July 1, 2021

Shasta-Trinity National Forest,
Attn: Keli McElroy – August Project,
3644 Avtech Pkwy,
Redding, CA, 96002.

https://cara.ecosystem-management.org/Public/CommentInput?project=59545

keli.mcelroy@usda.gov

Conservation Congress appreciates the opportunity to comment on the draft EA for the August Complex Restoration Phase 1 project. Please incorporate them in the administrative record and consider them prior to making a final decision.

We commend the new format of this EA. It is easy to read and well organized. We also commend the efforts made to protect Northern spotted owls and their habitat, although we disagree with a fundamental conclusion the FS made that may result in a MALAA to NSO and critical habitat. We request that our comments be used to reassess the draft EA and accordingly make changes to better protect NSO and their habitat.

ESD

There is no legitimate need for an ESD. According to the EA "The August Project is needed to rapidly remove the fire-killed and fire-injured trees before they deteriorate. If removed quickly (generally within one season following the fire)." It has been almost a year since the fire, well beyond one season. The only reason to request an ESD at this point is to remove public participation during the objection period.

Proposed Action

Actions proposed in this phase of the August Project include: 1) roadside hazard tree removal (922 acres), 2) recreation site hazard tree removal/abatement and infrastructure maintenance (371 acres), 3) site preparation for reforestation with heavy fuels (2, 512 acres), and 4) site preparation

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for reforestation with light fuels (534 acres). The Proposed Action treatment area covers 4,339 acres within the August Project' 16,655-acre project area.

"Percent mortality is based remotely sensed Rapid Assessment of Vegetation Condition after Wildfire (RAVG) using percent basal area loss (4- class) derived immediately following the fire from pre and post fire change. See Appendix A, Map 9."

Relying on percent mortality immediately following the fire, rather than waiting a year, biases the FS into concluding some trees are dead when they may not be. Often after a fire a tree that may look dead sprouts new green leaves. This is an important distinction because the project may allow the cutting of live trees that pose no hazard.

"Desired future conditions for the project area include healthy, fire-resilient forests."

This is an unachievable future condition and the FS knows it. The FS can't create a "fire-resilient" forest. All western forests evolved with fire and need fire to be healthy. Climate change is exacerbating fire and it is unrealistic to claim logging makes forest's fire resilient.

"The August Project is considered as the first phase of restoration efforts as it is the most time-sensitive and will primarily focus on areas that experienced moderate to high burn severity resulting in high vegetation mortality. Other areas of the August Complex may be analyzed in separate environmental documents."

Phase 2 is already being developed and the FS plans to CE the decision it has not even taken scoping comments that may reveal a CE is not appropriate. Since an ESD is unnecessary, there is no reason Phase 1 and Phase 2 can't be analyzed together in one document.

Northern spotted owl

According to the EA and BA the FS made a NLAA determination. The following factors were considered in this determination: The very small percentage of the larger burned landscape that will be affected by proposed treatments. Limited operating periods that minimize disturbance during nesting season. Treatments are focused in areas that are not suitable NSO habitat. The minor treatments that do occur in suitable NSO habitat are limited to removal of hazard trees that are threats to human life and safety. No suitable NSO habitat will be removed or downgraded. Four NSO Activity Centers are considered non-viable due to loss of habitat from the August Fire. Effects to post-fire foraging areas are minor and retain the diffuse edge most utilized by NSO in fire affected habitats. Habitat elements valuable to NSO, such as large snags and logs will be retained to ensure these legacy features are present as forest cover is restored. As a result of these factors, the project is not likely to adversely affect individual spotted owls, suitable NSO

habitat or designated critical habitat, or to impact the viability of spotted owl cores and home ranges in the project area.

"NORTHERN SPOTTED OWL Wildlife specialists analyzed effects and cumulative impacts and determined that the August Project proposed action may affect but is not likely to adversely affect individual northern spotted owls (NSO) or designated critical habitat. Fifteen NSO Activity Centers (ACs) were analyzed in the project area. Four were determined to be no longer viable for successful NSO reproduction as a result of habitat removal by fire. The remaining ACs experienced some level of habitat removal by fire, but still retained sufficient acres of suitable habitat to be considered viable into the future. As a result of these changes in habitat quantity and juxtaposition in and around pre-fire ACs, it is possible that individual NSO, if present, may shift to adjacent suitable habitat and establish new ACs within or in proximity to the project area. To address this contingency, the following measures will be implemented throughout the project area for NSO: only roadside and campground hazard tree removal will occur in NSO suitable habitat and designated Critical Habitat (Tables 6-7); LOPs for hazard tree removal will run for the entire nesting season (Feb 1 – Sept 15); disturbance LOPs will be implemented in and within 0.25 miles of suitable habitat unless effects can be avoided or minimized to insignificant levels; no suitable NSO habitat would be removed or downgraded; snag and down wood retention throughout the project area conforms with levels recommended for Late Successional Forest Reserves to support forest restoration and recovery. With the quantities of residual snags and down wood that will remain within treatment units and the abundance of snags and down wood in directly adjacent non-treatment areas, the project area is expected to provide abundant prey availability and foraging opportunities for any NSO that may be present, including ample perch sites within treatment areas to facilitate perching and foraging by NSO if they are using these burned areas for foraging. As a result, it is unlikely that proposed project activities will cause detrimental impacts to an owl's ability to breed, feed, or shelter."

