

Appendix K: Issues and Responses to Public Scoping Comments

Summary

The Notice of Intent (NOI) to prepare an Environmental Impact Statement for the proposed action was first published in the Federal Register (Vol. 70, No. 237) on December 12, 2005. The NOI requested public comment on the proposal from December 12, 2005 to January 13, 2006. It was also printed as a legal notice in both the Record Searchlight (December 14, 2005) and the Trinity Journal (December 21, 2005). Due to wildfires and changes in the forest program, the Gemmill Thin Project was on hold until May 2007. A revised NOI was published in the Federal Register (June 1, 2007, page 30539). This revised NOI requested public comment on the same project proposal from June 1, 2007 to July 2, 2007. Legal notices requesting public comment published in the Record Searchlight on June 8, 2007 and the Trinity Journal on June 13, 2007. A scoping document describing the proposed action was sent to 119 interested and affected citizens, agencies, and tribes on June 11, 2007. Public comments received during both NOI scoping periods (2005 and 2007) were reviewed by the project interdisciplinary team and issues raised were evaluated for significance, as defined in the National Environmental Policy Act (NEPA).

Response to Comments

The Forest received comment letters from the following individuals and groups: Don & Coral Kane, Bruce Haynes of Sierra Pacific Industries (SPI), Ryan Hadley (SPI), Joseph Bower of Citizens for Better Forestry (CBF), Scott Greacen of Environmental Protection Information Center (EPIC), Kimberly Baker of Klamath Forest Alliance (KFA), Denise Boggs of Conservation Congress (CC) and Rick Svilich of American Forest Resource Council (AFRC). Public comments are summarized below and exact quotes from public comment letters are used wherever possible to most accurately capture public concerns. The Forest reviewed all public comments received, extracted comments relating to potential issues about the project, and developed a response. Issues are points of concern or debate over the environmental effects of a project. In most cases, general statements of support or disapproval that do not provide sufficient project-specific information from which to respond, are not included here. All information presented in public letters was considered during DEIS development, although every item does not appear in this summary. Original full-text comment letters are available in the project record.

Table K-1. Response to Scoping Comments

Comment #	Author and Date of Correspondence	Comment	Response
1	Don & Coral Kane, 01/12/2005	The threat of wildfire is increasing in our forest and thinning is a good step in helping stop the spread of fire.	The statement is consistent with this project-level environmental analysis. Your input will be considered by the Responsible Official.
2	Don & Coral Kane, 01/12/2005	Removing roads is not a good idea because it slows response time to a fire that may occur in the area and allows fire to get larger.	The current Forest Service policy regarding roads involves conducting a science-based Roads Analysis Process (RAP) designed to help land managers make informed decisions about roads. The RAP includes analysis of interdisciplinary resource conditions and develops recommendations about how to best manage the road system for multiple uses with limited funding. The proposed road decommissioning was identified during the RAP process that examined the Gemmill Thin project area and adjacent areas. Future fire access was a primary consideration during the RAP. Recommendations resulting from the Gemmill Thin Project RAP Report (February 2006) were utilized in the design of this proposed action.
3	Don & Coral Kane, 01/12/2005	Closing roads is not a good idea because it limits access for hunting and other public recreation, including driving.	See response for comment #2, maintaining sufficient access for public recreation was also considered during the RAP. Your input will be considered by the Responsible Official.
4	Bruce Haynes (SPI), 01/06/2006	Thinning of merchantable understory timber is a good idea to help fire safe the forest. Please do this as a merchantable timber sale.	Your input will be considered by the Responsible Official.
5	Bruce Haynes (SPI), 01/06/2006; Ryan Hadley (SPI) 06/26/2007	Opposed to road decommissioning. The public has a large investment in the National Forest transportation system and if there is a fire or other projects in the area, roads need to be available.	See response for comment #2. Your input will be considered by the Responsible Official.
6	Ryan Hadley (SPI), 06/26/2007	The proposed action is very appropriate because current conditions in the area are conducive to devastating wildfire due to years of fuel build up and the rugged terrain with limited access. The area is extremely overgrown, the roads are barely passable due to overhanging vegetation, and the forest stands are dense with ladder fuels and interlocking crowns.	The statement is consistent with this project-level environmental analysis. Your input will be considered by the Responsible Official.
7	Ryan Hadley (SPI), 06/26/2007	In order to promote forest health and fire safety, a substantial number of trees will have to be harvested including trees of every diameter class. A diameter limit on harvest would negatively impact the strategy to reduce fuels and provide community protection for Wildwood.	Your input will be considered by the Responsible Official.
8	Joseph Bower (CBF), 12/28/2005	Will temporary roads be constructed? Building any road, system or non-system in an LSR is an issue and a controversial action.	A temporary road, totalling 1.7 miles, will be constructed, used, and decommissioned as described in DEIS Chapter 2. This road will be built, used, and removed during the same dry season. There is no new system road construction proposed.
9	Joseph Bower (CBF), 12/28/2005	Will large trees be logged? If so, the silvicultural prescriptions will be a controversial issue.	Public concern over harvesting "large" trees formed the basis of Alternative 3 which places a strict limit on the size of trees harvested.

