

Data Submitted (UTC 11): 10/22/2024 7:00:00 AM

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Comments: CSERC SCOPING COMMENTS [ndash] THE MAC PROJECT

INTRODUCTION

As an active participant in ACCG and the various committees that have worked with the Forest Service to help design the large landscape project for this treatment area, our Center's staff is grateful to UMRWA and the consultant team members who have gotten the MAC Project to the NOI stage. We value our collaboration with the Forest Service staff who bring their expertise and perspectives concerning many of the proposed actions that are planned in the project area.

Overall, our Center is very supportive of the basic proposal. However, as we will carefully spell out with these scoping comments, we believe there are a number of meaningful flaws or gaps in the Scoping Notice, and there is a lack of clarity about certain proposed treatments. At this point, those Scoping Notice issues can't be changed, but perhaps our mention of them in these comments may improve future large landscape scoping outreach and notification processes.

For context for these comments, we believe that the aim of UMRWA and the ACCG stakeholder group is to work with the Forest Service to design a large landscape project that will meet the Purpose and Need of the Project, while also gaining broad consensus support by ACCG members. The objective to gain broad consensus support matters. It is our view that it is more important to produce a consensus-based and broadly supported project than it is to package into the Project potentially divisive actions or treatment prescriptions that may limit overall support for the Project or that might even result in ACCG member objections.

RESPONSE TO THE OVERALL SCOPING NOTICE DOCUMENT

The Scoping Notice provides informative background describing the project's need, a base description of the project area, some limited information about current conditions, and a summarized description of desired conditions.

CSERC sees the Purpose and Need section as well-defined and appropriate, and we believe that the list of purpose and needs on page 10-11 are clearly spelled out and logical.

Table 3 [ndash] the Range of Management Activities provides fairly-detailed descriptions of proposed activities (some of which we will critique in these comments) although the format of that informational section is not conducive to most members of the public being able to easily grasp what is being proposed and how they can most effectively share comments in response.

Table 4 focuses narrowly on potential Forest Plan Amendments that may be developed for the California spotted owl, and Table 5 lists preliminary management requirements that probably don't belong in a scoping notice and are generic.

In its limited pages, the Scoping Notice is packed with text and technical information [ndash] some of which will likely be difficult to comprehend by the interested public. Unfortunately, there is no section of the Scoping Notice that explains how public comments can be most helpful and effective, or any identification of the topics of

potential controversy that have already been identified as having differing points of view.

As with most Scoping Notice documents, the agency and the project team have provided a concentrated amount of information about the setting, possible treatment actions, and why various actions may be needed to achieve project objectives. However, for the interested public, there is no listing of topics that the Forest Service and ACCG already recognize as likely to generate differing perspectives, such as the following:

- * What is the appropriate width of fuel breaks (and the resulting gaps in forest habitat);
- * Whether to use herbicides for fuel break maintenance (and to what extent, if allowed)?
- * Whether large trees (either with a limit of 30[rdquo] or with a limit of 40[rdquo] dbh) should be allowed to be logged for various purposes?
- * How should restrictions on altering forest habitat in CA spotted owl territories be balanced with the goal to have effective fuel reduction and forest health treatments?
- * To what degree should old growth forest conditions be protected?
- * Which treatments, if any, should be done in inventoried roadless areas?
- * How will forest treatments be allowed to affect or be designed to avoid critical habitat for listed species?
- * What is the appropriate hazard tree strategy?
- * Is construction of unlimited miles of new [ldquo]temporary[rdquo] roads needed or desirable?

Within the Scoping Notice there is no explanation describing the range of options that are already being considered for key project actions (such as the topics listed above) so that the interested public could provide responsive input.

If the goal is to receive effective comments in response to the Scoping Notice, a more focused description in the Notice of [ldquo]how to comment[rdquo] along with a clear identification of the topics that rate as potential concerns (at this stage in the development of the project) would have been helpful.

INFORMATION GAPS OR FLAWS

Below are CSERC comments describing places where the Scoping Notice didn[rsquo]t provide clear or sufficient information or where the text may be incorrect.

HARDWOOD MANAGEMENT POLICIES

Under Desired Conditions on page 9, a sentence reads: [ldquo]Hardwoods will be retained and managed consistent with current guidelines (USFS 2004).[rdquo] First, it is debatable whether guidelines developed two decades ago are [ldquo]current[rdquo] and that they reflect the best available science. More important, there is no information as to what the [ldquo]current guidelines[rdquo] for managing hardwoods allow or require. Our staff believes that not all USFS projects over past years have applied the same hardwood prescriptions or diameter limits for retention as forest management policies. Nor is it clear to what degree riparian hardwoods might have different protective requirements than hardwoods growing within fuel break areas far from water.

Even our highly engaged CSERC staff does not know what the hardwood management policies in this MAC project are intended to be, or what alternative options and prescriptions might be. This is one of numerous points raised in these CSERC comments that will almost certainly be answered in the DEIS; but for the present, an important information gap exists for members of the public who have been asked for their views on the project. The lack of clarity about hardwood management is an example of something that needs to be clarified in the

DEIS with at least the basic explanation of what current hardwood guidelines allow.