The disagreement we have with the FS is that NSO are not likely to use burned habitat for nesting/roosting.

We know NSO use burned habitat for roosting, and even nesting as documented in the Rim Fire. Notably, the Six Rivers NF recently found a pair of NSO (S Fork Mtn pair) roosting in a burned-out pine from the August Complex Fire. Below are a few pictures.

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This is important because the STNF claims treatments are focused in areas that are not suitable NSO habitat. Since owls are documented using burned snags for roosting on S Fork Mountain, then the proposed project will be removing suitable habitat. We request the STNF amend the draft EA to reflect this information, and limit the amount of burned habitat removal in NSO habitat.

We also note in the discussion on spotted owl use of burned areas, the BA lists many researchers and their peer-reviewed published papers supporting the premise that owls do use burned habitat for a variety of needs. It also includes information from the "Manley declaration" that claims uncertainty and disagreement in the scientific literature on this subject. The Manley declaration was used in a lawsuit against the FS, to support the FS. There is always a certain level of uncertainty in science but the vast majority of current scientific information shows NSO using burned habitat. The only real disagreement comes from the FS and timber industry because acknowledgment prevents some burned areas from being logged. The Manley declaration should

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not be used to discount the best available scientific information, which is what the ESA requires. Even the FS has come around to acknowledging owls use burned habitat for foraging. As the pictures above document, they are also using burned habitat for roosting, and on S Fork Mountain.

Revised Environmental Baseline

It is not evident the STNF used the August Complex Vegetation and Resource Rapid Assessment (Dec. 2020) [VRRA] in the development of this project. This document documents impacts to NSO habitat from the August Complex Fire on the STNF, Six Rivers and Mendocino NFs. It includes recommendations for management in owl habitat, including not logging in core areas, which the proposed project will do. We recommend all logging in core areas be removed unless the tree is a true hazard on a road driven by passenger level vehicles. The BA is deficient in not disclosing what EB was used in the development of this project.

The Yreka Office of FWS sent me copies of reports of impacts to NSO habitat from 2012-2020 of which some of the information came from the STNF regarding the August Complex Fire. It is also not clear if the STNF used these reports prepared with information from the FS, including the STNF, and given to the FWS. These reports are notable because the Klamath Province, which this project is in, has lost the greatest amount of NSO habitat of all physiographic provinces. This must be considered in any project that removes owl habitat.

BMPs

"For northern spotted owls, limited operating periods are established in collaboration with the US Fish and Wildlife Service (USFWS) to minimize potential disturbance or harm to this species. A February 1 through September 15 LOP will be imposed on activities that modify suitable habitat within 0.50-miles of an active nest or within unsurveyed suitable (NRF) habitat. A February 1 through July 9 LOP will be imposed on activities that create above-ambient loud and continuous noise (for >= 2 hours per day) within 0.25-miles of an active nest or unsurveyed suitable (NRF) habitat. For smoke producing activities within 0.25 miles of active nests and unsurveyed suitable habitat, employ firing techniques that provide good smoke dispersion and ventilation aloft and/or away from active nests and unsurveyed suitable habitat. If effects of smoke cannot be avoided or minimized to a discountable level, a February 1st through July 9th LOP will apply, and prescribed burning will be conducted outside the seasonal restriction period for the NSO. If surveys to protocol (or surveys using methods agreed upon with the USFWS) show no nesting activity within distances specified for NSO SRs, or by mutual agreement with USFWS, LOP's may be lifted."

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Since NSO are documented roosting in burned habitat, the project needs to consider the entire project area suitable habitat, with the aforementioned BMPs applied.

“Patches of conifers that burned at low to moderate severity (retain at least 40% canopy cover at the patch scale) and are expected to survive (Smith and Cluck 2011) will be excluded from treatment in areas identified for site preparation with heavy fuels. If patches of green conifers are inclusions within area site preparation treatments (heavy fuels), the green trees and clumps will be excluded from harvest and will serve as retention patches. If hazard trees within these patches are felled for safety reasons they will be left as logs to provide important elements of NSO prey habitat.”

