

October 23, 2018

Barnie Gyant
Reviewing Officer
Attn: Inyo Forest Plan Revision Objections
1323 Club Drive
Vallejo, CA 94592

Sent via email to: objections-pacificsouthwest-regional-office@fs.fed.us

Re: Inyo Forest Plan Revision Objections – Interested Person Application

Dear Barnie:

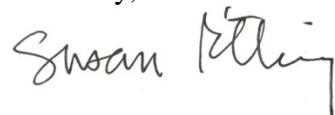
The following organizations are applying as interested persons for several of the issues raised by objectors to the Inyo forest plan revision: Sierra Forest Legacy, Friends of the Inyo, Sierra Club, The Wilderness Society, California Wilderness Coalition, Mono Lake Committee, and Lassen Forest Preservation Group.

Collectively, the organizations seeking interested person status have provided substantive formal comments throughout the forest planning process for the Inyo National Forest, including comments on the Need to Change, scoping and the draft plan and draft environmental impact statement.

In the statement below we identify the name of the objector we have an interest in, and explain our interest in the objection, including a description of our support or opposition.

We are deeply invested in securing a forest plan for the Inyo National Forest that protects important natural resources and provides for people. We look forward to an opportunity to discuss our concerns with you and other stakeholders.

Sincerely,



Susan Britting
Lead Interested Person
Sierra Forest Legacy
britting@earthlink.net
PO Box 377, Coloma, CA 95613

Jora Fogg
Policy Director
Friends of the Inyo
jora@friendsoftheinyo.org

Fran Hunt
Eastern Sierra Organizer
Sierra Club
fran.hunt@sierraclub.org

Malcolm Clark
Range of Light Group, Toiyabe Chapter
Sierra Club
wmalcolm.clark@gmail.com

Steve Evans
California Wilderness Coalition (CalWild)
sevans@calwild.org

Matt Dietz
The Wilderness Society
matt_dietz@twc.org

Lisa Cutting
Eastern Sierra Policy Director
Mono Lake Committee
lisa@monolake.org

Trish Puterbaugh
Lassen Forest Preservation Group
pputerbaugh@yahoo.com

Objections for Which We Seek Interested Person Status

- I. Objectors: Dan Totheroh, County of Inyo; Jerry Gabriel; Pat Woods; Paul A. Turcke, Blue Ribbon Coalition; Jon Stewart, California Four Wheel Drive Association; Jon Patzer; Mike Johnston, Eastern Sierra 4WD Club**
Objection Issue: Requesting changes to boundaries of four recommended wilderness areas or elimination of recommended wilderness areas.

Inyo County, Jerry Gabriel and Pat Woods object to the recommended wilderness boundaries along roads, proximity to highway 395 and historic mines as examples to justify the reduction in acreage of the South Sierra and Piper Mountain wilderness additions. These activities, uses, and features do not automatically exclude an area from wilderness recommendation based on the Wilderness Act. Paul Turcke, Blue Ribbon Coalition, and Jon Stewart, California Four Wheel Drive Association, Pat Woods and Jon Patzer object to the inclusion of any recommended Wilderness Areas in the revised plan. Mike Johnston asks that boundaries of Recommended Wilderness Areas be revised to exclude illegal roads.

We are opposed to any boundary modifications to the four areas recommended as Wilderness Areas. There are many examples of existing wilderness areas that border roads and contain historic mines. The unauthorized routes in the NE section of the Piper Mt. addition should remain within the recommended wilderness boundary because these roads were previously closed for a variety of reasons during travel management through a public process. These roads are in the process of restoring to a natural condition.

The information presented by Pat Woods regarding the guzzler located at the end of one of the unauthorized routes is interesting. We would like to participate in a discussion of this topic during the objection meeting to learn more.

- II. Objector: Bob Gardner, County of Mono**
Objection Issue: Seeking Additional Recommended Wilderness Areas in Final Plan

Bob Gardner, representing the Board of Supervisors of the County of Mono, objects to: 1) the exclusion of wilderness quality areas from the revised plan; 2) the Wild and Scenic River eligibility determinations for segments of Rush, Lee Vining, Parker, Walker and Mill; creeks; and 3) sustainable recreation and Designated Areas. We support these objection points.