PROPOSED HERBICIDE USE FOR FUEL BREAKS IS NOT COMMUNICATED TO THE PUBLIC

The only admission in the Scoping Notice that the Project may authorize the use of chemicals to treat national forest lands (to kill back native vegetation) is on page 18 under the generic topic of Maintenance. We respectfully ask the Project team if they believe it is logical that the interested members of the public who will not read all the fine print of the entire scoping notice and may not guess that [ldquo]Maintenance[rdquo] as a topic may include chemical treatments?

And even in that section, only the third paragraph spells out that herbicides may be used for maintenance of fuel breaks where re-sprouting shrubs may [ldquo]prevent the establishment of desired conditions[rdquo] (whatever that may mean to the public). And in that two-sentence portion of the Scoping Notice section that is buried on the sixth page of small text in Table 3[rsquo]s description language, there is no information about how much acreage is being considered for possible herbicide use versus how little acreage, or where, or which potential chemical formulations may be used, etc.

Our comment emphasizes that the Scoping Notice minimizes the likelihood of reviewers seeing any reference to the potential maintenance of fuel breaks by chemical use. Since it is one of the topics where public input will be valuable, it is unfortunate that herbicide use for fuel break maintenance was not made clear as a proposed action in the Proposed Action section. This results in an information gap in the Scoping Notice.

THERE IS NO CLUE AS TO WHAT OLD GROWTH MANAGEMENT POLICIES MAY BE

Page 5 of the Scoping Notice spells out that preliminary estimates of existing old growth forest conditions within the Project area were modeled and estimated, and the result shows that old growth forest likely covers 10-15% on the Stanislaus Forest in the Project area and 5-10% of the Eldorado National Forest. Based upon the acres identified in the Project area for each forest, that totals [ldquo]up to 30,000 acres[rdquo] of the MAC project area that could qualify as old growth forest. Yet nothing in the Scoping Notice explains how management in areas judged to have old growth forest conditions may be different from other forest areas, or if old growth areas might be placed off limits to logging or road construction treatments, or whether any other special management measures are being considered. No answers for this issue are contained in Table 3 in the description of Forest Thinning or Hazard Tree Removal or Access for Treatments. The public can[rsquo]t even guess what may be planned or how to comment.

This is another area of the Scoping Notice where an important information gap exists. How can the Forest Service expect to receive relevant comments about whether or not the proposed project and proposed actions may result in significant effects on old growth forest areas when there is no clue as to what is being considered as management within the 18,000 -30,000 acres that are modeled to be old growth forests? This is another example of a very important topic that will need to be clarified in the DEIS.

OTHER PROJECT COMPONENTS With INADEQUATE INFORMATION

The Scoping Notice has a very brief section of text under [ldquo]Proposed Action[rdquo] that then leads into Table 3, which [ldquo]...summarizes the range of different types of management activities that will be evaluated in the MAC Forest Project EIS.[rdquo]

For some proposed activities such as Forest Thinning [ndash] manual treatments, the description clearly spells out that [ldquo]manual treatment[rdquo] will be hand-cutting with chainsaws of shrubs and trees up to 12[rdquo] dbh. But for Forest Thinning [ndash] mechanical treatments, the description simply defers to the DEIS as to what upper diameter size limits may be applied, without clearly identifying at least the two known alternatives that are

now listed in the Region 5 California Spotted Owl Amendment Guidelines that are currently being relied upon for shaping Forest Service treatments in large landscape projects. Those two alternatives are: (1) to either apply a general diameter cut limit of 30[rdquo] dbh, or (2) to instead allow for a diameter cut limit of up to 40[rdquo] dbh for various exceptions that may be desired by USFS forest managers. This is another example of an information gap. By not informing the public of the current range of parameters that the Project team and the USFS are considering, the public has no proposal to respond to with relevant comments.

As another example of an information gap that leaves the public with little understanding of how to respond with comments, the Scoping Notice describes under [ldquo]Existing Conditions[rdquo] that at least 860 acres of the Project area are quaking aspen woodland. The text does explain that aspen stands are declining in vigor for various reasons. But only if a member of the public painstakingly reads most or all of the text of the Scoping Notice will he or she end up on page 17 to find Aspen Stand Maintenance and Improvement. That section notes that targeted removal of conifers or girdling of conifers may be done in some aspen stands. But there is nothing that describes the range of treatments under consideration so that the public can comment with support or with opposition. Should conifers up to 30[rdquo] dbh or up to 40[rdquo] dbh or greater be uniformly targeted and removed? What is the reasonable width of the treatment buffer extending into the forest surrounding the aspen stand where treatments are being considered? Are conifers in aspen groves proposed to be cut and left in place or removed?

CSERC believes that the intent of the Scoping Notice is to provide the basic description of a project[rsquo]s proposed action treatments so as to allow interested members of the public to respond with substantive comments that identify where they support the proposed actions or where they believe there is a risk of potentially significant impacts. If the Scoping Notice does not at least describe what the Project team/Forest Service has preliminarily discussed as the conceptual treatment or specific treatment, how can the public respond with well-informed comments?

