



File Code: 1570

Date: December 16, 2022

Dear Objectors and Interested Persons,

Many of you have been engaging with us during the plan revision process for some time and I wanted to express my appreciation for your time and dedication to develop new plans. I firmly believe that your recent participation in this objections process contributes to better plan content, clarity, and ultimately a sound decision. As the objection reviewing officer for the Sequoia and Sierra National Forest Land Management Plans revision process, this is my written response to the objections filed on the draft Records of Decision (RODs), Revised Land Management Plans (revised forest plans), and Final Environmental Impact Statement (FEIS), as required by 36 CFR 219.57(b)(1). The responsible official for the Sequoia National Forest decision is Forest Supervisor Teresa Benson and the responsible official for the Sierra National Forest decision is Forest Supervisor Dean Gould. The legal notice of the objection period for the draft RODs and revised forest plans was published on June 14, 2022, initiating a 60-day objection filing period. I received 27 eligible objections. I also reviewed 20 requests from eligible interested persons.

The pre-decisional objection process allows the responsible officials, objection reviewing officer, objectors, and interested persons the opportunity to work collaboratively to address concerns prior to the final approval of the revised forest plans. In the interest of facilitating this process, I held an objection resolution meeting on November 15, 16, and 17, 2022. Acting Deputy Regional Forester Alan Olson also attended that meeting to lead the dialogue on natural resource related issues. During that meeting, we made several commitments to objectors and interested persons specific to objection issues. Those commitments are listed below.

As part of the objection review process, the Forest Service National Objection Review Team convened a review team of resource managers and specialists to review the revised forest plans, FEIS, and draft RODs, and associated project record related to the issues objectors brought forward in their objection letters. The review team was composed of regional office staff as well as staff from national forests throughout the Forest Service. The outcomes of that review are included in the attachment to this letter, including instructions for the responsible officials to implement prior to signing the final RODs and approving the revised forest plans.

REVIEWING OFFICER COMMITMENTS

During the resolution meeting, I made the following commitments:

- Replace the proposed Sierra and Sequoia at-risk plant plan components with applicable components found in the Inyo National Forest Land Management Plan.
- Modify Wildlife Habitat Management Area plan components to better contribute to conservation of late-successional forest associated at-risk species.
- Update table 8 in the revised forest plans to reference all forest plan components that apply to management of California spotted owl habitat.



- Better align riparian conservation area plan components with best management practices for water quality and conservation of aquatic resources.
- Clarify the identification of moist and dry forest habitats in the forest plans.
- Modify TRIB-FW-DC 02 to clarify that both tribal consultation related requirements and NHPA requirements will be met under the plan direction.
- Clarify the trail maintenance objective plan component and consider increasing the percentage of trails maintained to standard, given partnerships and new funding sources.
- Work with partners to collect trail use data in the future.
- Review recommended wilderness boundaries in the selected alternative to consider whether they can be adjusted to better avoid areas with existing motorized uses.
- Change the name of Challenging Backroad Areas to more accurately reflect the purpose of the areas.
- Evaluate recent climate and carbon related scientific articles provided by objectors for potential inclusion in the record as best available science.
- Review prescribed fire objectives to ensure they are consistent with the Forest Service's "Confronting the Wildfire Crisis" 10-year Strategy.

CONCLUSION

With the commitments made in the resolution meeting, and the instructions in the attached document, I made a reasonable and appropriate effort to resolve the concerns that were brought forward by the objectors. With the instructions incorporated, the rationale for this Forest Plan revision decisions will be clear and the analysis and findings will be well supported.

By copy of this letter, I am instructing Forest Supervisor Dean Gould and Forest Supervisor Teresa Benson to proceed with issuance of final RODs for the Sequoia and Sierra National Forests Land Management Plan revisions once I have had a chance to review the implementation of the instructions identified in the attachment to this letter.

There will be no further review of this response by any other Forest Service or U.S. Department of Agriculture official as per 36 CFR 219.57(b)(3).

Sincerely,



Recoverable Signature

X 

Signed by: Department of Agriculture

JODY HOLZWORTH
DEP REGNL FORSTR

ATTACHMENT 1. SEQUOIA AND SIERRA NATIONAL FORESTS PLAN REVISION OBJECTION REVIEW: KEY FINDINGS AND INSTRUCTIONS

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Key Review Team Findings and Associated Instructions

The objection review team reviewed the objection letters, identified substantive issues in those letters, and reviewed the Sequoia and Sierra National Forest plan revision project record related to those issues. The team found that the project record was adequate and consistent with policy related to some issues, and they found the record to be lacking regarding other issues. The following is a summary of those findings and the associated instructions, organized by topic. I am directing the Responsible Officials to complete the instructions listed below prior to finalizing the revised forest plans, final environmental impact statement (FEIS), and records of decision (RODs).

Best Available Scientific Information

- 1) *For several resource areas including wildlife, climate change, vegetation and fuels management, complex early seral, recreation, and economics, objectors contend that the forest plans and EIS do not consider the best available science.*

Finding: I find the forests complied with 36 CFR §219.3 using best available scientific information to inform the planning process. The “Scientific Information Process (April 2022)” document located in the project record describes the processes and products produced during the development of the assessment, plan content, and monitoring program. The forests’ evaluation emphasized controversial and/or conflicting scientific viewpoints and used an independent review by qualified research scientists with the USDA Forest Service Pacific Southwest Research Station. Scientists reviewed the accuracy, reliability, and relevancy of references related to habitat for the California spotted owl and forest management, fire, and post-fire management. While most of the references cited by the objectors are addressed in the planning record, some are not. Additionally, several recent publications brought up by objectors were published too recently to have been considered in the best available scientific information process previously and should be considered now.

Instructions: Review all published literature provided by the objectors that has not already been addressed in the record and identify any additional best available science that should be included in the project record, and document this in the final ROD.

Botany

- 2) *Objectors contend that the forest plans do not adequately address threats to persistence of at-risk plants and request that the forest plans adopt language from the Inyo National Forest land management plan with regards to at-risk plants. They also request that rare plants that do not qualify to be identified as species of conservation concern be placed on a monitored watch list.*

Finding: I find the rationale for how forest plan content provides for persistence of botanical species of conservation concern is unclear in the EIS persistence analysis. It is unclear why the forest plan content differs from the Inyo National Forest land management plan content, and I find that Inyo National Forest land management plan

content would address the threats to plant species of conservation concern that are not currently addressed by the revised forest plans.

Regarding the objectors' request that the forests develop and monitor a watch list, I find the forests are consistent with policy and no such watch list is required.

Instructions: Ensure the FEIS demonstrates how forest plan content would provide for persistence of at-risk plant species. During the resolution meeting, the reviewing officer committed to adopting Inyo National Forest land management plan components related to at-risk plant species, as suggested by the objectors.

Climate Change

- 3) *Objectors contend that the forest plans fail to include monitoring provisions to account for carbon stocks and sequestration and that the forest plans provide no reference to current monitoring of similar carbon stocks or sequestration at the regional or sub-regional level.*

Finding: The revised forest plans for both the Sierra and Sequoia National Forests include a desired condition for carbon storage (TERR-FW-DC-07), as well as numerous components related to ecosystem resilience, climate change adaptation, and the maintenance of carbon storage as an ecosystem service. Both forest plans also include optional content related to carbon storage in proposed and possible actions to support the desired conditions. I find that this array of plan components fulfills the requirements in Forest Service Handbook 1909.12.20 to provide integrated plan content that considers the effects of climate change and supports the delivery of ecosystem services. Both forest plans include the same monitoring question and indicators related to carbon and old forests and include several questions related to climate stressors. In addition, the Region 5 Broader Scale Monitoring Strategy (p. 34) includes an indicator of forest carbon stocks and flux.

The forest plans rely on the Broader Scale Monitoring Strategy to monitor carbon storage over time and the analysis provided current carbon stock estimates in the 2021 Carbon Supplemental Report. I find the Forests' approach to climate analysis to be reasonable and consistent with policy.

