing techniques that provide “good smoke” dispersion and ventilation within 0.25 mile of nests or within 0.25 miles of unsurveyed NRF habitat. If the effects of smoke can’t be avoided or minimized the seasonal restriction will be applied. This is arbitrary and provides no accountability to the



public. Who decides if it is good smoke or bad? Worse, if it is bad, it is already too late for any nesting owls and their young and they may be suffocated.

The FS claims 3-miles temporary roads will be closed after implementation of the project. How long will the project last? Some projects last 20 years. The truth is the STNF rarely returns to close any temp roads.

The FS needs somewhere between 35 and 141 landings requiring removal of forest habitat on 35-141 acres. This is considered inconsequential to owls. Nobody asked them.

Since barred owls are already in the project area, and owl habitat is below minimum habitat thresholds, there is simply no way for the FS or FWS to claim RA-10 and RA 32 are being met.

The FS and FWS claim that unoccupied sites tend to have less NRF habitat and the treatments in those sites are less likely to result in adverse effects to resident owls. This is false. It does not account for NSO using different nest sites each year, and it doesn't account for protecting historical sites as required by the RRP. It is also an admission the FS intends to cut more habitat from the occupied sites.

The effects to critical habitat are not relevant to the residential owls that are in the project area. The agencies only look at the degradation of habitat in relation to the entire CHU and sub-unit. In fact, the FWS determined that treatments are insignificant at the scale of the entire CHU and sub units and project effects will not significantly reduce the function of habitat in the action area below the current conditions. So, in other words, the current habitat (below minimum habitat thresholds and at take level) is already in poor shape, so let's keep it that way. And let's not look at impacts to CHU at the project level.

The LOC and BA fail to state what, if any, Environmental Baseline was used in the analysis for NSO. The EB should have guided the entire analysis. By conveniently not using it, the agencies attempt to lessen impacts.

I am not listing all the removal of habitat in these comments. Those figures can be found in the EA, BA and LOC. It really doesn't matter because this project should



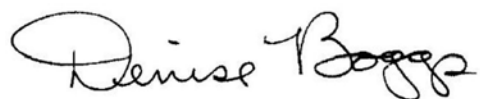
not happen. None of the PDFs will work when habitat is barely functioning now and barred owls are present.

Both agencies have abrogated their responsibilities under the ESA to conserve NSO that would lead to recovery. Every timber sale we work on in the STNF is in NSO critical habitat, LSR or suitable habitat. Is it any wonder the NSO is in an extinction vortex. Both agencies seem to have taken an extermination campaign out against the NSO.

All of the CHU and LSR habitat should be dropped from the project and the FS should focus on the plantations in non-habitat.

Please keep Conservation Congress on the mailing list for this project and email any final decisions to me at [REDACTED]

Sincerely,

A handwritten signature in cursive script that reads "Denise Boggs".

Denise Boggs, Director

CC: Oliver Steifel, Attorney at Law

[REDACTED]