SPECIFIC INPUT FOR THE MAC PROJECT AS NOW DESCRIBED

INVENTORIED ROADLESS AREAS

The only information that we find within the Scoping Notice related to any possible management or proposed actions within Inventoried Roadless Areas is on page 25, where Management Requirements state: [ldquo]The Project will avoid activities that will substantially alter the undeveloped character of inventoried roadless areas.[rdquo] (Underlining added for emphasis)

CSERC respectfully asserts that the limited requirement (copied above from the Scoping Notice) is poorly defined and is inadequate for sufficient protection of the potential wilderness values that are within inventoried roadless areas. CSERC recommends that, in the DEIS, for Inventoried Roadless Areas, the following be the MAC Project management direction for the preferred alternative/proposed action:

[ldquo]The Project will avoid activities with potential to alter the wild, roadless, undeveloped character of the inventoried roadless areas. In this Project, no mechanical treatments or temporary road construction shall occur in roadless areas. The only Project actions that may be authorized within inventoried roadless areas will be prescribed fire treatments (done without mechanized ground-disturbing equipment) or targeted grazing treatments, where deemed appropriate.[rdquo]

MANAGING OLD GROWTH FOREST AREAS WITHIN THE MAC PROJECT

As of this time, the national level Old Growth Amendment policy planning process is still assessing public comments that were submitted in response to the Modified Proposed Action (Alternative 2) and various associated standards that the agency put forward for consideration. No clear national Old Growth policy is

expected to be finalized prior to the development of the MAC Project DEIS. Accordingly, the local Forest Service's evaluation of the potential for the Project to significantly affect or degrade Old Growth Forest Conditions cannot rely upon a future undefined Adaptive Strategy plan or on any not-yet-developed national policy mandates intended to lead to [ldquo]proactive stewardship[rdquo] of [ldquo]old growth forest conditions.[rdquo]

As explained on page 5 of the Scoping Notice, 10-15% on the Stanislaus Forest in the Project area and 5-10% of the Eldorado National Forest are preliminarily estimated to qualify as existing old growth forest. Calculating that amount of old growth forest acres from the overall Project acreage produces roughly 18,000 to 30,000 acres. To our knowledge, neither the ACCG stakeholder group as a whole nor the various ACCG committees have had any discussions relative to options for treatments or avoidance within old growth forest management areas.

With that as context, in order to minimize the potential for significant impacts from the MAC Project affecting old growth forest resources that are now a national agency priority, CSERC recommends there be clearly defined management direction for Old Growth within the MAC Project area.

IDENTIFY POTENTIAL OLD GROWTH AREAS PRIOR TO LOCATING FOREST TREATMENTS

The Eldorado Forest and Stanislaus Forest have the capacity to utilize available F3 data combined with Region 5 old growth definitions (with large trees defined by the minimum diameter for each forest type) to create an inventory map showing the delineated boundaries of all patches and blocks of habitat within the Project boundary that meet the definition of old growth. That is one approach for identifying where old growth forest conditions exist. OR the two Forests could agree to develop a highly defensible, science-based criteria and modeling product to determine where project areas considered for mechanical treatments or road treatments may have the potential to overlap with areas matching old growth forest definitions.

Whichever approach is adopted, delineation of Old Growth should be assured prior to any record of decision and preferably in the DEIS. To reduce controversy on this topic, the DEIS should generally identify where modeling of old growth forest habitat shows such habitat to exist within the Project. Alternatively, if maps of old growth areas are not the basis for strategies to protect old growth, the analysis should spell out exactly what strategy is to be applied (such as excluding mechanical forest treatments from areas meeting old growth criteria or restricting any new temporary road construction that may alter forest conditions in such areas).

Within the mapped old growth forest blocks of habitat or within the areas that contain pockets, patches, and belts of forest that meet the old growth forest definition, CSERC recommends that the MAC Project should apply the following three protective policies across all mapped or qualifying [ldquo]old growth[rdquo] areas:

First, based upon a general estimate that conifer trees in this region can be judged to be roughly 150 years of age or older due to the tree having a dbh of 35[rdquo] or greater, such large trees should be off limits to cutting in the MAC Project except for reasons of imminent public safety or essential administrative reasons. (While this approach will obviously not result in protection for slow-growing old growth trees on poor sites, this strategy would broadly retain a large percentage of trees that generally reflect old growth conditions and would reduce the potential for significant impacts to old growth forest resources by the MAC Project).

Second, in areas meeting the CWHR size classifications of 6, 5D, and 5M, in order to mitigate for any potentially significant effect on old growth conditions, the MAC Project should prohibit the construction of new temporary roads in 6, 5D, and 5M habitat areas.

Third, the MAC Project should require that a higher-than-standard-project-level retention of large down logs and large snags shall be required within old growth forest areas, except within WUI areas that are judged to need the regular snag and down wood standards in order to sufficiently protect vulnerable communities or infrastructure.

CSERC believes that the district wildlife biologists are best positioned to determine what those snag and down log retention levels should be in old growth forest areas.

Summing up the above CSERC recommendations, to avoid the potential for significant effects on old growth forest conditions, (1) the two Forests should either explicitly map areas meeting old growth definitions or they should develop applicable criteria that will clearly identify when treatments may overlap with areas meeting such definitions. (2) In areas meeting such definitions, construction of any temporary roads would be prohibited in all areas qualifying as 6, 5D, and 5M habitat. (3) In any old growth qualifying areas where thinning logging of medium or small trees or where biomass treatments are planned, such areas would be required to retain higher than normal levels of large snags and down logs except in WUIs. (4) And a diameter cut limit of 35[rdquo] dbh would be applied within the MAC Project area except for allowing the removal of trees of any size deemed to be an imminent public safety hazard or deemed highly necessary for removal for administrative purposes.