No instructions.

- 4) *Objectors contend that the forest plans retain management actions, such as removal of trees larger than 24-inches in diameter, that undermines the climate benefits that large trees provide in carbon sequestration and storage and would increase carbon emissions in both the short and long term. They also note that large trees are more resistant to burning in a fire. Additionally, objectors assert there is a dearth of trees over 24 inches diameter at breast height, necessitating a 24-inch cap for logging to allow large tree numbers to recover and thereby ensure ecosystem and ecological integrity in the southern Sierra, particularly for rare species, such as fishers and spotted owls, that rely heavily on large trees for their well-being. They also assert that exceptions to the diameter limit in TERR-FS-STD 01 are too broad to ensure they will not be used extensively, especially from a cumulative perspective.*

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Finding: I find the forests’ approach related to management actions, carbon emissions, and old growth protections to be reasonable and consistent with policy. The forest plans provide integrated plan content that supports the retention and development of large trees to meet key habitat requirements and to restore fire adapted ecosystems. The rationale for and effects of these components are addressed in the analysis using best available scientific information. The removal of trees greater than 24-inches in diameter specifically is addressed, as well as the effects to resources including wildlife habitat and carbon storage. The diameter limit of 30 inches has a sound basis in best available scientific information. Plan glossaries define old forest and old-growth, and each plan contains an Old Forest section that has desired conditions and guidelines designed to provide old forest conditions. I also find that the Carbon Supplemental Report methods and rationale are clear and consistent with policy.

No instructions.

Cultural Resources

- 5) *An objector contends that Sierra National Forest plan component TRIB-FW-DC 02 is inconsistent with the National Historic Preservation Act.*

Finding: I find the Sierra National Forest plan Desired Condition TRIB-FW-DC 02 could be clearer regarding how consultation with tribes coincides with ensuring National Historic Preservation Act-protections for historic buildings or properties.

Instructions: Clarify the language for TRIB-FW-DC 02 and ensure that language between the desired condition and the FEIS Tribal section wording is consistent.

- 6) *An objector contends that a list of Forest Service-approved curatorial facilities should be included in the forest plans.*

Finding: I find the level of specificity related to curatorial facilities in the forest plans to be appropriate.

No instructions.

Environmental Justice

- 7) *An objector contends the word "minorities" should be added to the forest plans at REC-FW-GOAL 03 and VIPS-FW-GOAL 01 and 06.*

Finding: The phrase “underserved communities” is used in the current wording of these plan components and is intended to include racial minorities as well as other groups. I find that the Forests complied with the requirements of Executive Order (EO) 12898 and DR 5600-002, EO 13985, and requirements under the National Environmental Policy Act to provide opportunities for public participation in the planning process; however, the forest plans could be made clearer by including a definition of “underserved communities”.

Instructions: Add a definition of “underserved communities” to the glossary in both forest plans, based on the definition provided in EO 13985.

Fire and Fuels

- 8) *Objectors contend that both forest plans lack strict guidelines and key components to provide for firefighter and public safety regarding wildfire. Specifically, the forest plans need to identify two means of community ingress/egress, designate safe areas in the event of fires, include plan components to develop and maintain fuel breaks, and include stricter components related to hazard tree removal and treatments to provide for firefighter and community safety by changing guidelines to standards.*

Finding: I find the Forests met the required plan components for standards and guidelines outlined in 36 CFR §219.7(e)(1). Compliance with standards and guidelines are mandatory, and guidelines allow departure from the terms if the purpose of the guideline is met. Firefighter safety is of utmost concern to the Forest Service and is addressed in a guideline. The issue of ingress/egress is more appropriately addressed at the project level, including coordination with local emergency evacuation planning efforts. The planning of specific fuels treatments on the ground, including fuel-breaks, would be addressed at the project level.

No instructions.

- 9) *Objectors contend that the estimated acres of mechanical treatments, prescribed burns, and wildfire burns contained in the Sequoia National Forest plan do not meet the pace and scale of fuel reduction needed.*

Finding: I find the responsible official considered a reasonable range of alternatives, including an alternative (Alternative D) that would further increase pace and scale of vegetation treatments, compared to the selected alternative. When selecting the alternative in the draft RODs, the responsible officials considered which alternative included an objective for pace and scale of fuels reduction that would address the need while likely being achievable with current capacity. It’s important to note that objectives are not limitations, and restoration beyond that identified in objectives is permissible if capacity increases.

No instructions; however, based on the discussion in the objection resolution meeting, I decided to direct the responsible officials to review prescribed fire objectives to ensure they are consistent with the Forest Service’s “Confronting the Wildfire Crisis” 10-year Strategy.”

Forest Vegetation Management

- 10) *Objectors contend that forest plan standards limit managers' discretion to meet fuel and wildfire objectives; that Standard TERR-FW-STD-01(b) does not afford managers the discretion to remove trees over 30-inches in diameter to meet fuel loading objectives; and that similarly, Standard TIMB-FW-STD-05 does not allow for exceeding the sustained-yield limit in areas that pose a wildfire threat.*

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Finding: I find the Forests' approach related to these vegetation management issues was reasonable, provided clear rationale, and used best available science. Forest plans provide integrated forest plan content to support desired conditions for large trees and old forests, including exceptions and flexibilities for cutting trees greater than 30 inches, but less than 40 inches, in diameter in certain situations. Forest plans also address desired fuel loadings on the landscape. The likelihood that it would be possible to conduct harvest at a level approaching or above the sustained-yield limit for any purpose, given the existing conditions and resource objectives in the forest plan, is extremely low.

No instructions.

- 11) An objector contends that TERR-CES-GDL 05 unnecessarily prohibits salvage logging for the sake of attaining complex early seral habitat and asserts that it is an unnecessary forest plan component because salvage with site preparation and reforestation can still lead to complex early seral habitat.*

Finding: I find the forest plan components related to complex early seral habitat and related FEIS analysis to be reasonable and consistent with policy. Complex early seral habitat is intended to have a higher density of snags and logs than would typically be left after salvage with site preparations and reforestation.

No instructions.

- 12) Objectors contend that the preferred alternative (Alternative B-modified) uses logging to achieve long-term forest resilience and discounts science that suggests that managed wildfire and promoting defensible space is more effective for creating resilience and protecting communities.*

Finding: The issue of fuel reduction treatments and fire management drove the development of alternatives. I find the analysis includes a reasonable range of alternatives and clearly explains the rationale for selecting the preferred alternative, including the expected outcomes for wildland fire management, terrestrial vegetation desired conditions, and wildlife habitat considerations as it relates to the use of commercial logging to achieve restoration treatments and support the use of prescribed and managed wildfire. While I acknowledge that defensible space around homes is an important tool for fire resilient communities, treatments on private lands are outside the jurisdiction of the U.S. Forest Service and outside the scope of forest plan revision.

No instructions.

- 13) An objector is concerned that timber harvesting guidelines as well as the suitability for timber harvesting and production section of the forest plan do not adequately provide for ecological sustainability of forests and protection of air, water, and other resources.*

Finding: I find the draft RODs demonstrate that the forest plans and analysis meet statutory and regulatory requirements related to protecting air, water, and other forest resources and that the forest plan components comply with the social, economic, and

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ecological sustainability requirements of the 2012 Planning Rule. I find the forests' approach is reasonable and consistent with policy.

No instructions.

14) Objectors assert that maps and criteria for classification of dry versus moist mixed-conifer forest type should be included in the body of the forest plans or as an appendix. They contend that including the information in the forest plans will ensure that plan components for terrestrial vegetation are appropriately applied during project planning.

Finding: Descriptions of dry and moist mixed conifer forest types are included in the forest plans and maps are included in the FEIS. While I find the forest plans and analysis are consistent with policy, clarity concerning the process and rationale that was used to develop the vegetation classification could be improved.

Instructions: Clarify the identification of moist and dry forest habitats in the forest plans.

