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First name: Jerry

Last name: Jensen

Organization: American Forest Resource Council

Title: Consultant

Comments: Attached is the American Forest Resource Council's objection

Reasons for the Objection

The content of this objection below is based upon the prior specific written comments submitted by AFRC in response to both the scoping notice and Draft EIS which are hereby incorporated by reference.

1. The adoption of arbitrary diameter limits for thinning treatments will inhibit the ability to meet the purpose and need of the project. (30 inches DBH for pine stands and 34 inches DBH for true fir stands).

The purpose and need of the Seral Project is to [i]increase [l]andscape [r]esilience to [n]atural [d]isturbances (drought, insects, disease, wildfire) by [r]estoring [r]esilient [f]orest [c]onditions as [g]uided by the [n]atural [r]ange of [v]ariation,[rdquo] which includes reducing stand densities and surface and ladder fuels and increase forest heterogeneity within and between stands.

Our January 2021 written comments in response to the Draft EIS stated that [ldquo]the arbitrary imposition of diameter limits has no basis in silvicultural science and is not justified by any other cited research. The 30-inch DBH limit was originally adopted in the Pacific Southwest Region (R5) on an interim basis and has been retained as a political expedient.[rdquo]

We also asserted that [ldquo]the proposed DBH limits will inhibit the ability to meet the purpose and need of the project by leaving some stands too dense to effectively reduce susceptibility to wildfire-, drought-, and insect and disease- related mortality. Language on pages 13-14 of the DEIS acknowledges that some stands will remain overly dense and subject to insect mortality by retaining all trees over 30-inch DBH (or 34-inch DBH in fir stands). It is well documented that when large, old trees are drought stressed they are often targeted and killed in groups by bark beetles and other diseases. Recent history shows that bark beetle attack disproportionately targets the largest diameter trees. This outcome is contrary to the objective of the project to retain the largest trees on the landscape. The Forest Service can retain the largest trees in such groups by

reducing stand density to the levels specified in other sections of the FEIS. As the FEIS states on p. 13, when recounting the effects of the drought from 2014 to 2017, mortality of conifer trees increased to unprecedented levels.[rdquo]

The FEIS expressly acknowledges the problem with imposing arbitrary diameter limits: [ldquo]DBH limits can certainly influence the degree to which stand density can be reduced and, thus, limit the ability to move them towards desired conditions. While each of the action alternatives would be a step in the right direction, there will still be large areas left at densities considered [lsquo]highrisk[rsquo] to density-related mortality[rdquo]

AFRC supports creating diverse fire and insect resilient timber stands by reducing their densities (e.g., basal area). The FEIS states that desired basal areas will be 100 to 150 square feet per acre (sqft/ac). This may still be too high in certain areas to meet the stated purpose and need of the project. Removing or modifying DBH limits will enable the Forest to meet these desired outcomes, and meet the purpose and need, to a higher degree.

As a reference point, the Inyo National Forest[rsquo]s newly adopted forest plan allows an exception to their listed diameter limits on a case-by-case basis when necessary to meet the objectives of the plan.

Resolution Requested

Given that there is no scientific basis for establishing fixed diameter limits for thinning in a natural, dynamic ecosystem, and that the Forest Service itself recognized that some existing stands in the project area will not be able to be adequately thinned to meet the standards for forest health due to the number of existing trees in the stand over the 30-inch limit, the Forest Service should analyze an alternative that does not include any diameter caps. NEPA requires federal agencies to [ldquo]study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.[rdquo] 42 U.S.C. [sect] 4332(2)(E). [ldquo]An agency issuing an EIS must [lsquo]rigorously

explore and objectively evaluate all reasonable alternatives,[rsquo] [lsquo][i]include reasonable alternatives not within the jurisdiction of the lead agency,[rsquo] and [lsquo][i]identify the agency's preferred alternative.[rsquo] 40 C.F.R. [sect] 1502.14(a), (c), (e). [lsquo]The existence of a viable but unexamined alternative renders an environmental impact statement inadequate.[rsquo][rdquo] Westlands Water Dist. v. U.S. Dep't of Interior, 376 F.3d 853, 868 (9th Cir. 2004) (quoting Morongo Band of Mission Indians v. F.A.A., 161 F.3d 569, 574 (9th Cir. 1998)).

In the alternative, the Forest Service should provide for an allowance for treating such overstocked stands by cutting some trees greater than the 30- or 34-inch diameter limit. A supplemental information report could be prepared to describe the site-specific conditions that would require the [ldquo]waiver[rdquo] of the diameter limits to meet forest health objectives on these (assumed to be) limited cases.

2. DN-2 does not allow adequate salvage of merchantable dead timber which may die during the life of the project and establishment of new replacement forest stands.

Although AFRC supports the need to maintain snags and small patches of dead timber like those assumed to be present in the pre-settlement forest, the amount of such [ldquo]no-treatment[rdquo] areas under DN-2 is excessive.

Our written comments in response to the Draft EIS stated that [ldquo]the proposed reduction of salvage of insect-, disease-, drought-, and wildfire-killed trees lacks the site-specificity necessary to assess the potential impacts to the environment. There are already an abnormally high number of dead trees within the landscape. Section 1.01B of the FEIS estimates that over 10 million trees have died on the Forest since 2010 and that most of these trees remain on the landscape with additional mortality expected in the future. The direction to retain up to 10 acres of dead timber per occurrence and up to 15% of larger landscape units (pp.30-31) ignores the excess level of dead trees across the project area, will increase fuel loading, will complicate the planned use of prescribed fire in these units, will forego recovering economic value and job creation that would occur with reasonable salvage operations. In addition, leaving these large patches of dead timber

is contrary to the goal of increasing carbon sequestration because dead trees do not sequester carbon, they only decay and release carbon back to the atmosphere. Reforestation will not be practical in such areas, thus further restricting the capture of carbon by healthy, growing young trees.[rdquo]

Our written comments also stated that [ldquo]the restrictions on fire salvage listed on p. 31 including the first two bullet points are unacceptable and unnecessary.[rdquo] Those bullet points are:

- [bull] salvage of wildfire-killed trees may only occur within 7 years of the SERAL decision,

and

- [bull] acres of fire salvage are limited to a maximum of 500 acres er HUC 6 watershed totaling approximately 3,000 acres within the project area

Resolution Requested

AFRC requests that an interdisciplinary team evaluate patches of mortality in the project area in excess of that needed to maintain snag habitat required in your management plan. We also request that both the time and acreage limitations be replaced with parameters that are adaptive to conditions on the ground.

Request for Resolution Meeting

Pursuant to 36 C.F.R. [sect] 218.11, the objectors request to meet with the reviewing officer to discuss the issues raised in this objection and potential resolutions. In the event multiple objections are filed on this decision, AFRC respectfully requests that the resolution meeting be held with all objectors present. AFRC believes that having all objectors together at one time, although perhaps making for a longer meeting, in the long run will be a more expeditious process to either resolve appeal issues or move the process along. As you know, 36 C.F.R. [sect] 218.11 gives the Reviewing Officer considerable discretion as to the form of resolution meetings. With that discretion in mind, AFRC requests to participate to the maximum extent practicable and specifically requests to be able to comment on points made by other objectors in the course of

the objection resolution meeting.

Thank you for your efforts on this project and your consideration of this objection. AFRC looks forward to our initial resolution meeting. Please contact our representative, Jerry Jensen, at the address and phone number shown above, to arrange a date for the resolution meeting.

Sincerely,

Travis Joseph

President