MANAGING FOR BIOLOGICAL DIVERSITY RATHER THAN STERILE FORESTY GOALS

Page 13 in the Description of Forest Thinning in Table 3 states: [ldquo]Some treatments may be designed to improve stand survival and health through the removal of unhealthy overstory trees.[rdquo] This sentence reflects obsolete forestry-focused forest management that aims for sterile, [ldquo]productive[rdquo] forest stands rather than biologically diverse forest habitat. The best available science of recent years identifies broken top trees, dead top trees, or other trees with features such as cavities, large dead limbs, mistletoe clumps, or other [ldquo]defect[rdquo] habitat features as actually being highly beneficial for many wildlife species. CSERC recommends removing that sentence (underlined above) in the DEIS.

Page 13 also includes the information in Description under Forest Thinning that aerial-based methods including cable and helicopter logging may be utilized for timber harvest on steep slopes.

With 180,000 acres of conifer forests estimated to be growing within the MAC Project area, it is unnecessary and financially negative to consider focusing logging treatments on very steep slopes where cable logging systems or aerial logging may be required. Given an estimated target described by the Project design team of roughly 87,000 acres to be treated by forest treatments, the scale of thinning logging acres will likely end up treating less than half of the 180,000 acres of conifer forest within the Project boundary. Cable logging treatments often result in gullies created by end-lining logs up steep slopes. Such gullies, even after being water-barred, often end up discharging sediment into downslope receiving waters. It would appear unnecessary and illogical to authorize in the MAC Project expensive aerial or cable logging treatments, both of which make follow-up fuel reduction treatments more challenging and often less safe for forest crews. Keeping logging off steep slopes also reduces resource risks.

CSERC recommends dropping the Description language that explains that aerial-based methods, including cable and helicopter logging may be used in the Project. Or put another way, CSERC does not support the use of aerial logging treatments in the MAC Project due to the resource effects of cable logging and because many other areas that do not require cable or aerial logging are available. If the Forest Service desires to approve cable-logging and expensive aerial logging in the Project, the DEIS should fully assess why such treatments are deemed necessary when there are so many easier-to-access and implement forest acres in need of treatment.

MULCHING MASTICATION

On page 14 under Description for Mechanical Fuel Treatments, the text explains that in addition to [ldquo]traditional[rdquo] mastication, which leaves shredded material on the soil surface, [ldquo]...mulching-type mastication mechanically incorporates shredded material into the surface of the soil with the masticating head.[rdquo] Our Center[rsquo]s staff does not have sufficient experience with mulching-type mastication to assess whether that strategy is appropriate or is instead potentially negative for soil health, possibly cause

damage to roots of residual trees, and a source of downslope sediment discharges. It is CSERC's recommendation that mulching-type mastication be limited in the MAC Project to a relatively low percentage of overall mastication acres so that there can be adequate monitoring and evaluation of its potential effectiveness or drawbacks prior to allowing it on a large scale in any project.

MANAGEMENT OF HAZARD TREES WITHIN THE MAC PROJECT AREA

As has been noted in ACCG committee discussions, the Eldorado Forest has a fully approved roadside hazard tree plan that covers the Amador District, and now the Stanislaus Forest is finalizing a Hazard Tree Management Project for the entire Stanislaus Forest.

It is CSERC's position that it would be confusing and cumbersome for the MAC Project to debate and come to a new policy approach for how to manage hazard trees within the Amador District on the Eldorado Forest and the Calaveras District on the Stanislaus Forest when both national forests have forest-wide hazard tree removal policies that are already in place. We recommend that the policies for marking and removing hazard trees within the Project area be managed by the existing approved Hazard Tree Plans approved by each Forest.

However, in case that recommendation is not the final choice by the USFS, we point out the following concerns with the Description for Hazard Tree Removal as described on page 15 of the Scoping Notice. As now written, the USFS would be authorized to fell and remove hazard trees up to 1.5 times the tree height striking distance of a target within the potential failure zone. As CSERC debated strongly in comments for the Stanislaus Forest hazard tree plan, it is unreasonable and inconsistent with the goal of public safety to fell and remove hazard trees up to 1.5 times the tree height if the [ldquo]hazard tree[rdquo] is a green [ldquo]defect[rdquo] tree that only has a short dead top or dead limb or double tops or other defect factor that leads to identifying the tree as a hazard. Such defects cannot possibly fly horizontally sideways for extensive distances. A 150[rsquo] tall green tree with a 10[rsquo] dead top cannot have a tree height striking distance applied of 225[rsquo] when the 10[rsquo] dead top can[rsquo]t possibly fall more than a short distance from the tree if it should break in a windstorm or snow event

Accordingly, the final revised Hazard Tree Project for the Stanislaus Forest made numerous adjustments from the original proposed language to specify that especially along ML 2 roads, a green [ldquo]defect[rdquo] tree will only be felled and removed if the hazard potential is [ldquo]high[rdquo] and the distance to a target within the potential failure zone is 1.5 times the height of the [ldquo]defect[rdquo] [ndash] NOT the height of the tree.

This is critically important distinction that avoids the removal of large, high value green trees with valuable wildlife habitat attributes that are located within some proximity of a road within the forest, but which only have [ldquo]defects[rdquo] that are of a height that the defect cannot possibly fly sideways long distances through the air to land on a road or on infrastructure. Further caveats in the Stanislaus Forest hazard tree Project additionally clarify that along ML 3, 4, and 5 roads within PACs and within identified fisher or marten habitat, [ldquo]defect heights[rdquo] are further reduced to the height of the defect rather than 1.5 times the height of the defect on trees downslope from roads or other targets.