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10	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	We request that no roads be built, opened, or “reconstructed” in a way that makes them available for vehicle use when they are not now open to such use. Temporary roads have the same impact as permanent roads during construction and initial use which is when most severe impacts of roads generally occur. Inadequate funding to insure complete and timely closure of temporary roads leads to longer and more severe impacts.	All roads proposed for reconstruction are currently available for vehicle use. The project would make improvements to roads that are currently being used, and the proposed reconstruction is designed to decrease sediment mobilization from established roads. The Forest is committed to decommission roads as described in the DEIS, and has a proven history of completing road decommissioning projects.
11	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	We request that the Forest agree to a limit on the size of trees that will be harvested. While we think the ecological case for protecting trees larger than 12 inches dbh is clear, we’d be willing to accept a 18 inch dbh limit.	Public concern over harvesting “large” trees formed the basis of Alternative 3 which places a strict limit on the size of trees harvested (18 inches dbh). Upon review of the best available science, the Forest does not find that there is a “clear ecological case” for a 12-inch diameter limit on timber harvest and the commentor did not provide any scientific rationale for use of diameter limits. The project fuels report contains a list of relevant fuels publications reviewed as part of considering the best available science during this project-level analysis. Included in the literature review, and relevant to this comment, is a publication by Abella et al. (2006) that evaluates the use of diameter limits in fuels reduction projects.
12	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	Under NEPA, the EIS must disclose the size, number, and age of trees to be cut, and it must also consider the number, size, and placements of snags. Any remaining large snags should be left and the project should ensure that abundant snags are left to meet LRMP guidelines and provide this key habitat component.	Data collected during extensive field reviews by a Certified Silviculturist guided development of the proposed harvest prescriptions. Consistent with NEPA, the environmental effects of the proposed timber harvest are disclosed in DEIS Chapter 3. Existing snags and down logs greater than 19 inches DBH will be retained, and proposed timber harvest does not include sanitation harvest prescriptions that target trees showing signs of defect, decay or disease for removal. The project was designed to ensure that snags, an important late-successional habitat component, are retained at levels that meet or exceed Forest Plan guidelines. Because the project is designed to protect and enhance late-successional habitat, trees that provide potential snag habitat or recruitment will be retained. Also, landings and temporary road activities have been located to avoid removal of large trees (See Wildlife BA, Appendix G).
13	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	We urge you to consider an alternative which would treat fewer acres, concentrating the treatments around communities and along roads. Recent studies have called into question the efficacy of thinning prescriptions as fire prevention. The best current science has shown that the ecological and fire-control benefits of thinning projects are often significantly overstated.	Review of best available science shows that fuel treatments, such as prescribed burning and/or mechanical thinning (including commercial thinning with follow-up surface fuels reduction) alters fuel properties and may reduce fire hazards. Treatment of surface fuels is of primary importance for reducing the intensity and severity of wildfires. Because fuels reduction at the landscape scale is critical to the success of reducing wildfire losses, treating fewer acres will have less effect in developing fire resilient stands and protecting communities from hazardous fuels accumulations. Professional judgement gained through forest management and monitoring tells us that thinning from below also generally increases the growth of remaining trees, and that principle is supported by current research (Sheriff, 1996). Refer to EIS Chapters 1 and 3 literature cited (and project fuels report) for relevant fuels-related research.

