

## Objection Issues

### POST FIRE HABITAT AND THE ROLE OF FIRE IN THE ECOSYSTEM

#### PRIMARY OBJECTORS:

Center for Biological Diversity and the John Muir Project, Earth Island Institute, **Justin Augustine**

Sierra Forest Legacy, **Craig Thomas and Michael Graf**

**Summary of Objection Issues:** In contrast to the Fire Chiefs concerns about proposed fuel reduction strategies, the CBD, Earth Island Institute and the John Muir Project objects to the focus of managing wildfire in wild lands and fuels reduction by putting the 1<sup>st</sup> priority on protecting communities within the WUI and does not agree with the interpretation of recent science and trends regarding the increase of fire severity. They believe this interpretation focuses the Forest Service in the wrong direction and actually away from the protection of communities. Based on new studies, they strongly urge the LTBMU to refocus their energy and money and revise desired conditions and standards and guidelines that should certainly reflect an emphasis on fire protection in the WUI, would allow for natural fire events to occur with the ecosystem and provide enough protection measures for protection of post fire habitat. The Center for Biological Diversity and the John Muir Project, Earth Island Institute assert a failure to provide an adequate, science-based monitoring and adaptive management plan responsive to the critical fire management issues on the LTBMU.

Sierra Forest Legacy and CBD/the John Muir Project and the Earth Island Institute are equally concerned about the management of post fire habitat for species such as the Black Backed Wood Pecker and the California Spotted Owl. They contend that the protection of wildlife habitat should be second only to public safety and the protection of building and would prefer stronger standards regarding snag retention, canopy closures, and increased protection of habitat corridors by, “ require retention, through a forest-wide standard (not a guideline), of at least 90% of any moderate/high-severity burn areas (except for public safety reasons—i.e., hazard trees that could hit public roads or buildings) which are created by fire, wildland or otherwise, outside of the Defense Zone, and retain the maximum possible amount of such habitat that can be retained in the Defense Zone while ensuring protection of homes.”

**Review Team Summary:** In SG 59, the LTBMU identified the importance of post fire habitat and revised the standard and guideline regarding post wildfire restoration projects to clarify that the needs of local wildlife associated with snags and other components of this habitat would be a key driver in developing

restoration projects in burned areas. The language on reducing fuels as needed to meet fuel loading and fire behavior is still relevant for SG 58.

The purpose of SG28 is to promptly address potential post-wildfire adverse effects. Wildlife habitat is implicitly included in the term “wildlife”. It is possible that those adverse effects could include hazardous fuels or that other restorations activities could create a hazardous fuel condition specifically related to public safety. While costs and funding mechanisms of activities would better be considered in the economics of a specific project proposal, the purpose of including this in the guideline is to clarify that offsetting restoration costs through the sale of wood products is allowed.

It appears the Hanson and Odion 2013 paper was released and published in September of 2013 and was too recent to be specifically addressed in the response to comments. The paper raises some interesting questions about comparisons between the historic range of variability and current conditions and the role of wildfire as a disturbance agent in the Sierra Nevada.

The LTBMU has fully evaluated the needs of species such as Black-backed woodpecker and provides sufficient rationale as to how the habitat needs for that species will be met and in what priority. The MIS report provides great detail regarding the life history and habitat needs of black-backed woodpecker specific to the Sierra Nevada. The science referenced within the MIS document is more current and site specific than that cited by the objector and better meet the expectation of “best available science” with regard to this species. (FEIS, pp 3-330-331)

In addition to incorporating new and emerging science into their analyses, the LTBMU incorporated this information into the vision of desired conditions (RLRMP, pp 19-33) as well as the standards and guidelines developed to further guide those expectations. As the LTBMU points out, “we have used the best available science when preparing the Revised Forest Plan and our analysis of effects, but also taking into account that we are a multiple use agency and are mandated to manage the landscape to meet these varied needs.” (FEIS, p N-111-112)

The LTBMU, in their response to comments (FEIS, p N-60) acknowledged that “The Revised Forest Plan includes direction for restoration of burned areas and does not promote salvage logging of woody material. After safety considerations are met, wildlife habitat would be the next driver for retention of post-fire mortality.” The FEIS further responded that “that the needs of local wildlife associated with components of this habitat (e.g., snags) would be a key driver in developing restoration projects in burned areas. It is important to consider during project development the location of fire events with respect to public safety concerns, the quality of the burned habitat for species normally associated with burned forests, species present in the project area, and other driving resource needs (e.g., water quality and accelerated restoration of burned areas to pre-habitat conditions for species at risk, e.g. California Spotted Owl).

