



May 11, 2007

VIA MAIL AND EMAIL

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Re: Day Fire Hazard Tree Removal Project

Dear Ms. Buma:

Thank you for this opportunity to provide the Forest Service with our comments on the proposed Day Fire Hazard Tree Removal project, which involves cutting down an unidentified number of "hazard trees" that were burned during last year's Day Fire in the Los Padres National Forest. These trees would be removed along 40 miles of roads and trails in the Mt. Pinos Ranger District. As part of this project, the Forest Service is also proposing to authorize a commercial salvage logging sale of approximately 700,000 board feet of the most commercially valuable hazard trees. The remaining cut-down trees would be collected as fuel wood, piled and burned in place, or left on site.

Los Padres ForestWatch is a community-based nonprofit organization working to protect and restore the natural and cultural heritage of the Los Padres National Forest. We appreciate the Forest Service's desire to provide and maintain safe recreation opportunities in areas affected by last year's wildfires, but we also have concerns about large-scale tree removal in this remote area, particularly when conducted by commercial logging companies. Wildfire is a natural component of this landscape, and burned trees, snags, and downed woody debris fulfill important ecosystem processes. To preserve the visual and recreational values of this area, we believe that only the most dangerous hazard trees posing an imminent threat to public safety where people congregate – such as at trailheads and campgrounds – should be cut. We believe that it is not appropriate to offer any trees through a commercial timber sale.

Although we would prefer that the Forest Service forego the cutting of hazard trees entirely, leaving the forest in a natural state and warning the public of the dangers inherent in a wilderness environment, we recognize that there is value to the public in eliminating any truly imminent dangers. Our primary concern with this project is to ensure that it is narrowly tailored to cause the minimum amount of harm to the forest necessary to protect the public from realistic dangers. To reduce project impacts, we hope the Forest Service will consider some of the alternative methods that are available for dealing with trees determined to be imminently hazardous, including:

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1. Cutting the tree at ground level and leaving in place (to provide down woody material, coarse woody debris or other values including wildlife habitat and protection);
2. Cutting the tree at ground level and leaving in place in a location parallel to the road to retain as a barrier to illegal off-road vehicles that stray from designated trails;
3. Cutting the tree at ground level, and removing it from forest only via personal firewood gathering permit;
4. Reducing the height of the tree, so that if it fell, it would not reach the “target” (road, trail, building, or other improvement) via cutting off the top or other method that would remove the top of the tree but retain the trunk for cavity-nesting birds and other wildlife; or
5. Removing those parts of the tree (dead limbs) that make the tree a hazard via pruning or other limb removal methods.

As mentioned at the start of this letter, we do acknowledge the Forest Service’s interest in creating a safer environment for visitors, but complete removal of these trees simply goes beyond what is needed to achieve that goal. Our specific concerns with the project are outlined below. Thank you for your consideration of these important issues.

More Opportunities for Public Input Are Needed Before a Decision is Made

The Forest Service’s scoping letter states that the public must submit comments on this proposal by May 11, 2007. This is a much shorter comment period than usual. The Forest Service’s scoping letter is dated April 18, 2007 and was not received in our mailbox until April 24, 2007, giving us only seventeen days to study the proposal, conduct preliminary research, gather additional information, consult with experts, visit the project area, and prepare our comment letter. Seventeen days is an inadequate amount of time to provide helpful comments and concerns, particularly in instances like this one where this may be the only opportunity for the public to provide input before a decision is made.

We are also concerned about the lack of detail provided in the Forest Service’s scoping notice, which was the first time the agency has publicly released information about this proposal. This lack of detail, combined with the short time period to gather additional information, severely restricts the public’s ability to formulate meaningful and helpful comments on this proposal.

The National Environmental Policy Act (“NEPA”) requires scoping to be an “early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.” 40 C.F.R. § 1501.7. The Forest Service’s internal directives emphasize the importance of scoping in achieving NEPA compliance, stating that:

The most important element of the scoping process is to correctly identify and describe the proposed action. Elements of the proposed action include the nature, characteristics, and scope of the proposed action, the purpose and need for the proposed action, and the decision to be made.