Rather than the DEIS needing to waste staff time or design team time getting into the highly technical nuances between different specifications for applying the abatement of dead and green [ldquo]defect[rdquo] trees, CSERC recommends that the MAC Project clearly state that the Project will conform with applicable forest hazard tree project requirements already approved by each forest (the Eldorado Forest and the Stanislaus Forest).

WIDTH OF FUEL BREAKS WITHIN THE MAC PROJECT AREA

It is CSERC's position that creating 25,000 acres of fuel breaks within the MAC Project by allowing for fuel breaks to be up to 1,000' wide is excessive and potentially highly negative for multiple reasons. First, fuel breaks are intended to be areas with wider-than-normal spacing of trees in order to increase the ability for fire crews to safely use such areas for fire suppression actions such as back firing and burning out, or for applying prescribed broadcast burns under favorable conditions. Fuel breaks are NOT areas intended to stop wildfires by creating very wide "no fuel" zones.

Accordingly, the value of creating a vast network of open "shaded fuel breaks" across the vast MAC Project area needs to be balanced by appropriate consideration of negative effects of wide-open areas on wildlife, the potential negative effects on soils, the negative effects on scenic resources, and the negative economic effects due to high costs required to maintain high amounts of acres compared to less cost for narrower fuel breaks. That last point may be most meaningful. There would be a significantly higher financial commitment needed for maintenance of a system with up to 1,000' wide fuel breaks in comparison with the cost of maintaining a fuel break system of more typical width of 300'(occasionally 500') wide fuel breaks.

CSERC recommends that the maximum width of fuel breaks in the MAC Project be 500' width and that the majority of fuel breaks across the project area be designed as 300' in width.

For context, we point to the stand density research on historic forest conditions that was communicated directly to the ACCG stakeholder group by Dr. Malcom North, Peter Stine, and others. They underscored that historic forests - prior to the past century of forest management - had stand density conditions with roughly 1/6 the number of conifers that are growing today on acres that were monitored 100 years earlier. It is CSERC's strong advocacy that the best available science shows that not only were forests in the Sierra Nevada region generally composed of scattered individual trees, clumps and patches of trees, and openings (ICO conditions as spelled out in GTR-220 and GTR-237), but that the number and spacing of trees were far lower than under current forest conditions. Thus, in the general forest and in areas of CSO and Goshawk territories that are not explicitly constrained by canopy cover requirements, the MAC Project should aim to achieve resilience to high severity wildfires, drought, and insect-induced tree mortality by managing for ICO conditions and a generally low stand density index (widely scattered trees) as the overall objective. That would measurably reduce the logic for needing to create wide fuel breaks.

If treated forests in between the fuel breaks are not "shoulder to shoulder" densely stocked forest stands and are instead far more open stands with mosaic conditions, then the width of fuel breaks can be effective with narrow widths.

For marten and fisher, amphibians, and various other wildlife species, open terrain that provides only scattered trees or limited belts of sheltering habitat will often result in avoidance by sensitive wildlife species -- especially during hotter, drier times of year. Many times those species will not cross wide openings.

The wider a fuel break is, the more that bare soil is created due to heavy equipment and mastication treatments, bulldozing or clearing, chemical applications, and hot broadcast burns that kill back vegetation across the fuel break. When up to 25,000 acres are being considered as a possible total amount of fuel breaks to be approved within the MAC Project area, the impact on soils from the 40 square miles of fuel breaks along with all the additional soil impacts from thinning logging, broadcast burning, and other Project treatments would cumulatively add up to be a potentially significant effect.

The wider the fuel break, the more that the "managed" effect of the forest treatment becomes highly visible and noticeable as a scenic impact for those traveling through the forest or for those coming to the forest for recreation. Wide treated strips with little forest cover stand out exactly as what they appear to be -- long strips with little vegetation.

Perhaps the most persuasive point is to emphasize that compared to constructing narrow fuel breaks, designing a project with increased widths of fuel breaks results in many more acres needing to be [ldquo]maintained[rdquo] and managed. To create a fuel break and then soon afterwards [ndash] to not have the funds or capacity to maintain it - is a failed strategy that has played out for decades on USFS lands. Being more strategic in identifying where fuel breaks are valuable and then scaling the width of fuel breaks to the smallest amount of acreage that makes them effective is a strategy that can limit the enormous financial commitment that is often needed to maintain fuel breaks.

Last, directly tied to the point raised above, the Forest Service does not control its budget or whether it will receive potential state grants or other funds that may be needed to maintain an extensive system of wide fuel breaks. With only so much funding likely being available over coming years to implement project treatments, priorities need to be made. Should expenditures be made to create wide and more difficult-to-maintain fuel breaks, or should effective use of limited funds lead to creating narrow-but-effective fuel breaks that can be in balance with moderate funding expectations and the need for funding to be applied to all the other desired treatments?

CSERC recommends that the maximum width of fuel breaks in the MAC Project be no more than 500[rsquo] wide and that the majority of fuel breaks across the project area be designed as 300[rsquo] in width.

