
File Code: 1570
Date: September 21, 2020

Joanie Berde
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Dear Ms. Berde:

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 (20-03-00-0027-O218), submitted on behalf of Carson Forest Watch, was received on July 6, 2020 and was considered pursuant to the regulations at 36 CFR 218.

The following is a summary of your objection points along with my written response.

Your objection stated the National Environmental Policy Act (NEPA) requires a range of alternatives, including a No Action Alternative. The EA provided only two alternatives, both of which are similar in miles of road construction and reconstruction, acres of trees logged, impacts to wildlife, soils, watershed, and other resources.

According to Council on Environmental Quality (CEQ) regulations, the Forest Service is to develop alternatives to address unresolved conflicts concerning alternative uses of available resources (40 CFR 1501.2(c)). Forest Service regulations state that an alternative should meet the project's purpose and need, and address one or more significant issues related to the proposed action (36 CFR 220.5(e)). When there are no unresolved conflicts concerning alternative uses of available resources, the EA need only analyze the proposed action and proceed without consideration of additional alternatives (36 CFR 220.7(b)(2)(i)). The EA may document consideration of a No Action Alternative through the effects analysis by contrasting the impacts of the proposed action and any alternative with the current condition and expected future condition if the proposed action were not implemented (36 CFR 220.7(b)(2)(ii)).

Both the preliminary (2019) and final (2020) versions of the EA explain that the analysis does not include a No Action Alternative because current conditions are so departed from desired conditions that the purpose and need of the project is adequately supported without a No Action Alternative (PEA, p. 1; FEA, p. 1). While a No Action Alternative is not required for an EA, this point should have been better explained (See Instructions below).



The EA, Table 1, states that Alternative 1 proposes 0 miles of new permanent construction. Alternative 2 proposes up to 5 miles of new permanent construction. This difference in roads is due to the difference in mechanical treatment methods proposed under Alternative 2 for slopes greater than 40 percent (EA, p. 14). The draft DN says actual temporary road alignment and location will be determined during implementation but would not exceed mileage analyzed in the EA (p. 3).

The Public Involvement section of the EA explains that two alternatives were analyzed based on feedback from the open house and desired conditions (p. 7). The difference between the two alternatives is that Alternative 1 amends the Land Management Plan (LMP) to allow timber harvest on steep slopes and amends the LMP to incorporate current management direction for Mexican Spotted Owl (MSO), Northern Goshawk, and other best available science related to forest restoration.

The differences between the two alternatives need clearer explanation (See Instructions below).

You contend that this EA provides a weak cumulative effects analysis, thus violating NEPA requirements. The cumulative effects of long-term damage to watershed and wildlife from the roads proposed was not adequate, nor did the EA address ATVs and the road network and the short- and long-term effect increased ATV use will have on forest resources. The Carson National Forest enforcement of road closures is terrible and there is no assurance it will be effective for this project either [Objection, p. 2].

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.

The recreation effects section of the EA addresses the ATV/OHV use, stating that fire lines, skid trails, and temporary roads may open unauthorized access for off-highway vehicles, although design features would help to prevent this (p. 111). The cumulative effects to recreation section also mention OHV use (p. 112). The wildlife and watershed cumulative effects sections in the EA do not mention OHV use; however, this use is discussed in the Watershed Specialist Report (pp. 18, 19, 24, 34).

You stated that the EA ignored several public comments that support careful thinning of smaller diameter trees in Ponderosa and not constructing miles of damaging road network in this project area. You support a cautious and true restoration project that greatly reduces the need to build roads and log mature trees, especially in wet mixed conifer stands [Objection, p. 1].

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 stated purpose and need for this project (p. 2):

“The purpose of the Pueblo Ridge Restoration Project is to improve the health and sustainability of forested conditions in, and surrounding, the project area by reducing hazardous fuels and moving vegetation conditions in the project area toward the desired conditions.

The needs for the Pueblo Ridge Restoration Project include:

- improving tree vigor and stand resilience to reduce the risk of tree mortality from insects and disease
- reducing overall stand densities and moving stand conditions toward forest structures considered to be more typical of forest structure under pre-settlement fire regimes that have exhibited resilience to disturbance
- reducing the risk for high-intensity, stand-replacing wildfires
- reintroducing fire as a natural part of the ecosystem
- reducing fuel build-up to help prevent the spread of wildfire onto private property and into drainages leading into Taos Canyon and Taos Pueblo lands
- providing forest products, such as fuelwood, for people living in Taos and the surrounding area, while protecting these resources for future generations
- improving habitat for wildlife and forage for range and wildlife
- protecting project area watersheds and associated water quality”

There is no statement that the project purpose is “ecological restoration”; however, the objectives do align with developing forest vegetation composition, structure, and functions similar to historic conditions, based upon regionally relevant best available science (EA, Appendix E).

