

C. Response to Late Comments

CEQ regulations (40 CFR 1503.4) and Forest Service direction (FSH 1909.15, 25.1) require that an EIS responds to substantive comments on the DEIS; and, both allow for a summary of responses with comments pertinent to the same subject aggregated by categories. For the purposes of this project which is subject to comment pursuant to 36 CFR 218, Subparts A and B, substantive comments are the same as project specific written comments¹. Accordingly, the EIS (p. 597-662) contains a Response to Comments (RTC) from 34 unique letters including one late letter submitted after the comment period ended on January 11, 2016.

This project record document, the Record of Decision Appendix C, Response to Late Comments (RTLTC) addresses late comments submitted after those addressed in the EIS RTC including: one petition; 174 similar e-mails; 92 identical postcards; and, 2 other unique comments². For tracking purposes, the Forest Service first assigned a unique Letter Identification (LID) number to each letter (or group) in the order first received (35-39). Next, while reviewing the late submittals, the Forest Service identified a total of 22 unique comments, assigning a unique Comment Identification (CID) number to each comment (477 to 498). Appendix C contains 16 late comment (summary) statements, organized by the seven topic areas listed below. Similar comments are grouped into the summary statements followed by the CID numbers and a response.

1. Climate Change
2. Economy
3. General
4. Herbicides
5. Natural Regeneration
6. Post-Fire Logging
7. Wildlife

Table C.01-1 lists and identifies the late respondents by LID number along with the CID numbers assigned to the late comments in each letter and the RTLTCs that address the late comments.

Table C.01-1 List of Late Respondents

LID	CID Start ¹	CID End ²	CID Total ³	LAST	FIRST	ORG	TIMELY	TYPE	DATE	RTLTC
35	477	478	2	Glinka	Kim		No	petition	04/25/2016	6
36	479	487	9	various			No	174 e-mails	various	3, 9, 14, 16
37	488	489	2	various			No	92 postcards	various	6-7
38	490	497	8	Hanson	Chad	JMP/CBD	No	letter	07/29/2016	1-2, 4-5, 11-13, 15
39	498	498	1	Hanson	Chad	JMP/CBD	No	e-mail	08/04/2016	10

total 22

CBD=Center for Biological Diversity; CID=Comment ID (comment number in order received); LID=Letter ID (letter number in order received); JMP=John Muir Project; ORG=Organization; RTLTC=Response to Late Comment (numbers shown)

¹ First comment (CID) in letter

² Last comment (CID) in letter

³ Total comments (CIDs) in letter

¹ **Specific written comments.** Written comments are those submitted to the responsible official or designee during a designated opportunity for public participation (§ 218.5(a)) provided for a proposed project. Written comments can include submission of transcriptions or other notes from oral statements or presentation. For the purposes of this rule, specific written comments should be within the scope of the proposed action, have a direct relationship to the proposed action, and must include supporting reasons for the responsible official to consider. (36 CFR 218.2)

² The late comments are available in the project record. The similar e-mails (LID 36) are combined into one package (36_Emails_6-7-2016.pdf); and, the identical postcards (LID 37) are combined into one package (37_Postcards_8-11-2016.pdf).

CLIMATE CHANGE

- 1. Late Comment:** Additional greenhouse gas emissions from biomass logging were not analyzed in the EIS. On p. 23 of the 2014 FEIS regarding post-fire logging in the Rim fire, the Forest Service states the following with regard to biomass logging under the 2014 FEIS and decision: “Biomass treatments would entail the mechanical removal of un-merchantable trees between 4 inches and 16 inches dbh”. Page 8 of the 2014 ROD states that the decision authorized “2,671 acres of biomass removal” on national forest lands in the Rim fire. Therefore, the 2014 FEIS and ROD only analyzed climate change impacts from greenhouse gas emissions based on removal of only small snags (generally less than 16 inches in diameter) on 2,671 acres.