Lands and Special Uses

15) Objectors contend that a Utility Land Allocation and Management Area is needed along utility lines to facilitate delivery of reliable power in these areas, and that the direction in the forest plans would limit their ability to conduct operation and maintenance operations on their electric infrastructure.

Finding: The forest plans address electric utility infrastructure in multiple places including in Energy, Infrastructure, and Lands sections, and a section specific to electric utility infrastructure and in Appendix B: Proposed and Possible Actions. The environmental impact statement describes that electrical infrastructure was included in the categories of highly valued resources and assets that informed the risk assessment and thus delineation of the forest plan fire management zones. I find that forest plan content provides sufficient guidance to address the need for continued operation and maintenance of utility infrastructure on the forests and no management area is necessary.

No instructions.

National Environmental Policy Act and Planning

16) Objectors contend that the monitoring program is insufficient for determining whether a change in forest plan components or other forest plan content may be needed.

Finding: I find the monitoring programs for each of the forest plans meet the requirements of the 2012 Planning Rule. The monitoring programs contain one or more monitoring questions and associated indicators for each of the eight topics required under the 2012 Planning Rule. There is no requirement for the forest plan monitoring program to address every forest plan component. The monitoring programs for each Forest include questions and indicators related to status of select ecological conditions, including key characteristics of terrestrial ecosystems, and status of focal species to assess the ecological conditions required under 36 CFR §219.9. I find the forests meet the intent of

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the rule with respect to identifying relevant and measurable monitoring items within the fiscal and technical capacity of the unit.

No instructions.

17) Objectors contend that the Sierra National Forest plan violates the Multiple Use Sustained Yield Act by prioritizing threatened and endangered wildlife species over other managed resources of timber, range, water, and recreation.

Finding: I find the Sierra National Forest plan complies with the Multiple Use Sustained-Yield Act (1960) and 36 CFR §219.1(f). Forest plan components provide coordinated management of the various resources to comply with all applicable laws and regulations, including the National Forest Management Act, the Clean Air Act, the Clean Water Act, the Wilderness Act, and the Endangered Species Act.

No instructions.

18) Objectors contend that the response to comments on the RDEIS was insufficient and did not address all comments equitably.

Finding: I find the Forests met the response to comments requirements in 40 CFR §1503.4. A point-by-point response is not required.

No instructions.

Pacific Crest Trail Management Area

19) Objectors contend that the Pacific Crest Trail Management Area will limit motorized recreation, restrict active management of fuels/vegetation, and negatively impact private property.

Finding: I find the Pacific Crest Trail Management Area complies with the 2012 planning rule direction related to national trails and management areas. Additionally, travel management decisions are made at the project level (36 CFR 212) and are not based only on whether a route or area is located within or outside the Pacific Crest Trail Management Area. The Pacific Crest Trail Management Area Forest plan content addresses the specific need to provide for access to private lands and allows for vegetation management and fuels reduction. Forest plan direction does not apply to private lands.

No instructions.

20) Objectors contend the Pacific Crest Trail Management Area is not consistent with the National Trails System Act. Specifically, they contend that the Pacific Crest Trail Management Area constitutes site specific direction, does not enforce the carrying capacity in the Sequoia Pacific Crest Trail Management Plan, unduly restricts bicycle use on the trail in areas outside of wilderness, and the forests failed to form cooperative agreements with local government agencies.

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Finding: I find the Pacific Crest Trail Management Area complies with the National Trails System Act, and that the Pacific Crest Trail Management Area does not constitute site-specific direction. The Sequoia National Forest plan supersedes the 1981 Sequoia Pacific Crest Trail Plan, including its carrying capacity restrictions, and does not preclude a permitting system if crowding-related visitor use management issues arise. The forest plans properly cite Regional Order 88-4, prohibiting bicycle use on the trail and this order is supported by the Pacific Crest Trail Comprehensive Management Plan. Finally, cooperative agreements are not required for the Pacific Crest Trail under the National Trails System Act.

No instructions.

- 21) *Regarding the Sequoia National Forest plan, objectors contend that the phrase “case by case basis for management of the trail” in MA-PCT-STD 03, 04, and 05, the verb “avoid” in FIRE-FW-GDL 05, and the phrase “Use natural barriers and features...such as roads and trails when managing wildfires...” in FIRE-WRZ-STD 01 and FIRE-WMZ-STD 02 will all create unintended consequences. An objector requests additional plan standards that “prohibit heavy equipment line construction on the Pacific Crest Trail unless necessary for emergency protection of property and safety,” requests that the timeframe in SCEN-FW-GDL 01 be 5 years, and requests that Potential Management Approaches associated with post-fire restoration in the Pacific Crest Trail Management Area be changed to Guidelines.*

Finding: I find the forest plan components related to managing wildfire, scenery, and post-fire restoration near the Pacific Crest Trail are reasonable and consistent with policy; however, specific to the Sequoia National Forest plan, the language of MA-PCT-STD 03, 04, and 05 could be improved to reduce unintended consequences.

Instructions: Revise MA-PCT-STD 03, 04, and 05 to reduce unintended consequences.

- 22) *An objector contends that the Pacific Crest Trail Management Area violates the 1981 Sequoia Pacific Crest Trail Plan by changing the recreation type and experience “level.”*

Finding: I find the 1981 Sequoia Pacific Crest Trail Plan is superseded in its entirety and replaced with the Pacific Crest Trail Management Area direction of the revised forest plan; therefore, the forest plan does not violate the previous Sequoia Pacific Crest Trail plan.

No instructions.

- 23) *Objectors contend the Pacific Crest Trail Management Area will harm hiker health and safety by not addressing hazard trees and by reducing motorized access for search and rescue, increasing response time.*

Finding: I find hazard tree concerns related to the Pacific Crest Trail are addressed by a Pacific Crest Trail Management Area Potential Management Approach and Forest Service policy. Regarding motorized access for search and rescue, Sequoia National Forest plan components for Pacific Crest Trail outside of wilderness (MA-PCT-STD-03 and 04) specifically state that access can be approved. Coordination for search and rescue

operations with other agencies is best defined by a separate policy or agreement rather than through a forest plan.

No instructions.

24) *Objectors contend that the EIS does not adequately address the economic benefits of motorized recreation relative to non-motorized recreation and that the creation of the Pacific Crest Trail Management Area will close 30 miles of motorized trails in the Piute Mountains, negatively impacting the economy. They also contend that the Pacific Crest Trail Management Area discriminates against people with disabilities and impoverished communities by reducing motorized recreation opportunities. They provide citations that support their claims regarding economics and discrimination.*

Finding: I find the responsible officials adequately analyzed and considered economic effects of the forest plans and that the FEIS and draft RODs demonstrate proper consideration of public comments regarding potential economic impacts related to motorized recreation. The analysis also makes clear that existing authorized motorized uses within the Pacific Crest Trail Management Area would continue, and decisions that would potentially change motorized routes within the Pacific Crest Trail Management Area would be made at the project-level through travel management planning. Economic and other impacts, including socioeconomic impacts, of such potential changes would be analyzed at the project-level. The forests conducted an environmental justice analysis of all census county divisions that contain the Sierra or Sequoia National Forest.

No instructions.

25) *An objector provided a list of Pacific Crest Trail-related clerical errors for the Forests to correct and opportunities for additional clarity.*

Finding: I find the objector accurately identified errors and opportunities for additional clarity.

Instructions:

- Add the *Pacific Crest National Scenic Trail Foundation Document* to the preamble for the Pacific Crest Trail section.
- Move the quotation mark from after the word “established,” in the Sierra National Forest plan in the Pacific Crest Trail Section (pp. 114-115) to after the word “prohibited.”
- Correctly reference the Pacific Crest National Scenic Trail Comprehensive Management Plan (1982) in forest plan Appendix G.
- Ensure the Scenic Integrity Objectives for lands within the Pacific Crest Trail Management Area in the Sequoia National Forest plan are “high,” in the GIS data, maps, and FEIS page 655, Table 126 to be consistent with MA-PCT-GDL 01 (Figure 24, Appendix A).

