

November 21, 2008

Tom Quinn, Forest Service Project Leader  
Shasta Trinity National Forest  
P.O. Box 1190  
Weaverville, CA 96093

Re: Pettijohn LSR Habitat Improvement and Fuels Reduction Project

Dear Tom:

The Conservation Congress (CC) appreciates this opportunity to provide scoping comments on the Pettijohn LSR Project. Please keep the CC on the mailing list for this project and mail the EIS and supporting environmental analyses and reports (BE, BA, BO, MIS Report, Fisheries BA, Hydrology Report, Soils Report) to our office as soon as they are available for review and comment.

### **Scoping**

We find the scoping process for this project extremely flawed. In general scoping informs the public of an idea about a project in a general area and asks the public for input. This project has already been designed down to the last detail. If the FS was serious about public input it would have asked for input BEFORE designing the entire project. The process used is certainly not the intent of HFRA that requests public comment early on in the process before a project is designed. In addition, there was not a final date written on any of the materials requesting information received by and all of our efforts to obtain a hard deadline were ignored.

### **Purpose and Need**

Does the Best Available Science support the STNF Purpose and Need statement that conditions in the LSR are conducive to the rapid spread of fire and reduced fire suppression effectiveness? Also, the 2nd need statement is that the Clear Creek LSR has less than desired amount of old growth yet the DFC states the area should have less dense mature trees that clearly are on their way to becoming old growth. We question the legitimacy of Figure 1 in the scoping document as it appears at odds with the intent of the Clear Creek LSR.

The scoping notice speaks to 'fuel management zones' but fails to articulate fire-hazard Condition Classes for the area; what they currently are; and what they will be after the project. This information is required in an HFRA project.

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Perhaps most disturbing in the purpose and need is the lack of goals and objectives to protect and conserve this most important LSR for conservation of the Northern spotted owl. As currently designed the Pettijohn project appears to be a large commercial timber sale disguised as an HFRA project.

This project is under the Healthy Forest Restoration Act of 2003. HFRA sec. 104 reminds us that hazardous fuel reduction projects must be in accordance with the NEPA (42 U.S.C. 4331 et seq.) and other applicable laws. Under NEPA, agencies are required to obtain "high quality" information, including "(a)ccurate scientific analysis." 40 C.F.R. § 1500.1(b). The regulations are explicit that: "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." 40 C.F.R. § 1502.24. "The purpose of NEPA is to assure that federal agencies are fully aware of the present and future environmental impact of their decisions." *Columbia Basin Land Protection Ass'n v. Schlesinger*, 643 F.2d 585, 592 (9th Cir. 1981). NFMA compliance is also required as this project is on Forest Service land.

The mere act of removing trees – whether alive or dead – is not a proven method for reducing fire risk. There is little scientific support for aggressive thinning to reduce fire hazard. In fact, there is some scientific evidence that thinning can make the fuel hazard worse instead of better. "Detailed site-specific data on anything beyond basic forest structure and fuel properties are rare, limiting our analytical capability to prescribe management actions to achieve desired conditions for altering fuels and fire hazard." Graham, Russell T.; McCaffrey, Sarah; Jain, Theresa B. (tech. eds.) 2004, *Science Basis for Changing Forest Structure to Modify Wildfire Behavior and Severity*. Gen. Tech. Rep. RMRS-GTR-120. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station.

Fuel treatments may even exacerbate fire behavior. Thinning opens stands to greater solar radiation and wind movement, resulting in warmer temperatures and drier fuels throughout the fire season. Increased solar radiation may lower fuel moisture content and promote production of fine herbaceous fuels. Surface fuels may also be exposed to intensified wind fields, accelerating both desiccation and heat transfer. These factors may facilitate the combustion process, increase rates of heat release, and intensify surface fire behavior. USDA Forest Service; *Influence of Forest Structure on Wildfire Behavior and the Severity of Its Effects*, November 2003.

