



April 10, 2015

Dave Martin, District Ranger, Bass Lake Ranger District  
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comments-pacificsouthwest-sierra@fs.fed.us

**Re: French Project**

Dear District Ranger Martin:

On behalf of the John Muir Project of Earth Island Institute (JMP) and the Center for Biological Diversity (CBD), we are submitting these additional scoping comments on the current proposal to conduct post-fire logging, shrub removal, and artificial tree planting in the French fire area through the French Project (Project).

As we discussed in our scoping comments, dated December 1, 2014, an Environmental Impact Statement (EIS) must be prepared under NEPA due to potentially significant adverse impacts to sensitive wildlife (e.g., California spotted owl, black-backed woodpecker, and Pacific fisher) from the proposed salvage logging and subsequent artificial reforestation activities. Since we submitted those comments, additional information/developments regarding the California spotted owl, black-backed woodpecker, and the Pacific fisher have occurred, which further underscore that an EIS is required here. Moreover, data regarding adverse impacts of post-fire herbicide application (associated with the removal/eradication of native shrubs, as proposed in the French Project) to native amphibians also demonstrates that an EIS is required here due to potentially significant impacts to two ESA listed species—the Yosemite toad and the mountain yellow-legged frog—as discussed below.

First, with regard to the California spotted owl, on December 23, 2014, a petition was filed to list this species as threatened or endangered under the ESA, in substantial part due to mounting scientific evidence regarding the severe adverse impacts of post-fire logging to spotted owl occupancy.<sup>1</sup>

Second, with regard to the black-backed woodpecker, research regarding post-fire use of large snags was recently published, specifically identifying the importance of maintaining large “fire-

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<sup>1</sup> [http://www.wildnatureinstitute.org/uploads/5/5/7/7/5577192/cso\\_fesa\\_petition\\_dec\\_22\\_2014.pdf](http://www.wildnatureinstitute.org/uploads/5/5/7/7/5577192/cso_fesa_petition_dec_22_2014.pdf)

killed trees with burned-out hollows, forked trunks, or other relatively unusual structures,” as these are used for roosting.<sup>2</sup>

Third, with regard to the Pacific fisher, Hanson (2015) (in press) analyzed additional fisher scat data beyond that assessed in Hanson (2013), and these additional fisher scat-detection surveys were focused mostly in large unlogged higher-intensity fire areas (defined as 50-100% basal area mortality, matching the Forest Service’s Region 5 definition of a “deforested condition” under the RAVG remote sensing fire severity program). The current hypothesis that fishers will avoid larger higher-intensity fire patches was rejected and, in fact, fishers used higher-intensity fire areas at a greater frequency than unburned mature/old forest, though the difference was not statistically significant for fishers overall. Female fishers, in particular, used the large, intense McNally fire more than adjacent unburned mature/old forest, and the difference was statistically significant at the 0.05 significance level (Hanson 2015, in press). Detections of female fisher scat deep into the very largest higher-intensity fire patch (>250 meters inside a ~5,422-hectare higher-intensity fire patch) equated to 0.293/kilometer, while detections/kilometer were 0.192 in adjacent unburned forest (Hanson 2015, in press). These findings indicate that higher-intensity fire in mature conifer forest creates important foraging habitat for Pacific fishers; and removal of such habitat by post-fire logging and shrub eradication and artificial planting could result in significant adverse impacts to fishers (Hanson 2013, Hanson 2015 in press). These findings also further support why an EIS must be prepared for this project, particularly in light of the fact that the U.S. Fish and Wildlife Service has now proposed to list the Pacific Fisher as Threatened under the ESA.

Finally, with regard to the Yosemite toad and the mountain yellow-legged frog (two ESA listed species), the Project seeks to use herbicide, specifically glyphosate, which is toxic to amphibians. For example, Relyea and Jones (2009)<sup>3</sup> examined the toxicity of glyphosate to thirteen species of amphibian larvae. Based on the study and toxicity categories defined by FWS and EPA, Roundup Original Max would be classified as moderately toxic to larval salamanders and moderately toxic to highly toxic to larval anurans. Sparling et al. (2006)<sup>4</sup> showed that glyphosate had several sublethal effects on red-eared slider embryos and hatchlings and that the combination of high concentrations of glyphosate and LI700 can be lethal. In addition, the EPA has determined that glyphosate may affect/is likely to adversely affect the California red-legged frog.<sup>5</sup> The French Project, via use of glyphosate, therefore has the potential to cause significant impacts to two ESA listed species. Thus, not only is ESA section 7 consultation required as to these two species, an EIS is necessary under NEPA.

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<sup>2</sup> Siegel, R.B., R.L. Wilkerson, M.W. Tingley, and C.A. Howell. 2014. Roost sites of the Black-backed Woodpecker in Burned Forest. *Western Birds* 45:296-303

<sup>3</sup> Relyea, Rick A. and Devin K. Jones. 2009. The Toxicity of Roundup Original Max® to Thirteen Species of Larval Amphibians. *Environmental Toxicology and Chemistry* 28(9):2004–2008

<sup>4</sup> Sparling, Donald W., Cole Matson, John Bickham, and Paige Doelling-Brown. 2006. Toxicity of Glyphosate as Glypro and LI700 to red-eared slider (*Trachemys scripta elegans*) embryos and early hatchlings. *Environmental Toxicology and Chemistry* 25(10):2768–2774

<sup>5</sup> <http://www.epa.gov/espp/litstatus/effects/redleg-frog/glyphosate/determination.pdf>

If you have any questions, please contact us.

Sincerely,

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