Forest Service Handbook 1909.15.11.2 (emphasis added). An adequate and detailed project description assists the public and interested agencies in identifying issues and providing meaningful comments. To this end, the General Counsel of the Council on Environmental Quality has concluded that

Scoping cannot be useful until the agency knows enough about the proposed action to...present a *coherent proposal* and a suggested initial list of environmental issues *and alternatives*. Until that time there is no way to explain to the public or other agencies what you want them to get involved in.

Council on Environmental Quality, *Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping*, dated April 30, 1981, pp. 4-5.

An appropriate scoping letter contains “a brief information packet consisting of a description of the proposal, an initial list of impacts and alternatives, maps, drawings, and any other material or references that can help the interested public to understand what is being proposed.” *Id.* at 5. This project’s scoping letter falls far short of this guidance. For example, the letter is missing an initial list of impacts and alternatives. Thus, the public does not know what the main issues are surrounding this proposal, and thus cannot frame appropriate comments.

We urge the Forest Service to re-issue an adequate scoping letter and extend the comment period an additional thirty days so that the public can participate meaningfully in the decision-making process. This is especially important in cases like these where this may be the only opportunity for the public to comment on the proposal prior to the agency making a decision. At a minimum, we hope that the Forest Service will release a draft Decision Memo for a thirty-day comment period prior to making the decision.

Basic details about the project that would help the public craft meaningful comments on this proposal include:

- How many hazard trees have been identified in the project area?
- How many board feet of lumber will be removed by logging companies?
- How many trees of each size class and species will be removed by logging companies?
- How many trees of each size class and species will be removed altogether?
- What is the size of the project area, in acres?
- What is the duration of the proposed commercial logging?
- What is the duration of the entire project?
- What guidelines did the Forest Service use to determine which trees are commercially valuable?
- How many trees with commercial value will be retained because they serve ecological or other important values?
- What precautions will the Forest Service implement to ensure that the logging companies only remove marked trees?
- How frequently will the Forest Service monitor the project area to evaluate compliance with project standards, mitigation measures, and environmental laws?
- What alternatives did the Forest Service analyze besides the proposed action?
- Which endangered, threatened, and sensitive species, or other species at risk, are found or have suitable habitat in the project area?
- How many logging trucks will be required to remove the timber, and which route will they take to travel to and from the project area?
- What equipment will be used to cut and remove trees?
- What are the estimated air quality impacts created by logging trucks hauling lumber to the nearest lumber mill, which is more than 100 miles away from the project area?

- Will the area be closed to the public during logging operations?
- How much downed woody material will be left on the forest floor?
- What criteria will the Forest Service use to determine whether to pile burn woody debris?
- How many burn piles does the Forest Service anticipate developing?
- Is the Forest Service planning to exclude this project from environmental review under NEPA, and if so, which specific categorical exclusion(s) will the agency invoke?
- When will the timber sale take place, and when will notice of the timber sale be issued?
- What timber companies have expressed interest in the timber sale?

We do appreciate your agency organizing a field trip to the project area on May 5, 2007. During this field trip, the Forest Service presented more details about this project. However, this field trip occurred less than a week before the comment deadline, leaving us and others with little time to work with the new information that was provided. Compounding matters is that the entire project area has been closed to public access since the Day Fire in September 2006. While we appreciate the opportunity to visit parts of the project site during the field trip, it was limited to the Grade Valley Road portion of the project area. The Gold Hill/Alamo Mountain portion of the project area remains closed and was not included in the official field trip, even though, as stated during the field trip, most (75%) of the tree removal will occur there.

Given the shortened comment period, the brevity of the scoping notice, and difficulties in accessing the project site, we believe it is appropriate to provide more information to the public followed by a full thirty-day comment period before issuing a decision on this project. We firmly believe that the project will benefit as a result.