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14	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	We are particularly concerned that the existing habitat values in the project area not be sacrificed in the form of saw logs in order to fund thinning of dubious merit and uncertain returns.	By design, key habitat components that define high quality late-successional habitat such as; large snags and downed logs, high canopy closure (>60%) that provides protection from the heating and drying effects of the sun, and large trees that provide downed woody debris and habitat for species such as spotted owls and fisher, will be retained with the proposed project. The project is designed to improve the development of late-successional habitat by providing conditions known to increase tree growth while retaining these important and currently existing habitat components. With no action, canopy closure is likely to be reduced to or below 60% within about 15 years. This is due to natural mortality exacerbated by continued competition for site resources (refer to vegetation/fuels modeling discussion in Chapter 3 Wildlife). The accumulation of coarse woody material would be viewed as a positive trend for old growth habitat however the projected mortality involves primarily smaller understory trees (i.e., those targeted for thinning) that would not provide the large snags/logs associated with old growth habitat. Allowing the mortality to thin the stands increases surface fuel build-up and maintains dense fuel ladders that put the largest/oldest trees at risk to crown fire.
15	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	We are particularly concerned that thinning prescriptions may result in reductions in canopy closure which, especially on hotter and drier sites, may increase the risk of severe fire by heating and drying the lower levels of the forest, increasing the solar radiation reaching the ground and thus the growth of shrubs and increased wind speed. Thinning should be implemented, wherever possible, to maintain a high degree of canopy closure.	Proposed thinning maintains at least 60% canopy closure overall and is designed to reduce the risk of severe fire while increasing the likelihood that prescribed fire can be used in the future to maintain lower fuel loading. The analysis has considered the potential for increased solar radiation, growth of shrubs, and wind speed in post-project stands and concluded that the proposed harvest prescription will result in reduced fire risk. A recent publication (Hurteau et al., 2008) found that thinning probably contributes a net cooling effect by increasing surface reflectance. Scientific publications with both supporting and opposing conclusions, as compared to those reached in this project-level analysis, were considered and integrated in project design and effects analyses. See also responses for comments # 13 and #14.
16	Scott Greacen & Kim Baker (EPIC/KFA), 01/09/2006	The scoping notice (December 2005 scoping notice) does not reveal sufficient detail to properly assess the proposed action. That paucity of information, and the way that the process has been designed here to perpetuate that lack of information, is the key problem we see for this project. Such relevant information would include specialist reports detailing current fish and wildlife habitat conditions, soil and geology assessments, road density analyses, fire planning information, ORV use information, and similar data which reflect on the resource issues that should be considered. Please consider this a request for a project record index and all relevant specialist reports.	As more detailed information is developed for a project it is made available to the public. The public involvement process in place on the Forest involves the following: 1) the Forest mails a scoping notice to interested parties which contains basic project information including location, purpose and need, and proposed action; 2) the Forest reviews all comments received during scoping, integrates new information and/or responds to comments, identifies significant issues, and develops a draft EIS (or EA); 3) the draft EIS is then circulated to interested parties along with other relevant or requested project record information; 4) the public provides comments during the identified comment period; 5) comments are reviewed, responded to, and integrated into the final EIS; 6) the final EIS and Record of Decision is published and circulated to all interested parties. The commenter will be sent all requested documentation along with the DEIS.

