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Department of
Agriculture

Forest
Service

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File Code: 6270-1

Date: September 28, 2005

Ms. Joanie Berde
Carson Forest Watch
P.O. Box 15
Llano, New Mexico 87543

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER: 7004 2510 0000 3525 2680**

RE: Objection #05-03-02-0001-O218

La Jara Fuels Reduction and Restoration Project, Camino Real Ranger District, Carson National Forest

Dear Ms. Berde:

This is my response to the objection you filed regarding the Environmental Assessment (EA) for La Jara Fuels Reduction and Restoration Project. The Proposed Action (Alternative 2) would reduce fuels and fire risk to adjacent lands and communities in and around Taos Canyon by creating fuelbreaks and completing interior thinning on approximately 4,288 acres. Prescribed fire would be used on all treated acres. Other proposed treatments would benefit soils and watershed, such as creating water sources, rehabilitating dispersed camping areas, restoring meadows, and improving wildlife habitat (EA, pp. 14-15). Access to treatment areas would be through reconstructed roads and opening of decommissioned roads, with subsequent closure.

The project was planned under authorities outlined in the Healthy Forest Restoration Act of 2003. The Responsible Official who will issue a decision on this project is Cecilia Seesholtz, Camino Real District Ranger. This project is subject to pre-decisional administrative review under 36 CFR 218 interim regulations (as of January 9, 2004).

MEETINGS

No meeting was requested by you to resolve the objection. The record indicates informal resolution was not reached.

RESPONSE SUMMARY

My response to this objection has been conducted in accordance with 36 CFR §218.10. This project meets requirements of the Healthy Forest Restoration Act. After a detailed review of the record, I instruct two reference documents to be added to the Project Record for La Jara Fuels Reduction and Restoration Environmental Assessment.



There shall be no further review from any other Forest Service or U.S. Department of Agriculture official of my written response to this objection (36 CFR §218.10). A copy of this letter will be posted on the internet on the Carson Forest appeals and objection listing by date (scroll to bottom of page) at http://www.fs.fed.us/r3/appeals/forest_carson/forest_carson_index.htm

Sincerely,

/s/ Martin D. Chavez Jr.
MARTIN D. CHAVEZ JR.
Forest Supervisor

Enclosure

cc: Audrey Kuykendall, Roy Hall, Constance Smith, Cecilia Seesholtz.

Joanie Berde's
Objection #05-03-02-0001-O218
La Jara Fuels Reduction and Restoration Project
Camino Real Ranger District, Carson National Forest

For the purposes of this review, contentions have been re-arranged from the original order so they fall under the issue where they are logically found under law, regulation, or policy. The Environmental Assessment (EA) for the La Jara Fuels Reduction and Restoration (Project Record Document 113) is cited in the contentions and responses below as "EA."

ISSUE 1: The La Jara Fuels Reduction and Restoration Project Violates the National Environmental Policy Act (NEPA)

Contention A: There is a lack of scientific basis for cutting large trees (over 12" DBH) in order to reduce fire risk. Thinning and fuel breaks in this project will sufficiently reduce canopy cover and fuel loading to reduce the risk of crown fire below current conditions without cutting the large trees. The environmental assessment (EA) also needs to discuss why there is a need to remove old growth trees up to 24" DBH. (Objections 1 and 6)

Response: The scientific basis for cutting large trees to reduce fire risk is found in the Agee paper of 1996, referenced in the EA (p. 57) and Fire and Fuels Specialist Report [PR #105]. The larger trees contribute to a higher canopy bulk density. The data for fuel modeling of canopy bulk density comes from intensive stand exam inventories [PR #105] and is defined on page 57 of the EA. Increased numbers and sizes of trees result in more fuel in the crowns. Another paper, "Potential Fire Behavior Following Restoration Treatments," by Fulé and others (2001) discusses this link.

This link of bulk density and fire behavior is illustrated in the NEXUS model runs [PR #105, colored tables]. The yellow "before treatment" table shows an "active" type fire under various fuel scenarios. The before treatment crown fraction burned would be 1.00 or 100 percent of the crown. The "after treatment" table model runs show "surface" or "passive" type fire and the crown fraction to be burned would be 0.00 or 0.69. The model shows that canopy bulk density (blue-colored tables) drops from 0.12 to 0.08 as a result of treatment.

Instructions: Add an explanation to the Fire section of the EA and in the Fire Specialist Report clarifying how appropriate canopy bulk density and crown fire risk were identified to meet the project's objective. In addition, add to the Project Record a complete copy of the referenced document by Agee 1996, "The Influence of Forest Structure in Fire Behavior."