- III. Objector: Justin Augustine, Center for Biological Diversity and John Muir Project**
Objection Issue: Rejection of Black-backed Woodpecker as a Species of Conservation Concern

We support the objection raised by Justin Augustine (Center for Biological Diversity) regarding the Regional Forester's rejection of black-backed woodpecker as a Species of Conservation Concern. We agree that the rationale for not including this species was arbitrary and did not use the best available information to support the finding.

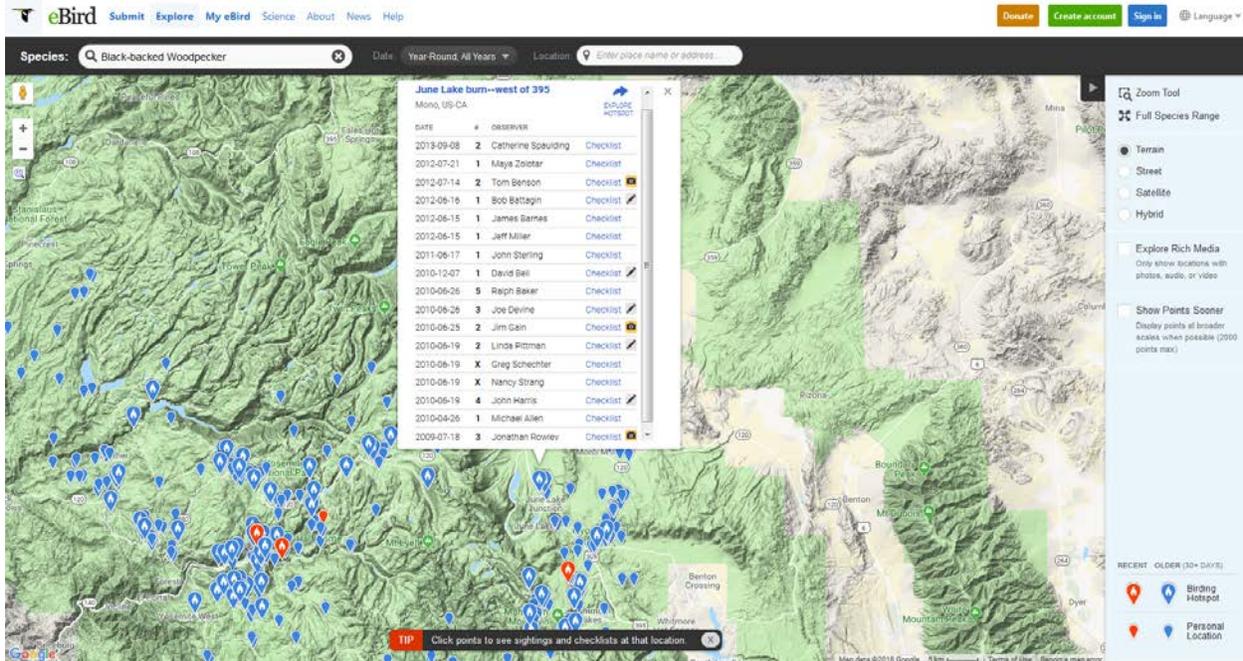
We are especially concerned about the use of ebird data to support the conclusion in the rational document that “the sheer number of detections within the Inyo National Forest plan area ...does not indicate substantial concern about the species’ capability to persist over the long term in the plan area.” (Rationales for Animal Species Considered for Designation as Species of Conservation Concern, p. 171) This is serious misuse of a database created from the observations recorded by individual bird watchers. The database is a means for these people to record and save their observations, and there is no process for verifying the identification for each observation.

A casual examination of the ebird mapping program indicates that there are several issues that must be accounted for when applying the number of observations, as was done in the rationale, as a basis for rejecting listing as an SCC. The following are some factors that limit the use of ebird as a census or reflection of the density or abundance of a species in an area:

