

Data Submitted (UTC 11): 8/18/2023 7:00:00 AM

First name: John

Last name: Buckley

Organization: CSERC

Title: Executive Director

Comments: Dear Jason and staff: Before providing detailed input, our Center underscores why we feel such frustration with this proposed Plan. Out of all the forest habitat resources that can be affected by agency management, CSERC and other conservation groups prioritize the need for protection for large, old trees with broken tops, cavities, witches broom mistletoe features, and other habitat values that make those large, green trees exceptionally important for a wide range of sensitive or threatened wildlife species. Now this Plan by the Forest staff intentionally aims to find such green defect trees within 600' wide strips along 2,000 miles of roads within the Stanislaus Forest and to cut down and remove a large percentage of all such [defect] trees that are growing at a distance from a road of less than 1.5 times the height of the trees. Put another way, consider that the Forest Service proposes to authorize [hazard tree removal] of large old trees that otherwise would be off limits to all logging, but now can be removed under the banner of each tree supposedly posing [risk to public safety]. Furthermore, this Plan to remove [hazard trees] authorizes the logging of trees that clearly do not pose any imminent risk to public safety, but allows high value green wildlife trees to be logged because they [might] pose risk at some time in the future; so the EA provides for the Hazard Tree Plan to authorize their removal on the grounds that it will be more efficient for the agency to take them now along with other [hazard trees] rather than coming back at some time in the future to see if there really is any need to cut the large, green [defect] trees. And finally, the Forest staff proposes that this controversial tree removal plan will be completely open-ended, without any time limits, so that what gets approved now will allow the agency authorization for unchecked hazard tree logging treatments for possibly decades into the future. The points raised above reflect just a portion of the frustrating reasons why this Hazard Tree Management Plan needs revision in order for the final version to be balanced, reasonable, and reflective of a respectful partnership with local forest stakeholders.

Central Sierra Environmental Resource Center

Box 396, Twain Harte, CA 95383 * (209) 586-7440 * fax (209) 586-4986

Visit our website at: www.cserc.org or contact us at: johnb@cserc.org

August 18, 2023

From John Buckley, Executive Director
Central Sierra Environmental Resource Center
P.O. Box 396
Twain Harte, CA 95383

To Jason Kuiken, Forest Supervisor cc: Katie Wilkinson, Beth Martinez
Stanislaus National Forest
Attn: STF Hazard Tree
19777 Greenley Road
Sonora, CA 95370

Comments in response to the Stanislaus National Forest

Hazard Tree Management Project EA

Dear Jason and staff:

Before providing detailed input, our Center underscores why we feel such frustration with this proposed Plan. Out of all the forest habitat resources that can be affected by agency management, CSERC and other conservation groups prioritize the need for protection for large, old trees with broken tops, cavities, witches broom mistletoe features, and other habitat values that make those large, green trees exceptionally important for a wide range of sensitive or threatened wildlife species.

Now this Plan by the Forest staff intentionally aims to find such green defect trees within 600' wide strips along 2,000 miles of roads within the Stanislaus Forest and to cut down and remove a large percentage of all such "defect" trees that are growing at a distance from a road of less than 1.5 times the height of the trees. Put another way, consider that the Forest Service proposes to authorize "hazard tree removal" of large old trees that otherwise would be off limits to all logging, but now can be removed under the banner of each tree supposedly posing "risk to public safety."

Furthermore, this Plan to remove "hazard trees" authorizes the logging of trees that clearly do not pose any imminent risk to public safety, but allows high value green wildlife trees¹

to be logged because they "might" pose risk at some time in the future; so the EA provides for the Hazard Tree Plan to authorize their removal on the grounds that it will be more efficient for the agency to take them now along with other "hazard trees" rather than coming back at some in the future to see if there really is any need to cut the large, green "defect" trees.

And finally, the Forest staff proposes that this controversial tree removal plan will be completely open-ended, without any time limits, so that what gets approved now will allow the agency authorization for unchecked hazard tree logging treatments for possibly decades into the future.

The points raised above reflect just a portion of the frustrating reasons why this Hazard Tree Management Plan needs revision in order for the final version to be balanced, reasonable, and reflective of a respectful partnership with local forest stakeholders.