Pack goats

- 26) *Objectors would like to see more specific language in the forest plan as to what constitutes a “high-risk” area of disease transmission between pack goats and bighorn sheep, and request to be involved in pack goat-bighorn sheep risk assessment analysis.*

Finding: I find the Biological Assessment and Biological Opinion for bighorn sheep adequately addresses this concern and describes high-risk areas as those where there is a risk of overlap between domestic sheep/goats and bighorn. The forests have agreed to include the North American Packgoat Association when and if these types of risk assessments are undertaken.

No instructions.

Range

- 27) *Objectors contend that forest plan guidelines RANG-FW-GDL 01 through 10 give too much discretion to the Forests to modify or suspend grazing in areas where desired conditions and other forest plan components are not being achieved.*

Finding: I find the forests are consistent with policy. Project-level site-specific National Environmental Policy Act analysis would address the season of use, permit occupancy, and livestock use to ensure consistency with forest plan goals, objectives, desired conditions, standards, and guidelines. In addition, Term Grazing Permits are subject to appeal under CFR 214 and mediation dispute to ensure a fair and deliberate process.

No instructions.

Recommended Wilderness

- 28) *Some objectors would like more areas to be recommended as wilderness (specifically areas in Alternative C and Alternative E), while others do not want any recommended wilderness. Some objectors contend that the evaluation and analysis were insufficient and flawed.*

Finding: I find the Inventory, Evaluation, Analysis and Recommendation process undertaken is consistent with the 2012 planning rule. The forests have developed forest plans that are consistent with the Multiple Use Sustained Yield Act, as not every use is required to be available on every acre. The Forests strove to find a balance of active management options, recreation opportunities, and ecosystem protection. The RODs explain the rationale for recommending and not recommending areas for wilderness.

No instructions.

- 29) *Objectors contend that the agency should designate several specific areas as recommended wilderness areas or “backcountry management areas” to protect their undeveloped character.*

Finding: I find the forests incorporated the areas suggested by objectors into recommended wilderness areas in Alternative C and recommended wilderness areas and backcountry management areas in Alternative E. One area, Lumreau Creek, was not

included in Alternative C or E because it was not included in the Sierra Forest Legacy proposal submitted in 2018. In general, the response to input about areas to analyze as recommended wilderness areas and backcountry management areas was consistent with the 2012 planning rule.

No instructions.

Riparian Conservation Areas

30) Objectors contend the revised forest plans reduce protections within riparian conservation areas compared to current forest plans. For WTR-RCA-STD 03 they contend that the addition of the term ‘long-term’ adds uncertainty to how long fuels and toxic materials can be stored in riparian conservation areas because ‘long-term’ is not defined. They also contend that striking the last sentence, “Prohibit refueling within riparian conservation areas except when there are no other reasonable alternatives”, weakens riparian conservation area protections. For WTR-RCA-GDL 06, they contend that riparian conservation area protections are weakened because what constitutes a ‘significant adverse impact’ is not defined related to livestock facilities in riparian conservation areas. Objectors also contend that riparian conservation areas are not adequately protected from timber harvest and that the forest plans and FEIS fail to adequately address the impacts from the road system on forest resources.

Finding: I find the forest plans appropriately establish programmatic direction for riparian conservation areas, including goals, objectives, desired conditions, standards, and guidelines. A project-level analysis evaluating the site-specific impacts, in conformance with the National Environmental Policy Act, is required to authorize activities within riparian conservation areas, including timber harvest and livestock facilities. The programmatic direction in the forest plans provides guidance related to how timber harvest is implemented, and that along with best management practices would provide protection of riparian resources; however, minor edits to forest plan components WTR-RCA-STD 03 and WTR-RCA-GDL 06 would clarify consistency with National Best Management Practices for activities in riparian areas.

I find the Forests adequately address the impacts from the road system on forest resources including aquatics, water quality, wildlife, invasive species, etc. The FEIS examined and disclosed the direct, indirect, and cumulative effects of roads on terrestrial wildlife, plants, aquatic species, and invasives. Both forest plans are designed to protect terrestrial wildlife, plants, and aquatic species from potential road impacts by including Desired Conditions, Guidelines and Standards specific to road management during project development and implementation.

Instructions: Revise forest plan standard WTR-RCA-STD 03 and WTR-RCA-GDL 06 to clarify consistency with National Best Management Practices.

Roads and Trails

31) *Objectors contend that the forest plans should include a winter Recreation Opportunity Spectrum. Objectors also request the forest plans include direction to start Subpart C Travel Management Planning.*

Finding: I find that inclusion of a winter Recreation Opportunity Spectrum is not required by the 2012 planning rule, and U.S. Forest Service policy does not require the forest plans include a timeline for initiating Subpart C Travel Management Planning.

No instructions.

32) *Objectors contend the forest plans are biased toward non-motorized recreation despite increased demand for motorized recreation and that the Sequoia National Forest plan should at least preserve all existing motorized Recreation Opportunity Spectrum acres in the Recreation Opportunity Spectrum maps. An objector is concerned about a lack of clarity on how acreages for motorized and nonmotorized Recreation Opportunity Spectrum were changed between the current forest plans, alternative A, and revised forest plans. The objector specifically contends the forests fail to address changes in semi-primitive motorized recreation opportunity spectrum acres and failed to respond to previous comments submitted concerning this change.*

Finding: I find the forests adequately considered previous comments related to motorized Recreation Opportunity Spectrum and that the forest plan components addressing sustainable recreation and Recreation Opportunity Spectrum are consistent with policy. However, I find that the differences in acreages for the Recreation Opportunity Spectrum classes between the 1988 Plan and revised forest plans are not entirely clear.

Instructions: Clarify the differences in Recreation Opportunity Spectrum acres among the current forest plans, alternative A, and revised forest plans.

33) *Objectors have long-standing concerns about management of the Sirretta Peak Trail and the Cannell Meadow Trail and request that the Sequoia National Forest plan resolve the issues.*

Finding: I find the Sequoia National Forest plan does not change the current management of the Sirretta Peak Trail or the Cannell Meadow Trail. Changes related to allowable public uses and/or route locations for these trails would occur under project-level planning. However, the Sequoia National Forest plan and FEIS could more clearly reference the current allowable public uses and route locations for these trails.

Instructions: Clarify references in the Sequoia National Forest plan and the FEIS to the current allowable public uses and route locations for the Sirretta Peak Trail and the

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Cannell Meadow Trail, including the portion of the Cannell Meadow Trail that is a National Recreation Trail.

Roadless Areas

34) Objectors question the authority of the Forest Service in imposing regulatory action associated with the Subpart C of the 2015 Travel Management Rule or the 2001 Roadless Area Conservation Rule due to the June 2022 ruling by the Supreme court in the case of West Virginia et al. vs EPA et al. and contend the Forests must re-consider non-motorized Recreation Opportunity Spectrum designations that relied on designations of Inventoried Roadless Areas. They also object to any forest plan elements contemplating implementation of Subpart C of the Travel Management rule until the rule is codified in statute. Objectors also contend that the forest plans failed to reference the National Trails System Act, Wild and Scenic Rivers Act, and National Forest Management Act.

Finding: I find the forests followed proper laws, regulations, and policies in the development of forest plan components related to the Travel Management Rule and the 2001 Roadless Area Conservation Rule. The litigation cited is beyond the scope of the Sierra/Sequoia Forest Plan Revision and does not affect the development of those plans because 1) it does not involve the Forest Service or any of its regulations 2) the court's judgment only applies to the congressional authority of a different federal agency, the EPA, to regulate greenhouse gas emissions, and is inapplicable to the Forest Service or forest plan revision. In addition, I find that the non-motorized Recreation Opportunity Spectrum areas do not rely solely on inventoried roadless designation.

