



10/22/10

Randy Moore, Regional Forester  
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Dear Mr. Moore,

On behalf of the John Muir Project I am submitting the following HRFA Objection on the proposed “Dinkey North Restoration Project” (“Dinkey Project” or “Project”). I have a Ph.D. in Ecology from UC Davis with a research focus on forest and fire ecology in Sierra Nevada forests. In light of the following, I request, as a remedy, that the Project be withdrawn and a EIS prepared, or that Alternative 3 (as opposed to the Proposed Action, Alt. 2) be chosen and implemented (and that large snags be allowed to recruit naturally from competition to enhance habitat for fishers and other cavity nesting/denning species). In the alternative, I propose that a 10” dbh limit be used for the units in Spotted owl PACs, a 16” dbh limit be used for the units in Spotted owl HRCAs, and a 18” dbh limit be used for all other units (except within 500 feet of homes/structures, in which case the Proposed Action’s prescriptions would be used), and that live trees above these limits be either unmarked, felled to provide large downed log habitat for small mammals and other owl and fisher prey species, or turned into large snags.

I offer the following Objection in the hope of facilitating management based upon sound science and ecology:

### **Incorporation by Reference**

We fully incorporate by reference our earlier Scoping comments (attached) on this Project into this Objection and as part of this Objection.

### **Inconsistent, Inaccurate, and Missing Information in the EA**

Table 3.4-11 on page 3.4-13 of the EA indicates an average basal area reduction of about 5-10% under the Proposed Action. However, Table G-4, in Appendix G of the EA, shows that basal area reduction would be at least twice as high as this on average. There is no explanation for this discrepancy.

Moreover, page 3.8-4 of the EA states that 3.3 million board feet of timber would be removed under the Proposed Action, but Table G-4 only divulges 1.75 million board feet of removal (figure reached by multiplying the acres for a given unit by the board feet per acre to be removed

for that unit, then adding the total board feet to be removed for each unit). Three units were inexplicably missing from Table G-4, however: Units 296, 388, and 1037. This indicates that the most intensive logging in the Proposed Action would occur in these three units (1.55 million board feet to be removed from these three units combined—i.e., 3.3 million board feet minus 1.75 million board feet) for which the EA provides no specific data on the number and proportion of trees to be removed in each size class, or the extent of canopy cover reduction. This would be a serious omission in any event, but it is an even more serious omission in this EA given two key facts: 1) Unit 296 is within a fisher home range (see EA, p. 3.1-19); and 2) Units 388 and 1037 are within a California Spotted Owl Home Range Core Area (EA, Fig. 1-3). In addition, these units have very low current levels of large snags (snags over 15 inches in diameter), according to Tables 3.5-6 and 3.5-7 on page 3.5-8 of the EA, indicating large snag basal area of only 5-10 square feet per acre or less in these units—FAR below the levels selected by both Spotted Owls and Pacific fishers, as discussed in detail in our scoping comments (attached), which, again, we incorporate fully into this Objection. The clearly substantial (though undisclosed) basal area reduction that would occur in these sensitive units would not only seriously reduce canopy cover and mature tree density, but would also exacerbate the large snag deficit in these units in future decades, due to a reduction in competition between trees from the large reduction in live-tree basal area. The impacts of this on fishers and Spotted Owls are not disclosed in the EA.

### **Failure of Proposed Action to Meet the Purpose and Need, and Failure to Take a “Hard Look”**

The EA states, on p. 1-12, that one of the purposes and needs for the Project is to “enhance habitat conditions for sensitive species of wildlife in the project area, including Pacific fisher (*Martes pennanti*) and California spotted owl (*Strix occidentalis occidentalis*).” The EA fails to do this in two key ways.

First, the EA’s “Desired Conditions” description for Spotted owls and Pacific fishers arbitrarily fails to include any specific targets for large snag density (see EA, pp. 1-10 through 1-11), despite the fact that the scientific literature recommends at least 20 square feet per acre of large snag basal area for Spotted owls (Verner et al. 1992), and the fact that Pacific fishers select areas with over 30 square feet per acre of snag basal area (in snags at least 10 inches in diameter) and medium/large snag basal area was one of the two most important factors in predicting fisher presence at rest habitat, according to Purcell et al. (2009). The EA completely fails to analyze the impacts of the Proposed Action on snag density in future decades, and the adverse effects that this will likely have for Spotted owls and Pacific fishers. This is particularly serious in this case, given that, according to Tables 3.5-6 and 3.5-7 on page 3.5-8 of the EA, ALL of the units proposed for commercial logging and significant basal area reduction (i.e., all units except 150, 170, 188, 189, 197, and 217—see Table G-4) have serious current deficits of large snags relative to the snag levels selected by Spotted owls and fishers. None of these units even have 4 large snags per acre, and most have less than 1 or 2 large snags per acre (including zero snags over 24” dbh in seven of these units). The unnecessary basal area reduction proposed under the Proposed Action would exacerbate this deficit, and harm the suitability of owl and fisher habitat, by reducing large snag recruitment in future decades.