Circumstances have changed greatly since 2014. At the time of the filing of our Objection on the 2016 FEIS, we raised the fact that about two-thirds of the snag forest habitat authorized for logging (all forms of post-fire logging) in the 2014 decision was still intact and had not been logged. At that time, we had received unconfirmed reports from the Forest Service that the remaining snag forest habitat authorized for logging under the 2014 decision would be logged as biomass sales, not sawtimber sales, which we mentioned in our Objection. Since then, those reports have been verified. On June 15th, 2016, several days after our Objection was filed, Chad Hanson conducted a site visit of the Rim fire with the Stanislaus National Forest Supervisor, Jeanne Higgins, and her staff, and Supervisor Higgins stated to the group that the Forest Service no longer considers the snags in the Rim fire to be merchantable as sawtimber, and that further logging to implement the 2014 Rim fire decision would be conducted as biomass sales. Since then, we now have documentation establishing that the Stanislaus National Forest is indeed beginning to remove the remaining acres of snag forest habitat (at least 15,000 acres by our estimate) through biomass sales (see Appendix 1 [email messages from Maria Benech], and attached documents pertaining to the Ridge biomass sale, provided by the Forest Service).

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Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The complete quote in the Recovery EIS states: “Biomass treatments would entail the mechanical removal of un-merchantable trees between 4 inches and 16 inches dbh (this varies depending on log merchantability and the desire for retaining material onsite for various resource needs)” (USDA 2014, p. 23). As suggested by the part of the quote not included in the comment, merchantability will vary and is not restricted to specific size classes. The Recovery EIS clearly makes this point: “Harvest would occur in a timely manner to minimize loss of value; dead trees lose their value within 2 years, or even less for smaller diameter material. It is anticipated salvage harvest operations would begin as soon as August 2014 and continue for up to 5 years” (USDA 2014, p. 11). As is evidenced by this statement, treatments were not expected to begin until one year after the Rim Fire and were expected to continue for up to five years, which is three to four years beyond the anticipated time frame in which large fire-killed trees would lose their value as sawlogs.

Although the trees are no longer suitable for timber production, removing them as biomass does not equate to an additional 15,000 acres of biomass sales as the comment implies and does not result in any additional GHG production beyond that analyzed in the Recovery EIS. The comment correctly cites the Recovery ROD with respect to the acres approved for biomass removal (2,671 acres). These acres, like other fuel reduction treatments, overlap with salvage acres (USDA 2014 (ROD), p. 8-9; Table 2.01-1, p. 10).

In addition to salvage work, the Recovery ROD approved the area included in the Ridge Stewardship Integrated Resource Service Contract (IRSC) for machine piling and burning to achieve the desired fuel conditions. This 797-acre area was originally out for bid in January 2015 as a timber salvage sale, but was not purchased. Given the loss in timber value that occurred, it

was repackaged as an IRSC. In addition, the other sale in question is the Ascension Stewardship IRSC, which is strictly chipping and removing biomass piles resulting from timber removal authorized under the Rim Hazard Tree project (USDA 2014h).

In the case of the Ridge Stewardship IRSC, large diameter product removal to a processing facility is required (refer to Ridge Fire Salvage Stewardship IRSC, Appendix A, p. 7). Although the majority of the dead trees are no longer suitable for producing sawlogs, they are still suitable for producing non-sawlog forest products (e.g., bioenergy). The Recovery EIS estimated that GHG production from biomass utilized for bioenergy is the same as if it were utilized for timber (USDA 2014, p. 71). Therefore, the analysis of GHGs in the Recovery EIS is still valid.

The Reforestation EIS (p. 62-63, 67-74) completed an analysis of GHGs and climate change. The EIS (p. 511-514) considers the Recovery salvage work in the cumulative effects analysis. RTC 1 (EIS, p. 597-598) also addresses climate change. The Issue Exhaustion³ (p. 21-23) Objection Point 6a provides further information regarding post-fire logging.