Additionally, I find the forest planning documents appropriately reference the National Trails System Act, Wild and Scenic Rivers Act, and National Forest Management Act. These acts are cited throughout the forest plans as well as in the FEIS and the draft RODs.

No instructions.

35) Objectors request that Roadless Area Conservation Rule protections be included as forest plan direction to protect Inventoried Roadless Areas if the Roadless Area Conservation Rule is overturned or weakened by a future administration. Objectors also request that Alternative E Backcountry Management Areas and Recommended Wilderness Areas be included, specifically as a way to protect roadless areas.

Finding: I find the forest plan components for Inventoried Roadless Areas, specifically DA-IRL-DC-02 and DA-IRA-GDL-01, are consistent with the 2001 Roadless Area Conservation Rule and the maintenance of roadless character. Guideline DA-IRA-GDL 01 requires that management activities should maintain the roadless character of the Inventoried Roadless Area.

No instructions.

Sustainable Recreation

36) *Objectors contend the forest plans do not adequately integrate sustainable recreation management plan content and Recreation Opportunity Spectrum with plan content for other resources, such as fuel management, wildlife, grazing, infrastructure (e.g., roads), and utility (e.g., hydropower) management.*

Finding: I find that recreation-related forest plan content under the Sustainable Recreation section of the forest plans and in other resource sections is adequately integrated. These forest plan components allow the forests to consider impacts to recreation opportunities in non-recreation projects including minimizing and avoiding such impacts, as well as enhancing recreation opportunities where feasible.

No instructions.

37) *Objectors contend the forest plans and FEIS fail to account for changes in visitor use patterns related to the COVID-19 pandemic and request that sustainable recreation management areas be re-evaluated when 2020 and 2021 National Visitor Use Monitoring studies become available and publish a supplemental EIS that includes an analysis of pandemic effects and how they should be addressed by the EIS and revised forest plans. Objectors also request that the forest plans clarify how sustainable recreation management area designations will be applied.*

Finding: I find the forests appropriately framed the intent of the forest plans to identify long-term or overall desired conditions and provide general direction for achieving those conditions. Forest plans are intended to be flexible to allow management to adapt to changing conditions, including changes in visitor use patterns such as those related to the COVID-19 pandemic. The discussion of National Visitor Use Monitoring data in the FEIS is consistent with policy. The report cited by the objectors is for Nationwide National Visitor Use Monitoring results, not specific to the Sierra or Sequoia national forests. I also find that the forest plans provide adequate direction relevant to how sustainable recreation management areas will be applied.

No instructions.

38) *Objectors are concerned about impacts to trails from non-recreation projects and also contend that the rate of trail maintenance identified in the forest plan objectives leaves too many miles of trails unmaintained.*

Finding: I find that recreation-related forest plan content is included in other resource sections, such as the potential management approach for terrestrial ecosystems that states, “Within vegetation management project areas, as appropriate, consider enhancing recreation facilities, infrastructure, and opportunities.” This and other forest plan content allows for mitigation of project impacts on trails. Regarding the rate of trail maintenance, I find that the objective is set to the level it is because this is what the Forests determined likely achievable with current workforce capacity. This is consistent with 2012 Planning

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Rule requirements regarding objectives. In addition, objectives are not limits, and the rate of trail maintenance can be higher if capacity is increased.

No instructions.

- 39) *An objector is concerned the forest plans do not address equestrian safety outside of forest plan content specific to the Pacific Crest National Scenic Trail and contends the sustainable recreation forest plan content should include provisions for safe equestrian use.*

Finding: I find that U.S. Forest Service policy and regulation for facility design and management promote consideration of tools to minimize conflicts between user groups and support safety. The U.S. Department of Agriculture *Recommended Best Practices for Managing Stock Use Sites at Developed Campgrounds* whitepaper referenced by the objector can be integrated into the management of equestrian campgrounds without additional forest plan components or National Environmental Policy Act analysis.

No instructions.

- 40) *An objector is concerned that the forest plans do not adequately provide for educating the public on “leave no trace” practices and how the public can be mindful of their impacts on the forest.*

Finding: I find that while “Leave No Trace” is not specifically called out in the forest plans, visitor ethics and education are identified in the desired conditions, goals, guidelines, and management approaches, which would include “Leave No Trace” concepts, where appropriate.

No instructions.

Eligible Wild and Scenic Rivers

- 41) *Objectors identify potential errors or typos in the Wild and Scenic Rivers Eligibility Study (FEIS Appendix C) and request additional Outstandingly Remarkable Values to be identified for specific river segments, additional segments to be identified as eligible, and changes to preliminary classifications. Objectors were also concerned that the forest service did not use a “river systems approach.”*

Finding: I find there are some clerical errors in the Wild and Scenic Rivers Eligibility Study, and some outstandingly remarkable values, eligibility, and preliminary classification determinations are not as clear as they could be. I find the rivers system approach used in the analysis was appropriate and consistent with policy. In general, the river systems approach used was: (a) avoid overly subdividing eligible segments into shorter and/or disconnected sub-segments and (b) carefully evaluate outstandingly remarkable values for the upstream tributaries and headwaters of eligible, suitable, and recommended rivers that contribute to the integrity of such rivers.

Instructions: Correct clerical errors in the Wild and Scenic Rivers Eligibility Study and clarify the documentation of outstandingly remarkable values, eligibility, and preliminary classifications.

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42) *Objectors request that the forest plans specifically reference the width of the eligible wild and scenic river corridor, which is 1/4 mile on either side of the river.*

Finding: I find the Forests' referenced the width of the boundary in the Timber Suitability and Wild and Scenic River Eligibility sections of the project record; however, including a definition in the glossary for each forest plan is reasonable.

Instructions: Add a river corridor definition to the glossary for each forest plan that is consistent with Forest Service Handbook 1909.12, Chapter 80.

43) *Objectors contend that eligible wild and scenic river segments identified in the forest plans would impact motorized recreation opportunities, and that those impacts are not sufficiently addressed in the analysis.*

Finding: While the impact is limited in scope, I find the project record did not sufficiently describe specifically where eligible wild and scenic river corridors for rivers preliminarily classified as "wild" overlap with existing designated motorized routes. Corridors for eligible wild and scenic rivers preliminarily classified as "scenic" or "recreational" may include motorized recreation, per interim protection measures in Forest Service Handbook 1909.12, Chapter 80.

Instructions: Update the FEIS to describe where eligible wild and scenic rivers corridors overlap with existing designated motorized routes and the relationship between interim protection measures and motorized recreation.

44) *Some objectors contend that the forest plans do not adequately address the management of designated wild and scenic river segments; they are concerned that the forest plans lack a standard that would require monitoring of visitor use impacts on designated wild and scenic rivers, and as a result there is no requirement to update comprehensive river management plans for designated segments when conditions change beyond the scope of the existing comprehensive river management plans.*

Finding: I find the forest plans adequately address management of designated wild and scenic river corridors. Wild and scenic rivers plan content states that management decisions must comply with applicable comprehensive river management plans which include monitoring that provides information about changing conditions. A potential management approach to update comprehensive river management plans, as needed in response to changing conditions or new information, is included.

No Instructions.

Wildlife – California Spotted Owl

45) *Objectors contend that since forest plans do not require surveys pre- and post-implementation of vegetation management activities, the impacts of these activities will be unknown and therefore compromise the long-term persistence of owls in the forest plan areas.*

Finding: I find the Forests' approach regarding both survey requirements and species long-term persistence in the plan areas demonstrates an intent consistent with policy but may lack the specificity needed to inform the management of resources within the plan area (219.12(a)(2)). The Forests used best available science to develop plan components that define when to conduct pre-implementation surveys and inform the persistence analysis. Monitoring the status of California spotted owl populations across the Sierra Nevada is included in the Region 5 broader scale monitoring strategy.¹ As part of the regional broader scale monitoring strategy, the Forest Service will compare trends in occupancy, distribution, or habitat use with forest management to inform plan monitoring effectiveness, status toward meeting desired conditions, and to support analysis for environmental planning at the scale of the entire range of the species. However, because the broader scale monitoring strategy focuses on tracking trends at a broader scale, monitoring at the unit scale may be needed to provide information adequate to assess effectiveness toward meeting the plan's desired conditions or objectives.