WHY OUR CENTER SOLIDLY SUPPORTS A REASONABLE HAZARD TREE PLAN

First, CSERC acknowledges that the Forest staff thoughtfully provided time for us to meet at the S.O. months back to discuss some of our Center's initial concerns about this project. Second, we acknowledge that one meaningful concession was made in response to our comments and other public comments, which is that in the latest plan, only trees determined to have a "high" hazard rating within PACs and suitable fisher and marten habitat would be cut down and removed.

No one with our Center has any objections to the Forest developing a Plan that authorizes the timely and efficient removal of legitimate hazard trees in order to provide for public and Forest Service staff safety. No one with our Center opposes a streamlined tree removal process for specific forest areas that honestly qualify as meeting the definition of an area that has suffered from a "catastrophic event."

No one with our Center opposes the Forest staff not only targeting "dead" trees that obviously fall into a hazard tree category, but also targeting green hazard "defect" trees if such trees honestly pose a genuine and imminent risk to public safety.

But the Plan as currently proposed is extreme, insensitive to the bulk of public comments received, and contradicts the spirit of collaboration and purported value of stakeholder engagement in agency planning.

Despite our input and recommendations, the revised Hazard Tree Management Project is still highly controversial and deeply frustrating when there could easily be a far less polarizing version put forward for public review and consideration. The Plan does not narrowly focus on removing trees that actually rate as imminent hazards to public safety. And as will be spelled out in detail later in these comments, of highest concern is that based upon our review of the Plan and the related Regional hazard tree marking guidelines, we strongly believe that the Plan fails to be consistent with the Angwin et al. 2022 guidelines - which are repeatedly referred to as the basis for the Plan.

2

For these and other reasons, CSERC urges adjustments of this Plan in order for the Plan to be legally compliant with regulatory requirements and to allow for collaborative support by interested stakeholders.

UNLIMITED TIME FRAME FOR AUTHORIZING LOGGING TREATMENTS

The plan still proposes unlimited, never-ever-ending authority for whoever is Forest Supervisor to be unfettered from any meaningful restrictions on how, where, and when to authorize the removal of trees that may or may not fall into a category of hazard trees.

Any completely open-ended "perpetual" approval to log a limitless number of trees is certain to be seen as an affront to the intent of NEPA and reasonable engagement of the public with the agency. For the EA to claim that limiting the time period for hazard tree removal "...does not meet the purpose and needs of the project..." is simply nonsense. If the plan was a 10-year plan with a firm end date, it could be a relatively minor matter in 10 years to repackage and do a supplemental EA or take another minor planning step to revisit the plan and re-engage the public. Instead, the highly debatable statement is made in the EA: "Decisions made based upon environmental analysis and public involvement do not expire." That statement directly contradicts what Regional staff have explicitly shared numerous times over the past 30 years - that generally a NEPA decision and the associated analysis become stale after a decade since the analysis is completed.

This is an aggressive hazard tree management plan that covers the ENTIRE road system for the ENTIRE Stanislaus National forest with a treatment zone 600' wide and authorization to not even do individual tree hazard rating analysis in certain high-mortality areas. It can be seen as being at the high end of hazard tree removal alternatives that could result in potential significant impacts to the affected environment. Accordingly, CSERC continues to provide the key comment that there should be a specified reasonable time frame for plan authorization, rather than an "unlimited time period" for such an extreme hazard tree removal plan.

THE PLAN FAILS TO FOCUS ON "ABATING" TREES THAT ACTUALLY POSE RISK

The Hazard Tree Management Plan does not appropriately focus on only removing

those trees along the Stanislaus Forest road system that pose a clear and imminent safety risk. Instead, vigorously growing green trees that may be technically judged to have various "defects" can be removed even if there is no evidence of any imminent hazard risk or threat to public safety.

The argument is made in the EA that it would be economically and operationally "less efficient" to remove only trees "at most imminent risk of failing." The argument is made that coming back to abate trees that do not presently pose imminent risk "...is neither practical nor necessary".