2. **Late Comment:** Nowhere in the 2014 FEIS, nor anywhere in the 2016 FEIS, does the Forest Service analyze the climate change impacts of the increase in greenhouse gas emissions (relative to those analyzed in the 2014 FEIS) that would result from logging snags of all sizes (not just smaller snags under 16 inches in diameter) across at least 15,000 acres (rather than 2,671 acres) to burn for bioenergy, and nowhere are these impacts divulged to the public, or vetted through the NEPA comment and analysis process.

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Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The GHG analysis completed for the Recovery EIS is still valid despite fire-killed trees being removed for bioenergy instead of sawlogs (refer to RTLC 1).

The Reforestation EIS (p. 62-63, 67-74) completed an analysis of GHGs and climate change concluding that “the potential for cumulative effects is considered negligible for all alternatives because none of the alternatives would result in measurable direct and indirect effects on air quality, atmospheric greenhouse gas composition or global climatic patterns” (EIS, p. 63). The EIS (p. 511-516) considers the already completed Recovery salvage work in the cumulative effects analysis as a past action, accounted for as part of the existing conditions. The EIS (p. 516-517) considers the not yet completed 26,889 acres of Recovery biomass removal and other fuel reduction work in the cumulative effects analysis as a present action. RTC 1 (EIS, p. 597-598) also addresses climate change. The Issue Exhaustion (p. 21-23) Objection Point 6a provides further information regarding post-fire logging.

3. **Late Comment:** Your plan will destroy this rare, diverse forest habitat by clearcutting it and burning the wood for electricity, a dirty practice that's even more climate-killing than coal or natural gas when measured at the smokestack.

482

Response: Same as RTLC 2.

ECONOMY

4. **Late Comment:** With regard to post-fire logging for sawtimber (lumber), the 2014 FEIS, on p. 212, stated that “after about two years it will not be economically feasible for private industry to conduct the operations commercially because the dead timber will have deteriorated so badly”. On p. 213 of the 2014 FEIS, the Forest Service based its economic analysis on the assertion that “the Forest Service is

³ The “Issue Exhaustion, Citations and Analysis” document prepared for the objection review is available in the project record (July 5, 2016).

likely to receive approximately 50 dollars per thousand board feet (MBF) from each salvage timber sale.” However, about two-thirds of the timber did not sell as sawtimber, and this remaining two-thirds is therefore not generating the 50 dollars per thousand board feet the 2014 FEIS promised (see Appendix 1).

On p. 213 of the 2014 FEIS, the Forest Service states that logging for biomass (as opposed to sawtimber) “would be directed by the Forest Service” and would “cost the Forest Service from 500 dollars per acre to over 2,000 dollars per acre.”

Nowhere in the 2014 FEIS or the 2016 FEIS are the economic impacts to the Forest Service, and to taxpayers, of going from \$50/MBF (thousand board feet) in revenue to \$500-2000/acre in cost, across about two-thirds of the total area planned for logging under the 2014 decision, divulged or analyzed.

495

Response: Comments regarding the 2014 Rim Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery EIS clearly stated that the value of standing dead trees rapidly lose value in the first two years (USDA 2014, p. 5, 11). The Recovery economic analysis explains that “due to the rapidly diminishing salvage value of dead trees, delay in implementing an action alternative will also diminish or eliminate any beneficial fiscal impact” (USDA 2014, p. 213). The economic analysis further acknowledges this issue pointing out that the bulk of the jobs created would occur in 2014 and 2015 during the bulk of the salvage work (USDA 2014, p. 229). To this extent, the economic analysis was based on the best available information at the time and provided a rough estimate of board feet that could be salvaged. As such, economic estimates are reported with qualifying statements like “If all 541 MMBF were sold, the government could collect approximately 27 million dollars in revenue to help offset total forest restoration costs that are expected to be larger than that amount” (USDA 2014, p. 228). As this statement explains, salvage treatments were not expected to produce profit; they were simply an opportunity to help reduce much larger costs that the forest would incur otherwise when addressing issues related to public safety, fuel reduction and forest resiliency, and repairing road infrastructure and hydrologic function following the Rim Fire (USDA 2014 (ROD), p. 12-16).