INVASIVE SPECIES MANAGEMENT [ndash] TARGETED GRAZING

On page 16 of the Scoping Notice, Targeted Grazing is listed as a treatment method. The statement is made that [ldquo]...cattle can effectively create fuel reduction zones.[rdquo] CSERC staff has spent more than 30 years monitoring livestock (cattle) effects on national forest lands in the overall region, and we strongly dispute the assertion that virtual fencing may make [ldquo]...cattle grazing for maintenance of fuel breaks and other treatment areas an effective tool where active allotments already exist.[rdquo]

CSERC does not dispute the potential value of virtual fencing, and we acknowledge that in grass covered areas of fuel breaks in lower elevations, cattle have at times produced benefits by overgrazing the grasses to a level that the residual grass does not pose a flammable fuel risk. However, [ldquo]in active allotments[rdquo] across the Eldorado and Stanislaus Forest areas, cattle primarily consume grasses, forbs and the desirable tips and leaves of new growth on brush and some deciduous trees. Cattle do not consume (reduce the flammability) of mature brush or a wide variety of less-favored groundcovers (bear clover) or other surface fuels. Cattle do not consume pine needles, fallen leaf litter, branches, tops of trees or down logs, or a wide range of other woody material that combines to create surface and ladder fuels. Accordingly, CSERC points out that goats are the livestock that does effectively consume a far wider range of vegetation and fuels compared to cattle in areas above the oak-grassland portions of the national forest. We believe that the DEIS should identify goats as having potential to be effective at maintaining fuel breaks when concentrated by fencing or virtual fencing -- (not cattle and generally not sheep, which also do not consume most surface and ladder fuels).

CSERC recommends that in the DEIS the Targeted Grazing section consider the points raised above. We also note that fuel break maintenance is not an appropriate category to discuss under Invasive Species Management and Integrated Pest Management. Fuel break maintenance is a fuels management topic.

On page 17 under Watershed Restoration, CSERC strongly supports the intent to implement a suite of aquatic and upland restoration techniques. However, a broadly focused DEIS for the MAC Project is unlikely to adequately assess the often-complex issues and consideration of treatment alternatives for restoring incised stream channel sites, dealing with head cuts, and potentially filling in and naturalizing gullies. With these Scoping comments we share our support for the overall positive intention to do watershed restoration and to consider possible project actions. But we believe it is highly likely that site-specific stream restoration or meadow

restoration analysis will be needed to best assure that grant funds or other major costs are not wasted due to not sufficiently engaging the interested public, key water interests, and others in site-specific analysis and project design for stream and meadow restoration treatments.

CSERC encourages the DEIS to distinguish between authorization for the MAC Project to implement a certain scale of restoration treatments based upon the EIS and ROD, and to clarify that medium-large or challenging stream restoration and meadow restoration treatments to improve degraded aquatic conditions will be authorized with a separate site-specific NEPA analysis and decision.

HERBICIDE USE IN THE MAC PROJECT

As we have communicated at various ACCG committee and planning work group sessions, we do not oppose the proposed use of herbicides to treat invasive weed species when chemical use is selected as the last-resort or is identified as the only effective tool to reduce or remove invasive weeds (rather than applying chemicals as a first choice because herbicides may be cheaper and more effective than alternatives).

Separate from CSERC accepting herbicide use as a second or third tier option to treat invasive weeds, our Center does not support the use of chemical treatments for forest management purposes such as vegetation treatments on fuel breaks. We respect that others may have differing views, but our Center represents our members; and we also attempt to be a credible voice in support of various grassroots groups that rely on us to communicate their conservation perspectives.

At numerous ACCG MAC Project sessions, our staff has explained that it is our preference to have zero acres of fuel breaks treated with herbicides in the Project area. However, in an attempt to move toward middle ground consensus, our Center has taken the position (only for our Center and not for any of the groups that we often represent) that for the MAC Project we can [ldquo]live with[rddquo] up to 300 acres of fuel break maintenance by herbicides per district per year. That would be (as our staff has calculated) up to 600 acres total herbicide treatments of fuel breaks in the Project each year for 10 years [ndash] or as much as 6,000 acres of chemical use for fuel breaks over 10 years.

We re-state that we do not support that level of herbicide use, but we see accepting that as possibly establishing middle ground in this specific project area with those who desire far higher amounts of herbicide use for fuel break maintenance [ndash] especially those on the Amador District staff who have advocated strongly for high levels of chemical use.

CSERC makes that commitment of acceptance solely for this MAC Project, and solely based upon the relationships that we have built with other ACCG stakeholders. Should there be any major surprises coming in the DEIS for other points of controversy in the design of the overall MAC Project, then the CSERC staff may reconsider this position.

MINOR POINTS OF CONCERN WORTH NOTING

DESIRED FOREST CONDITIONS

On page 6 of the Scoping Notice, the very first objective under Desired Conditions is to [ldquo]increase within- and between-stand heterogeneity.[rddquo] CSERC respectfully disagrees that this should be a priority objective. If an area of forest contains primarily Ponderosa pines with a few scattered black oaks, we see no rationale for attempting to increase within-stand or between-stand heterogeneity. Ponderosa pines with a few oaks is what has survived despite droughts and bark beetles. Each site is unique.