Thus, for convenience and for perceived agency efficiency, the Hazard Tree Plan proposes to deviate from previous regional guidelines that defined hazard trees as posing
3

imminent risk to public safety. Now, the proposed Hazard Tree Plan expands the potential targeting of "hazard" trees everywhere along the Stanislaus Forest road system to include removal of green defect trees with defects as minor as dead branches two inches or larger, or trees with dwarf mistletoe brooms, or dead tops less than 10 feet long, etc. Any combination of clearly minor defects can add up to tree removal.

Snags as well as thriving green trees 150' to 200' tall growing at distances up to 300' from a road can be logged under the extreme assumption that the actual "strike distance" of a falling tree should be calculated for at least the height of the tree plus an additional "half the height of the tree" so that a 200' tree can be logged if it is growing 300' from the road on flat terrain. Just because something might rarely occur in an extreme instance does not justify using that rare instance as the baseline for an entire forest-wise forest treatment plan.

Over and over, the Hazard Tree Plan takes very unlikely or remote possibilities and then bases the Plan's approval to cut down what could amount to tens of thousands of trees on exceptional scenarios that those with forest experience know to be invalid under normal circumstances. When most trees fail, few large trees break directly at the base, but instead, most break in sections or break near the top. Uprooted trees certainly can fall the full height distance of the tree, but with 360 degrees of circular direction for a potential falling radius, only when falling along a tiny portion of that circular radius can the falling tree strike almost directly perpendicular to the road at the full height of the tree.

But that's not good enough for the possibilities raised in Angwin et al. 2022. Instead, the extremely remote possibility that the tree will fall its full distance from the base PLUS that when it hits the ground, the assumption is made that the tree may then explode into pieces and send debris half the height distance of the tree an additional further distance towards the road. Thus, even for non-snag green trees, the tree height plus half a tree height becomes the standard assessment distance for every hazard tree removal and becomes the distance at which tree markers can mark a tree for removal.

Why would a green tree (even if it might have defects high at the top or have dead upper branches) for some reason fail at the base, and unlike deteriorating snags, why would a green tree send debris half the tree height forward toward a distant road? Having watched literally hundreds of trees being cut and fall in fire suppression work and in logging projects and having watched numerous trees incidentally fail in the forest due to wind or rot, our staff shakes our head at the wildly speculative parameters put forward as standard allowable tree removals in this Hazard Tree Plan. Just because something is potentially possible or may happen extremely rarely does not make it reasonable to use as the basis for an entire forest-

wide management treatment plan - especially for green trees that show no obvious sign of failing.

Basing hazard tree removal on extreme speculation or exceptional, unlikely possibilities is not a rational approach for identifying legitimate hazard trees for a tree removal plan to encompass the entirety of the Stanislaus Forest road system and additional administrative and developed recreation sites.

4

THIS PLAN FAILS TO COMPLY WITH THE ANGWIN TREE MARKING GUIDELINES

The 2022 Angwin regional hazard tree marking guidelines provide a 7-point hazard tree rating system to guide the identification of trees needing removal. Yet the Stanislaus Forest Hazard Tree Management Plan is not consistent with that rating system, which is repeatedly pointed to in the Plan.

The Angwin rating system requires that the Failure Impact (Target) be rated. It very clearly identifies on page 17 of the guidelines that there is a 1 point "Low failure impact" that specifically applies to "highway corridors or improved NFS roads with little or sporadic traffic, unimproved roads, low use trails..."

ACCORDINGLY, THE VAST MAJORITY OF LEVEL 2 ROADS (THAT EQUAL THE DEFINITION OF "NFS ROADS WITH LITTLE OR SPORADIC TRAFFIC OR UNIMPROVED ROADS" SHOULD BE RATED WITH 1 POINT AS "LOW FAILURE IMPACT TARGET" AREAS.

NOTHING IN THE REGIONAL MARKING GUIDELINES DESCRIPTION FOR "MEDIUM FAILURE IMPACT" AREAS MATCHES THE DESCRIPTION FOR MOST LEVEL 2 ROADS. THEREFORE, THE MAXIMUM POINT(S) TO BE APPLIED FOR THE 7-POINT RATING IS ONE (1) POINT FOR LOW FAILURE IMPACT RISK.