While the value of standing dead trees as sawlogs has greatly diminished, the value of proceeding with fuel reduction has not diminished. Reducing fuel loads in the forest reduces the likelihood of future forest fires, and the likely intensity of those that do start. As noted in the Recovery EIS “the cost of suppressing the Rim Fire was in excess of 125 million dollars” and so the “value of risk reduction to the taxpayers could be significant” (USDA 2014, p. 214). Additionally, jobs were selected as the single best indicator of economic health because they provide a significant beneficial economic impact in the Tuolumne and Mariposa County communities (USDA 2014, p. 211-212, 229). Although the value of standing dead trees is greatly diminished over time, jobs would still be created by continuing to address needs related to fuel reduction (USDA 2014, p. 213-214).

The Reforestation EIS (p. 167-192) includes an economic analysis. RTC 2 (EIS, p. 598) addresses comments regarding economic issues which did not raise concerns regarding the declining value of salvaged dead trees. The Issue Exhaustion (p. 21-23) Objection Point 6a provides further information regarding post-fire logging.

- 5. Late Comment:** The Forest Service failed to disclose the abundant natural conifer regeneration occurring currently in thousands of acres of snag forest habitat that are planned for logging and, therefore, the 2016 FEIS failed to disclose and analyze the full scope and extent of impacts to existing conifer regeneration in the Rim fire area, and the unnecessary economic cost to taxpayers of killing 72% of existing conifer regeneration, that has grown in for free, and then spending an undisclosed sum

of taxpayer money to artificially plant trees where the Forest Service's logging killed the natural regeneration.

496

Response: The EIS (p. 240, 256-258, 272-279, 290; Table 3.13-8, p. 257; Table 3.13-14, p. 290) reports the estimated amount of natural conifer regeneration occurring in logged and unlogged areas and reports the effects of salvage and fuels reduction operations on its abundance. RTCs 35-43 (EIS, p. 612-622) address comments regarding natural conifer regeneration and the effects salvage and fuel reduction treatments occurring under the Recovery project would have on natural regeneration. The EIS (p. 167-192) includes an economic analysis for the Reforestation project. Because the Recovery project will be completed whether or not the Reforestation project is implemented, the effects of salvage logging on natural conifer regeneration are considered under Alternative 2 (No Action) in the vegetation and economic analyses in the Reforestation EIS (p. 182-184, 272-279). RTC 2 (EIS, p. 598) addresses comments regarding economics, which did not raise issues regarding the cost of natural conifer regeneration lost during salvage operations. The Issue Exhaustion (p. 27-28) Objection Point 6d provides further information regarding natural regeneration and taxpayer expense.

GENERAL

6. **Late Comment:** Please don't trade wildlife habitat, clean water, regenerating forests, carbon sequestration and \$80+ million in taxpayer dollars for the short-term gain of the biomass industry.

477 478 488

Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery decision approved the logging (biomass) mentioned in this comment.

The Reforestation EIS (p. 7-14) describes treatments developed to address several resource concerns and needs, not for the gain of the biomass industry. RTCs 78-79 (EIS, p. 634-635) address comments regarding alternatives requested for consideration in the ROD; the Responsible Official considered those timely and specific written comments, along with these late comments, prior to making the decision to select the Community Alternative.

7. **Late Comment:** Please sign a Rim Reforestation decision which replants only areas that have already been damaged by salvage logging and leave the rest of the burned forest unlogged to provide habitat essential to dozens of wildlife species while green forest naturally rejuvenates on its own.

489

Response: RTCs 78-79 (EIS, p. 634-635) address comments regarding alternatives requested for consideration in the ROD. The Responsible Official considered those timely and specific written comments, along with these late comments, prior to making the decision to select the Community Alternative.