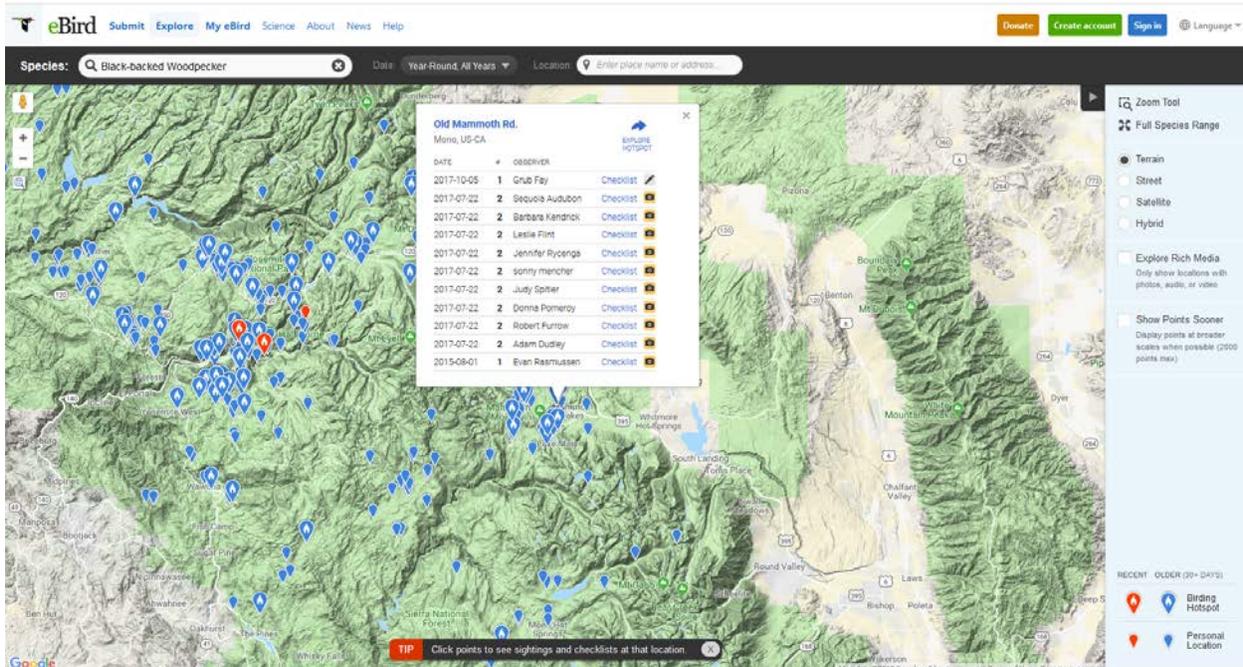
- Multiple observations from different people of the same individual birds are reported as independent observations; and
- Sequential visits hours, days or several years apart could be the same birds viewed repeatedly.

These two concerns are illustrated in the screen shots below that were taken from the ebird mapping site on October 18, 2018.¹ The first image shows the limited distribution of black-backed woodpecker on the Inyo National Forest. The recorded locations are all in the northwestern portion of the national forest and the map shows only locations for black-backed woodpecker. We selected a point near June Lake to evaluate the observation records for this species at one site. The drop down menu below shows that 28 observations were recorded from 2009 to 2013. The lifespan of this species is not known, but a related species’ life span is 8-9 years and individual black backed woodpeckers have been followed for up to 8 years. This means that the observations noted in this location for a period of about 5 years could reflect the same individuals from year to year at this site, and it is highly likely that observations hours and days apart are the same individuals.

¹ Ebird site address accessed on 10/18/18: (<https://ebird.org/map/bkbwoo?neg=true&env.minX=-120.02546271623277&env.minY=37.26134000810851&env.maxX=-117.97925910295152&env.maxY=38.12631182885701&zh=true&gp=false&ev=Z&mr=1-12&bmo=1&emo=12&yr=last10>)



The second image below shows an especially significant repeated counting of the same individual birds at the same location by a group of birders. Eighteen observations were made on July 22, 2017 at Old Mammoth Rd., but these were all made at the same location and time by a group of birders. Each individual reported viewing the same two birds resulting on an over count of 16 birds.



These issues with ebird are generally known and are addressed at the ebird site itself in its discussion about how it uses observation data to estimate distribution and abundance. Certain

criteria apply and not all observations qualify for use to determine distribution and abundance. It appears that the authors of the rationale for black-backed woodpecker did not apply these criteria or undertake a complete review of the observation data that they used to support their statement that “On the Inyo National Forest, there have been 322 reports of 552 individuals within the National Forest boundary” (Ibid., p. 171). These numbers so impressed the reviewers it caused them to conclude that the “sheer numbers” indicated that black-backed woodpecker should not be included on the SCC list.

We are also concerned that this misuse of ebird data might be pervasive throughout the rationale document. Ebird is cited for many species as being the best available science information that was used to evaluate a species. However, if the data has not been analyzed properly and misinterpreted, as has been shown with the example above, then any conclusions that relied on ebird would be suspect.