Second, the highest reduction of basal area that would occur under the Proposed Action would occur within Spotted owl Protected Activity Centers (PACs) and HRCAs. For example, the highest basal area reduction, and highest level of removal of mature trees over 20 inches in diameter, is proposed in Unit 227 under the Proposed Action (Table G-4 in App. G of the EA), which is within a Spotted Owl PAC (see Fig. 1-3 of EA), and Unit 275 is also within the Owl PAC (Fig. 1-3 of EA) and has the fifth highest basal area and mature tree (>20" dbh) removal proposed under the Proposed Action (Table G-4 of App. G of EA). Though Units 388 and 1037 are not listed in Table G-4 of the EA, nearly half of the timber volume proposed for removal would come from these two units plus Unit 296 (also not listed in Table G-4), and Units 388 and 1037 are within a Spotted owl Home Range Core Area (HRCA). Not only are these most sensitive units being unnecessarily targeted for the most intensive logging, but this intensive logging will also disproportionately impact these sensitive areas in future decades by reducing large snag recruitment (due to reduction in competition between trees) in these areas that already have deficits of large snags relative to Spotted owl and fisher needs (see Tables 3.5-6 and 3.5-7), as discussed in the paragraph above.

### **An EIS Must be Prepared under NEPA**

Due to: a) the highly precarious state of the Pacific fisher populations in the southern Sierra Nevada and the potential for this Project to significantly degrade suitable habitat conditions for this species and cause direct and future cumulative impacts, both now and in future decades (due to reduced potential for large snag recruitment), as discussed in detail in our Scoping comments; b) impacts to Spotted Owls (also as discussed in our Scoping comments); and c) cumulative effects between this Project and the Dinkey South Restoration Project and the Kings River Project ("KREW"), an Environmental Impact Statement (EIS) must be prepared.

### **Similar Actions Must be Analyzed in the Same NEPA Document**

NEPA requires that similar actions be analyzed in the same NEPA document. The Dinkey North Project Environmental Assessment (EA) shows clearly that the currently planned and proposed Dinkey South and KREW Providence projects are contiguous to the Dinkey North Project, and the Dinkey North EA also states (on p. 3-6) that the impacts of these two contiguous projects "would be almost the same [as Dinkey North Project] because all four projects have the same or very similar purpose and needs." Thus, the FULL impacts, direct and cumulative, of all of these projects—at least the ones contiguous to Dinkey North—were required to be analyzed in one environmental analysis document under NEPA.

### **Inadequate Cumulative Effects Analysis for Pacific fishers**

The EA's cumulative effects analysis for Pacific fishers is inadequate under NEPA, and the Forest Service failed to take the required "hard look" at these impacts with regard to adjacent concurrently proposed logging projects, such as KREW Providence and Dinkey North. The EA merely lists the acreages of some future projects in Table 3.0-2 (pages 3-5) without divulging or analyzing the actual impacts of these adjacent/contiguous logging projects on habitat quantity *and quality* for fishers. Nor is it even clear from this table, or Table 3.0-1, which units or projects relate to the Dinkey South Project or the KREW Providence logging project, or how

many acres of suitable fisher habitat would be **logged** in each of these two adjacent/contiguous projects AND the extent to which canopy cover would be reduced (i.e., habitat *quality* degraded) on how many acres.

The EA (p. 3.1-47) devotes one paragraph of text, in the Cumulative Effects section for fishers, to mentioning the existence of the Dinkey South and KREW Providence logging projects, which are currently in the planning stages and would directly abut the Dinkey North Project. In this single paragraph, the EA merely states, in the most general manner, that the KREW Providence project would result in “no more than 6% loss of fisher habitat” within the KREW Providence boundaries (and does not mention the percent of loss within the Dinkey South area), BUT does not divulge how many ACRES of fisher habitat would be lost—in each project and the cumulative total of the adjacent projects—OR the extent of the degradation of habitat QUALITY in each of the projects and the cumulative total (i.e., in terms of extent of canopy cover reduction, reduction of large snags in the current and future timeframe due to stand density reduction and the reduced competition between trees).

### **Inadequacy of Analysis of Direct and Indirect Impacts to Pacific Fishers**

The EA, p. 3.1-19 misrepresents both the Mazzoni (2002) and Purcell et al. (2009) fisher studies in the southern Sierra Nevada to erroneously claim that these studies found fishers using open and sparse canopy cover areas for nearly half of the rest sites. Mazzoni (2002) states that in the context of how these areas were MAPPED prior to the study, NOT with regard to the ACTUAL measured canopy cover of rest sites in the study itself, which was an average of 73% canopy cover (and only 56% canopy cover at random sites). See Mazzoni (2002), Table 8. Purcell et al. (2009) found an average canopy cover at rest sites of 74% and only 55% canopy cover at random sites.

Further, in our Scoping comments (pp. 1-2), we presented a detailed assessment of the findings of Purcell et al. (2009) with regard to the high basal area density of large snags at fisher rest sites, and the importance of this for fisher rest sites and rest site microhabitat (due to enhancement of the fisher’s prey base by large snag abundance). The EA completely ignores this data, and fails to analyze the adverse impacts of the Project (and the adjacent projects) on current and future large snag basal areas (due to reduced large snag recruitment in the future due to stand density reduction and reduced competition between trees) and the resulting adverse impacts of this on fisher populations. This is particularly egregious given that Purcell et al. (2009) found large snag basal area density to be one of the two most important predictive variables (along with canopy cover) for fisher presence.

Sincerely,

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