The Forest Trust conducted a literature review and found that:

Although the assertion is frequently made that simply reducing tree density can reduce wildfire hazard, the scientific literature provides tenuous support for this hypothesis. The specifics of how treatments are to be carried out and the relative effectiveness of alternative prescriptions in changing wildfire behavior are not supported by a significant consensus of scientific research at this point in time. Scientists recognize that large scale prescribed burning and mechanical thinning are still experimental and may yet reveal unanticipated effects on biodiversity, wildlife populations and ecosystem function. Henry Carey and Martha Schumann, *Modifying WildFire Behavior – The Effectiveness of Fuel Treatments — The Status of Our Knowledge*. April 2003.

A report prepared for Congress stated: "We do not presume that there is a broad scientific consensus surrounding appropriate methods or techniques for dealing with fuel build-up or agreement on the size of areas where, and the time frames when, such methods or techniques should be applied" (US

GAO RCED-99-65. 1999:56). A research report by Omi and Martinson (2002:1) stated: "Evidence of fuel treatment efficacy for reducing wildfire damages is largely restricted to anecdotal observations and simulations."

Duke University issued an "Expert Advisory" May 24, 2004 with Professor Norm Christensen saying: "Loss of canopy increases wind speed and air temperatures and decreases humidity in the forest." "As a result, ground fuel fires that break out can spread faster and farther than they would normally." <http://www.ascribe.org/cgi-bin/spew4th.pl?ascribeid=20040524.081406>.

Scientists also point to the 1988 fires in Yellowstone National Park and note that fuel reduction projects will not substantially reduce the frequency, size or severity of wildfires under extreme weather conditions.

The abundance of scientific research on the subject of thinning to prevent wildfire is a central, significant issue that should drive the development of a different proposed action and purpose and need. In the EIS for the Pettijohn LSR Project, please address this discrepancy between these cited peer-reviewed scientific studies and the erroneous purpose and need statement that thinning prevents wildfire. To not address this opposing (and highly credible) scientific opinion in the environmental document would be in violation of the NEPA's requirement for accurate scientific analysis and NFMA's requirement for consideration of the best available science.

In addition, BLM researcher Janice Reid [Oregon] released results of her study this year showing thinning near NSO nests is causing nest abandonment. In addition, there is a multitude of peer reviewed papers clearly demonstrating the NSO continues to decline throughout its range and the main reason is loss of habitat. The STNF continues to chip away at NSO habitat claiming in 25 years the habitat will be improved. The NSO likely doesn't have 25 years to wait, so the FS should be developing projects that will improve the habitat's resiliency to fire if necessary, while protecting key habitat components. The Pettijohn project does not do this.

### **Will the project comply with HFRA requirements?**

The Healthy Forest Restoration Act of 2003 contains several requirements, as follows.

#### Community Wildfire Protection Plan

First, please identify the communities-at-risk under this HFRA project. HFRA defines an at-risk community as one:

(A) That is comprised of: (i) an interface community as defined in the notice entitled 'Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire' issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or (ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) In which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) For which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

Second, the HFRA sets out legal requirements for the agency in implementing any authorized projects. The scoping document for the Pettijohn project mentions the communities of Lewiston and Weaverville. Do these communities have current Wildfire Protection Plans (WPP) for Trinity County? Please include the relevant portions of those plans – including WPP recommendations - in the EIS.

### **Annual Program of Work**

Section 103(a) of the Act requires that the Forest have an “annual program of work” that must give priority to projects that protect at-risk communities or watersheds or that implement community wildfire protection plans. The annual program of work is where the National Forests will list and describe the projects they intend to accomplish under the HFRA annually and give priority to protection of at-risk communities or watersheds, or projects that implement community wildfire protection plans. Please provide CC with the “annual program of work” for hazardous fuel reductions projects on the STNF.