RTC 42 (EIS, p. 618-619) and RTCs 108-124 (EIS, p. 650-662) address comments regarding areas impacted by salvage logging and the effects of the reforestation project on wildlife habitat. The vast majority of the reforestation would occur in areas impacted by the Rim Recovery project, leaving sufficient burned forest habitat in other areas for wildlife to thrive.

The Community Alternative would leave a substantial amount of early seral and complex early seral forest to regenerate naturally and to provide habitat for species dependent on burned forest habitat (ROD, p. 11-13).

- 8. Late Comment:** Please proceed with your plans. The Spotted Owl hoax has destroyed more forest than logging has. We need our healthy forests back.

486

Response: RTCs 57-72 (EIS, p. 626-632) address comments that support and oppose various aspects of the different alternatives. The Responsible Official considered those timely and specific written comments, along with these late comments, prior to making the decision to select the Community Alternative. The Community Alternative, developed to address concerns raised in those comments, will accelerate the development of wildlife habitat and healthy mixed-conifer forests.

HERBICIDES

- 9. Late Comment:** The area would be sprayed with toxic herbicides and converted to a plantation. That would be a tragic fate for this land.

483

Response: RTCs 9-33 (EIS, p. 601-612) respond to issues raised regarding the use of herbicides for reforestation and noxious weed eradication addressing both beneficial and adverse impacts associated with herbicides. The Responsible Official considered those timely and specific written comments, along with these late comments, prior to making the decision to select the Community Alternative.

- 10. Late Comment:** Fogg et al. (2016) on p. 24, notes serious adverse effects of herbicide spraying, as part of post-fire logging practices, on ESF (early seral forest) native bird species. The report states (Effects of Herbicide Treatments in Freds Fire): Model results indicated a strong negative treatment effect on ESF bird abundance and richness ($p < 0.001$). Abundance averaged 2.6 individuals (within 50m of the observer) at treatment points and 5.7 individuals at control points (Figure 7). Species richness averaged 1.9 species at treatment points and 3.3 species at control points.

498

Response: Fogg et al. (2016) was not used in the wildlife analysis for this project. Fogg et al. (2016) assessed the effects of fire and post-fire management on birds for four major fires, including the Rim Fire. They present habitat association models for ESF, post-fire snag, and open mature forest bird guilds as well as four shrub nesting species including the fox sparrow. They also examine the effects of herbicide treatments on shrub nesting birds.

Fogg et al. report that ESF species abundance and richness is reduced in areas that are treated with herbicides. This is likely related to the reduction in shrub cover available after herbicide treatments. The model results the commenter references comes from data collected in the Fred's Fire area which burned in 2004. The habitat in this fire area is much more developed (11 years post-fire) than that found in the project area (2-3 years post-fire). The authors report species in the ESF guild showed greater abundance in older fires that support mature chaparral habitat (Fogg et al. 2016, p. 16). They suggest that, "at two years post-fire, the Rim Fire area does not yet contain the structure (i.e., shrubs) necessary for optimal ESF nesting and foraging habitat" (Fogg et al. 2016, p. 26).

The fox sparrow is the Management Indicator Species (MIS) representing avian species associated with chaparral habitat (e.g., ESF as described in Fogg et al. 2016). The MIS Report (p. 8-12) provides analysis of project effects to chaparral habitat using habitat and population trends across the Sierra Nevada bioregion as indicators. While the post-fire chaparral habitat qualifies as suitable for shrub nesting species (MIS Report, p. 9), the timeline for project implementation indicates that most herbicide treatments will occur prior to shrubs becoming mature enough to provide optimal nesting habitat (EIS, Appendix R).

The MIS Report (p. 9) shows this project will result in a reduction in post-fire chaparral habitat which was forested habitat pre-fire and the analysis shows that all pre-fire chaparral habitat will be retained and continue to provide for the habitat needs of shrub nesting avian species. An additional 9,000 acres of chaparral habitat created by the Rim Fire not proposed for treatment under Alternatives 1, 3, and 5 will be retained, resulting in an increase of chaparral habitat across the landscape (MIS Report, p. 9).