It is not clear to our staff that the MAC Project should have a Desired Condition to [ldquo]increase within-stand or between-stand heterogeneity.[rdquo] Separate from that comment, we believe that the Desired Condition list on page 6 is missing an important Desired Condition, which is to: [ldquo]Significantly reduce stand density and widen the spacing between individual trees or clumps of trees in order to reflect natural historic conditions, reduce competition during drought periods, and to reduce the connectivity and arrangement of fuels that favor the spread of severe wildfires.[rdquo]

CSERC recommends the addition of this objective under Desired Conditions: [ldquo]Significantly reduce stand density across conifer forest areas; widen the spacing of individual trees or clumps of trees in order to reflect natural historic conditions and to reduce fuel connectivity and the arrangement of fuels that favor the spread of severe wildfires.[rdquo]

LENGTH OF TIME PERIOD FOR IMPLEMENTING APPROVED MAC PROJECT ACTIONS

Page 11 of the Scoping Notice states that the MAC Project actions will be implemented using a staged approach [ldquo]over the next 10 years or more.[rdquo] It goes on to state: [ldquo]Follow-up treatment to achieve or maintain desired conditions will be implemented beyond 10 years.[rdquo]

CSERC points out that, in general, in past NEPA projects, forest officials have agreed that after a period of 10 years, NEPA analysis may be [ldquo]stale[rdquo] and in need of renewed review and consideration. Yet as now described in the Scoping Notice, the proposed action would authorize treatments extending beyond a 10-year period, and follow-up treatments would be authorized for some indefinite period beyond 10 years. CSERC opposes such open-ended and lengthy approval for treatments. We recommend that in the DEIS wording for the Proposed Action be revised to read:

[ldquo]MAC Forest Project actions will be implemented using a staged approach over a period of 10 years from the date of the Record of Decision. Follow-up treatment to achieve or maintain desired conditions may be implemented for up to three additional years beyond the 10-years end date from the Record of Decision.[rdquo]

IDENTIFYING A BALANCE BETWEEN AIMING TO ENSURE ADEQUATE SPOTTED OWL PROTECTION AND THE NEED FOR HIGHLY EFFECTIVE FOREST TREATMENTS

A key issue where ACCG members hold differing views is the issue of whether to alter suitable CA spotted owl habitat in the short term in order to increase the potential to better sustain that habitat in the long term and to also more broadly address the resources that benefit other species that suffer from high-severity wildfires and from widespread tree mortality caused by drought and bark beetle outbreaks.

CSERC points to clear communications from scientists who have shared at ACCG meetings that historic, natural forest conditions had (in general) ICO forest conditions (scattered individual trees, clumps of trees, and openings) with far fewer trees per acre and far more spacing between individual trees than is found in current forest areas. The California spotted owl obviously managed to persist and reproduce successfully under those conditions. Thus, CSERC points to the reality that while the CSO may favor closed canopy mature forest habitat, historic conditions show that when widespread conditions were more open and more of a mosaic of tree

patterns, the owl survived successfully.

At this time, the Region is narrowly focused on providing guidance to individual national forests to ensure that when the Region consults with USFWS for the effects of projects on CSO, that the potential effects of projects will not result in such a degree of a [ldquo]take[rdquo] determination that a project may be deemed unacceptable. However, CSERC has consistently communicated to the Region and to Stanislaus Forest staff that it is also critically important to consider the highly intolerable loss of suitable CSO habitat that has occurred so widely across the region in recent years due to not only high-severity wildfires, but also from drought-induced tree mortality.

CSERC asserts in these comments that it would be short-sighted and negative for the CSO if the Forest Service chooses to restrict the effectiveness of fuel reduction and forest health treatments in the MAC Project based upon the short-term objective of avoiding any downgrading of suitable habitat or removal of suitable habitat for the owl. Restrictive Regional policies that interfere with the MAC Project being able to design and implement selective thinning logging treatments that sufficiently result in widening the distance between residual trees and reducing the potential for crown fires and loss of large, old trees will reduce the effectiveness of forest treatments needed to increase the long-term survival of large old trees and to maintain the clumps or stands of medium and large trees that are so valuable for the owl.

In scoping comments, it may not be necessary to provide highly detailed rationale for a recommendation for the design of the project or for what should be considered as alternatives. However, CSERC aims to spell out as succinctly as possible two strong recommendations.

First, we recommend that the DEIS consider a number of CSO management adjustments to what are now contained in the Region[rsquo]s Project-specific Forest plan Amendments for California Spotted Owl Habitat. We believe that in order to meet the purpose and need for the project, to adequately protect forest communities, to adequately protect a wide range of listed or sensitive wildlife species, and to best protect CSO habitat over time, that adjusting Regional policies is necessary to increase the effectiveness of forest treatments.

The following specific recommendations are spelled out with our intent that they or similar adjustments of the Regional Forest Plan Amendment Components be analyzed in the DEIS in at least one alternative.

1. In contrast to the requirements in DC-TERR-1A to have at least 60% of each CSO territory consist of suitable habitat and in DC-TERR-1B to have at least 50% consist of suitable habitat, CSERC recommends that an alternative analyze the benefits of increased forest treatment effectiveness of having 40% or greater of a territory be required to be in suitable habitat.
2. Tied to that recommendation, we note that STD-TERR-1A mandates to maintain or improve all HQNR and BANRF habitat, and STD-TERR-1B that mandates retaining 50% canopy cover, 60% of a territory in suitable habitat in moist habitat types or 50% of a territory as suitable habitat in dry habitat types. Limited exceptions

allow for retention of only 40% of suitable habitat in territories in WUI defense zones, high risk fire-shed areas, or with unavoidable conflicts with fuel breaks. As noted above for desired condition, CSERC asks that in the DEIS, at least one alternative consider retention of only 40% suitable habitat in territories in order to allow wider application of fuel reduction treatments that open up forest canopy cover and reduce stand density to lower the risk of high-severity burn effects and to lower tree mortality during times when tree competition for water in droughts may lead to widespread tree mortality.