The current conditions do not meet the project purpose and need, and the needs for change are disclosed. The current conditions are not resilient to insect, disease or climatic stressors and will not facilitate desired characteristic disturbances such as frequent surface or mixed severity fires (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 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, p. 41-42; Silviculture Report, pp. 16-20) while 25% of mixed conifer forest areas will be managed to maintain/develop stand structures dominated by large, old trees. The remaining forest areas will be managed to develop/maintain uneven-aged forest conditions, more characteristic of historic conditions. All of this is consistent with both current and draft revised Forest Plan direction.

The desired outcomes cannot be achieved by removing only small diameter trees, nor can they be facilitated without roads maintenance or temporary roads. This project is not targeting the

removal of large or mature trees, except where necessary to reduce forest density and species composition to more characteristic historic conditions. 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 to achieve the desired conditions post-treatment; some by hand thinning, some by commercial timber harvest, and some by prescribed fire. 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.

You contend this proposal would allow logging on steep slopes, far greater than the Forest Plan standard of 35-40%. This would require a Forest Plan Amendment. You state that there was a sound scientific reason for adopting the restrictions on steep slope logging and the EA fails to provide a scientifically supported rationale for allowing steep slope logging. Reliance on untested and often unpracticed National Core Best Management Practices (BMPs) BMPs is not sufficient to meet NEPA requirements [Objection, p. 2].

The proposed action does propose a Forest Plan Amendment to replace the old 1995 MSO Recovery Plan based Standards and Guidelines with the revised 2012 MSO Recovery Plan management criteria (EA, Appendix F). The 2012 plan does not restrict forest vegetation management based upon slope criteria, so the proposed alternative is consistent with both the proposed Forest Plan amendment and the revised MSO Recovery Plan.

The proposed operations on steep slopes are based upon methodologies, equipment, and mitigation measures which are in common use throughout the western US, including the Rocky Mountains. Desired conditions cannot be developed in these areas without the proposed treatments. The Carson National Forest is part of the Rocky Mountain ecoregion. The National 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 measures and to take corrective actions. A list of BMPs were included in the Watershed Specialist Report (pp. 27-32).

You contend that the EA proposed alternative will negatively impact species of concern that depend upon mature mixed-conifer and pine habitat (i.e., pine marten, spruce also, bear, red and Abert's squirrel, migratory songbirds, raptors and many other species). The short- and long-term impacts violate NEPA and the Forest Plan requirements to protect these species [Objection, p. 2].

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) (pp. 8, 9, 11, and 13).

The EA describes the existing conditions in the project area and proposes the necessary treatments needed to make progress toward the Forest Plan desired conditions applicable to the project area. The desired conditions from the Forest Plan specific to the project area include fire,

sustainable forests, timber, wildlife, and recreation (Appendix E, pp. 22-23; Appendix G, pp. 39-41). Forest Plan amendments can and should be considered that may incorporate consideration of the best available scientific information. In the case of the Pueblo Ridge Project, management recommendations for the Mexican Spotted Owl (MSO) are considered in this project specific amendment and are consistent with the 2012 MSO Recovery Plan, First Revision (Appendix F, pp. 24-38). The Forest Plan desired conditions and the amendment are intended to move mixed conifer toward a mature forest suitable for the pine marten, goshawk, migratory birds, raptors, and other species that use these forests.

According to the EA, the project's disturbance to the MSO is considered temporary, insignificant, and discountable, resulting in the determination that either alternative may affect, but are not likely to adversely affect the species (p. 80). The US 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 mature trees (Table 21, p. 88; Table 22, p. 89). Reducing stand density will help to decrease the potential for damaging wildfire (EA, p. 87). Desired conditions associated with management for the goshawk and consistent with Carson Forest Plan provide for conditions that will benefit the Abert's Squirrel and other 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 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: pine (American) marten, boreal owl, 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 project activities for both alternatives that occur within piñon/juniper woodland, Ponderosa Pine Forest, oak, aspen, mixed conifer forest, spruce/fir, and riparian woodland will not have measurable negative effects to migratory bird populations associated with these habitats (p. 91, Tables 13-16). Analysis of potential effects from both alternatives are in the Wildlife Report along with determinations for all species that may be affected by project activities (pp. 95-100). The conclusion in the Wildlife Report is that project activities would not have measurable negative effects to migratory bird populations. Although some temporary disturbance is anticipated, improving the overall health and resiliency of the forest will likely benefit migratory birds over the long-term within the project area (Wildlife Report, p. 98).

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 (pp. 74-75). This information could have been made available with the EA (See Instructions below).

The project does not violate NEPA and is consistent with NFMA and the Carson National Forest Land and Resource Management Plan, as amended, and nothing proposed in this project will severely impact wildlife.

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:

- To clarify why the EA does not analyze a No Action Alternative, explain that the No Action alternative is not required in EAs.
- To clarify the two alternatives, provide more explanation on the difference between them.
- To clarify the analysis of MIS, add the MIS list from the Wildlife Report to the EA.

Once the clarifications 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
Deputy Regional Forester

cc: James Duran, Sean Ferrell, and Alicia Gallegos