Contention B: The EA fails to disclose how the removal of old trees will affect resources of concern, like songbirds, owls, goshawks, etc. (Objections 3 & 4)

Response: The EA discloses the effects of several wildlife species that need mature trees or stands as part of their habitat component. Effects to migratory birds are discussed on pages 113-119 of the EA. Effects to Abert's squirrel, red squirrel, and turkey are discussed in the Management Indicator Species (MIS) section of EA (pp. 108-113). These MIS use mature trees or stands as part of their habitat components. Effects are also discussed for pine martens (EA, pp. 97 and 100-101), goshawks (EA, pp. 94-96) and boreal owls (EA, pp. 96-97), which also use older stands of trees as denning or nesting habitat.

As noted in response to comments (EA Appendix C, p. 2), there are three VSS 5 stands within the analysis area. One of these is proposed for treatment. The treatment in that one stand would thin trees < 9 inches DBH and would focus on ladder fuels. Less than 2 acres of one VSS 6 stand would be treated, and the treatment would concentrate on reducing ladder fuels and removing small diameter trees from 0-9 inches DBH. These treatments would maintain the stands' VSS classification.

Contention C: Specifically, the EA does not justify why thinning 115 acres of mixed conifer trees up to 24" DBH (EA, p. 26) within the aspen stands is needed. (Objection 5)

Response: The EA provides a number of discussions on why it is important to maintain aspen stands as natural aerial fuelbreaks. Page 61 says, "Natural aerial fuelbreaks such as aspen could drop a fire back onto the ground." Based on stand exam data, the existing condition of aspen stands within the La Jara Analysis Area includes many conifers growing in the understory (EA, p. 41).

The EA (p. 61) discusses what the conditions would be if no action takes place and no wildfire spreads through the aspen stands, "Conifers would continue to grow and eventually replace aspen stands. During periods of drought, Douglas fir and white fir have higher mortality, increasing fire risk."

Further on, the EA (p. 61) describes how "the conifer trees in the aspen stands would torch out and send out embers that would start new spot fires outside the aspen stand. These spot fires would grow quickly and travel up the ladder fuels and would once again become an active crown fire. Control efforts at the head of the fire would be ineffective."

How fire would behave after Alternative 2 is implemented is discussed in the EA on page 69, "The thinning of mixed conifer within aspen stands would increase the effectiveness of these stands serving as aerial fuelbreaks (increasing the chances a crown fire not burning across the analysis area)."

Contention D: EA fails to disclose how effective the Best Management Practices have been in past projects such as these. (Objection 8)

Response: The EA discloses the effectiveness of Best Management Practices in Table 3, page 29. In this table, the effectiveness of mitigation measures applied in the Proposed Action (Alternative 2) is described using three (3) levels of effectiveness, which are:

- 1) Almost always reduces impacts significantly. Almost always done in this situation
- 2) Usually reduces significant impacts. Often done in this situation.

- 3) Effectiveness monitoring will be conducted during project implementation and other appropriate times.

The environmental effects using mitigation measures are described in the Soils and Watershed Specialist Report [PR 110] and in the EA (pp. 85-89). Effectiveness of mitigation measures is defined and disclosed based on the specialist's past experience and/or research. The Specialist Report uses more detailed information, such as on page 31, where Terrestrial Ecosystem Units are locally mapped and cited as reference for limitations and recommended mitigation is included.

Contention E: The EA also needs to show that the use of Streamside Management Zones has been successful in protecting riparian areas. (Objection 8 continued)

Response: Streamside Management Zones (SMZs) are discussed with respect to treatments in the Proposed Action (EA, pp. 85 and 88). In the Specialist Report, SMZs are cited 9 times in the description of effects of the numerous activities under the Proposed Action. The explanation of what a SMZ is and the objective of this management zone in protecting water quality, riparian, and aquatic habitat is found on page 38.

Instructions: Add to the Project Record the reference document, "National Management Measures to Control Nonpoint Pollution from Forestry" (USEPA 2005). This document describes the body of knowledge related to the effectiveness of streamside management zones.

Contention F: The benefits of the No Action alternative such as leaving large trees, lack of disturbance and no re-opening of roads were not mentioned. The possible benefits of No Action are ignored and a destructive crown fire is predicted. The benefits of the proposed action in improving goshawk and pine marten habitat does not take into account drought, insects, fire, other disturbances, increased roads, and loss of large trees. (Objections 12 and 13)

Response: The EA on page 95 discusses the effects the "No Action" alternative (Alternative 1) would have on the goshawk and effects are discussed on page 100 for the pine marten. Alternative 1 is discussed as if no wildfire will occur and also if a wildfire was to occur for both species. Alternative 2 contains a discussion of effects to goshawk and pine marten from disturbance by both people and vehicle uses in the area during project activities.

Table 4 - Comparison of Alternatives (EA, p. 36) shows overall there would be a net decrease in open roads after the implementation of the Alternative 2 as compared to Alternative 1.