### **Suitable Lands Under the HFRA**

Lands on which hazardous fuel reduction projects may occur under the HFRA are limited to:

The wildland-urban interface areas of at-risk communities;

All condition class 3 lands, as well as condition class 2 lands within fire regimes I, II or III, that are in such proximity to a municipal watershed or its feeder streams that a significant risk exists that a wildfire event will have adverse effects on the water quality of the municipal water supply or the maintenance of the system (Sections 102(a)(2) and (3)),

Where windthrow or blowdown or the existence of an epidemic of disease or insects significantly threatens ecosystems or resources (Section 102(a)(4));

Areas that have threatened and endangered species habitat, where the natural fire regimes are important for (or where wildfire poses a threat to) the species or their habitat and the fuel reduction project will enhance protection from catastrophic wildfire (and complies with applicable guidelines in management or recovery plans) (Section 102(a)(3)).

Please provide documentation supporting the suitability of each acre proposed for treatments in the Pettijohn planning area. Also please provide supporting documentation, preferably in the form of maps, for each acre in the planning area that prescribes which category of WUI those acres fall into.

### **Range of Alternatives**

The HFRA sets out NEPA requirements for the range of alternatives to be considered in projects authorized under the Act. Sections 104(d)(2) and (3) require that if the at-risk communities are within 1.5 miles of the proposed project area, the agency need not analyze any alternative other than the proposed action. The scoping notice states the project area is partially within and directly adjacent to the boundary for the Lewistown WUI, and “several miles” east of the boundary for the Weaverville WUI. Since the distance of the project to the community of Weaverille WUI is several miles,

additional alternatives need to be developed. The exception to this rule is when the proposed action differs in its recommendation from the applicable WPP(s) related to locations and methods of treatment. If there is a discrepancy, the agency must describe both (or more) alternatives. Therefore, please disclose the recommendations within the WPP's and explain differences (if any) from the proposed alternative.

For other authorized projects, the environmental analysis must describe the proposed action, a no action alternative, and an additional action alternative, if one is proposed during scoping or the collaborative process. This additional alternative must still meet the purpose and need of the project. If more than one additional alternative is proposed, the Secretary has discretion to select which one to consider and provide a written record describing the reasons for that selection. HFRA sec.104(c). The stated purpose and need for the Pettijohn project is to address fuel loading. As stated above, we believe the premise that thinning trees decreases fire hazard is scientifically flawed. We request that the no-action alternative consider the best available science that indicates no empirical benefit from thinning trees (and may even increase fire danger). In addition we recommend an action alternative that focuses treatments inside the WUI to protect the at risk community(ies) from wildfire risk with a focus on implementing fuel reductions around each house and that the houses itself be looked at before all else when community protection in WUI is the focus of a project.

### **Old Growth**

The HFRA contains old growth protection language that the Forest Service is required to follow. The HFRA requires the Forest Service “to fully maintain, or contribute toward the restoration of the structure and composition of structurally complex old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, while considering the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.” HFRA Section 102(e)(2).

The Pettijohn LSR contains old growth and mature trees. What inventories have been done and what methodology used to identify old growth? Please disclose in the EIS.

### **Large Trees**

The HFRA requires that covered projects outside of old growth focus “largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type;” and, maximize “the retention of large trees, as appropriate for the forest type, to the extent that the large trees promote fire-resilient stands.” HFRA section 102(f).

We ask that a table and narrative be provided disclosing the number of trees in each diameter class to be cut, along with a simple statistical analysis demonstrating whether or not the tree cutting treatments in the project focus “largely” on small trees. We also believe that a diameter cap will be necessary to comply with this statutory provision. A conditional release mechanism on this diameter cap could be developed for cases where the sale administrators identify a tree or trees that are greater than the diameter cap and need to be cut to meet for public safety/hazard tree reasons near roads/structures, or if they are within the most important 60 meter perimeter around structures in the at risk community.

We do not believe the Pettijohn project complies with the HFRA requirements for large trees since it intends to log trees 80-110 years old. We believe another alternative should be developed that emphasizes small diameter tree and brush removal that would actually lower fire risk in the LSR as well as protect WUI communities. The project as designed is basically a large commercial timber sale attempting to be sold as an HFRA project.