The FEIS concludes that the total impact of managing fires for resource benefits will not be significant based on the number of lightning-caused fires over the last decade and the numerous constraints that combine to offer few windows of opportunities to use that tactic. Part of the confusion appears to be a misunderstanding of the difference between lightning strikes and lightning-caused wildfires. The objector believes that the LTBMU Monitoring Plan should have requirements for 1) annual “fire plans” and 2) tracking the use of managing wildfire for resource benefits. Both these items are required for implementation of the National Fire Plan and therefore do not need to be repeated by the LTBMU. The additional suggestion would be a periodic report of how these tactics have been used and how they have changed the environment of the LTBMU.

SG28 In order to remove biomass and to do the required amount of work, costs need to be offset. The Forest Service needs the management flexibility to accomplish our goals. In Chapter 2 pg.2-12 of the FEIS Alternative D, the LTBMU did consider in detail prohibiting sale of dead and dying trees after fires and other natural disturbances. Basically, in an urban environment, we have to consider safety, water quality, fuels for protection of life and property. These cannot be overridden by wildlife. In the Angora lawsuit we successfully argued that about ½ of the burned area needed dead tree removal for fuels management and we left about ½ for Black backed woodpeckers. This standard is needed to disclose that burned areas in the Basin will always have competing priorities and need the flexibility to work through the tradeoffs.

For SG 59, Forest Plans need to be balanced and flexible. This standard allows for shifting priorities depending on the circumstances. Sometimes Black-backed woodpecker would be the priority, sometimes it could be another species, sometimes water quality or soils could be the priority. These decisions are made at the project level. In conjunction with each other, SG 58 and 59 provide adequate consideration and retention of burned forest habitat for Black-backed Woodpecker.

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## INSTRUCTIONS BEING CONSIDERED

- Consider including in the monitoring report (5 years) an analysis of how managing wildfire for resource benefits has been used and how it has changed the environment of the LTBMU.
- Consider any new information as it relates to post fire habitat in the Sierra Nevada since publishing the FEIS.
- SG 37 G38. Retain current late seral-closed canopy (greater than 50 percent canopy closure) stands and when considering thinning of these stands, retain this seral stage as closed canopy outside of the WUI. Within the WUI, retain this seral stage as closed canopy if fire behavior objectives can be met. [Standard]

Change to: Retain current late seral-closed canopy (greater than 50 percent canopy closure) stands and when considering thinning of these stands, retain this seral stage as closed canopy outside of the WUI Defense. Do not reduce canopy cover by more than 10%. Within the WUI Defense, retain this seral stage as closed canopy if fire behavior objectives can be met. [Standard]

## OBJECTORS SUGGESTED REMEDIES

- The objector recommends the following change to the Guideline 28: After wildfires and other large-scale natural disturbances, take prompt measures to reduce adverse effects on public safety, water quality, scenic quality, recreation use, wildlife, and forest health. This includes taking prompt measures to protect and conserve post-fire wildlife habitat. During the planning of postfire restoration projects, reduce forest fuels as needed to meet fuel loading and fire behavior guidelines to provide for public safety. Prioritize objectives and consider ecological restoration utilizing Standards 58 and 59 below. ~~The cost of restoration may be offset by the sale of timber and biomass.~~ [Guideline]

- SG58. Postfire restoration projects (as planned using Guideline number 28 above) shall give priority to public safety and developed infrastructure first (e.g. hazard tree mitigation, WUI hazardous fuel reduction, flooding, roads, and trails, etc.) and then to wildlife habitat (including retention of burned forest habitat), soils, vegetation, water quality, and invasive species. [Standard]

