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Organization: Sierra Forest Legacy et al.

Title:

Comments: Please see attachment for our comments.

These scoping comments are submitted on behalf of the listed organizations and individuals. We appreciate the opportunity to provide early feedback on this proposal to remove hazard trees following recent fires.

This project proposes to remove hazard trees from striking distance of infrastructure, e.g., roads, trails, and facilities, located within the fire perimeter of specific fires on nine national forests. We recognize the need to provide for public safety, especially in developed areas that are highly used. The achievement of public safety, however, must be balanced with protection of sensitive resources.

Our recommendations and concerns are described in detail below. We ask that the following issues, information, and analysis be considered, addressed, and disclosed in the environmental review for this Project and as part of the planning process for this Project.

I. Focus of Hazard Abatement Activities

Burned and dead or dying trees can provide important habitat for a variety of species, and contribute to the recycling of nutrients and ecological health. We also recognize that these trees can harm people and property when they fall. To balance the benefits of these trees with the protection of life and property, we ask that hazard tree abatement be focused on facilities, infrastructure, and high use roads. We define high use roads as level 5, 4, and 3 roads, and frequently-used level 2 roads. We ask that hazard trees, as defined in the proposed action, not be removed from level 1 roads that are supposed to be closed to the public and level 2 roads that are not highly used. As described in greater detail below, we also ask that except for imminent hazards, trees along trails in roadless areas and wilderness areas be left to fall on their own.

II. Hazard Tree Removal Along Trails in Roadless Areas and Wilderness Areas

The Proposed Action would primarily focus on the removal of hazardous trees along roads and in proximity to facilities or infrastructure in nine national forests. At this time, the maps for the Lassen, Mendocino, Shasta-Trinity, and Sequoia National Forests only display "basic" maps that show burn area perimeters that indicate where hazard tree removal may be approved. The Six Rivers, Sierra, Plumas, Klamath, and Inyo National Forest maps provide more specificity - showing roads, campgrounds, trailheads, and other facilities that are "selected for hazardous tree management."

Based on the maps currently contained at the project website, the Inyo, Klamath, Plumas, and Sierra National Forests propose to apply hazardous tree management along trails in each of those national forests. Of those forests, the Inyo does not propose treating hazard trees along trails located inside roadless areas or designated wilderness. However, the maps for the Plumas, Klamath, and Sierra National Forests all show extensive proposed hazard tree treatments along trails within roadless areas and wilderness areas.¹

¹ The original maps posted with the project showed trails in wilderness areas proposed for hazard tree removals. We noticed on 11/11/21 that the maps at the project website had been revised and trails in wilderness areas had been removed without explanation. We see this as a positive change, but it is still unclear to us what is intended for trails in wilderness areas and roadless areas.

Nothing in the Proposed Action describes any parameters for how hazard tree management is intended to be done along trails - either inside wild, ecologically intact roadless areas and wilderness areas or outside those wild areas. In Appendix B, design features for Recreation and Scenic Resources describe various standard project features such as protecting all improvements such as trails, providing safety signing along trails, providing visitor information about trail closures, and avoiding implementing hazard tree management activities during the core May 15 - September 15 recreation season. But nothing describes any conceptual strategy for how trails would be made "safe" through hazard tree management actions.

Given the lack of information as to how either the Region or individual national forests intend to manage hazardous trees along trails, the only scoping comment opportunity is to provide feedback on the general issue of hazard tree cutting along trails. The organizations signing on to these comments share the following strong points of concern:

A. Logging for "Safety Along Trails in Roadless Areas and Wilderness Areas

As now displayed on the individual forest maps, the Proposed Action would result in hazard tree management along many miles of trails within the Marble Mountain Wilderness, the Trinity Alps Wilderness, the Bucks Lake Wilderness, the Kaiser Wilderness, and the Ansel Adams Wilderness - and the Project would also affect many roadless areas adjacent to those wilderness areas.

Along the wilderness areas trail segments now shown on project maps, there will likely be many tens of thousands of medium to large dead trees with potential to fall onto a trail. If those tens of thousands of large snags are consistently cut down to purportedly provide safety for the recreational users of those trails, major trail routes leading into and through the affected wilderness areas will become long, linear strips of stumps amidst felled trees.

