

Appendix C Response to Comments

The 30-day public comment period for the Environmental Assessment (EA) for the Last Chance Fuels Reduction closed on June 16, 2003. As of June 23, 2003, letters were received from the following:

Number	Name
1	Douglas Leisz Consulting
2	Helen K. Baumann, El Dorado County Board of Supervisors
3	Vicky Yorty, El Dorado County Fire Safe Council
4	Chad Hanson, The John Muir Project of Earth Island Institute

No significant issues were brought forward. No alternatives were developed in response to significant issues.

Support for this project.

Three letters were received supporting the project.

Clarification requested.

1. Many people recreate in their cars and SUVs in the national forest. What about seasonal use? The bad apples that dump garbage and trash should not trigger road closures.

Response to letter number 1: The proposed road closures and waterhole rehabilitation responds to the need to improve wildlife habitat, improve watershed conditions, and reduce the risk of human caused fires. The seven roads proposed for closure are short, dead end roads that were built to provide temporary access for logging operations, and were not designed for permanent use. (Refer to page 4, paragraph 4 of the EA)

2. Page six states that blackened brush skeletons would be hand cut – within visible foreground of residences. Why not masticate these skeletons, breaking up the biomass and placing the fine material in contact with the soil?

Response to letter number 1: The acres proposed for removal of blackened brush skeletons should be minimal (5 to 10 acres). Mastication on limited acres is costly so hand cutting of blackened skeletons was proposed, and the cut material will be left onsite.

3. You state that removal of trees 30 inches in diameter is “understory thinning” yet these are among the largest 1% of the trees in the project area, and within the Eldorado National Forest. How can removal of the largest 1% of overstory trees be understory thinning?

Response to letter number 3: Thinning prescriptions for this project are based on understory thinning to achieve the fuels objectives of increasing height to live crown, reducing fuel ladders, and restoring shade intolerant and fire adapted species. The silvicultural goals for the area are to protect large trees, increase growth of medium sized trees, and remove smaller trees to reduce fuel ladders (Silvicultural Prescriptions, page 2, last paragraph). Forest wide stand structure standards and guidelines pertaining to large

trees, canopy cover, snags, and large down wood apply in all land allocations, and *would be met where they currently exist.*

There are situations where trees greater than 20 inches would be removed to better meet the landscape purpose and need.

- Shade tolerant species (true fir, incense cedar, Douglas fir) tend to maintain live crowns closer to the ground than do shade intolerant pines and black oaks. Thus it may be preferential to harvest a 20” white fir with an 80% live crown ratio than a 14” ponderosa pine with a 50% live crown ratio.
- SNFPA FEIS Vol 1, pg1 states “These alternatives aim to: sustain lower westside hardwood ecosystems.” An arbitrary diameter limit of 10” or 12” would often preclude the survival of hardwoods, which are becoming over topped by shade tolerant conifers.
- Fuels objectives described in the ROD are based on the stand level, landscape level, and on a temporal scale. All stands within the wildland urban interface will not be treated; therefore reducing fuels to the absolute minimum on a stand basis would not achieve the larger landscape or temporal scale goals.

Outside the scope of this project.

1. The HFI is a de facto program which would affect many thousands of acres across many states. It is a major federal action under NEPA and an EIS must be prepared and implemented. Since no EIS has been prepared for the HFI, the Last Chance project is illegal under NEPA.

Response to letter number 3: President Bush announced the Healthy Forests Initiative in August, directing the Departments of Agriculture and the Interior and the Council on Environmental Quality to develop administrative and legislative measures that will help reduce the threat of catastrophic wildfire to America’s forests and rangelands. The Healthy Forests Initiative builds on an historic ten-year plan for reducing wildfire risks adopted last spring by federal agencies in cooperation with western and southern governors, county commissioners, state foresters, and tribal officials.