Instructions: Review the plan monitoring program and update as needed to ensure that monitoring questions and indicators and data sources are adequate for tracking relevant changes, testing relevant assumptions, and monitoring management effectiveness at the unit level as related to providing ecological conditions necessary for California spotted owl.

46) Objectors contend that no scientific rationale was provided for allowing 100 acres of habitat reduction in protected activity centers, that there was no environmental analysis on the consequences of logging trees up to 30" diameter at breast height and reducing canopy cover to 50 percent across one-third of a protected activity centers, and that the analysis fails to compare how California spotted owl viability differs between Alternative B-modified and the current practice.

Finding: I find the forest plans align with best available scientific information and the Conservation Strategy for the California spotted owl in the Sierra Nevada. Objectors state that 100 acres of habitat reduction would be allowed within every California spotted owl protected activity center, and this is not accurate. The forest plan components use a nested set of constraints on management activities which always require retention of all the highest quality nesting and roosting habitat within protected activity centers. Outside of the highest quality nesting and roosting habitat, and only where necessary to improve forest resiliency, mechanical vegetation treatments are allowable contingent upon meeting several constraints including: increasing quadratic mean diameter of treated forest stands, retaining at least 50 percent canopy cover, and not reducing habitat quality on more than 100 acres. I find the environmental consequences of the forest plan, including the changes in management for California spotted owl protected activity centers, are adequately analyzed in the FEIS. The 2012 Planning Rule only requires the persistence analysis to be completed for the proposed action and selected alternative.

¹ <https://www.fs.usda.gov/detail/r5/landmanagement/planning/?cid=FSEPRD587108>

No instructions.

- 47) *Objector contends that, contrary to best available science, the draft revised forest plans provide no limitations on salvage logging within spotted owl territories and provide no analysis in the FEIS of the effects that salvage logging is likely to have on the species.*

Finding: Forest plan components, particularly in Complex Early Seral Habitats and Wildlife Habitat Management Area sections, do guide salvage and mechanical treatments to retain important wildlife elements including large diameter trees and snags. The Species of Conservation Concern rationale document, in the project record, identifies that timber salvage actions may affect owls. I find the forests are consistent with policy, however, the analysis displayed in the FEIS could more clearly describe how forest plan direction addresses salvage as a potential threat to owl populations.

Instructions: Provide more information in the FEIS about salvage as a threat to California spotted owls and clarify how forest plan content addresses that threat.

- 48) *Objectors contend that neither the FEIS nor the Conservation Strategy for the California spotted owl in the Sierra Nevada (Conservation Strategy) provide scientific support for the change in criteria (pair occupancy vs. singles occupancy) for protected activity center designation, nor does the FEIS evaluate potential impact of the change on California spotted owl persistence.*

Finding: The revised forest plans are consistent with the California spotted owl Conservation Strategy, which states:

When a protected activity center has been surveyed repeatedly over time (at least two years of surveys within the last 12 years) with no observed breeding activity nor territorial behavior by an owl pair, monitor or survey the protected activity center for an additional three consecutive years. If no owl is detected, the protected activity center and associated territory may be retired. If an owl is detected but no breeding activity nor territorial behavior by an owl pair has been documented, the protected activity center and associated territory may be retired.

The scientific support for this management approach is provided in the conservation strategy document (Wood et al 2018, and Hobart et al 2019). I find the forests' approach reasonable and consistent with policy; the environmental consequences of the forest plan, including the changes in management for California spotted owl protected activity centers, are adequately analyzed in the FEIS.

No instructions.

- 49) *Objectors are concerned that the revised forest plans direct that "best quality habitat" be maintained in California spotted owl territories with owl pairs that do not meet the desired conditions with "highest quality habitat," but makes no distinction between the quality of California Wildlife Habitat Relationships classification system 4M habitat and the 4D habitat that constitutes "best quality habitat."*

Finding: I find the forests' approach reasonable and consistent with policy, but it would be helpful to better clarify how "highest quality" and "best available" California spotted owl habitat is identified and managed according to forest plan direction.

Instructions: Provide more clear definitions in the forest plans about how management is to prioritize habitat retention, using California Wildlife Habitat Relationships classification system habitat categories. For example, forest plans should make it clear that retention of habitat quality in best available nesting and roosting habitat should prioritize retaining habitat quality in habitat category 4D ahead of 4M, consistent with the Conservation Strategy for the California spotted owl in the Sierra Nevada.

50) Objectors contend that, contrary to best available science, guidance for establishing 800-acre territories included in the forest plans risks overlooking important habitat on which the resident California spotted owls are likely to depend for persistence. They contend that California spotted owl territories are not circles and activity centers may not be found at the center of the territory.

Finding: I find the forest plans provide for delineating the highest quality habitat and allow for territories to be non-circular.

No Instructions.

51) Objectors contend that the same wording is used in both SPEC-CSO-STD 03 and a potential management approach, potentially confusing the intended direction. They contend that reiterating the same concept in a potential management approach (first bullet) creates confusion about what is required under the forest plan.

Finding: I find the referenced standard focuses on the entire California spotted owl territory and the potential management approach pertains specifically to the protected activity center (a subset of the territory). Providing the requested references in forest plan Table 8 regarding management constraints would improve consistency and clarity.

Instructions: Provide all appropriate references for forest plan components that place constraints on management actions, related to California spotted owl conservation, in Table 8 of the forest plans.

52) Objectors contend that forest plans focus primarily on fire as the threat to address, ignoring impacts of U.S. Forest Service management activities. They also contend that forest plans provide fewer protections than the 2004 framework and no post-fire protection of habitat exists.

Finding: I find the FEIS adequately analyzes forest management threats to owl persistence, including habitat loss due to management activities such as fuels reduction, vegetation treatments, and timber harvest. I find that the 2004 framework was analyzed under alternative A, and appropriately compared against Alt B-modified and the other alternatives. The analysis sufficiently explains the near-term tradeoffs and long-term benefits to owl persistence being sought in the forest plans. Forest plan components do provide guidance on post-fire protection (see MA-WHMA-GDL 01, TERR-CES-GDL-

02 and SPEC-CSO-STD-05). I find the Forests' approach to be reasonable and consistent with policy.

No instructions.

Wildlife – Wildlife Habitat Management Areas and At-Risk Species Habitat

53) *Objectors contend that the FEIS does not explain how the Wildlife Habitat Management Area will achieve its purpose and provide the ecological conditions necessary to support persistence for species associated with old forest habitat without standards or guidelines to protect habitat and the species that rely on that habitat.*

Finding: I find it is unclear how Wildlife Habitat Management Area forest plan content provides the ecosystem-scale components necessary to provide for long-term persistence in the forest plan area of old-forest dependent species.

Instructions: Adjust forest plan content so the needs of old-forest dependent species are provided for and determinations in the persistence analysis are supported. Clarify how the Wildlife Habitat Management Area forest plan content provides for “focus on conservation of old-forest-associated species”.

Wildlife – Fisher

54) *Objectors contend that limiting the application of protection measures in forest plan content to "larger blocks" of habitat (larger than 25 acres) will allow the reduction of habitat quality of smaller patches of "high quality denning habitat", and they assert that the scientific basis of this threshold value is not discussed in the available record.*

Finding: I find the forests' approach related to fisher habitat reasonable and consistent with best available science and policy. As part of formal consultation with U.S. Fish and Wildlife Service, the forests' ensured that forest plan direction meets requirements of the Endangered Species Act to protect and recover listed species (including fisher) populations. Forest plan components limit vegetation treatments in potential denning habitat and require that denning habitat quality is retained in larger blocks, especially in high quality denning habitat. The reference and rationale for the 25-acre threshold in describing larger blocks of habitat could be clarified.