Standards for Protection of Piru Creek and Other Riparian Areas

The project area along Grade Valley Road passes through Piru Creek, the major drainage in the project area. The recent Forest Plan revision recommends this stretch of Piru Creek for protection under the Wild and Scenic Rivers Act. As such, the Forest Service must preserve the outstandingly remarkable values of this creek and avoid any activities that would impair the eligibility of this river for protection under the Act. The project should include a wide buffer zone along the river corridor where no logging or tree removal is allowed. If the Forest Service decides to allow project activities in this area, please evaluate the impacts to Piru Creek and to its eligibility for Wild and Scenic protection caused by logging and tree removal in the stream corridor and transport of saw logs through the corridor. Impacts to the stream corridor should be evaluated to determine whether the degree of this potential effect qualifies as an extraordinary circumstance (“Congressionally designated areas”, FSH 1909.15.30.3(2)(c)) that would require preparation of an Environmental Assessment.

In addition to Piru Creek, several other streams also flow through the project area, including Frazier Creek, Snowy Creek, Alamo Creek, San Guillermo Creek, and Cedar Creek and their tributaries. The Forest Service should impose adequate buffer zones to protect water quality and riparian habitat along these creeks. Heavy logging equipment and timber removal should not be allowed in these buffer zones, and areas where roads cross streams should be monitored to minimize the amount of sediment that enters creeks from logging trucks and other project-related equipment. Heavy equipment should also be prohibited on steep slopes to prevent erosion and sedimentation into nearby streams.

The Definition of “Hazard Trees” is Too Broad

This project involves removing all hazard trees in the project area. The scoping notice defines a “hazard tree” as a tree with “all or a portion of the tree has a high potential to fall or roll onto a roadway or facility and cause personal injury or property damage.” The scoping letter should state what criteria the Forest Service will use to determine whether a tree that fits this definition will be cut and/or removed.

During the May 5 field trip, the Forest Service stated that only trees with 10% or less visible green needles would be classified as a “hazard tree” and cut. This guideline should be included in the decision document. The decision document should also include a discussion of whether there are other more accurate predictors of tree mortality.

We note that most hazard tree falls will occur during winter storms, when the roads leading to the project area are gated and locked and public entry is prohibited. Therefore, the likelihood of a tree falling on someone traveling along the roads and trails during the dry season, when visitation is at its highest, is extremely low. For this reason, we believe that this project should be limited only to hazard trees that would truly cause personal injury or property damage, such as trees immediately adjacent to campsites, trailheads, and areas where forest visitors commonly congregate or park their vehicles along the road. Most dead or dying trees along the road should remain.

The Forest Service Should Only Allow Non-Commercial Tree Removal

According to the scoping notice, cut trees will be “removed as saw logs or fuelwood.” During the field trip, the Forest Service disclosed that saw logs would be removed by logging companies through a timber sale, primarily because the Forest Service would rather spend its limited funds on other fire protection efforts. The decision document should provide an official explanation as to why the Forest Service is relying on logging companies to generate revenue from this project, as opposed to using the agency’s own crews. The decision document should also disclose how much income the sale is expected to generate, and offset that amount by the expected cost of administering, planning, implementing, and monitoring the sale. We would also like to see a comparison of how much it would cost the Forest Service to implement the entire project internally using federal or state (i.e. CCC) employees. We would also like to know whether there are any remaining federal BAER funds available from the Day Fire to fund the implementation of this project, and if so, how much.

A second stated justification for the commercial timber sale was global warming, based on the opinion that it might be more beneficial to harvest dead timber than live trees elsewhere. This may be true, but this benefit must be offset by the fact that logging trucks will have to travel round-trip between the project site and the nearest lumber mill, which is more than 100 miles away in Terra Bella. If global warming is used as a rationale for allowing commercial logging operations, then please provide a comparison of the amount of global warming pollutants generated by travel to and from the project site.