The Healthy Forests Initiative was created to provide land managers with the ability to effectively reduce the accumulation of hazardous fuels and restore wildfire-damaged areas. The initiative should enable managers to administer public supported projects in a more effective and timely manner. Under the Healthy Forests Initiative, the Departments of Agriculture and the Interior and the Council on Environmental Quality proposed several sensible steps to improve the regulatory processes guiding forest health activities and to ensure more timely decisions.

One step outlined was Improved and Clearer Process on Environmental Assessments. CEQ issued guidance to Interior and Agriculture establishing an improved and focused process for conducting environmental assessments under *the National Environmental Policy Act* (NEPA) for healthy forest projects. Agriculture and Interior provided senior advisors to work with the field offices to immediately implement the new process. *The two agencies undertook 10 pilot (demonstration) projects to establish the effectiveness of these expedited procedures.*

Under NEPA, CEQ regulations provide for concise environmental assessments of potentially significant effects of federal projects, which can be better focused to exclude unnecessary documentation. A memorandum from the Chair of the Council on Environmental Quality (CEQ) to the Secretaries clarifies policy on the preparation of Environmental Assessments (EAs), which includes the purpose and content of an EA, incorporation of information by reference, and analysis focused on potentially significant effects. This guidance was used to prepare a concise EA for determining whether to prepare an environmental impact statement or a finding of no significant impact for the Last Chance Fuels Reduction Project. The guidance emphasized the purpose and required contents of an EA and did not change policy.

California spotted owl and northern goshawk PACs

1. According to page 5 of the EA, trees up to 30 inches in diameter would be removed on about 50 acres of a spotted owl PAC and over 350 acres of the HRCA for this PAC, as well as about 32 acres of a goshawk PAC. This will severely degrade the habitat in these nest stands. You must prepare a full EIS to analyze the impacts to these species as a result of these actions.

Response to letter number 3: Specific locations of treatments are listed in Appendix A and shown on Appendix B as stated on page 4 of the EA. In addition, the EA states more detailed information about the treatments is contained in the silvicultural prescriptions (available on web site <http://www.fs.fed.us/r5/eldorado/projects/hfi.html>) in the project record. The EA states, on page 5, that the proposed action is designed to meet the objectives based on SNFPA standards and guidelines (ROD, pages A-25 to A-32) as well as land allocation standards and guidelines for northern goshawk and California spotted owl PACs (ROD, pages A33 to A-37), and Urban Wildland Intermix Defense and Threat Zones (ROD, pages A-46 to A47).

The silvicultural goals for the area are to protect large trees, increase growth of medium sized trees, and remove smaller trees to reduce fuel ladders (Silvicultural Prescriptions, page 2, last paragraph). Mechanical treatments within California spotted owl and northern goshawk PACs and defense zone are designed to achieve fuels reduction outcomes described for the general forest land allocation and do not occur within the 500' radius buffer around the activity center (Silvicultural Prescriptions, page 3, last paragraph). The diameter limit for the units that are within California spotted owl and northern goshawk PACs and defense zones is 20" inches (Silvicultural Prescriptions, page 7, Activity-related standards and guidelines for SNFPA land allocations table).

Analysis documented in the Biological Evaluation (BE) determined that the proposed understory thinning within PACs would not severely degrade the habitat in these nest stands. Analysis determined understory thinning would reduce canopy cover to 50% on 21 acres of California spotted owl PAC and 21 acres in northern goshawk PAC in the short-term. Reductions in canopy closure would be short-term due to an increase in oak in the over- and under-stories and increased vigor in the mature conifers. Canopy closure would still provide suitable foraging habitat for California spotted owls and potential nesting habitat in pockets within the stands that maintain higher canopy levels. The LOPs for California spotted owls and northern goshawks would prevent disturbance to both species. (Terrestrial Wildlife BE/BA pages 19-27).