Change to: Postfire restoration projects (as planned using Guideline number 28 above) shall give priority to public safety and developed infrastructure first (e.g. hazard tree mitigation, flooding, roads, and trails, etc.) and then to wildlife habitat ( especially retention of burned forest habitat [ e.g., for Black-backed Woodpecker]), soils, vegetation, water quality, and invasive species. [Standard]

- SG59. Ensure that postfire restoration projects (as planned using Guideline number 28 above) include ecological restoration objectives based on needs of local wildlife species that use burned forest habitat. Include site-specific considerations such as burned forest habitat patch size and connectivity, snag spatial arrangement and density, range of snag sizes and densities, and focal placement of snags. [Standard]

Change SG 59 to: Ensure that postfire restoration projects (as planned using Guideline number 28 above) **emphasize and promote ecological** restoration objectives based on needs of local wildlife species that use burned forest habitat (e.g., **black-backed woodpecker**). Include site specific considerations such as burned forest habitat patch size and connectivity, snag spatial arrangement and density, range of snag sizes and densities, and focal placement of snags. [Standard]

- The LTBMU Monitoring Plan should have specific indicators and measures to assess the value and opportunity for more fire treatment in the Threat Zone as a viable restoration tool. Monitoring requirements to 1) have fire plans ready prior to each lightning season, and 2) track lightning fire use in restoration with objectives to increase its use would allow managers to gather information on challenges, teach the public about the value of using fire in this strongly fire associated environment and help managers prepare and refine strategies for managed fire use in the future.
- Add a standard that, within any 5-year period, at least 4,000 acres of suitable Black-backed Woodpecker habitat would be maintained on the LTBMU, through a combination of managed wildfire, mixed-intensity prescribed fire, and active snag creation. This does not mean that, within every 5-year period, 4,000 acres would have to experience near-complete tree mortality from fire; rather, it means that the Forest Service would not allow the amount of suitable Black-backed Woodpecker habitat on the LTBMU to sink below 4,000 acres in any 5-year period. Black-backeds can often use post-fire habitat of good quality for 10 years post-fire, and they also use areas of 40-50% tree mortality, if pre-fire basal area density is fairly high.
- SG38. Retain current late seral-closed canopy (greater than 50 percent canopy closure) stands and when considering thinning of these stands, retain this seral stage as closed canopy outside of the WUI. Within the WUI, retain this seral stage as closed canopy if fire behavior objectives can be met. [Standard]

Change to: Retain current late seral-closed canopy (greater than 50 percent canopy closure) stands and when considering thinning of these stands, retain this seral stage as closed canopy outside of the WUI Defense. Do not reduce canopy cover by more than 10%. Within the WUI Defense, retain this seral stage as closed canopy if fire behavior objectives can be met. [Standard]

- Identify a habitat corridor system for marten on the LTBMU in which restoration and fuels management would be limited to the minimum surface and ladder fuels

treatments needed to avoid significant fire risk and which would maintain high quality habitat immediately post-treatment

- Regarding Red Fir stands..." Add the statement "outside of the WUI" prior to Stand replacing fire occurs...See DC31 for an example of inclusion of WUI into the description.
- Add the following Standard: Include a standard that states that while prescribed fire would have less than 20% mortality in the Defense Zone, it could and should sometimes have higher levels of tree mortality outside of the Defense Zone in order to provide habitat for Black-backed Woodpeckers and other post-fire associates. The Forest Service should be actively managing for this extremely important, rare and highly bio-diverse habitat type.
- ADD the Following new Standards and Guideline: Require retention, through a forest-wide standard (not a guideline), of at least 90% of any moderate/high-severity burn areas (except for public safety reasons—i.e., hazard trees that could hit public roads or buildings) which are created by fire, wildland or otherwise, outside of the Defense Zone, and retain the maximum possible amount of such habitat that can be retained in the Defense Zone while ensuring protection of homes.
- SG 23 It should be more explicit as to where crown fire is not desired. There will be areas where crown fire is desired, and this should be reflected