Instructions: Provide in the analysis the scientific reference and rationale for the larger than 25-acre patch size threshold in fisher plan content (SPEC-FSHR-GDL-01).

55) *Objectors contend that regarding SPEC-FSHR-GDL 01, the term "immediate home range-sized area" for fisher is an unconventional term that is not defined in the forest plans and inappropriate given home ranges for fishers are variable across the southern Sierra Nevada.*

Finding: I find the forests' approach related to using the terminology “immediate home range-sized area” to be reasonable and consistent with policy. The term “fisher home range-sized area” was purposefully undefined to allow for site-specific considerations, and to align with programmatic consultation from US Fish and Wildlife Service and best

available science. The purpose of the term ‘immediate home range-sized area’ could be clarified in the FEIS and forest plans.

Instructions: Clarify the purpose of the term “immediate home range-sized area” in regard to fisher in the FEIS and forest plans.

- 56) *Objectors contend that the forest plans fail to incorporate recommendations from the interim 2020 Fisher Conservation Strategy related to canopy retention within den buffers and implementation timing.*

Finding: I find the forests’ approach is consistent with policy. Forest plan content requires that habitat management objectives or goals from approved conservation strategies are incorporated into project planning.

No Instructions.

- 57) *Objectors contend that according to research, snags should be larger in size and available at higher densities at the local scale than is currently considered in the forest plans. Also, mistletoe infestation is an important component of fisher habitat that is currently unaccounted for in the forest plans.*

Finding: I find the forest plans are not consistent with the Southern Sierra Nevada Fisher Conservation Strategy Interim Recommendations for snags per acre in dry lodgepole pine, and that the value of dwarf mistletoe in wildlife habitat is only addressed in one vegetation type (upper montane Jeffrey pine).

Instructions: Re-evaluate snag density in dry lodgepole pine fisher habitat. Evaluate the vegetation types that host dwarf mistletoe and identify if additional forest plan content would be important for fisher habitat.

Wildlife – Great gray owl

- 58) *Objectors contend that the great gray owl forest plan components are vague and do not ensure nesting habitat will be retained, that they do not stipulate large snags used by the owls, and they cite a lower snag density than the average at nest stands. They also contend that great gray owl protected activity centers outside of fisher core areas, especially those in Community Wildfire Protection Zones, are at high risk of habitat loss or degradation, due to intensified logging.*

Finding: I find the forest’s approach to addressing great gray owl habitat needs is consistent with best available science and policy. Existing forest plan components are sufficient to meet best available scientific information recommendations for snag density in great gray owl nest stands. Rationale for exceptions to great gray owl habitat conservation measures within Community Wildfire Protection Zones are well explained and the impacts are adequately analyzed in the FEIS.

No instructions.

- 59) *Objectors contend that the Sierra and Sequoia National Forest plans differ in their definitions of great gray owl protected activity center, and text in the Sequoia National*

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Forest plan is not consistent with best available science. The objector contends that the forest plan glossary definitions for great gray owl protected activity centers is not consistent with best available science, because it requires the location of a nest.

Finding: I find the definition of great gray owl protected activity centers in the forest plans are not identical, and both are not sufficiently aligned with best available science.

Instructions: Modify the definition of great gray owl protected activity centers in both forest plan glossaries to align with best available science.

60) *Objectors contend that the forest plan does not address the threat of car strikes on great gray owls.*

Finding: I find the threat of car strikes is not clearly addressed in the forest plans, and it is identified in the stressor summary in Appendix D. The analysis presented in FEIS Chapter 3 could be more comprehensive and better aligned with information about threats provided in the persistence analysis (Appendix D).

Instructions: Clarify how the threat of great gray owl car strikes is appropriately addressed in forest plans. Improve consistency between Table 68 of the FEIS with the stressor summary in Appendix D.

61) *Objectors contend that the FEIS acknowledges 14 great gray owl protected activity centers on the Sierra National Forest, but there are 16 mapped protected activity centers in the geographic information system layer.*

Finding: I find there are inconsistencies between the spatial data and FEIS.

Instructions: Correct the inconsistency in the number of great gray owl protected activity centers between the spatial data and FEIS.

Wildlife – Goshawk

62) *Objectors contend that the forest plans fail to ensure goshawk long-term persistence in the forest plan areas by failing to include forest plan content that addresses the need for dense, mature forest canopy cover in the nest core. Goshawk territory occupancy is positively related to the amount of dense, mature forest canopy cover at the nest core scale, yet the only two forest plan guidelines that apply to goshawk protected activity centers are a limited operating period and a priority list for mechanical treatments in protected activity centers.*

Finding: I find it is unclear how the forest plans provide for the long-term persistence of the northern goshawk. While the forest plans provide for overall ecosystem integrity and include plan components that address some of northern goshawk habitat needs, it is unclear how species-specific needs such as dense, mature forest canopy cover at the nest core scale are addressed in the plans. The Wildlife Habitat Management Area may be intended to provide for these specific needs; however, it is currently unclear how that plan content specifically addresses the threats to this species and supports the overall determination of persistence summarized in FEIS Appendix D.

Instructions: Re-evaluate and clarify how the forest plan content, including for the Wildlife Habitat Management Area, provides for ecological conditions to contribute to maintaining a viable population of northern goshawk in the forest plan area.

Wildlife – Marten

63) *Objectors contend that the revised forest plans lack sufficient forest plan components to protect marten habitat and provide for persistence of the species on the forests; specifically, they lack sufficient ecosystem level and species-specific forest plan content, they fail to ensure denning and resting habitat is maintained in marten core areas, and the species-specific forest plan components fail to add detail to the general conditions discussed in the ecosystem-level forest plan components and do not specifically address marten denning and resting habitat needs. They also assert that the analysis in the FEIS does not sufficiently analyze impacts of the revised forest plans on Sierra marten habitat and species persistence. In addition, the definition of key ecological conditions in marten habitat is inconsistent between the FEIS and the forest plans, and the definition is inaccurate and not consistent with best available science.*

Finding: I find it is unclear how forest plan components provide for long-term persistence of marten in the forest plan area. It is unclear which ecosystem-level forest plan components are intended to provide for marten habitat needs. Species-specific forest plan components provide little additional protection.

Instructions: Re-evaluate and clarify how the forest plan content provides for ecological conditions to contribute to maintaining long-term persistence of marten in the forest plan area.

Wildlife – Willow Flycatcher

64) *Objectors contend that while the importance of meadow restoration is acknowledged in the revised forest plans, they fall short of providing sufficient guidance on directly addressing the restoration needs of the willow flycatcher including the need to increase the pace and scale of meadow restoration. Additionally, objectors contend that species-specific direction is vague and does not reflect the need for restoration and only applies to occupied habitat.*

Finding: I find the forests' approach related to meadow restoration and species-specific forest plan content for the willow flycatcher is consistent with policy. The Species of Conservation Concern persistence analysis (FEIS Appendix D) provides a crosswalk of the forest plan components that address the key threats to persistence. That analysis summarizes available information on the current distribution of the species and key ecological conditions in the forest plan area, as well as analyzes threats to the species that are both under and not under U.S. Forest Service control.

The persistence analysis concluded that it is beyond the authority of the U.S. Forest Service, or not within the inherent capability of the forest plan area, to maintain or restore the ecological conditions necessary for long-term persistence of willow flycatcher in the forest plan area. The forest plans do still contain coarse and fine filter components aimed

at maintaining or restoring ecological conditions within the forest plan area to contribute to maintaining a viable population of the species within its range, as required by the 2012 Planning Rule. This species is likely to benefit from meadow riparian restoration activities in willow dominated habitats, but as reflected in the persistence analysis, taking those actions where it is within the U.S. Forest Service's control is still not likely to result the species' long-term persistence in the forest plan area.