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17	Denise Boggs (CC), 01/11/2006	The map supplied in scoping looks like the project is proposing activities in the designated wilderness, we are opposed. How will logging in units adjacent to wilderness affect wilderness values?	The project does not propose any activity in designated wilderness. Proposed activity in closest proximity to the Chancellula Wilderness is maintenance on the shaded fuelbreak, a feature which is already visible on the landscape and is not directly adjacent to the Wilderness (refer to Appendix A maps). Because the project also maintains above 60% canopy closure it is not likely to impact wilderness values.
18	Denise Boggs (CC), 01/11/2006 and 06/28/2007	How would the Forest Service increase late-seral habitat by logging it? What age class of trees will remain post project? We request that the DEIS is explicit in explaining how the proposed logging will benefit old growth dependent species. It would be helpful for the Forest Service to include some examples of similar projects that have been demonstrated through monitoring to have actually benefited old growth species. Are there any previous logging projects where NSO numbers have actually gone up after the logging?	DEIS Chapter 3 Wildlife, and Appendix G, discloses how the project is expected to increase the development of late-successional habitat including age classes of remaining trees. Forest Plan objectives for LSRs where stands do not yet exhibit late-successional conditions are to accelerate the development of late-successional conditions, while making the future stand less susceptible to natural disturbances (LRMP, page 4-37). Stands exhibiting late-successional forest habitat conditions are managed to maintain health and diversity components through the use of fire and thinning from below (LRMP pg 4-166). The design of the Gemmill Thin proposed action is to provide for the development and protection of late successional/old growth stands.
19	Denise Boggs (CC), 01/11/2006 and 06/28/2007	What wildlife use the area and have on-the-ground surveys been conducted for them? We also request that extensive surveys be conducted for NSO, as well as other TES and MIS in the analysis area.	The Wildlife BA and BE are provided as appendices to this DEIS and provide details about wildlife in the project area. Surveys are conducted according to protocols established by the U.S. Fish and Wildlife Service and/or the Forest Service. Surveys for northern spotted owl, goshawk, and survey and manage species have been and/or will continue to occur (see Chapter 3 Wildlife). Year-of-action surveys for goshawks and northern spotted owls will be conducted in the project area in order to guide implementation of limited operating periods (described in Chapter 2 resource protection measures). Management Indicator Assemblage habitat is assessed through the vegetation database and ground-truthed through local surveys.
20	Denise Boggs (CC), 01/11/2006 and 06/28/2007	We request a copy of the BE and BA for this project, please send along with the DEIS. We request a copy of the BE, BA, and MIS analysis along with the DEIS.	The commenter has been sent the requested document with this DEIS, and the Wildlife BA and BE are included in this DEIS as appendices.
21	Denise Boggs (CC), 01/11/2006 and 06/28/2007	We are concerned about violations to the Migratory Bird Treaty Act (MBTA) with any mastication activities. When will mastication occur, and will on-site surveys occur during mastication activities? We request that the Forest include measures to protect migratory birds in accordance with MBTA by proposing seasonal restrictions to ensure nests, eggs, and chicks will be protected.	Neither the MBTA nor its implementing regulations at 50 CFR Parts 10 and 20 require a specific finding for meeting the requirements of the MBTA for any federal decision. Nor is any such requirement found in the NEPA implementing regulations (40 CFR 1505.2) or Forest Service NEPA procedures (FSH 1909.15, sec. 27). Forest-level and project specific information regarding neotropical (migratory) birds, and potential effects due to mastication, are addressed in the EIS, Chapter 3 and Appendices G and H.

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22	Denise Boggs (CC), 01/11/2006	We are opposed to logging in Riparian Reserves. The DEIS must clearly explain the necessity of logging in these areas, and how it will achieve an increase in late seral habitat.	As described in EIS Chapter 2, areas within Riparian Reserve were identified for thinning due to overstocked conditions and the presence of ladder fuels likely to carry ground fire into tree crowns. Proposed thinning will remove the excess shade-tolerant trees that have grown in the understory and therefore reduce competition stress and encourage growth in the remaining trees. Activities would occur farther than 50 feet from the identified intermittent and ephemeral channels, no activities are proposed within RR associated with perennial streams (except water drafting). Appendix F discloses how the project is consistent with Aquatic Conservation Strategy Objectives.
23	Denise Boggs (CC), 01/11/2006 and 06/28/2007	What is the current road density in this area and what will it be after proposed road decommissioning? What will it be during the proposed logging project? How are road densities impacting wildlife in the area? Roads are the biggest reason for wild fires starting. Road decommissioning could be one of the best treatments for alleviating fire risk and we ask the Forest to consider such a plan in alternative development.	Current and post-project road densities are displayed in EIS Chapter 2, comparison of alternatives. As determined during the RAP, road density in the area is high and therefore the Forest is proposing road decommissioning where it is feasible and appropriate. See also response for comment #2. Relevant baseline information concerning wildlife impacts related to roads in the area is disclosed in the Wildlife BA and/or BE, appendices in this EIS. Your input will be considered by the Responsible Official.
24	Denise Boggs (CC), 06/28/2007	Please provide the public with the definition of old growth being used for this project, and the literature used to cite it.	The interdisciplinary team used wildlife habitat definitions established in the Northwest Forest Plan. See relevant definitions in EIS Appendix B.
25	Denise Boggs (CC), 06/28/2007	The northern spotted owl (NSO) continues to decline throughout its range and especially in northern California. We request the Forest Service take a hard look at current critical habitat throughout the forest and rate the current quality of habitat.	The most recent report of NSO demographic data representing population patterns on the Forest (Franklin et al., 2008) was considered in this project-level analysis. The Gemmill Thin Wildlife BA, EIS Appendix G, contains the detailed project-level analysis of NSO critical habitat. As part of Endangered Species Act consultation with the U.S. Fish and Wildlife Service (FWS) it was determined that the project is not likely to destroy or adversely modify NSO designated critical habitat. The FWS determined that approximately 6% of critical habitat unit CA-36 would be impacted by the project, the stand-level effects would be short in duration (10-15 years), and would not impede the ability of CA-36 to provide for the intended conservation needs for which it was intended. The FWS has proposed modifications to the original critical habitat designation for the northern spotted owl and if approved, the Forest will fully incorporate the new boundaries into the planning process.
26	Denise Boggs (CC), 06/28/2007	We are opposed to any non-significant Forest Plan amendment that permits treatment of stands older than 80 years within LSR because any such amendment would be significant in nature. The proposed amendment would not legally be considered non-significant by any standards, and the forest must conduct a significant plan amendment with appropriate level of analysis and public comment.	DEIS Appendix I contains information about the proposed Forest Plan project-specific amendment.