If the FS insists on logging trees 80–110 years old a Forest Plan Amendment will be needed to proceed. The Gemmill Project also proposed logging trees over 80 years of age in LSR habitat and proposed a forest plan amendment to do so. The EIS states it is a one time only amendment and no other projects requiring an amendment are planned. It appears that isn't the case considering the Pettijohn project and this issue must be fully addressed in the EIS.

### **TES & MIS**

We have serious concerns regarding this project's impacts on the Northern spotted owl, Northern goshawk, and other old growth dependent wildlife species. The reduction in canopy cover; age of trees; and no diameter limits will all likely lead to significant impacts to the NSO and other species. We request the EIS take the requisite hard look at habitat fragmentation and the role the Clear Creek LSR plays in conservation of the Northern spotted owl. We also request that the appropriate wildlife MIS as defined in the LRMP be chosen as species indicators for forest health.

The scoping document states that a 2001 analysis of the Clear Creek LSR by FWS and FS concluded the current habitat conditions are insufficient to maintain the 20 pairs of breeding owls it is designed to provide to fulfill its role in the owl conservation strategy. How will eliminating or downgrading old growth/mature habitat for 25+ years assist in meeting that goal when the NSO is declining by 4% a year; barred owls are now present on the STNF; genetic viability is threatened due to isolated populations, and NSO habitat continues to be lost; downgraded; or degraded on NF lands and private lands? This issue is not addressed in the proposal and must be in the EIS.

We are also concerned about TES aquatic species. We request the programmatic fisheries BA relied upon for this project be included in the EIS in its entirety.

We also strongly urge the FS to consult with the USFWS as well as NMFS, as required by federal law, on this project.

As designed the Pettijohn project does not meet the HFRA and we would argue can't meet the HFRA due to the importance of this LSR to the conservation of the NSO. It is an inappropriate area in which to have a HFRA project.

### **Fragmentation**

The FMZs and landings will eliminate significant forest habitat. The LRMP has specific standards on this issue that will likely be violated in the current project design. Please disclose the LRMP Management Area the Pettijohn project is in.

## **Riparian Reserves**

We are also opposed to the activities in riparian reserves as described and do not believe the project will comply with the LRMP, NWFP, or HFRA. The EIS needs to disclose how the activities in riparian reserves [landings and thinning] will decrease the threat of fire to WUI communities.

## **Other Issues**

The CC is concerned about impacts to migratory birds, water quality and soils, roads and landings, as well as overall cumulative effects from a variety of projects in the area, including those on private lands. These issues need to be fully addressed in the EIS. In addition, a complete analysis of the 2008 fires must be conducted and the results displayed in the EIS. We do not believe the Pettijohn project can legally proceed until the STNF conducts an analysis of the impacts from the 2008 fires to forest resources and habitat.

## **Conclusion**

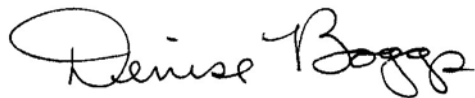
In closing, CC believes that in the interest of the best science and for the greatest forest health, the STNF should not conduct the proposed logging. Most likely the proposed action will not reduce a fire hazard (that can be dealt with on a home-by-home basis); and the proposed action may in fact cause a negative cascade of effects, including irreversible and irretrievable impacts to the NSO and its habitat, sediment runoff from logging into nearby waters, and removing snag habitat for dependent species.

It is also our opinion the Pettijohn project fails to meet the intent or the requirements of the HFRA.

We reserve the right to raise new issues as additional information becomes available in the DEIS.

Please maintain the CC on all mailing lists associated with this project, and thank you again for the opportunity to comment on the Pettijohn LSR Project.

Sincerely,

A handwritten signature in black ink that reads "Denise Boggs". The signature is written in a cursive, flowing style.

Denise Boggs,  
Executive Director