Second, the 7-Point Rating System requires that points be allocated based upon Failure Potential (Tree Defect). "A Failure Potential rating is an estimation of the likelihood that a tree will fail based upon available indicators." It is not an assessment of whether the tree simply has cankers or a dead top or a slight lean. The Failure Potential is supposed to estimate the likelihood that a tree will actually fail - the potential for "the mechanical breakage of a tree or tree part." And then the Failure Potential considers whether the defect rates as a high, medium, or low potential for failure.

2 points = Medium failure impact

The Angwin Guidelines' Appendix 2 Evaluation Tatum Guide spells out that that for a Medium Failure Impact: "...moderate damage expected if failure occurs. Exposure time moderate (daytime or intermittent only); defective tree or tree parts of sufficient size to cause moderate damage; target of moderate value. Moderately used paved trails, picnic and other day use areas, interpretive sites, amphitheaters and kiosks, moderate to high-use road networks within campgrounds, roadside attractions, such as vista points or historic stops, information stations, visitor centers, fee collection portals, high use daytime parking areas, designated trailhead parking areas, plazas, staging areas and commercial sites, roads and intersections with moderate to high traffic volume, haul routes during periods of commercial use, active projects along roads where work is stationary."

We note that none of those Medium failure impact designations apply to Level 2 roads. But if somehow they did, there would be 2 points designated.

1 point =Low failure impact:

Similarly, the Angwin Guidelines' Appendix 2 Evaluation Tatum Guide spells out that that for a Low Failure Impact: "Minor damage expected if failure occurs. Exposure time low;

5

defective tree or tree parts is small; target of low value. Highway corridors or improved Forest Service roads with little or sporadic traffic, unimproved roads, turnouts, bicycle paths, or structures with sporadic occupancy, such as storage buildings."

We note that the Low failure impact description specifically includes roads with little or sporadic traffic and also unimproved roads. Thus, the correct designation for the vast majority of Level 2 roads within the Stanislaus Forest is "Low failure impact." That results in 1 point toward the Hazard Rating.

Based upon the above, here is the key point:

FOR ALL TREE DEFECTS THAT RESULT IN A MEDIUM POTENTIAL FOR FAILURE, THE VALUE OF TWO POINTS IS TO BE APPLIED. (See page 18 of 2022 Angwin guidelines) Exactly as our Center has advocated, along unimproved or sporadic traffic Level 2 roads, the risk of failure impact is low (which counts as 1 point) and the failure potential for green defect trees is possibly consistent at most with Medium potential for failure, which counts as 2 points. But even more appropriately, the risk of failure impact is predominantly consistent with Low potential for failure, which counts as only 1 point. Thus, the overall hazard rating potential along Level 2 roads is either a total of 2 points or at most 3 points and does not equal a Hazard Rating of either Moderate or High. A Hazard Rating Potential of 3 points or less is LOW.

To restate: COMBINING THE TWO POINTS FOR "MEDIUM POTENTIAL FOR FAILURE" WITH THE ONE POINT DEFINED AS CORRECT FOR "NFS ROADS WITH LITTLE OR SPORADIC TRAFFIC AND UNIMPROVED ROADS" RESULTS IN A TOTAL OF 3 POINTS. And if the Low failure impact description is applied due to it being appropriate along Forest Service roads with little or sporadic traffic, then there would be a total of only 2 points.

Again, for emphasis, the 7-Point Rating System defines either 2 points or 3 points as being a LOW Hazard Potential Rating. As shown on page 19 of the Hazard Tree Guidelines, the Suggested Action is: "No action OR Monitor (document and tag or map tree)".

Thus, based upon the Angwin 2022 Guidelines, there would be no need to remove ANY green defect tree that does not show imminent failure anywhere along the Level 2 road system in the Stanislaus Forest based upon a Hazard Rating of 3 points or even lower at 2 points. The Suggested Action as spelled out by the Guidelines is: "No action OR Monitor (document and tag or map tree)".

This is a pivotal point because the Stanislaus Forest Hazard Tree Plan appears to target all trees (including green defect trees) with a medium hazard risk along Level 2 roads except within California spotted owl, Northern Goshawk and great gray owl PACs and suitable fisher and marten habitat.