We question only maintaining a minimum of 40% canopy cover. We recommend the FS retain as much canopy cover as possible in stands with live trees. Why is the FS limiting canopy cover to 40% when so much habitat has been lost?

“New landings will occur in areas that are generally open or fire deforested, inside treatment units, whenever possible. They will not be created within suitable habitat where possible, and if needed, will retain green trees greater than 24-inches dbh.”

We recommend retaining all green trees, not just those greater than 24” dbh. This project is supposed to remove dead and hazard trees, not green trees.

“If new temporary roads are needed, they will be created outside of NSO nesting/roosting or foraging habitat as feasible, or if new temporary roads are constructed within these habitats, will ensure green trees greater than 24” DBH will be retained.”

Again, the FS should be retaining all green trees unless they pose a public safety hazard.

“Within Light Site Prep units, retain all large (>20-inch) trees, snags and down logs except where they are a threat to human safety.” We support this direction.

“Retain all snags and down logs that were present prior to the August Complex fire except where they are a threat to human safety.” We support this direction.

“Within Heavy Site Prep units retain an average of 4-6 snags/acre (>20-inches dbh). Preference is to retain snags in clumps within riparian areas and away from roads. Snags within riparian areas and other “no treatment” areas adjacent to units will count towards meeting the retention standard. Numbers of snags can vary on any particular acre and should be an average for the landscape or treatment area (i.e. 100- acres scale, per LSRA).”

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We don't support this direction because it may leave some units without any snags per acre. Considering this is a burned area the FS can easily meets snags per acre requirements for each unit and not average them across the landscape.

"Where available in treated units retain an average of 5-8 down logs/acre (>20-inches dbh, >10-feet). Preference is to retain logs within riparian areas and away from roads. Down logs within riparian areas and other "no treatment" areas adjacent to units will count towards meeting the retention standard. Numbers of down logs can vary on any particular acre and should be an average for the landscape or treatment area (i.e. 100-acres scale, per LSRA)."

Again, there is no reason down logs per acre criteria can't be met in each unit. Averaging across the landscape will result in some areas not have any down logs. As is, the BA states "the removal of hazard trees would reduce the recruitment of large woody debris over several decades." For this reason alone, it is imperative each unit have the requisite down logs available now.

"Any tail hold trees felled outside of the area to be treated will be left onsite where they lay. In NSO nesting/roosting or foraging habitats, all tail holds will be approved by a wildlife biologist or designee prior to cutting and cutting of tail hold trees over 24" DBH in these habitats will be avoided when feasible."

Again, we would recommend retaining any tail hold tree that is not a public safety hazard in N/R/F habitat regardless of diameter.

"If new temporary roads are needed, they will be created outside of NSO nesting/roosting or foraging habitat as feasible, or if new temporary roads are constructed within these habitats, will ensure green trees greater than 24" DBH will be retained."

All green trees should be retained where possible regardless of diameter class.

LSR

5, 217 acres; approximately one-third of the project area is located within the South Fork LSR (RC-330).

"Snag and Down Log Retention. The August Project seeks to meet the LSR objective of retaining large snags and coarse woody debris until the next stand is capable of producing such material by: • Retaining large "legacy" green trees wherever they occur, regardless of probability of mortality. By virtue of their location and/or inherent resistance to fire, large green trees are most likely to persist until the next stand can develop large structures. • Where deficient, designating additional snag retention areas in association with equipment exclusion zone portion of riparian reserves or in pockets of larger trees. Emphasis for additional snag retention areas was placed on lower slopes that historically have burned with lower intensity."

About 55% of logging in the PSW region has come from LSRs in the past 5 years according to published FS timber reports. Most of this logging was green tree removal. We don't support salvage logging in LSRs unless there are hazard trees along roads driven by passenger level vehicles. As stated in the EA/BA there are many large mature trees that burned and they will provide snag habitat and forest structure for owls if not logged. LSRs are supposed to support the conservation of late-successional species and were never intended to provide timber to the timber base. The FS can log matrix areas for that need.

Critical Habitat

"Hazard tree removal will have only minor impacts to nesting/roosting and foraging habitat types which will result in a minor degradation of habitat quality as scattered individual or small groups of hazard trees will be removed. Habitat function will be maintained. Heavy and Light site-preparation will not occur within suitable NSO habitat (within or outside of designated Critical Habitat) but post-fire foraging areas will be affected, but any negative effects are likely to be insignificant and discountable. In the long term, prompt project implementation is expected to increase the probability that these areas develop into suitable NSO foraging habitat through reestablishment of mixed-conifer forest stands."