Analysis of past, present, and reasonably foreseeable actions shows that habitat connectivity and quality would be maintained for movement of California spotted owls and northern goshawk. An increase in the hardwood component along ridges would enhance connectivity by improving habitat at a larger scale. The proposed action is not expected to contribute to adverse cumulative effects to California spotted owls or northern goshawks because of compliance with the SNFPA to maintain large old trees, associated snags, and down logs. The project would not remove habitat that appears to be critical for maintaining distribution of habitat for California spotted owls or northern goshawks or increase landscape level fragmentation. (Terrestrial Wildlife BE/BA pages 22-25, project record)

Prescribed burning and thinning is proposed within 298 acres of HRCAs. Riparian Conservation Areas (RCAs) will protect any day roost along riparian areas with the exception of Lower Steely. Effects in Lower Steely should be minimal, if any, since no intentional lighting is proposed within the RCA. (Terrestrial Wildlife BE/BA pages 22-25, project record)

2. Your brief analysis of impacts to spotted owls and goshawks is insufficient.

Response to letter number 3: California spotted owl habitat degradation and abandonment of the territories is discussed on page 24 of the BE and page 9 of the EA. It is not likely that thinning of 21 acres of the PAC would result in abandonment of the PACs or lowered reproductive status due to the low acreage proposed for thinning and meeting Framework guidelines for historical and any new nest stands located during surveys. The use of the Framework Guidelines has provided for the maintenance of large, old trees, and associated snags and down logs, which have been identified as important elements of spotted owl habitat. Fuel reduction activities that are likely to result in disturbance during the nesting season are limited with an operating period. No PACs are expected to be rendered unsuitable as a result of the proposed action because of its adherence to Framework guidelines.

Northern goshawk habitat degradation and abandonment is discussed on page 26 of the BE and pages 9 and 10 of the EA. Understory thinning is expected to improve foraging habitat conditions by opening up the overstocked stands sufficiently to allow flight through the stands for foraging goshawks and by improving herbaceous vegetation within treated stands over time. Activity centers would be protected as defined in the Framework guidelines through close coordination with the wildlife biologist and the project implementers to insure microclimate conditions are met around existing day roosts and limited operating periods are adhered to. No PACs are expected to be rendered unsuitable as a result of this alternative because of adherence to Framework guidelines.

3. The Framework requires you to limit removal of trees to the amount necessary to meet the fuels objectives (see FEIS, Vol. 4, App. D-1)(i.e., if you could effectively achieve your fuels objectives in terms of crown base height, flame length, etc.) with a 12” diameter limit; for instance, you must not remove trees larger than this. You do not appear to be in compliance with this requirement.

Response to letter number 3: This project was developed to comply with the direction, standards and guidelines contained in the FEIS Record of Decision (ROD). Fuels treatments, including large tree retention, were designed to meet the standards on page 40

and on page A-25 and A-28 of the ROD. Conifers with a dbh of 30 inches or greater will be retained. The ROD also recognizes that timber removal to mills is important to the success of the fuel management objectives (ROD, page 28).

4. The EA is deficient under NEPA by failing to analyze or divulge its brush maintenance plan, including projected costs per acre. The removal of trees up to 30 inches dbh in the Defense Zone, and severe reduction of canopy cover in such areas, may increase the potential for severe fire behavior.

Response to letter number 3: Connected Actions are defined in 40 CFR 1508.25 as actions connected if they: automatically trigger other actions which may require environmental impact statements, cannot or will not proceed unless other actions are taken previously or simultaneously, are independent parts of a larger action and depend on the larger action for their justification. The connected actions analyzed in the Last Chance EA are understory thinning, mastication, prescribed burning, hand thinning along private property, and watershed rehabilitation (EA page 5, Appendix A and B, and Silvicultural Prescriptions). The proposed action list at least two fuels reduction methods for most units in order to accomplish the SNFPA goals. Based on results of similar understory thinning projects within the area (Plummer Ridge Fuelbreak), the proposed fuel reduction is projected to last at least 10 years at which time the units would be evaluated for additional treatments.