Our staff's careful review of Angwin et al. 2022 shows that only trees rated to have a high potential for failure due to tree defects (3 points) combined with the 1 point for the low failure impact target rating for Level 2 roads results in the total of the 4 points needed to rank

as an overall Moderate Hazard Rating that allows for removal of the defect tree, tree part, or target.

Accordingly, CSERC points out that the final Hazard Tree Plan needs to be revised to be consistent with the Angwin Guidelines. Due to there being a Low Failure Impact (Target) along Level 2 roads and based upon the Guidelines determination that green defect trees generally will only rate as having a "Medium" potential for Failure Potential (Tree Defect) when there are moderate defects, then the total 7-point rating system shows that potential hazard trees with a Hazard Rating of no more than 3 points should result in No Action or only Monitoring.

HOW DOES THIS AFFECT THE VALIDITY OF THE HAZARD TREE PLAN?

If the Stanislaus Forest wishes to deviate from the Angwin 7-point rating system in the Guidelines to err even further on the side of public safety and thus to commensurately increase the Project's potential significant ecological impacts to important wildlife trees (large green trees with moderate to low defects), then some additional level of mitigation for large green wildlife trees would be necessary.

If that is the choice of the Forest -- rather than to strictly comply with Angwin Guidelines' ratings along NFS roads with little or sporadic traffic by leaving all medium risk green defect trees untouched -- then CSERC recommends the Forest staff consider incorporating the following proposed additional mitigation measure into the final Hazard Tree Plan.

"In order to comply with the intent of the Regional Hazard Tree Guidelines while taking extra steps to reduce risk to public safety along lightly used Level 2 roads, the Stanislaus Forest Hazard Tree Management Plan direction will authorize the selected removal of green defect trees with a total 7-point system rating of 3 points along Level 2 roads, but the removal of such green defect trees will be limited to trees determined (a) to pose imminent risk of failure and (b) green defect trees that are growing within 150' of the centerline of a Level 2 road."

There would be no change from the original Hazard Tree Plan Proposed Action for all roads shown as Level 3, 4, and 5 nor would there be any adjustment of the original Proposed Action for hazard tree removal at Administrative Sites and Developed Recreation Sites. However, if the Forest chooses to deviate from the Angwin Guidelines to further remove trees that do not rate as Moderate or High Hazard along Level 2 roads, only those green "defect" trees with a Hazard Rating Score of 3 or higher would be targeted and only those defect trees determined to pose imminent risk of failure and that are growing within 150' of the centerline of a Level 2 road would be removed.

Thus, green defect trees within any proximity to a Level 2 road that do not exhibit clear evidence of imminent risk of failure would NOT be removed by this Hazard Tree plan nor would green defect trees growing at a distance from the centerline of the Level 2 road beyond 150' be removed.

The Forest can always stick with the proposal to strictly comply with the Angwin 2022 Hazard Tree Marking Guidelines and then along Level 2 roads agree to leave untouched all green defect trees that only rate as having a "Medium" potential for Failure Potential (Tree Defect) when there are moderate defects. But if the Forest chooses to be even more

aggressive than the Regional guidelines, CSERC respectfully presses for careful consideration of this recommended revision paragraph (in blue) that is provided above, so that there will be at least some meaningful mitigation if the Forest's plan is not consistent with Angwin et al 2002. Revising the Plan by adding this mitigation measure would reduce the degree of significant impacts to large green wildlife trees and their unique habitat value.

CUMULATIVE EFFECTS ARE NOT ADEQUATELY EVALUATED NOR MITIGATED FOR

As now presented, the Plan does not reasonably or accurately consider the broad range of cumulative effects that could occur if the Plan is approved and if the potential removal of hazard trees and green defect trees combines with all of the already approved or scheduled other associated forest treatment projects.

The Hazard Tree Plan proposes to allow the logging of hazard trees on both sides of over 2,000 miles of forest, state, county, and private roads as well as 23 miles of motorized trail. It proposes hazard tree logging across portions of 12,700 acres of administrative and developed recreation sites. Pages 70 and 71 of the EA displays Appendix C which provides a list of "Cumulative Actions" that include federal actions in Table C1 and non-federal actions in Table C2. General descriptions of treatments are lumped into the fourth column with descriptions such as Commercial Thinning, Hazard Tree Removal, Burning or Piled Material, Fuelbreak, etc.