Reforestation in Alternative 4 treatment units plants conifers on only 669 (20%) acres of founder stands within 3,337 acres of founder stand areas, resulting in additional chaparral habitat retention on a few thousand acres in the project area (ROD Table 2.01-1 footnote 1, p. 6). Thus, the remaining chaparral habitat will positively contribute to avian species abundance and richness across this landscape in the short and long-term (MIS Report, p. 11-12).

RTCs 31-33 (EIS, p. 611-612) respond to issues raised regarding the impacts of herbicides on wildlife. RTCs 119-120 (EIS, p. 659) respond to issues raised regarding the overall project impacts on MIS including shrub nesting bird species. The Issue Exhaustion (p. 23-27) Objection Point 6c provides further information regarding shrub nesting species.

NATURAL REGENERATION

11. Late Comment: The Forest Service's own data shows widespread natural conifer regeneration in areas that the final EIS claims lack conifer regeneration and proposes to post-fire log, spray with herbicides, and artificially plant with conifers.

We used the Forest Service's own field plot data (including GPS coordinates for plot locations) pertaining to natural regeneration of conifers and oaks in high-intensity fire areas in the Rim fire where post-fire logging of snag forest habitat, herbicide spraying, and artificial planting of conifer seedlings is proposed in the 2016 Rim fire "Reforestation" Final EIS based on the assertion that these areas currently lack natural conifer regeneration.

We found that natural conifer regeneration was widespread across many thousands of acres of snag forest habitat which the FEIS claims lack conifer regeneration and proposes, on that basis, to log, spray (with herbicides), and artificially plant with conifer seedlings (see Maps 1 and 2 attached). We excluded areas that, according to the CWHR vegetation dataset used by the Forest Service, were not comprised by conifer forest prior to the Rim fire (and thus would not be expected to have conifer regeneration) as well as plots lacking conifer regeneration where post-fire logging had occurred (as the FEIS admits, the Forest Service's post-fire logging in the Rim fire has killed 72% of the natural conifer regeneration where such post-fire logging has occurred). We submit these maps as visual supplements to the points that we raised in our Objection.

490

Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery decision approved the logging mentioned in this comment.

The Reforestation EIS describes natural regeneration (p. 256-258) and displays plot data results (Table 3.13-8, p. 257; Figure 3.13-4, p. 258). Natural conifer regeneration is present within high-severity areas and found across thousands of acres (EIS Table 3.13-8, p. 257). The EIS (p. 256; RTCs 41-43, p. 616-622) also explains that natural conifer regeneration is the most variable and inconsistent in high-severity areas. The maps referred to in the comment display this fact, showing areas of highly concentrated conifer regeneration as well as large areas with no conifer regeneration. In this respect, no disagreement exists that conifer regeneration occurs within the project area; however, the comment fails to acknowledge that the EIS points out in numerous locations that thousands of acres within the project area are regenerating (p. 256-258, 272, 277-279, 283, 285-286; Table 3.13-14 p. 290; RTCs 41-43, p. 616-622).

The comment also fails to acknowledge species composition. An important objective of the Reforestation project is to restore a desirable species mix where drought-tolerant ponderosa pine and sugar pine comprise a larger proportion of the forest to better reflect historic conditions, promote diversity and increase resiliency to drought and fire (EIS, p. 9, 231-234, 246-247). Currently, shade-tolerant white fir and Douglas-fir comprise a disproportionate amount of the natural conifer regeneration (EIS, p. 256-258), but high levels of shrub cover (EIS, p. 258-259) also occur in these areas. High levels of shade-tolerant species combined with high shrub cover have been observed following other uncharacteristically large high-severity fires and such conditions are believed to be indicative of a shift in fire regime behavior and vegetation type (EIS, p. 272-278; RTC 41, p. 616-618; RTCs 61-62, p. 628; RTC 87, p. 639-640). Although areas within the project area have conifer regeneration, this regeneration may not meet the purpose and need of the project; however, if natural regeneration is similar to desired conditions then no planting would occur (EIS, p. 20, 22).