The EA (p. 50) states, "Drought conditions combined with overstocked dense stands causes trees to become highly stressed and susceptible to attack from insects and diseases." It is also stated in the EA on page 50 in the Alternative 2 discussion that, "Thinning from below would assist in keeping forest pest populations in check by reducing stand densities. Decreasing stand densities directly decreases competition between trees for water, nutrients, sunlight, and growing space. This increases the health

and vigor of the resident trees in a stand, leaving them less susceptible to being infected by insects and diseases (similar to what fire did in the past).”

Contention G: The EA has varying estimates of how long the project would take. Page 26 estimates 3-7 years to complete, while under EA section effects to wildlife it is stated that it would only take 1-3 years. (Objection 14)

Response: As described in the EA (p. 14), the Proposed Action estimates implementation would take 3-7 years. This time frame is repeated in the description of Alternative 2 (EA, p. 25). The only place in the EA where “1-3 years” is mentioned is in the Visual Resources section (p. 140) in reference to the duration of impacts to visual quality.

ISSUE 2: The La Jara Fuels Reduction and Restoration Project Violates the National Forest Management Act (NFMA).

Contention A: This project will violate Forest Plan canopy cover distribution, which was developed to protect many sensitive wildlife species. There needs to be discussion as to why this is acceptable and what the impacts would be on affected wildlife. (Objection 7)

Response: The analysis area does not meet desired condition for canopy closure because stands exceed desired condition for VSS 4, 5 and 6 (EA, pp. 45-47). To meet the goshawk canopy closure standards within the Forest Plan, as amended [PR #6], more trees need to be removed to reduce canopy closure than what is currently proposed. It is noted in the wildlife section the current condition does not meet VSS distribution desired for goshawks and Alternative 2 moves the area closer to that distribution (EA, pp. 95-96).

Contention B: It appears that except for goshawk surveys, surveys for the presence of Forest Sensitive species and Management Indicator Species (MIS) were not conducted within this project area. Page 96 of the EA notes there were no surveys conducted in La Jara Canyon in which Rio Grande cutthroat trout were seen in the recent past. (Objection 9)

Response: As discussed in the Forest-wide Management Indicator Species (MIS) Assessment [PR #13], the appropriate level to survey for Forest MIS is at the forest scale, not the project level. At the project level, the EA analyzes the effects of the alternatives on MIS as they relate to the Forest-wide habitat and population trends (EA, pp. 105-112).

Neither NFMA nor NEPA require surveys to be conducted on Forest Service sensitive species. The analysis assumes the presence of Forest Service Sensitive species with habitat within the analysis area. Where surveys have not been conducted, the District biologist took a more conservative approach in determining effects to the species. Since the Rio Grande cutthroat trout are known to occur in La Jara Canyon (EA, p. 97-98), the effects assessment would not change by conducting formal surveys for Rio Grande cutthroat trout.

Contention C: A “No Effect” determination is listed for Mexican spotted owl based on species absence in 2003 and 2004 surveys. Since suitable MSO habitat exists throughout this area, the Forest Service is required to protect and maintain this habitat to restore this

species. No discussion is found on need to maintain this mixed conifer forest as MSO suitable habitat. (Objection 10)

Response: The Forest Service is not required to protect and maintain all Mexican spotted owl habitat that potentially could be found in the area. The Forest Service is required to retain 25% (766 acres) of the analysis area in threshold (nesting, roosting, and foraging habitat) or potential threshold habitat [PR #6]. The Vegetation Specialist Report [PR #108, p. 2] identifies 11 acres of threshold habitat currently within the analysis area and an additional 755 acres of potential threshold habitat would be retained to meet the 25% requirement. In other areas of potential threshold habitat, thinning would occur to move the habitat toward threshold. This is consistent with the 1996 Region-wide Amendment of Forest Plans [PR #6]. The amendment recommends thinning trees less than 9 inches DBH to reduce fire risks in protected habitats. The EA also identifies monitoring of MSO micro-habitat plots as described in the 1996 amendment [PR #6].

Contention D: The adverse impacts noted for the pine marten (EA, p. 101), a Forest sensitive species, is not addressed in the EA. (Objection 11)

Response: The adverse impacts to the pine marten are discussed in the EA on page 101. Under Alternative 2, these impacts would be the result of reducing understory vegetation and forest floor habitat, such as logs, stumps, windthrow trees, and slash, which provide denning and access to subnivean rodent population in the winter. However, as noted at the beginning of the discussion of effects of Alternative 2 (EA, p. 101), the effects are similar to the boreal owl and are referenced. The boreal owl section discusses how the overall effect of Alternative 2 would move stands toward VSS 4, 5, and 6, which would also increase the amount of quality habitat for the pine marten. In addition, the creation of patches (openings) would increase habitat for prey species for both the boreal owl and the pine marten.