Consistent with the 2012 Planning Rule, restoration objectives were developed based on a combination of ecological needs and likely capacity of the forests, and objectives are not a limit; more meadow restoration could be accomplished if capacity becomes available. An alternative did analyze an objective with a greater number of restored meadows. I find that the forest plan meadow restoration objective was appropriately selected based on likely capacity of the Forests to complete the restoration, and a greater amount of meadow restoration is not likely to result in increasing the likelihood that the species would persist in the long-term in the forest plan areas.

Also, I find the potential management approach proposes to prioritize historically occupied meadows with recent detections for restoration is not implementable because there are no recent detections.

Instructions: Update the willow flycatcher potential management approach so that it provides a meaningful prioritization for meadow restoration.

Wildlife – Sierra Nevada yellow-legged frog

65) *Objectors contend that forest plan components for the Sierra National Forest do not adequately contribute to the recovery of the Sierra Nevada yellow-legged frog. They cite non-native trout and grazing as ongoing threats to the frog and propose new plan standards.*

Finding: I find the forest's approach related to Sierra Nevada yellow-legged frog forest plan content is reasonable and consistent with best available science and policy. The FEIS and Biological Assessment, as well as the Biological Opinion from the U.S. Fish and Wildlife Service, document how the forest plans provide for recovery of the Sierra Nevada yellow-legged frog by addressing threats managed by the U.S. Forest Service and acknowledging that partnerships are needed with the California Department of Fish and Wildlife to continue addressing threats from fish-stocking.

No instructions.

Wildlife – Yosemite toad

66) *Objectors contend that the species-specific forest plan content for Yosemite toad allows grazing utilization rates that are too high, allows significant degradation to occupied habitat, and does not provide sufficient protections to contribute towards recovery of the species, as required by the National Forest Management Act.*

Finding: I find the forest's approach related to Yosemite toad habitat management is consistent with policy; however, the scientific basis for the utilization rates could be

clarified. An effects analysis in the Biological Assessment determined that the forest plan components would contribute towards the recovery of the Yosemite toad. Formal consultation with the U.S. Fish and Wildlife Service ensured the plans' consistency with current recovery strategies and determined that the forest plan components are not likely to jeopardize the continued existence of the species or result in adverse modification of designated critical habitat.

Instructions: Clarify the scientific support and rationale in the FEIS for the SPEC-YT-GDL-03 Table 9 utilization rates.

Wildlife – Complex Early Seral Habitats Post-Fire

67) Objectors contend that the forest plans fail to consider the lasting effects of high-severity fire on shrub development and shrub-associated birds and fails to specify a limited operating period for salvage activities, which is necessary to ensure that nesting birds are not killed or harmed. The forest plans must also account for flushing in the standards and guidelines to ensure that post-fire actions account for the post-fire condition.

Finding: I find the forest's approach to complex early seral habitat and associated species is consistent with best available science and policy. Forest plans include components designed to ensure the retention of complex early seral forest at or above the natural range of variability, which would provide adequate, undisturbed habitat for shrub and snag nesting birds. Fine-scale temporal changes in vegetation such as flushing are most appropriately addressed during project-level planning efforts.

No Instructions.

Instructions

By copy of this letter, I am instructing the Responsible Officials to implement the following:

- Review all published literature provided by the objectors that has not already been addressed in the record and identify any additional best available science that should be included in the project record, and document this in the final ROD.
- Ensure the final environmental impact statement (FEIS) demonstrates how forest plan content would provide for persistence of at-risk plant species. During the resolution meeting, the reviewing officer committed to adopting Inyo National Forest land management plan components related to at-risk plant species, as suggested by the objectors.
- Clarify the language for TRIB-FW-DC 02 and ensure that language between the desired condition and the FEIS Tribal section wording is consistent.
- Add a definition of "underserved communities" to the glossary in both forest plans, based on the definition provided in EO 13985.
- Review prescribed fire objectives to ensure they are consistent with the Forest Service's "Confronting the Wildfire Crisis" 10-year Strategy."
- Clarify the identification of moist and dry forest habitats in the forest plans.
- Revise MA-PCT-STD 03, 04, and 05 to reduce unintended consequences.

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- Add the *Pacific Crest National Scenic Trail Foundation Document* to the preamble for the Pacific Crest Trail section.
- Move the quotation mark from after the word “established,” in the Sierra National Forest plan in the Pacific Crest Trail Section (pp. 114-115) to after the word “prohibited.”
- Correctly reference the Pacific Crest National Scenic Trail Comprehensive Management Plan (1982) in Appendix G.
- Ensure the Scenic Integrity Objectives for lands within the Pacific Crest Trail Management Area in the Sequoia National Forest plan are “high,” in the GIS data, maps, and FEIS page 655, Table 126 to be consistent with MA-PCT-GDL 01 (Figure 24, Appendix A).
- Revise forest plan standard WTR-RCA-STD 03 and WTR-RCA-GDL 06 to clarify consistency with National Best Management Practices.
- Clarify the differences in Recreation Opportunity Spectrum acres among the current forest plans, alternative A, and revised forest plans.
- Clarify references in the Sequoia National Forest plan and the FEIS to the current allowable public uses and route locations for the Sirretta Peak Trail and the Cannell Meadow Trail, including the portion of the Cannell Meadow Trail that is a National Recreation Trail.
- Correct clerical errors in the Wild and Scenic Rivers Eligibility Study and clarify the documentation of outstandingly remarkable values, eligibility, and preliminary classifications.
- Add a river corridor definition to the glossary for each forest plan that is consistent with Forest Service Handbook 1909.12, Chapter 80.
- Update the FEIS to describe where eligible wild and scenic rivers corridors overlap with existing designated motorized routes and the relationship between interim protection measures and motorized recreation.
- Review the plan monitoring program and update as needed to ensure that monitoring questions and indicators and data sources are adequate for tracking relevant changes, testing relevant assumptions, and monitoring management effectiveness at the unit level as related to providing ecological conditions necessary for California spotted owl.
- Provide more information in the FEIS about salvage as a threat to California spotted owls and clarify how forest plan content addresses that threat.
- Provide more clear definitions in the forest plans about how management is to prioritize habitat retention, using California Wildlife Habitat Relationships classification system habitat categories. For example, forest plans should make it clear that retention of habitat quality in best available nesting and roosting habitat should prioritize retaining habitat quality in habitat category 4D ahead of 4M, consistent with the Conservation Strategy for the California spotted owl in the Sierra Nevada.
- Provide all appropriate references for forest plan components that place constraints on management actions, related to California spotted owl conservation, in Table 8 of the forest plans.

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- Adjust forest plan content so that the needs of old-forest dependent species are provided for and determinations in the persistence analysis are supported. Clarify how the Wildlife Habitat Management Area forest plan content provides for “focus on conservation of old-forest-associated species”.
- Provide in the analysis the scientific reference and rationale for the larger than 25-acre patch size threshold in fisher plan content (SPEC-FSHR-GDL-01).
- Clarify the purpose of the term “home range-sized area” in regard to fisher in the FEIS and forest plans.
- Re-evaluate snag density in dry lodgepole pine fisher habitat. Evaluate the vegetation types that host dwarf mistletoe and identify if additional forest plan content would be important for fisher habitat.
- Modify the definition of great gray owl protected activity centers in both forest plan glossaries to align with best available science.
- Clarify how the threat of great gray owl car strikes is appropriately addressed in forest plans. Improve consistency of Table 68 of the FEIS with the stressor summary in Appendix D.
- Correct the inconsistency in the number of great gray owl protected activity centers between the spatial data and FEIS.
- Re-evaluate and clarify how the forest plan content, including for the Wildlife Habitat Management Area, provides for ecological conditions to contribute to maintaining a viable population of northern goshawk in the forest plan area.
- Re-evaluate and clarify how the forest plan content provides for ecological conditions to contribute to maintaining long-term persistence of marten in the forest plan area.
- Update the willow flycatcher potential management approach so that it provides a meaningful prioritization for meadow restoration.
- Clarify the scientific support and rationale in the FEIS for the SPEC-YT-GDL-03 Table 9 utilization rates.