RTCs 35-43 (EIS, p. 612-622) address comments regarding natural regeneration. The Issue Exhaustion (p. 11-12, 14-16, 21-23, 27-28) Objection Points 2d, 3, 6a and 6d provide further information regarding the presence of natural conifer regeneration. The Issue Exhaustion (p. 6-9) Objection Point 2b provides further information regarding excluding areas that were not CWHR conifer types prior to the Rim Fire.

- 12. Late Comment:** In the Forest Service's plots where no conifer regeneration was reported, most of these have abundant natural regeneration of native oak species (see Map 1 attached), and it is natural for oaks to dominate the earlier stages of natural succession following high-intensity fire in mixed-conifer forests (Cocking et al. 2014) (see Map 1 attached). Moreover, as we reported in our Objection against this project, our field surveys of your plots thus far have found natural conifer regeneration in 44% of the plots in which your staff claimed no conifer regeneration exists. Further, even in the plots in which we also found no conifer regeneration within plot boundaries (the Forest Service's plots are very small, with a radius of only 16.7 feet), we found natural conifer regeneration in 100% of the cells represented by these plots (cells are 200 meters by 200 meters in size), and in all but three cases so far this regeneration occurred within 30 meters of plot boundaries (averaging 12 meters from plot boundaries). In addition, the Forest Service's field plot data were all gathered in 2015, at two years post-fire, so the Forest Service data do not include additional natural conifer regeneration from the spring of 2016.

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Response: RTCs 35-43 (EIS, p. 612-622) address comments regarding natural regeneration and the sampling design used to quantify regeneration. The Issue Exhaustion (p. 6-9, 11-13, 14-16, 21-23, 27-28) Objection Points 2b, 2d, 2e, 3, 6a and 6d provide further information regarding the presence of natural conifer regeneration.

- 13. Late Comment:** As Maps 1 and 2 show, there is widespread natural conifer regeneration, often hundreds or more per acre, occurring currently, according to the Forest Service's own data, in the areas that the FEIS claims lack conifer regeneration and proposes to log, spray, and plant. This was not disclosed to the public in the FEIS, therefore precluding informed public participation and informed decision-making. In addition, by failing to disclose the abundant natural conifer regeneration occurring currently in thousands of acres of snag forest habitat that are planned for logging, the FEIS failed to disclose and analyze the full scope and extent of impacts to existing conifer regeneration in the Rim fire area from planned ground-based logging on these acres.

492

Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery decision approved the logging mentioned in this comment.

The Reforestation EIS provides information regarding the presence of conifer regeneration and the effects of salvage logging (refer to RTLCS 5, 11 and 12). The Issue Exhaustion (p. 6-9, 11-13, 14-16, 21-23, 27-28) Objection Points 2b, 2d, 2e, 3, 6a and 6d provide further information regarding the presence of natural conifer regeneration.

POST-FIRE LOGGING

- 14. Late Comment:** Please stop logging the remaining snag forest habitat in the Rim Fire area, stop wasting our tax dollars and let the forest regenerate. Studies have shown that forests recover faster when salvage logging is not performed following fires (largely because of the extensive disturbance of soil and seedlings during the operation).

479 480 481

Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery decision approved the logging mentioned in this comment.

The Reforestation EIS (p. 241) explains that the Rim Fire created uncharacteristically large severely burned areas that could require decades to over a century to transition back to mixed conifer forest from shrub and oak dominated vegetation. As a result, large areas are at greater risk of experiencing a long-term shift in vegetation type from conifer to chaparral forest and from a cycle of frequent low- and moderate-severity fire to a cycle of high-severity fire (EIS, p. 272-275).

