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File Code: 1570
Date: September 21, 2020

Jon Klingel
[redacted]

Dear Mr. Klingel:

On behalf of the Carson National Forest, I would like to thank you for your involvement in the Pueblo Ridge Restoration Project. This letter is in response to the objection you filed on the Final Environmental Assessment (EA) and draft Decision Notice (DN) for that project. I have read your objection and reviewed the project record and Final EA, including the effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 CFR 218, Subparts A and B.

The legal notice for the objection filing period was published on May 21, 2020. Your timely objection (20-03-00-0026-O218) was received on July 6, 2020 and was considered pursuant to the regulations at 36 CFR 218. However, it should be noted that you did not establish standing on a number of your objection issues. Per 36 CFR 218.8(c), issues raised in objections must be based on previous specific written comments related to the proposed project unless based on new information. The Forest received only summarized comments from you during the comment period. As a result, we addressed some, but not all, objection issues presented in your objection. The following is a summary of those objection points along with my written response.

You contend that the FONSI suggests that "proposed treatments would improve the health and sustainability of forested conditions in, and surrounding, the project area by reducing hazardous fuels and moving vegetative conditions in the project area toward the desired conditions"; that effects of "approved treatments would be minimized through implementation of project design features and monitoring guidelines"; and, since the scope of this project is limited to the project area, "the context of this project indicates effects of implementing Alternative 1 are localized and not significant". However, you contend this information is false and that the project will increase fire risk. Instead of adverse effects being minimized, they are actually increased by heavy logging, are not localized, and are significant [Objection, pp. 31-32].

This project is consistent with the purpose and need statement to improve forest health, sustainability, and resilience to uncharacteristic disturbances by implementation of treatments that will move forest vegetation conditions towards the stated desired conditions. The current condition represents the objector's remedy, and the needs for change are disclosed. The current condition does not meet the project purpose and need. These desired conditions are based upon locally relevant best available science (EA, pp. 2-6). The effects analysis presented in the Silviculture Report display the outcome of the proposed treatments. Generally, forest densities will be reduced to ranges more characteristic of the natural range of variability, except in areas where Mexican Spotted Owl (MSO) Recovery Plan requirements define other desired conditions

(25% of mixed conifer forest areas). The proposed treatments would shift species composition towards favoring dominance and development of early successional tree species that are characteristic and resilient to frequent low severity fires that historically defined the ecology of these forests; except in areas where MSO Recovery Plan requirements define other desired conditions. Twenty percent of the Ponderosa Pine Forest areas are proposed to be managed to maintain/develop stand structures dominated by large, old trees (EA, pp. 41-42; Silviculture Report, pp. 16-20), and 25% of mixed conifer forest areas will be managed to maintain/develop stand structures dominated by large, old trees, while the remaining forest areas will be managed to develop/maintain uneven-aged forest conditions, more characteristic of historic conditions, consistent with current Forest Plan direction.

The proposed treatments are focused on desired forest condition outcomes, not maximizing large tree removal or timber volume harvest. Trees of all sizes are proposed to be removed and retained; some by hand thinning, some by commercial timber harvest, and some by prescribed fire, to achieve the desired conditions post-treatment. Hundreds of years of human impacts, including fire suppression and past logging, have created uncharacteristic conditions of high forest densities and downed fuels, dominated by species which are not fire resilient. These conditions are not sustainable over time and pose a threat to the adjacent community and natural resources. The Fire and Fuels Report displays the expected reduced fire hazards and reduced fire behavior resulting from project implementation, while acknowledging that short term fire hazards may increase prior to slash disposal by burning or removal. The effects of these proposed treatments are largely positive but are mostly constrained to the project area (localized).

The project is consistent with the proposed Forest Plan amendment and Purpose and Need; however, needs some clarification and further display of proposed actions (see Instructions below).

You contend that the FONSI suggests that “The Carson National Forest has considerable experience implementing the types of activities in Alternative 1. Potential effects of proposed actions in Alternative 1 have been analyzed and disclosed in section 2 of the environmental assessment” and that “Alternative 1 is not likely to establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration”. You also contend that the Forest has no experience with heavy logging equipment on highly erodible soils on slopes above 40% (22 degrees), much less on slopes to 75% (45 degrees) and that the impacts of this project were not analyzed or disclosed in the EA. Further, the use of heavy logging equipment on slopes to 75% on highly erodible soils will set a precedent [Objection, p. 32].

The proposed operations on steep slopes are based upon methodologies, equipment, and mitigation measures which are in common use throughout the western U.S., including the Rocky Mountains. The Carson National Forest is part of the Rocky Mountain ecoregion. The National Core Best Management Practices (BMPs) integrate Individual State and Forest Service Regional BMPs under one umbrella and represent the best available science. Further, the National BMP Program includes an effectiveness monitoring step that allows for the adjustment of the mitigation measure and to take corrective actions. A list of BMPs were included in the Watershed Report (pp. 27-32) that address the above stated concerns for soils.