IV. Objector: Paul A. Turcke, Blue Ribbon Coalition
Objection Issue: The Plan Lacks Suitable Guidance for Fire Adapted Ecosystem Management.

This objector states that he finds that the plan does not outline a forward-looking, integrated ecosystem management approach to address threats from wildfire. He seems particularly concerned about road decommissioning and promotes construction of new roads. We disagree with this objection and find that the forest plan is forwarding thinking with respect to fire management and the resources and practices needed to reduce threats to people and infrastructure. In several places, the fire management strategy specifically mentions the use of roads along with other features as control points for fire management. The plan is also forward thinking about the use of natural ignitions for resource benefit when the conditions are right and safe. However, we do believe (as we stated in our objection) that the objective for prescribed fire and wildfire managed for resource benefits in the revised plan should be increased to 10,000 acres a year to be more forward-looking and better integrate ecosystem management and minimize threats to communities and human infrastructure from wildfires.

The management of the transportation system and the high cost of its maintenance is something that we are concerned about. We are also concerned about high road density and the impact this has on watershed function and health. Roads also provide access to people and increase the risk for human ignitions. We are opposed to any changes to the plan that would promote an increase in the road network. Instead, we request a more aggressive commitment to closing and decommissioning roads that are poorly functioning or not approved.

V. Objectors: Rich Gordon, California Forestry Association and Travis Joseph, American Forest Resource Council.
Objection Issues: Suitability analysis, timber production, group selection, exceptions to diameter limits, at-risk species, and monitoring

A. Determination of suitable acres for timber production.

The objectors suggest that the acres determined to be suitable for timber production should include Riparian Conservation Areas (RCAs). We oppose this objection. This was an issue we commented on in our comments on the DEIS. RCAs should be excluded from timber suitability because timber production is not a primary or a secondary objective in the RCAs. The objectors have not provided an explanation for why timber production should be a primary or secondary objective for RCAs. The FEIS (appendix A) adequately explains why RCAs have been excluded from the timber base.

B. Predicted timber sale quantity.

The objectors suggest that the predicted Timber Sale Quantity (TSQ) be included in the ROD and that it be stated in the ROD that the predicted TSQ is not a limitation on harvest. We oppose this objection. The predicted TSQ has been clearly included in the forest plan (Table 28, p. 159) and the forest plan also states (p. 158), “Projected wood sale quantity is neither a target nor a limitation on harvest.” Including this information in the ROD is not required. Restating this information in the ROD would be redundant. The ROD should not restate the portions of the forest plan that advocates wish to highlight since doing so would suggest a bias towards one type of service or output versus another.

C. Group selection.

The objectors suggest that group selection be called out specifically in the forest plan and the ROD. We object to the ROD calling this harvest method out specifically because group selection has already been identified in the forest plan as a silvicultural practice that could be used (p. 160), “Group selection will be used to regenerate suitable lands, increasing vertical heterogeneity and tree species diversity,” and the amount of group selection that is estimated to be completed each decade was provided in Table 29 (p. 160). The ROD should not restate the portions of the forest plan that advocates wish to highlight since doing so would suggest a bias towards one type of service or output versus another.

D. Exceptions to the 30” dbh limit.

The objectors suggest that an exception to the 30” dbh limit be added to the plan to allow for the creation of early seral forest conditions to achieve desired conditions. We oppose this objection. First, we objected to the idea that the forest plan include desired conditions for “early seral” forest without specifying that such early seral forest be “complex early seral” forest that has not been logged. Early seral forests created by timber harvest do not create conditions within the Natural Range of Variation (NRV) because timber harvest does not retain important ecological components (snags and large downed wood) that provide for ecological integrity and for which

many wildlife species rely. Second, due to past timber harvest, there is a deficit of 30” dbh trees on the landscape and there are virtually no stands where a surplus of 30” diameter trees exists. It would be contrary to providing for ecological integrity or forest restoration thinning to log trees larger than 30” dbh when these structures are so rare on the landscape.

The objectors also seem to believe that the ROD should specifically state the 30” dbh limit and exceptions to the limit. We opposed this objection. The 30” dbh limit is defined in the forest plan. Again, the ROD should not restate the portions of the forest plan that advocates wish to highlight since doing so would suggest a bias towards one type of service or output versus another.