Nowhere in the Cumulative Actions analysis does the Forest Service provide even a minimal description of the total amount of acreage if logging treatments that will already occur on federal lands separate from and then combined with the proposed project. Nowhere in the Cumulative Actions analysis does the EA provide acreage estimates for how much Clearcut, Alternative Prescription (modified Clearcut), Commercial Thin, and Selection logging will take place on non-federal lands listed as SPI THP treatments.

Just this summer SPI is clearcutting unit after unit parallel with Highway 4 with the commensurate site conversion of their forest units from mature forest to denuded bare sites. There can be no argument that the extensive type conversion of mature forest to bare soil will create a cumulative impact with the Forest Service's nearby or adjacent logging and removal of hazard trees and green defect trees on national forest lands that would be authorized by this Plan. And there can be no argument that USFS logging projects will have a cumulative effect on the removal of large trees when the Hazard Tree Plan is considered in combination with the vast amount of mechanical treatments within the SERAL project or other major logging projects such as Rock Creek or Prather-Medusa or the other listed projects.

Accordingly, the Forest cannot simply shrug off the responsibility to provide the deciding officer and the public with available general total acreage figures that provide a clear description of an overall cumulative effects of the 145,000 acres of potential Hazard

8

Tree Removal as shown on page 7 of the EA that will be combined with the effects of the 16 federal and the 9 non-federal projects that are simply listed on pages 70 and 71.

It is reasonable and feasible for the Forest to clearly identify a general acreage amount for each of the Forest Service projects in Table C1 and to provide whatever THP acreage SPI has identified for Commercial Thinning, Hazard Tree Removal, Burning or Piled Material, Fuelbreak, and other forest altering projects in the SPI THPs. It is reasonable and feasible for the Forest for this forest-wide "never-ending" project to provide a comprehensive description of the total estimated amount of large trees (both dead and green defect trees) that conceivably may be

removed in total as a cumulative impact if this Plan is approved.

The purpose of this request is to have a clear understanding that - for example -- as much as potentially 200,000 or 300,000 acres of cumulative logging treatments will occur from the combined Hazard Tree Plan and all the associated overlapping or other logging projects that are listed in Appendix C. And at an estimate of up to 10 trees removed in the Hazard Tree Plan and even a low average of 20-50 trees removed per acre in all of the other federal and non-federal projects that a total of XXX million medium to large trees could cumulatively be removed.

Without providing acreage or a cumulative total number of potential effects, the EA fails to meet the intent of the NEPA requirement to analyze the potential for significant cumulative impacts and to provide appropriate mitigation to reduce the significance of the potential effects that would be created by this project in combination with past, present, and foreseeable future projects.

Alternatively, to reasonably mitigate for the cumulative effects that inarguably will result from this Plan combined with SERAL, Prather-Medusa, Rock Creek, Hemlock, etc. and all of SPI's Timber Harvest Plans, the Stanislaus Forest could agree to NOT remove any green defect trees 30" dbh or greater within one tree height of the road along all Level 2 roads if the green defect trees do not pose a "clear and imminent" public safety risk because they do not exhibit the high level of risk as described in the "failure potential" section of the Angwin 2022 Hazard Tree Marking Guidelines.

Put most simply, unless a green defect hazard tree along a Level 2 road exceeds the "Medium failure impact" rating (as described on pages 17 and 18 of the 2022 Guidelines) and the tree is growing less than one tree height of the road along a Level 2 road, then the Forest could adopt a mitigation measure ensuring that the Hazard Tree Plan will not target such a green defect tree for removal.

CSERC recommends the adoption of the suggested mitigation measure described above in order to reduce the potential significant cumulative effect of targeting medium and large trees across 200,000 acres or more of the lands within the perimeter boundaries of the Stanislaus National Forest.

