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TRT supports the action and the attention paid to the treatment of the Merced River watershed. This area urgently needs increased attention due to recent fires, overall ecosystem degradation, its close proximity to Yosemite National Park, and the Merced Grove of Giant Sequoias. In addition, TRT supports this effort from the Stanislaus National Forest to create a resilient landscape while prioritizing high-quality habitat for the Pacific Fisher. TRT hopes these comments build on previous successful forest restoration projects in the area. Our comments are intended to provide constructive criticism focused on supporting the release of the Environmental Assessment so that the risk of litigation is minimized and ecological goals are prioritized.

Herbicides

Generally, it is not news to the Stanislaus National Forest that herbicides are a contentious topic amongst the public and environmental groups. It is also not novel that the USFS frequently relies on their use as an essential tool to ensure the effectiveness of fuels treatment, especially in a constrained resource environment (read: limited funding). Given these circumstances, careful analysis within the NEPA context is essential. TRT recommends that the Forest Service provide more direction to land managers to prioritize alternative treatment options for fuelbreak maintenance that is consistent with the recent SERAL 2.0 Record of Decision for herbicide use to maintain fuelbreaks:

"It is my preference to utilize prescribed fire, or manual or mechanical methods, when and where possible, as the primary means to maintain fuelbreaks..."

We believe a statement such as this goes a long way to supporting land managers in implementing the best available tool while minimizing herbicide to the extent it is feasible. We believe that these measures significantly reduce the risk of litigation. We recommend consistency with the SERAL 2.0 ROD for use of herbicides.

Hazard trees

We note that there is an inconsistency between the Stanislaus National Forest Hazard Tree Management EA and the El Portal Fire Recovery and Habitat Resilience EA. See excerpt from the El Portal Fire Recovery and Habitat Resilience EA:

'Fuelbreaks will be constructed and maintained to widths up to 500 feet wide along roads shown in Map 1. Surface fuels, ladder fuels (generally less than 11" dbh), and hazard trees (Angwin et al. 2022) will be cut, piled and burned, masticated, or **removed without reducing overstory canopy.**'

See the excerpt from the Stanislaus National Forest Hazard Tree Management EA:

'Habitat characteristics of sensitive wildlife and their prey that could be affected by tree mortality and hazard tree abatement and removal include a reduction in the number of large, old-growth trees, large down logs, snags and defect trees; **as well as a reduction in canopy cover**, forest density, structural diversity, species diversity, recruitment, habitat connectivity, and understory vegetation.'

The fuelbreak work outlined in the El Portal plan is designed not to reduce canopy cover, whereas the Hazard Tree Management EA determined it will impact the canopy. This inconsistency raises questions, mainly since the Hazard Tree Management EA already permits these activities along the roads within the project area. It is unclear why such actions were included in the current project, particularly given the contentious nature of this subject. We recommend providing an explanation for this difference and possibly making the El Portal Fire Recovery EA consistent with the Stanislaus National Forest Hazard Tree Management EA.

Lack of Geospatial Data

TRT recommends, as a practice, providing geospatial data during public review. The provided maps are georeferenced. However, the lack of spatial data (shapefiles, geodatabases, etc.) hinders the public's review of the proposed actions, especially concerning Pacific fisher habitat. Overall, we believe this information is essential to clarify the impact of this decision on sensitive species. This is critical information for both the public to comment on and for the eventual implementers of this project. This is especially important in judging consistency with the U.S. Fish and Wildlife Service's Final Rule and Critical Habitat Designation for the Southern Sierra Nevada Distinct Population Segment of Fisher, which differ based on the scale at which a project is scoped.

Log retention

The importance of log retention in forest management is recognized, particularly for its numerous benefits to wildlife and soil health, specifically emphasizing the Pacific fisher. However, through our experience managing projects elsewhere in the Forest, we have found that a per-acre measurement for log retention is challenging to enforce during project implementation. Land managers, contractors, and concerned members of the public can easily sample any 10 acres from within the project area to claim compliance or non-compliance with these established guidelines.

As a suggestion, it would be helpful to adopt a unit-based approach for averaging log retention, as this would enhance clarity and effectiveness. For example, within reproductive habitats for fishers, a standard could specify the retention of “2-5 logs greater than 20” in diameter per acre, where the average is calculated within the boundaries of the project unit.” This approach would provide essential hiding cover and habitat for prey species important to the fisher while creating an enforceable metric.

Inclusion of moss species *Bruchia bolanderi* and *Fissidens aphelotaxifolius* in plant surveys

Due to the inclusion of treatment within drainages, these moss species have been incorporated into the project scope. There is no concern regarding their inclusion; however, it is essential to note that these species are incredibly challenging to identify. Accurately identifying them requires utilizing microscopes to analyze the gathered spores, which can pinpoint specific species. This level of analysis is well beyond the scope of typical plant surveys conducted on recent projects in the Stanislaus National Forest.

In our increasingly resource-limited environment, this presents a potential issue for project implementation, particularly given the exorbitant costs associated with conducting these detailed surveys. To address this challenge, providing more guidance to land managers regarding these species would be beneficial. Specifically, their inclusion in survey lists should be required only in cases where a project is planned to impact their habitat, particularly in riparian areas. Furthermore, it would be advantageous to instruct land managers to conduct field surveys for these mosses only if the project overlaps with a suitable habitat. Finally, should a suitable habitat be field verified, it would benefit the project not to require individual identification and instead permit a flag and avoidance method for the habitat.

TRT listed in consultation

TRT would like to bring to the attention of the interdisciplinary team that we were listed as a consulted organization for this project. TRT is actively involved with the Stanislaus National Forest on various projects and has discussed this particular project with some of our colleagues. However, we have not been directly consulted to provide input on this project. By submitting this comment, we acknowledge that we will now be included in the final decision as a commenting organization; however, we feel it is important to note that we were not consulted during the scoping process.

Summary

Overall, TRT supports the El Portal Fire Recovery Project and Habitat Resilience Project and commends the Stanislaus National Forest, Groveland Ranger District, and the interdisciplinary team for prioritizing an area that merits significant restoration. Our comments and suggestions are intended to ensure the project's success and to ensure that treatments avoid the degradation of the Pacific Fisher's habitat.

Ben Campbell

A handwritten signature in black ink, appearing to read 'Ben Campbell', with a stylized, cursive script.

Forest Health Program Director

Tuolumne River Trust