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27	Denise Boggs (CC), 06/28/2007	The forest has a severe backlog of un-thinned plantations. We ask the forest to consider harvesting more in plantations rather than critically-important LSR habitat.	Plantations in the area were considered and included in the proposed action as feasible. Currently, the Forest is developing a proposal for plantation thinning called the Westside Plantation Project. The Westside Plantation Project proposes thinning for most existing plantations on the Forest west of Redding in order to reduce fuels and improve/maintain forest health. Public scoping for that project is scheduled to begin this fall, see the Forest's Schedule of Proposed Actions (SOPA) for details and contact information.
28	Denise Boggs (CC), 06/28/2007	The Forest should not continue proposing to log in critical designated habitat when it is uncertain of the repercussions. The Forest should have accurate information regarding how much NSO critical habitat has been logged, how much remains, and the quality of such habitat; the Forest should be taking all necessary measures to conserve this species.	See response to #25.
29	Denise Boggs (CC), 06/28/2007	The best way to fire proof a community is to take immediate measures around homes. Have the residents of Wildwood taken measures to protect their homes by removing brush and trees within 200 feet? Wildfire catastrophe, like floods and hurricanes, are bound to happen and people need to take actions on their own behalf to protect their lives and property. The DEIS should include where each project unit is in the relation to the community of Wildwood (actual mileage between units and the community would be helpful).	The project area mostly within WUI and is directly adjacent to private land in the community of Wildwood (see Appendix A maps). State fire officials (Cal-fire) are responsible for monitoring defensible space around private residences, this is not the role of the Forest Service. The National Fire Plan directs the Forest Service to conduct fuels reduction activities in wildland urban interface and intermix areas, as is proposed in this project. Your input will be considered by the Responsible Official.
30	Denise Boggs (CC), 06/28/2007	Please include a thorough analysis of current water quality for all water bodies within the analysis area. Many water bodies are currently in decline due to past logging and road construction and we need to know how the project will cumulatively add to any current problems.	DEIS Chapter 3 Hydrology and Fisheries sections address water quality, including cumulative impact analyses.
31	Rick Svlich (AFRC), 07/02/2007	We ask that you seriously consider using the Healthy Forest Restoration Act (HFRA) NEPA process for this project.	The project was originally designed as a wildlife habitat improvement project and the Forest did not expect that it was a good candidate for stakeholder collaboration as described in HFRA. The Forest later realized that the HFRA authority may be appropriate for Gemmill Thin and seriously considered using the authorities for this project. A decision to use HFRA at that point would likely result in somewhat delayed project timelines and potential confusion by those members of the public already involved. Although the project may meet the definition of "authorized" or "covered" by the HFRA, the Forest decided not to use the authority at this time.
32	Rick Svlich (AFRC), 07/02/2007	During your analysis seriously consider sale economics, and we encourage the use of the Region 5 economic program. Carefully assess and review proposed restrictions and mitigations as they may result in marginal project economics.	The R-5 Economics Spreadsheet by Rheinberger was used to compare the alternatives under consideration.
33	Rick Svlich (AFRC), 07/02/2007	How long will proposed thinning treatments be effective, and when will additional treatments be needed to meet project objectives? It is necessary to develop prescriptions that ensure minimal future entries into the stands.	The growth response and fuels hazard benefits are expected to last for an estimated 25 to 30 years post-treatment based upon modeling results.

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34	Rick Svlich (AFRC), 07/02/2007	AFRC wants to go on record of not supporting alternatives that set diameter limits as they are arbitrary designations that do not have any silvicultural merit. We understand there is a 20 inch DBH limits for treatments in LSR, we do not support anything that would reduce the limit below that level.	Your input will be considered by the Responsible Official.

Literature Cited

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- Franklin, A.B., K.R. Wilson, P.C. Carlson, and J.T. Rockweit, 2008. Northwest California Spotted Owl Demography, General Assessment of Fledging Season. Submitted to USDA Forest Service, Region 5. Colorado Cooperative Fish and Wildlife Research Unit; Fort Collins, CO. July 7, 2008.
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