3. While it is not clear as now worded in the Regional requirements, it appears that 5M cannot have canopy cover reduced below 50% when it is at that level or higher. CSERC recommends that one alternative consider allowing the canopy cover in 5M habitat to be lowered to 40% canopy cover if forest treatments will reduce the risk of wildfire or drought killing the medium large and large trees in that 5M habitat.

4. Finally, CSERC recommends that at least one alternative in the DEIS allow the analysis of a CSO strategy whereby each of the two national forests is able to conduct an exercise to analyze how applying the Regional CSO Project-specific Forest Plan Amendment Components would allow or would conflict with project objectives to markedly reduce stand density and create wider spacing between residual trees for forest health and fire resiliency purposes.

With this request, we ask that each forest be allowed in at least one alternative to an extensive territory-by-territory analysis. That analysis could consider the trade-offs of maintaining desired CSO habitat components in the short term versus considering longer term effects of opening up in particular 4D and 4M habitat in order to reduce the risk of large tree loss from fires, drought, or beetles. It could also analyze whether there is appropriate balance with owl objectives that compete with objectives to reduce high severity wildfire-caused loss of forest habitat for marten, fisher, goshawk, GGO, listed amphibians, and numerous other vulnerable species. Such a territory-by-territory analysis could either show the Regional directives would not constrain achieving other objectives or that adjusting those directives could better achieve a wider range of objectives.

DETERMINING DIAMETER LIMITS FOR TREE REMOVAL TREATMENTS

It is our Center's understanding that for protection of the CSO, the Region is allowing two different strategies for projects. A forest may either select a 30" dbh standard with the exception that individual trees up to 35" dbh may be removed for "equipment operability"; or a forest may select STD-PROJ-1B that allows trees up to 40" dbh to be removed when "needed" for "aspen, oak, or meadow restoration" or "in overly dense stands to favor retention or promote the growth of even large or older shade-intolerant trees" or to "improve the growth and vigor of rust-resistant sugar pine trees greater than 16" dbh..."

CSERC recommends that the MAC Project NOT adopt a diameter limit of "up to 40" dbh" that could allow logging of very large trees for all of the possible reasons that could be routinely claimed by agency staff. We do not support allowing decisions on logging very large trees to be based upon judgment calls by Forest staff that could allow very large trees to be logged for "oak restoration" reasons or "to favor shade-intolerant trees" or for benefiting relatively small sugar pines that have little resource value compared to retaining very large trees up to 40" dbh.

To reduce public concerns over the loss of large trees and to build trust in the Forest Service when it comes to marking timber sales, CSERC recommends that the MAC Project provide a Proposed Action that selects a 30[rdquo] dbh diameter limit along with the Region[rsquo]s caveat of allowing removal of trees up to 35[rdquo] dbh for equipment operability.

CSERC also recommends that the MAC Project be designed to apply a 20[rdquo]dbh cut limit in PACs to ensure that trees removed from PACs are being removed for the purpose of reducing stand density and improving resilience to fires and drought, rather than to produce commercial outputs.

POTENTIAL CONSIDERATION OF DEVELOPING ALTERNATIVES FOR THE PROJECT

Based on the concept that has been discussed at ACCG sessions for the development of a range of alternatives, the DEIS might provide at least three project alternatives besides the standard No Action option. One alternative might focus on prioritizing protection for vulnerable natural resources and minimizing project impacts on the forest environment. It could also minimize any controversial project actions - such as herbicide use for fuel breaks - by simply not proposing any chemical use for that purpose. It could provide the [ldquo]least likely to adversely affect[rdquo] management for CSO and propose the narrowest width of fuel breaks.

A second alternative (which may be the Proposed Action) could be developed to reflect a variety of middle-ground agreements by the members of ACCG. Those agreements would be for project strategies or for project treatments that have consensus support within ACCG or which are judged to have the broadest support by the public. CSERC anticipates that this alternative would be one that ACCG and UMRWA see as most acceptable to a wide diversity of interests. This alternative could include [ldquo]more likely to adversely affect[rdquo] management for the CSO, a low level of herbicide use on fuel breaks, and a mix of 300[rsquo] and 500[rsquo] wide fuel breaks based upon agreed-upon criteria.

A third action alternative that has been discussed within ACCG might apply more aggressive forest treatments and management actions. It would be designed to at least minimally meet mandated protective measures for natural resources, but compared to the other two alternatives, this alternative would focus more on intensifying treatments to increase effectiveness to create longer term benefits or to more fully achieve some management objectives. For example, this might have fuel breaks up to 1,000[rsquo] in width, more herbicide use, and less acres of closed-canopy forest habitat mandated for retention in CSO territories. This alternative would reflect some of the initial proposals by Forest Service staff that do not have support by ACCG, but which could be analyzed for consideration of trade-offs between short-term benefits to resources versus longer-term effects.

CSERC recommends that the range of alternatives in the DEIS reflect a reasonable range of project options for treatments such as described above in order to assure that there is appropriate analysis for a diversity of approaches.

CLOSING SUMMARY

We thank the UMRWA project design team and the Forest Service for considering these scoping comments. Please contact our Center if there are questions about any of the points raised in this letter.