ISSUES OR DISPUTED STATEMENTS WITHIN THE EA

9

* The EA acknowledges on page 12 that fewer trees would be expected to be identified as hazards on downhill slopes next to roads because trees would tend to fall downhill and away from the road. Yet nothing in the EA shows a reduction in the width of the strike distance of one-and-a-half tree height for trees located downslope below a road. This further biases the Plan towards tree markers applying the uniform strike distance across potentially hundreds of miles of forest roads where it obviously would be excessive to mark trees downslope from roads at long distances from the road edge.

* The EA claims that management requirement WA-12 was added to highlight the importance of defect trees for wildlife, but in fact WA-12 simply restates what is already within the Angwin Hazard Tree Marking Guidelines that already applied to the Hazard Tree Plan. No new mitigation or protective measure results.

* The EA states on page 5 that the Streamlined Approach to Hazard Tree Abatement would be used for "areas hardest hit, greater than 50% tree mortality is common..." CSERC has driven through a large portion of the upper Highway 4 fir mortality event, and while we agree that a Streamlined Approach may be appropriate within the Hazard Tree corridor along the main highway, other main roads, and even many of the Level 2 side roads, we observed that many firs are still green despite dead branches that obviously qualify them as green defect trees that fall into the high risk category.

* CSERC accepts the intent of this Hazard Tree Plan for there to be no individual tree assessment as would normally be required for trees along the road system within the area of the high mortality fir die-off on the Calaveras Ranger District.

We do, however, strongly question the adequacy of the current version of the Hazard Tree Plan for providing clear and measurable parameters for what actually qualifies as a "catastrophic event" that then allows deviation from the normal regional tree marking guidelines. We urge that the final version of the Plan more explicitly define what qualifies as a catastrophic event, how the boundary area of such an event will be delineated, and what the time frame after the so-called catastrophic event allows the Forest to take more aggressive tree removal actions than spelled out in the normal regional tree marking guidelines.

* CSERC's comments already noted that compliance with the Regional Angwin Marking Guidelines will mean that large green defect trees that do not show imminent risk of failure should not be removed along most Level 2 roads based upon calculations to be applied by the 7-point rating system. That affects the measure that currently states that only trees determined to have a "high" hazard rating in PACs and within "suitable fisher and marten habitat" are proposed for removal.

* The boundaries of PACs can obviously be overlaid onto forest maps to ensure that tree markers are aware when they are inside or outside of CSO, goshawk, or great gray owl PACS. But unless it is buried somewhere in the Plan or associated materials, it is not obvious as to what defines "suitable fisher and marten habitat" for this Hazard Tree Plan - how the boundaries of such areas are going to be delineated, and how tree markers will clearly shift

10
their marking prescriptions to comply with the measure. CSERC requests that the final Hazard Tree Plan spell out and make very clear exactly how "suitable fisher and marten habitat" is defined, how it is intended to be made clear to tree markers, and how compliance with the intent of the Plan will be monitored for consistency.

* The EA mistakenly claims on page 14 that "...the no action alternative fully considers the potential direct and indirect effects of including less ML 2 roads as part of the hazard tree project." CSERC respectfully dismisses that as not true. It is far different to consider no hazard tree abatement for the entire forest road system than it is to consider no hazard tree abatement on ML 2 roads that are infrequently or extremely sporadically utilized or not even driven on in many years. There should have been a reasonable consideration of an alternative that minimized hazard tree removal along low use "sporadic use" Level 2 roads.

* On page 17 of the EA the text goes into detail asserting that each potentially abated hazard tree is an "independent proposed action item" and that the assessment of the potential impacts of taking no action can be applied to any area where a hazard tree is present and no action is taken to abate the hazard... thus purportedly leading to the view that considering no

hazard tree action at all is somehow legally sufficient for considering closing some ML 2 roads or dropping some ML 2 roads from treatment. Again, CSERC emphasizes that choosing to do nothing for the entire forest road system is not even remotely the same as considering not to do hazard tree removal along a selected percentage of ML 2 roads or even all ML 2 roads. We disagree strongly with the EA text. And even more important, we strongly disagree that each potentially abated hazard tree is an independent proposed action. Instead, each tree taken combines with all other trees taken to result in a cumulative effect.

