Data Submitted (UTC 11): 10/9/2017 11:00:00 AM
First name: George
Last name: Sexton
Organization: Klamath SIskiyou Wildlands Center
Title: Conservation Director
Comments: Attached are comments regarding the Craggy DEIS on behalf of KS Wild, the Environmental Protection Information Center, and the Klamath Forest Alliance.

Thank you for accepting these comments concerning the Craggy Project from the Klamath Siskiyou Wildlands Center (KS Wild), the Environmental Information Protection Center (EPIC) and the Klamath Forest Alliance (KFA). Please ensure that we are provided hard copies of forthcoming NEPA and decision documents concerning this project.

THANK YOU FOR FOCUSING ON SMALL-DIAMETER FUELS IN THE WUI

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We believe that the focus on small-diameter thinning, prescribed fire and legacy sediment treatments represents a way to bring communities and stakeholders together after the divisive and controversial backcountry logging proposals following the Panther, Salmon, Westside and Gap fires.

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THANK YOU FOR ADDRESSING LEGACY SEDIMENT SITES

We greatly appreciate the agency addressing legacy sediment sites in the Humbug Watershed. As noted on

page 5 of the DEIS [ldquo]current conditions do not meet water quality

standards; streams in the Project Area are listed as impaired under [sect]303(d) of the Clean Water Act.[rdquo] Due to these conditions, we ask the Forest Service to consider road decommissioning (in riparian areas) and the avoidance of motorized stream crossings. In particular we are perplexed by the agency[rsquo]s refusal to enforce or implement closures of Forest Service system roads that are not identified as open on the Motor Vehicle Use Map.

Please note that while page 9 of the DEIS states that 68 legacy sediment sites will be treated, the rest of the document, and the Forest Service agreement with the Water Board, indicates that 78 legacy sites will be treated via the Craggy Project.

Page 104 of the DEIS indicates that the Forest Service is only addressing 78 out of 293 known sediment producing legacy sites in the planning area and that the legacy site treatments will only address about half of the potential sediment production. It is unclear to us why the agency is not taking this opportunity to comprehensively address legacy site sediment production into water quality limited streams that support listed salmon populations.

ACTIVITY SLASH

As indicated in our scoping comments for this project, timely and thorough treatment of activity slash is essential to the successful achievement of the purpose and need for this project. Our organizations would like specific and quantifiable assurances about the timing and thoroughness of post-logging slash treatment.

LOGGING ROADS

The DEIS does not contain a site-specific analysis of the location and impacts of new temporary road construction. Given the significant cumulative watershed impacts present in the Humbug Watershed, please consider avoiding new road and landing construction.

Please note that page 99 of the DEIS acknowledges that [ldquo][f]orest roads within high erosive grantic soils have resulted in erosion problems throughout portions of the landscape and erosion can lead to sediment in streams.[rdquo] Additionally, page 108 of the DEIS indicates that [ldquo][f]ine grain largely suspended sediment from road runoff will continue, and it is probably the largest component of negative direct effects on water quality.[rdquo]

Hence it is essential that the Forest Service: (1) physically close user-created routes and NFTS roads that are not included in the Motor Vehicle Use Map; and (2) commit to stormproofing roads that are identified for [ldquo]potential[rdquo] stormproofing on page 104 of the DEIS.

Additionally, the KNF LRMP at 20-1 clearly directs that [ldquo]non-system roads not needed for future management shall be put to bed.[rdquo] Please implement this non-discretionary guidance in the Craggy Project.

Please note that many of the motorized routes and haul roads in the Humbug watershed are entirely [ldquo]located in habitat designated by the CDFG as critical deer winter range. These areas are on the edge of habitat mapped as elk winter range. Two of these watersheds currently exceed three miles of road per square mile. Four additional watersheds on the east side with current and proposed routes currently exceed three miles per square mile.[rdquo] Travel Management DEIS page 197. As acknowledged on page 199 of DEIS, [ldquo]in 19 7th field watersheds routes have degraded habitats from the high road densities.[rdquo]

As indicated on page 133 of the Travel Management DEIS, Upper Humbug Creek [ldquo]has a high level of disturbance, including road densities of 3.17 miles per square mile.

Embeddedness is high with the average being about 48%. This is above the maximum desired level of 20% as defined in the Forest Plan.[rdquo] Please note that the KNF LRMP at MA10-22, MA10-45 and MA10-55 creates the nondiscretionary duty to restore riparian conditions. Please further note that page 130 of the DEIS acknowledges that [ldquo]the reduction or elimination of vehicle traffic on a road near a stream will result in less sediment delivered from the road to the stream.[rdquo]

NEOPTROPICAL MIGRATORY BIRDS

The regional decline of migratory birds is a significant issue for this project. Numerous studies have reported local and regional trends in breeding and migratory bird populations throughout North America (e.g., DeGraaf and Rappole 1995, Sauer et al.

2004). These studies suggest geographically widespread population declines that have provoked conservation concern for birds, particularly neotropical migrants (Askins 1993, Terborgh 1989.)

The Craggy DEIS largely fails analyze and disclose the potential impacts of conifer thinning operations and brush removal on neotropical bird population trends.