There is no question that the Forest Service has authority to take necessary actions to protect public safety both inside and outside of wilderness or roadless areas that have legal mandates to be managed in a wild condition. The Wilderness Act specifies that a wilderness will generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable. Miles of cut stumps along main trails in wild areas would be both noticeable and highly negative to the wilderness character of the affected lands adjacent to these trails.

The Wilderness Act allows mechanical equipment "as necessary to meet minimum requirements for the administration of the area[hellip] including measures required in emergencies involving the health and safety of persons within the area." There is no longer an emergency that meets the Wilderness Act criteria. The fires are out. Instead, now the Region and individual national forests face a management question: "Will cutting down dead trees that might fall onto a wilderness trail result in a sufficient benefit for public safety to justify countless stumps that will negatively change the character of the roadless area or Wilderness for many years into the future?"

Forest staff might argue that cutting trees in a swath perhaps 100' wide on each side of a trail will only produce a strip 200' wide. That would still leave the vast majority of the affected wilderness or roadless area in an unmanaged/unaltered condition. The fact is, however, that altering the corridor along trails is the most intrusive alteration possible for the hikers, backpackers, or horseback riders who travel into a wild area along the trail. To walk amidst a long corridor of stumps simply eliminates any sense that the area is wild or free from the obvious imprint of human management.

Accordingly, a first strong concern over the plan to treat hazard trees along trails in wild areas (wilderness and roadless areas) is that cutting more than just a very limited number of especially worrisome dead trees along a

trail will result in the trail corridor being altered visually for at least the next 30 years by the creation of countless stumps. The sense of being in a wild, unmanaged environment will be lost.

A second argument can be made that the rationale of cutting trees for public safety in a wilderness or roadless area is a stilted, misguided argument. The agency does not have a mandate nor a responsibility to remove all risk of natural threats in wilderness or roadless areas. Nor does the agency have a liability that requires it to remove all risks to protect public visitors. All dead trees will eventually rot and either break apart and come down in chunks or the tree will fall to become a fallen log. Every dead tree along miles of wilderness or roadless area trails will fall at some point, whether it was killed by a fire or whether it died from another cause. Those with mountain experience can strongly argue that almost all dead trees come down either under snowy or windy conditions in late fall, winter, and early spring. Those times with the greatest risk of trees falling onto a trail are the seasons with the least visitor use on trails in wilderness and roadless areas.

Further, using the 2013 Rim Fire as just one recent example, the time it takes for medium and large trees killed by the fire to weaken or rot to the point where they are falling over is at least 7-8 years after the fire. Only in the last year or two has there been any widespread evidence of fire-killed trees falling within the Rim Fire footprint. In many areas, dead trees from the fire are still standing strong and show little sign of imminent instability. Thus, the "risk" of a dead tree from a recent fire falling onto a wilderness trail is very low in the first few years. It is a risk spread out over many years as the fire-killed trees slowly decay and weaken.

A third argument against widespread cutting of hazard trees along wilderness or roadless area trails is that the Forest Service took no such "public safety" management action when millions of trees died from bark beetles and drought. Anyone can walk on any wilderness trail in the Sierra Nevada and can frequently see standing snags (mainly pines and firs) that died due to drought or bark beetles in recent years. The Forest Service saw no management need to aggressively cut down all dead bark beetle-killed trees along trails in wild areas. Thus, it would be inconsistent and illogical for agency officials to now aim to sanitize forest stands in corridors along wild area trails by cutting large numbers of fire-killed trees that potentially could fall onto such trails.

A fourth point on hazard tree management along trails in wild areas is that a high percentage of recreational visitors choose to visit wild areas because they know that there are some dangers - that there is a need to be vigilant, alert, and careful. Wild area trails are different from trails located in close proximity to campgrounds, popular recreation sites, etc. Wild areas are places where recreational visitors go because, in part, they know there are risks that enhance the adventure and the need for being prudent and careful. Broadly cutting down hazard trees along miles of wilderness trails will NOT be satisfying or acceptable to those who desire to visit a wild area that is unmanaged - an area that is not sanitized to remove risks.