E. At-risk species.

The objectors suggest that (1) a table of the At-risk Species be included in the ROD, (2) the plan should clarify how not listing candidate species would affect the forest plan, (3) the ROD should describe how the plan components provide for species viability for each species and define how the plan ensures that such components allow for multiple use objectives, and (4) that spotted owl nesting habitat structure and foraging habitat structure be defined using North et al. (2017).

We agree that a list of the At-risk species should be included in final plan materials, except that we ask that such a list be included in the final forest plan, not the ROD. No place in the final forest plan is there a single complete list of all the At-risk Species covered by the Inyo Forest Plan. We believe it would be best for plan implementation to include such a list as an appendix in the forest plan.

We disagree that the forest plan should define the effect not listing a candidate species would have on the forest plan. There is no requirement in the 2012 Planning Rule or FSM 1909.12 that such an analysis be done or that failure to list a species would have an effect on the forest plan. Such an analysis would require considerable speculation as to why US Fish and Wildlife Service or National Marine Fisheries Service determined that listing was no longer warranted and therefore if and what plan components should change. Moreover, the conservation provided by forest plans is often partially relied on by the Services in their threats assessments. Lowering the conservation value provided by a forest plan if a species were not listed would reduce the ability of the Services to rely on a forest plan as a mechanism that helps conserve and reduce threats to a candidate species. We believe that the planning rule required forest plans to conserve candidate species to reduce threats and therefore reduce the need for listing species. Reducing the species conservation provided by a forest plan if the species is not listed would therefore be at cross-purposes with the 2012 Planning Rule. Finally, if such an analysis were to be completed for candidate species, we ask that the forest plan include an analysis of what effect determining that listing is warranted for a species with a positive 90-day status review would have on the forest plan.

The FEIS lists the plan components that the Forest Service believes provides the necessary ecological conditions for each species. However, we do not believe that the FEIS adequately connects the plan components to the specific ecological conditions on which the species depends, an issue we have continually raised throughout plan development. We disagree that the FEIS,

forest plan, or ROD should provide an analysis for how the plan components for each species accomplish multiple-use objectives. This is not a requirement of the 2012 Planning Rule or the implementing regulations. It has been determined that wildlife is a multiple use objective and that species viability is the standard by which achieving the wildlife objective is achieved. Therefore, species viability cannot be compromised to provide for other multiple-uses, e.g., timber or grazing. In addition, there is not a requirement in NFMA, the 2012 Planning Rule, or implementing regulations that any one multiple-use objective be maximized.

The objector suggests that spotted owl nesting habitat structure and foraging habitat structure be defined using North et al. (2017). We agree with the objection and provided considerable details in our objection as to how North et al. (2017) should be used to define the desired habitat conditions for the species.

F. Monitoring questions and indicators.

The objectors suggest that the amount of quantitative data gathering needed for monitoring be reduced and to make monitoring optional where possible. We oppose this objection. The objector suggests that providing statistical significance requires too much money, without providing any information on which to base such a claim. In addition, we were unable to locate any instances in the monitoring program where statistical significance was a requirement. In contrast, we believe that the monitoring program is almost entirely based on remote sensing data and other data collection that the agency will be conducting regardless of the monitoring plan. However, we do agree with the objectors that there are no monitoring items that assess if at-risk species populations are viable or well-disturbed in the plan area. We believe that monitoring questions for at-risk species should be developed that are designed to determine if the plan is providing for population viability (e.g., trends in species distribution and abundance). The lack of adequate monitoring for at-risk species also occurs in the broader-scale monitoring program.

VI. Objectors: Justin Kooyman, Pacific Trail Association Objection Issue: Management of the Pacific Crest Trail

We are in support of the Pacific Crest Trail Association's objection on plan component modifications in the final plan, including: 1) the alignment in the plan with the National Trails System Act of the trail's "nature and purposes"; 2) stronger language on road building for MA-PCT-STD03; and 3) the transfer of some Potential Management Approaches to plan components.

VII. Objectors: Kathleen Maloney Bellomo, People for Mono Basin Preservation Objection Issue: Inclusion of a segment of Wilson Creek as eligible for Wild and Scenic River status.

Kathleen Maloney Bellomo, People for Mono Basin Preservation, objected to the omission of a segment of Wilson Creek as eligible for Wild and Scenic River status. We oppose this objection because Wilson Creek does not meet the eligibility criteria.