Analysis for the project area was completed. The widely accepted WEPP soil erosion model was used to determine erosion potential from treated hillslopes, skid trails, and roads (Watershed Report, pp. 11-14). As required, direct and indirect effects were stated for Alternative 1 and Alternative 2 (Watershed Report, pp. 20-21).

You contend that the FONSI suggests that "both beneficial and adverse effects have been considered for Alternative 1… While the project may result in adverse effects to certain resources, these effects have been determined to be localized and largely short term in duration." However, the full adverse impacts are not disclosed in the EA. The significant adverse impacts are neither localized nor short-term (i.e., '*decades*' is not short-term). You are also concerned that this project would result in significant irretrievable or irreversible commitments or long-term losses of resources. [Objection, p. 32]

The Comments and Responses Table addresses this issue, stating that the effects of the project were disclosed in the EA, and summarized the effects to vegetation, wildlife, and watersheds (p. 14). Chapter 1 of the EA contains 15 pages of design criteria and mitigation to lessen any adverse effect of the project (pp. 20-35). The Environmental Impacts section of the EA analyzes the effects of the proposed project on vegetation, fuels, air, wildlife, water, soils, recreation, heritage resources and range (pp. 37-120).

The EA should clarify the effects of the riparian restoration treatments and the aspen treatments (See Instructions below).

You contend that the FONSI suggests that "public concerns and input have been considered throughout the analysis process…" and "…comments did elicit clarifications and modifications in the EA. While there may be disagreement regarding certain components of the project, there is no unusual or high degree of controversy related to the anticipated effects of the project". You stated that "public scrutiny and interest was intentionally avoided by calling the project a 'Restoration' project" while this is a heavy logging project, and that if the title had been 'Logging' project, there would have been considerable public scrutiny, concern, opposition and controversy [Objection, p. 32].

According to the Purpose and Need for Action section of the EA, the project will improve stand resilience to insects and disease, reduce the risk for high intensity wildfires, reduce fuel build-up, improve wildlife habitat, and protect water quality and watersheds. The Existing Conditions section of the EA elaborates on fuel-related objectives (pp. 2-5). The EA's Public Involvement section explains that the project is part of Taos Valley Watershed Coalition's landscape restoration strategy, as well as the Taos County Community Wildfire Protection Plan (p. 6). This section also contains a live link to the landscape restoration strategy.

The EA shows this project proposes thinning, not clearcutting or even lesser even-age management techniques. The Environmental Impacts to Silviculture and Forestry section of the EA discusses that the main effects of thinning. These effects include reduction in tree density in most size classes and movement of species composition towards more ecologically appropriate species dominance, increasing availability of water, nutrients, and sunlight to residual trees, in

turn increasing tree vigor and resistance to insects and disease (p. 43). Additional discussion dedicated to the Environmental Impacts is located in the Fuels and Fire Behavior section (pp. 49-64). The project did not seek to avoid public scrutiny.

You contend that the FONSI suggests that "Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment… The project was evaluated and analyzed with consideration for cumulative effects of past, present, and reasonably foreseeable future activities, as listed in section 2 of the environmental assessment. Alternative 1 would not result in significant cumulative effects, as disclosed under each resource heading in section 2 of the environmental assessment". You contend that there is no analysis of pertinent cumulative impacts. Neither past, current, or future activities and actions were analyzed, including impacts on the project area and near the project area. The stated timeframe excluded the heavy logging of the 1960s and 1970s [Objection, pp. 32-33].

According to the FONSI, the selected alternative would not result in significant cumulative effects (p. 125). The EA discloses cumulative effects for fuels, air, MSO, Canada Lynx, Northern Goshawk, watershed & soils, recreation, heritage resources, and range (pp. 63-64, 67, 79-80, 83, 90-91, 105-107, 112-113, 117, 122-123, respectively). The EA's Appendix B contains a list of projects considered in the cumulative effects analysis by NEPA decision date. The decision for the oldest project considered, forest restoration, was finalized in 2005.

Areas logged in the 1970s should have 50-year old trees growing. The MSO, Canada Lynx, and Northern Goshawk cumulative effects analyses alluded to historic logging responsible for creating the current conditions in the project area. The EA adequately considers cumulative effects.

You contend that the FONSI suggests that "Alternative 1 would not adversely affect unique characteristics of the geographical area". You state that the wildlife diversity and abundance in the area are geographically unique and that the wildlife in the area, well beyond the project boundary, will be severely impacted by this "heavy logging project". Further, it took decades for wildlife to recover from logging in the 1960s and 1970s. [Objection, p. 32]

According to the Endangered Species Act (ESA) regulations, the Forest Service shall, in consultation with and with the assistance of the Secretary of Interior [U.S. Fish and Wildlife Service], insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat (50 CFR 402.01). The Forest requested a list of species and critical habitats that occur within the project boundary or that may be affected by project activities (BA, p. 34).

The Comments and Responses Table addresses this general issue, stating the EA disclosed that the alternatives would have limited negative impacts and multiple beneficial effects and that the project would not affect forest-wide habitat and population trends for Management Indicator Species (MIS) (p. 14).