B. Key Additional Points

In addition to the four concerns outlined above, this project will result in a high level of opposition and controversy (within any of the zones) if trees cut in wild areas are removed for commercial wood production purposes. Our organizations strongly oppose the use of any fire-emergency-authorized dozer lines or other fire suppression routes into wild areas to remove large trees that were cut during suppression actions within wilderness and roadless areas. Similarly, we oppose any commercial removal of hazard trees that may be cut in wild areas as part of the Proposed Action. Whether logs might be removed along dozer lines or by helicopter, we strongly oppose "retrieving" cut logs in wild areas (such as in the northeast corner of the Trinity Alps Wilderness area).

We applaud the assurance provided on page 4 of the scoping plan: "No new temporary or permanent road construction is proposed for this project." Our organizations agree with that regionwide intent - as one of the most important constraints that will determine to what degree conservation organizations can provide overall acceptance for such a mammoth amount of hazardous tree removal actions.

C. How Can Hazard Tree Management Along Trails be Acceptable and Realistic?

First and foremost, our organizations strongly assert that hazard tree cutting or hazard tree removal treatments are not appropriate within wilderness or roadless areas. While there are prudent reasons for hazard tree cutting in many portions of the general forest, we oppose, with very limited exceptions for imminent hazards, the cutting of hazard trees in wild areas. We offer the following recommendations to address our concerns.

[middot] Given that there are millions of acres of burned national forest lands in Region 5 from fires in 2020 and this year, the Forest Service faces a significant capacity challenge to treat hazard trees around facilities and along Level 5, 4, 3, and heavily-used Level 2 roads. Those are the areas where there is the greatest risk to public safety and the least degree of controversy for hazard tree removal. Just doing that massive amount of work along roads and around facilities and infrastructure is also likely to exceed private workforce capacity in many of the nine national forests where hazard tree management is planned. Accordingly, the Region 5 Post-Disturbance Hazardous Tree Management Project should prioritize the completion of hazard tree treatments along roads and at facilities outside of wilderness and roadless areas prior to initiating any consideration of cutting hazard trees along a trail within wild areas.

[middot] For all of the reasons described in these comments, if the Region still aims to cut hazard trees in wild areas in any of the zones, the Forest Service should apply far less aggressive and less intrusive hazard tree treatments inside wilderness and roadless areas than outside those wild areas. As an example, rather than cutting most dead trees with the potential to fall onto trails in wild areas, the strategy might be to only cut down a very limited number of dead trees in wild areas when an individual tree is judged to pose a special "observed and imminent" safety risk.

D. Summary of Recommendations for Hazard Tree Management Along Trails

The Region's overall hazard tree plan should prioritize the completion of all desired, feasible hazard tree management actions along high-use roads and at facilities outside wild areas prior to any consideration of treating areas along trails inside wild areas. Within wilderness and roadless areas, any hazard tree cutting should be limited to "special situation, imminent-risk" individual hazard trees along major trails inside the wild areas.

The aim of the Hazardous Tree Management Project is to speedily complete NEPA planning so as to authorize the prompt removal of hazard trees that pose risk to public safety on nine national forests. It would conflict with that "streamlined-process" goal for the Region to propose the widespread and highly controversial cutting of hazard trees along trails in wilderness and roadless areas, which could lead to objections and potential legal challenges.

III. Identification of Hazard Trees

The Proposed Action indicates that trees to be removed will be identified based on various guidelines:

Project activities include the identification, felling, and removal of trees with a moderate and high hazard potential (hazard rating 4 to 7) in accordance with the Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region (USDA 2012), as supplemented in 2020 with the Streamlined Approach to Tree Abatement After Catastrophic Events and Defining the Hazard Tree Failure Zone (collectively referred to as "Guidelines"). The hazard rating is determined by adding the failure impact and the failure potential (tree defect) values as described in the Guidelines. The failure potential will be determined using these Guidelines along with a probability of mortality as described in Marking Guidelines for Fire Injured Trees (Smith and Cluck 2011).

The Guidelines define potential failure zone of a tree on level ground to be generally one to one-and-a-half times the height of the tree, however the failure zone depends on several factors including steepness of slope,

obstacles, and potential for a "domino effect." The approach for this roadside hazard tree treatment will be to remove moderate to high hazard trees up to one-and-a-half times the tree height striking distance of the road. This assessment will be based on the height of the tree, lean, condition, and distance and slope from the area to be protected in accordance with the guidelines cited above. The area assessed for hazard tree removal will be within 300 feet of the roads.