RTCs 41-43 (EIS, p. 616-622) address comments regarding natural regeneration and post-fire salvage logging. The Issue Exhaustion (p. 21-23) Objection Point 6a provides information regarding how the Reforestation EIS considers salvage operations approved under the Recovery decision.

WILDLIFE

- 15. Late Comment:** In addition to the points that we raised in our DEIS comments and Objection regarding faulty analysis of impacts to this species, new information has come to our attention since our Objection was filed which indicates far more severe adverse impacts of planned logging on this species in the Rim fire. Specifically, Tingley et al. (2016) (see attached) developed a new and improved model to determine the number of Black-backed Woodpeckers that exist in a given fire area, and the number that will remain after post-fire logging. Tingley et al. (2016) (Table 1) found that there are likely only about 10 pairs of Black-backed Woodpeckers in the Rim fire, which means that far, far fewer pairs would remain after logging than the 2014 FEIS and ROD acknowledged (see Black-backed Woodpecker section of the 2014 FEIS). The 2016 FEIS does not mention the new Tingley et al. (2016) model or its implications.

497

Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery decision approved the logging mentioned in this comment.

Tingley et al. (2016) was not used in the analysis of black-backed woodpeckers for this project. The Tingley et al. (2014) model was provided by the authors to the Stanislaus National Forest in 2014 after the Rim Fire for use in the analysis of project effects to black-backed woodpeckers for the Recovery EIS. The 2014 model was the most recent version available during the Reforestation project development, analysis, and the release of the DEIS in November of 2015. Tingley et al. (2016) was published and available online on December 9, 2015, which was during the official DEIS comment period. No comments related to Tingley et al. (2016) were submitted during the designated comment period (November 9, 2015 to January 11, 2016), nor was this

publication raised as an issue during the objection period (April 29, 2016 to June 13, 2016). RTCs 109-112 (EIS, p. 650-653) address comments regarding the black-backed woodpecker. The Issue Exhaustion (p. 23-25) Objection Point 6b provides further information regarding the analysis of black-backed woodpeckers and use of the 2014 Tingley model.

Tingley et al. (2016) describes an integrated occupancy and space-use model to predict abundance of imperfectly detected, territorial vertebrates. They present a case study, modeling predicted abundance of black-backed woodpeckers in recently burned forests of California. The 2016 study revised and validated the 2014 model with field data collected 1 year post-fire. Modifications to the 2014 model only resulted in a reduction of 3 pairs of black-backed woodpeckers (from 112 pairs to 109 pairs) predicted to occur in the Rim Fire area (Tingley et al. 2016; personal communication, Morgan Tingley).

The comment references Table 1 in Tingley et al. (2016), but misinterprets what the table actually shows. Table 1 shows that the model predicted about 19 individuals (ranging from 7-41 individuals) in the areas where field data was collected 1 year post-fire. This table does not show the total number of individuals or pairs predicted in the entire fire area. A reduction in 3 pairs of black-backed woodpeckers in the updated 2016 model is not considered significant nor would this minor reduction in predicted pairs require re-analyzing effects of the project to black-backed woodpeckers.

- 16. Late Comment:** Stop logging in the remaining snag forest habitat of the Rim Fire. Post-fire forests are not wastelands, they are important habitat to numbers of species where snags provide habitat for black-backed woodpeckers, spotted owls, and declining shrub nesting bird species.

484 485 487

Response: Comments on the 2014 Recovery decision are outside the scope of this project, but are addressed here for clarification. The Recovery decision approved the logging mentioned in this comment.

The Reforestation EIS (p. 341-459) considered and disclosed the impacts to various wildlife species including those listed in the comment. RTCs 109-112 (EIS, p. 650-653) address black-backed woodpecker comments. RTCs 113-116 (EIS, p. 653-658) address California spotted owl comments. RTCs 119-120 (EIS, p. 659) address MIS comments including black-backed woodpecker and shrub nesting bird species. The Issue Exhaustion (p. 23-27) Objection Points 6b and 6c provide further information regarding black-backed woodpeckers and shrub nesting species.