Please note that table 2 of the following document indicates that the timing of projects is associated with risk to nests such that there is a lower risk level if the project occurs outside the general nesting period and a higher risk level when operation occur during the general nesting period:

https://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=8D910CAC-1

Please develop and implement seasonal operational restrictions to avoid project impacts while land birds are nesting in the project area. This is especially important for proposed masticator treatments.

Pursuant to the Migratory Bird Treaty Act (MBTA), it is unlawful [ldquo]at any time, by any means or in any manner to . . . take [or] kill . . . any migratory birds, [and] any part, nest, or eggs of any such bird.[rdquo] 16 U.S.C. [sect] 703(a). This prohibition applies to federal agencies and their employees and contractors who may not intend to kill migratory birds but nonetheless take actions that result in the death of protected birds or their nests. Humane Soc[rsquo]y of the United States v. Glickman, 217 F. 3d 882 (D.C. Cir. 2000) (holding that federal agencies are required to obtain a take permit from FWS prior to implementing any project that will result in take of migratory birds); see also Robertson v. Seattle Audubon Soc[rsquo]y, 503 U.S. 429, 437[ndash]38 (1992) (finding that federal agencies have obligations under the MBTA) and Center for Biological Diversity v. Pirie (191 F.Supp.2d 161 (D.D.C.

2002) (allowing injunctive relief against federal agencies for violations of the MBTA). The prohibition on [ldquo]take[rdquo] of migratory birds includes destruction of nests during breeding season. Specifically, [ldquo]nest destruction that results in the unpermitted take of migratory birds or their eggs, is illegal and fully prosecutable under the MBTA.[rdquo] U.S. Fish and Wildlife Service, Migratory Bird Permit Memorandum, from Director Steve Williams dated April 15, 2003.

Under the MBTA, [ldquo]any person, association, partnership, or corporation[rdquo] who violates the MBTA or regulations thereunder are subject to criminal and civil penalties. 16 U.S.C.

[sect]707. Violations of the MBTA are prosecuted as a misdemeanor, and upon conviction thereof, are subject to fines of up to $15,000 or imprisonment of up to six months, or both. Id.

In our scoping comments we requested that the Craggy NEPA analysis evaluate the impacts of project activities on migratory bird nests, disclose the breeding season for each migratory bird species found in the project area, and include measures (such as seasonal restrictions) to avoid destruction of nests. It is unclear why none of these requests were acted upon by project planners.

SISKIYOU MOUNTAIN SALAMANDERS

The DEIS appears to indicate that there are no known Siskiyou Mountain Salamander sites or habitat in the

planning area. Please confirm that no talus habitat is proposed for treatment in the Craggy project. The statement on page 32 of the DEIS that the use of prescribed fire might be limited during times when Siskiyou Mountain Salamanders are [ldquo]surface active[rdquo] leads us to believe that habitat is present in the project area and that project activities are in fact proposed within that habitat. The DEIS does not allow the reader or the decision maker to determine the presence of, or project impacts on, Siskiyou Mountain Salamanders and their habitat.

AQUATIC CONSERVATION

[ldquo]Current conditions do not meet water quality standards; streams in the project area are listed as impaired under [sect]303(d) of the Clean Water Act.[rdquo] [ndash]Craggy DEIS page 5.

Threatened and sensitive fish species exist in and downstream of the project area. Coho salmon, Steelhead, Rainbow trout, Pacific lamprey and Klamath River lamprey are all present in Humbug Creek. Aquatic conservation is therefore a significant issue for this action. Please note that the DEIS does not quantify sediment production from log haul despite the location of haul routes directly adjacent to occupied fish habitat.

We are extremely concerned about the aquatic impacts of the proposed temporary stream crossing. Please note that page 91 of the DEIS indicates that [ldquo]there is one proposed temporary stream crossing located within a stream channel containing anadromous fish; this crossing would be treated to reduce possible sediment[hellip][rdquo] Rather than mitigate additional sediment production in this highly impacted watershed, the project should simply avoid motor vehicle traffic through streams.

UNSTABLE SLOPES AND SOILS

Despite acknowledgement in the Humbug Creek Landscape Analysis that the watershed is subject to unstable slopes and soils, the Craggy DEIS neglects to perform a site- specific analysis of project impacts on unstable slopes and soils. The indication on page 114 of the DEIS that there is a [ldquo]high[rdquo] landslide risk from cumulative and project activities evidences the importance of disclosing the location, condition and mitigation measures associated with unstable slopes and soils in the project area.

NOXIOUS WEEDS

We are concerned by the [ldquo]high risk[rdquo] project activities pose to the spread of non-native species in the project area. See DEIS page 71. We are not convinced that project design features and best management practices have been effective at slowing or reversing the spread of noxious weeds associated with management activities and management related disturbance.

CONCLUSION

Our organizations appreciate the focus the Forest Service has placed on small-diameter and plantation thinning in the Wildland Urban Interface for the community for Yreka. We are supportive of prescribed fire prescriptions and legacy site remediation as proposed in the DEIS. Thank you for developing these important aspects of the Craggy project.

We urge you to respond to these comments by: (1) Implementing seasonal mastication restrictions to protect nesting bird populations; (2) Implementing the Travel Management Rule by closing unauthorized routes and roads; (3) Reducing the impacts of logging roads on sediment production; (4) Fully protecting Siskiyou Mountain Salamander habitat; (5)

Avoiding stream crossings; and (6) Quantifying the location and impacts to unstable soils and slopes.

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