(Proposed Action, p. 3) The stated method appropriately indicates that trees will be selected based on site-specific conditions. We also interpret the statement "The area assessed for hazard tree removal will be within 300 feet of the roads" to mean that in the field, tree selection will occur within 300 feet of the road, but that the only trees to be felled and possibly removed will be those judged, by the Guidelines, likely to hit the road or other infrastructure. We do not interpret the reference to mean that pro forma all trees within 300 feet of the road will be removed. If our understanding is not correct, please clarify that in the Proposed Action described in the draft environmental assessment (EA).

The Guidelines referenced in the Proposed Action establish the selection process to be used to identify trees for removal. We ask that:

[middot] A visible mark be provided on all living trees greater than 12" DBH that are proposed for hazard tree removal;

[middot] All living trees over 24" DBH selected for removal be documented using the forms in the 2012 Guidelines; and

[middot] A best management practice be included in Appendix B that requires those identifying the trees to be removed complete a training course on how to apply the Guidelines.

IV. Fuel Conditions Following Hazard Tree Removal

The removal of hazard trees can generate a significant amount of additional down wood and fine material that can contribute to fire hazard. These activity-generated surface fuels should be managed to limit the addition to that needed to provide for soil, watershed health, and wildlife requirements. Activity-generated material beyond that required to meet resource needs should be removed from the treated areas.

We note that Appendix B identifies guidelines for retention of woody materials and soil cover to benefit soil and watershed health and wildlife habitat. Appendix B, however, does not have any guidelines to address fuels. We ask that you include a measure in Appendix B that specifically addresses the removal of activity generated material to achieve a 4-foot or less flame length under 90th percentile weather conditions once other resource requirements have been met.

V. Compliance with the National Environmental Policy Act (NEPA)

We appreciate the Region's interest in completing environmental review in a manner that is cost effective and efficient. Our concerns about NEPA are two-fold. First, we are concerned that the large size of this project will compromise NEPA's requirement to adequately disclose the site-specific impacts of the project and meet its "hard-look" standard. In this instance each EA will cover numerous forests and propose tree removal along hundreds of miles of roads and trails and around facilities. The footprint of action is extensive.

We are especially concerned about extensive hazard tree removal along level 2 roads that are not highly used and the impact that this removal will have on wildlife. The footprint of the road network is vast. Hazard tree removal can substantially alter habitat conditions by removing large, living trees and snags. This can be especially impactful in areas where the road network is dense. We ask that the EA analyze the impacts of hazard

tree removal on habitat degradation and fragmentation, especially along level 2 roads. We ask that alternatives such as not removing hazards along level 2 roads and a very limited removal along level 2 roads be evaluated in the EA. We are also concerned about the magnitude of impact from the proposed removal of trees along trails in roadless areas and wilderness areas. These potentially significant impacts include changes in the recreational values and the wild character of these areas and impacts to wildlife. We ask that these impacts be evaluated in the EA and alternatives analyzed that lessen the impacts.

Second, these project decisions are being supported with EAs. Any decision that tiers to these EAs will need to make a finding of no significant impact. Supporting such a finding requires an adequate analysis of impacts and a project scope that is limited to actions that do not have a significant impact on the environment. For reasons described in the section above, we believe that hazard tree removal along trails in roadless areas and wilderness areas is likely to have a significant impact on the environment. We also believe that extensive hazard tree removal along level 2 roads combined with removals proposed along level 5, 4, and 3 roads is likely to have a significant impact on habitat quality, especially for sensitive and listed species that depend on old forest habitats. To avoid significant impacts, we ask that hazard tree removal not be undertaken in roadless and wilderness areas, and be limited to level 2 roads with high use. If the Proposed Action moves forward as is, we ask that an environmental impact statement be completed.

VI. Information to Provide on Project Website As Soon As Possible

Please provide the GIS data supporting proposed treatment locations on the website as soon as possible. Please also provide updates in advance of issuing the draft EAs so that we can track the development of the draft EA and provide early feedback if we have concerns about those site-specific proposals.

Thank you for considering our comments. If you have questions, please contact Susan Britting (britting@earthlink.net). Please also add the email addresses listed below to your circulation list for the Region 5 Post Disturbance Hazardous Tree Management Proj

Thank you,

Susan Britting

Sierra Forest Legacy