We believe that retaining cut trees in the project area would provide many more benefits than removing them for commercial purposes. These trees provide valuable habitat for cavity-

nesting species, maintain diverse micro-climates, preserve soil moisture, and enrich the soil with nutrients. Also, cut trees could be used as barriers to discourage illegal ORV trespass. We are extremely concerned about the prospect of illegal ORV trespass in burned areas that, due to lack of vegetation, are now more easily accessible. Placing cut logs along key areas of roads will encourage forest visitors to remain on the officially-designated routes.

Commercial tree removal could have a significant impact on the environment. The Forest Service should describe what type of tree removal methods would be allowed under a commercial sale, and should evaluate the impacts of commercial logging equipment, particularly on fragile soils that are still recovering from the burn. We are particularly concerned about skid trails and other soil disturbance that could occur under a commercial timber sale.

Commercial log hauling to the lumber mill could also have significant impacts that must be evaluated. Depending on the number of trucks, they could degrade the quality of nearby forest roads, send sediment into streams at low-flow crossings, and create noise and air pollution. Logging trucks may also present a safety hazard to forest visitors driving along these roads. If commercial logging is allowed, then at a minimum there should be no log hauling on Fridays, Saturdays, Sundays, or holidays anywhere in the project area (not just through Hungry Valley as proposed in the scoping notice). The Forest Service should also consider standards to reduce fugitive dust emissions, and should require trucks and other equipment to be clean of any soil or seeds that may introduce invasive non-native weeds into the project area.

Tree Cutting Should Be Prohibited in Sensitive Areas

According to Beschta *et al.* (1995), logging of sensitive areas is often associated with accelerated erosion and soil compaction (Marston and Haire 1990), and inherently involves the removal of large wood which in itself has multiple roles in recovery. Salvage logging may decrease plant regeneration, by mechanical damage and change in microclimate. Finally, logging is likely to have unanticipated consequences concerning micro-habitat for species that are associated with recovery, e.g., soil microbes. Salvage logging by any method must be prohibited on sensitive sites, including:

- in severely burned areas (areas with litter destruction),
- on erosive sites,
- on fragile soils,
- in roadless areas,
- in riparian areas,
- on steep slopes,
- or any site where accelerated erosion is possible.

To ensure that the benefits of these trees are retained, Beschta *et al.* suggest that any tree removal should leave at least 50% of standing dead trees in each diameter class, leave all trees greater than 20 inches dbh or older than 150 years, and leave all live trees. Because of soil compaction and erosion concerns, conventional types of ground-based yarding systems (tractors and skidders) should be generally prohibited.

No Trees Should Be Removed from Wilderness Areas

The scoping letter states that “No tree *removal* will take place in the Sespe Wilderness.” We assume this means that the Forest Service still intends to *cut* trees in the wilderness but not remove them. We believe that no trees should be cut in the wilderness under any circumstances. This is of particular concern along Road 6N10 shown on Attachment 3 to the scoping notice. This road leads from Alamo Mountain to the Buck Creek Trailhead, and is designated as an area where no commercial tree removal is allowed (labeled “no saw log” on the map). Again, we interpret this to mean that trees will still be cut along this portion of the road.

Clarification on this issue is important because the last 1-2 miles of this road form the northern boundary of the Sespe Wilderness. We believe that no tree removal *or cutting* should inside wilderness along the southern side of this road. Pruning branches with hand tools in this part of the wilderness area along the road would be acceptable.

Replanting With Local Native Seeds

The proposed action includes reseeded or replanting some of the burned areas. We believe that most of the burn areas will be able to recover and regenerate on their own. However, if there are limited areas where reseeded or replanting is necessary, this should only occur in areas that were previously forested and that have a low likelihood of natural regeneration. If replanting is deemed necessary, it should be conducted using seed stock from the area being replanted.

We look forward to receiving additional information about this project and working with the Forest Service to generate a project that will protect forest resources while ensuring an adequate level of public safety. Please send us a copy of the feasibility study that the Forest Service conducted in developing the proposed action, as well as any future notices, environmental documents, or decision documents on this project.

Sincerely,



Jeff Kuyper
Executive Director

cc: Tom Kuekes, District Ranger, Mt. Pinos Ranger District