According to the EA, the project's disturbance to the Mexican Spotted Owl (MSO) is considered temporary, insignificant, and discountable, resulting in the determination that either alternative

may affect, but are not likely to adversely affect (p. 80). Neither alternative proposed would adversely affect the Canada Lynx, with the determination that the project may affect, but are not likely to adversely affect (p. 82). The U.S. Fish and Wildlife Service concurred with these determinations, in a letter dated March 24, 2020 (pp. 1-3). Further, the FONSI summarized these findings (p. 126).

Effects to R3 Sensitive Species, Northern Goshawk, are expected to be temporary and localized. The EA takes a hard look at the effects to mature pine forests for the goshawk (pp. 84-91). The expected outcome from both alternatives results in an increase in the overall percentage of mature trees (Table 21, p. 88; Table 22, p. 89). Reducing stand density will help to decrease the potential for damaging wildfire and loss of mature trees (EA, p. 87). Desired conditions associated with management for the goshawk and consistent with the Carson Forest Plan provide for conditions that will benefit this species as well as the prey species that occupy this ecosystem.

The Carson National Forest Plan identifies the Abert's Squirrel, red squirrel, hairy woodpecker, wild turkey, and Rocky Mountain Elk as MIS that also inhabit old growth and other several stages in mixed conifer and Ponderosa Pine ecosystems. The effects to MIS can be found in the Wildlife Specialist Report (pp. 74-95) but is only referenced in the EA (p. 91) along with the determination summary of effects from the alternatives.

The Wildlife Report states that the project may effect individuals but is not likely to result in a trend toward listing or a loss of viability for the following R3 Sensitive Species: Northern leopard frog, cinereus (masked shrew), Western water shrew, spotted bat, pale Townsend's big-eared bat, Nokomis fritillary, robust larkspur, and Arizona willow (pp. 47-48). This information can be found in Table 16 of the EA (p. 71).

The EA states that neither alternative would affect forest-wide habitat or population trends for 11 MIS; however, the MIS are not listed. The reader must look in the Wildlife Report for the list of MIS and project effects (p. 94). This information could have been made available with the EA (See Instructions below). However, the project does not violate ESA, and nothing proposed in this project will severely impact wildlife.

You contend that the FONSI suggests that "This project is not anticipated to result in significant adverse effects to federally listed species or their designated critical habitats…" A determination of "may affect, not likely to adversely affect" was made for the Mexican spotted owl and for the Canada Lynx for Alternative 1. The FONSI also states "Alternative 1 may reduce habitat suitability on 51 acres and temporarily alter the behavior of individual lynx temporarily dispersing from Colorado to New Mexico. However, there is no evidence of lynx occurrence or potential for home range persistence in the project area. In addition, treatments on 51 acres would not affect lynx movements at the landscape level. Therefore, the effects of the proposed action are likely insignificant or discountable for the Canada Lynx; thus, the proposed actions in Alternative 1 may affect but are not likely to adversely affect the Canada Lynx". You further contend the USFWS was provided with false information, possibly intentionally, and that the project will have adverse impacts to MSO habitat, lynx habitat, and possibly directly on lynx [Objection, p. 33].

The standard of review applied is whether the Forest analyzed and consulted on effects to listed species in compliance with ESA (50 CFR 402) and the use of best available information. The Forest provided the best available information regarding foraging, breeding, and dispersing habitat as well as distribution and status of both the MSO and the lynx in the Biological Assessment (BA) submitted to the USFWS. The USFWS concurred with the Forest's determinations for the MSO and the lynx as well as the information provided within the BA and USFWS concurrence letter (pp. 2-3). Therefore, all ESA requirements under section 7(a)(2) were met and consultation with the U.S. Fish and Wildlife concluded with the issuance of the concurrence letter.

I have reviewed the project in light of the issues presented in your objection letter. My review finds that the project is fully compliant with all applicable laws and the Carson National Forest Plan. However, based on my review and discussion with the Forest and the review team members, I am asking Forest Supervisor James Duran to clarify or expand his narrative as follows:

- As some terminology was carried forward from an outdated MSO Recovery Plan, correctly display the MSO habitat components for Alternative 1.
- Because no MSO Protected Activity Centers (PACs) exist in the project area (or the Carson NF), remove discussion of Forest Plan management direction for MSO PACs.
- To clarify proposed silvicultural treatments, provide a description displayed by acres, forest vegetation types, and habitat management components, and include descriptions.
- To clarify restoration, describe the effects of riparian restoration and aspen restoration.
- To clarify the analysis of MIS, add the MIS list from the Wildlife Report to the EA.

Once these minor clarification and corrections listed above are added to the project record, the Forest Supervisor, James Duran, may sign the final Decision Notice. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

ELAINE KOHRMAN
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Date: 2020.09.21 08 06:51 -07'00'

ELAINE KOHRMAN
Deputy Regional Forester

cc: James Duran, Sean Ferrell, and Alicia Gallegos