As previously mentioned, NSO roost in burned habitat, and have been documented nesting in burned habitat as well as near burned habitat (Rim Fire). Habitat function would be better maintained if the STNF acknowledged this, rather than claiming owls don't roost or nest in burned habitat. Furthermore, "prompt project implementation" has nothing to do with the expectation to increase the probability of reestablishing mixed conifer forest stands. These stands will take a minimum of 80 years to develop into suitable owl habitat. Implementing the project this year, or two years from now will make little difference.

August Complex VRRA, Dec. 2020

The August Fire had over 260 historic NSO territories that experienced some level of reduction in suitable habitat. All 15 of the ACs in the proposed project are under minimum habitat thresholds in both the core area and home range area. The project proposed to log in both core areas and home ranges. Four are considered non-viable. During nesting season, the central location of nesting activity is the core area. For this reason, the August Complex VRRA recommends vegetation treatments outside of core areas to pose less risk for NSO reproduction. The document states proposing treatments in core areas may result in longer consultation timelines that still conclude with very limited or no treatment options in core areas.

Considering so many ACs have been impacted by fire; NSO continue to decline in population throughout their range; Barred owls are present; the FWS stated NSO are warranted for listing as

endangered; and all 15 ACs are under minimum habitat thresholds for reproductive success, it would behoove the FS to take a more cautious approach and follow the FS' own direction to not log in core areas at all, and preferably not in the home ranges. In addition, these 15 ACs are best guesses since no surveys were conducted and "NSO may occupy any currently suitable habitat in the action area."

Furthermore, the VRRA states high levels of habitat removal in core areas may be considered for NSO abandonment in future ESA consultations. This is far more likely to happen in ACs currently below minimum habitat thresholds. The document also recommends focus areas will tend towards treating outside viable core areas. In a section on "wildlife considerations" the VRRA states "Avoiding vegetation treatments in viable core areas (high levels of RAVG classes 1 -2."

Since this document was written by the FS, including the STNF, it should follow the direction provided. The proposed project has not and should be revised to reflect the direction in the VRRA. The STNF has provided no rational for why this direction is not being followed in the proposed project.

Surveys

The August Complex VRRA states "past surveys may be inadequate due to post-fire displacement of NSO to adjacent suitable habitat." This is why we recommended the STNF treat the entire project area as suitable habitat, as well as the documentation that owls are using burned habitat for roosting and perhaps even nesting.

Since NSO may have moved into new areas outside historic ACs, the BMPs will not be effective for any NSO that have moved to new locations the FS is unaware of. Therefore, BMPs should apply to the entire project area, not just suitable owl habitat as currently defined by the STNF.

In addition, there is no reason the forest can't conduct surveys beginning in 2022. The project is estimated to last 5 – 6 years and surveys should be conducted in years 2-6 in the spring (late Feb – April).

Fish

"The Proposed Action would have "No Effect" on Southern Oregon Northern California Coast coho salmon and "May Affect, But Is Not Likely To Adversely Affect" their CH and Essential Fish Habitat. The Proposed Action is not likely to result in a trend toward federal listing or loss of viability of Klamath Mountain Province (KMP) Steelhead or Upper Klamath Trinity River (UKTR) spring-run Chinook Salmon in the short term or long term. The No-Action Alternative and the Roadside Hazard Tree Removal Only Alternatives would have no effect on any fish

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species or their habitat. Implementation of either action alternative would not result in significant adverse impacts to fish or their habitat. Table 17 below shows a summary of effects to fish and their habitat from the proposed action and the alternatives."

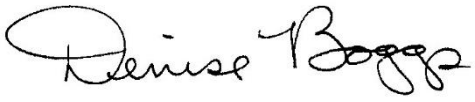
NMFS is concerned that some salmonid species may go extinct in the near future due to drought, water diversions, and climate change. The STNF should consider all variables for species on the brink of extinction. A NLAA is still an impact and is not equivalent to "no effect". We encourage the STNF to reconsider its analysis for salmonids and make adjustments as needed to ensure their viability.

Conclusion

We encourage the STNF to amend the draft EA to acknowledge NSO using burned areas for roosting; and to apply the NSO BMPs to the entire action area since surveys have not been conducted and NSO could be anywhere in the action area. Please consider all the recommendations we have made in these comments in any EA revision.

Please keep us on the NEPA e-mail list for this project and forward any final decisions to us upon release.

Sincerely,



Denise Boggs, Director

Encl: USFWS – Effects to NSO Habitat 2012-to present

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