* On page 19, the EA claims that hazard tree removal along ML 2 roads will not measurably affect wildlife more than intensively than hazard tree removal along other ML roads or within the vicinity of facilities. This statement is false. As Ryan, Marcie, or Kelsey will quickly agree, sensitive wildlife species more consistently utilize suitable habitat that exposes them to less disturbance, less noise of passing cars, and less proximity to people. Suitable habitat along a Level 2 road has more potential to be inhabited by sensitive, at-risk wildlife than a similar strip of habitat directly adjacent to the main highway or a heavily traveled paved road. This incorrect statement reflects the inaccurate assessment that there would be no significant impact of abating hazard trees (including large green "defect" trees) along ML 2 roads.

* Page 24 of the EA makes an inaccurate claim that the proposed action further addresses snags as valuable wildlife habitat by the inclusion of Management Requirement WA-3. In fact WA-3 adds nothing in terms of retention of snags and retention of snag habitat for wildlife that is not already the standard snag retention prescription used in all forest projects. The claim that the proposed action further addresses the habitat value of snags due to WA-3 is inaccurate.

CLOSING SUMMARY OF THESE COMMENTS

CSERC supports the adoption of a forest-wide hazard tree management plan that "abates" hazard trees that pose a legitimate imminent risk to public safety.

11

We dispute that the intent of NEPA is to allow a Plan like this to result in open-ended, perpetual approval for forest-wide logging treatments without a clear end date for the Plan or a designated time frame for assessing the need for revision or supplemental review and a re-engagement of the public.

We strongly assert that for green defect trees, the risk of "failure" should be imminent before being targeted rather than the purported hazard risk being speculative to justify logging actions that are done under the claim of efficiency or being practical. Taking trees based on the possibility that some time in the future a so-called defect tree may possibly become an imminent hazard tree justifies a far more aggressive removal of high value wildlife trees (with a far higher potential for significant impact) than if only trees with imminent risk are targeted.

CSERC asserts that as now proposed, the Hazard Tree Plan fails to consistently match and comply with the Angwin et al 2022 Hazard Tree Marking Guidelines utilized by the Region. Accordingly, if the Plan aims to comply with the Guidelines, then green defect trees along Level 2 roads will generally only rate as having a "Medium" potential for Failure Potential (Tree Defect) when there are moderate defects in a tree, and the total 7-point rating system shows that such potential hazard trees with a Hazard Rating of no more than 3 points should result in No Action or only Monitoring. Only green defect trees with a "high" potential for Failure Potential along Level 2 roads should be targeted for removal.

If it is the choice of the Forest to deviate from the regional guidelines -- rather than to strictly comply with Angwin Guidelines' ratings along NFS roads with little or sporadic traffic by leaving all medium risk green defect trees untouched -- then CSERC recommends the Forest staff incorporate the following proposed additional mitigation measure into the final Hazard Tree Plan.

"In order to comply with the intent of the Regional Hazard Tree Guidelines while taking extra steps to reduce risk to public safety along lightly used Level 2 roads, the Stanislaus Forest Hazard Tree Management Plan direction will authorize the selected removal of green defect trees with a total 7-point system rating of 3 points along Level 2 roads, but the removal of such green defect trees will be limited to trees determined (a) to pose imminent risk of failure and (b) green defect trees that are growing within 150' of the centerline of a Level 2 road."

CSERC strongly asserts that the Plan, as now proposed, fails to reasonably and adequately consider the cumulative effects of the proposed action in combination with the effects of other past, present, and foreseeable future related actions on federal and non-federal lands within the affected forest landscape.

In order to provide a minimal level of mitigation for the potential significant cumulative effects of this project in combination with all related federal and non-federal projects across the affected landscape, the Stanislaus Forest could agree to not remove any green defect trees 30" dbh or greater within one tree height of the road along all Level 2 roads if the green defect trees do not pose a "clear and imminent" public safety risk because they do not exhibit the high
12
level of risk as described in the "failure potential" section of the Angwin 2022 Hazard Tree Marking Guidelines.

We submit these comments with the hope that the Forest will revise the Hazard Tree Management Plan to comply with the Regional Hazard Tree Marking Guidelines and to focus on the removal of trees that legitimately pose risk to public safety rather than enabling a massive program of sanitizing broad belts of forest along 2,000 miles of roads within the Stanislaus Forest boundary.

Executive Director