## Imler-Jacquez, Sandra R -FS

**From:** Tom & Carlyn Jervis <Jervidae@cybermesa.com>
**Sent:** Wednesday, December 18, 2019 4:20 PM
**To:** FS-comments-southwestern-santafe
**Cc:** Joanna Hatt
**Subject:** Encino Vista Landscape Restoration Project
**Attachments:** Scoping Encino Vista Restoration.pdf

Rich Nieto, District Ranger
Coyote Ranger District

Dear Mr. Nieto:

Attacherd pelase find the comments of Sangre de Cristo Audubon Society on the proposed Encino Vista Landscape Restoration Project.

Thank you foir the opportunity to comment on this project. Please keep us informed about the status and development of the project.

Sincerely,

Thomas Jervis, President
Sangre de Cristo Audubon Society
Santa Fe
505-988-1708

# Sangre de Cristo Audubon Society

December 14, 2019

Rich Nieto, District Ranger
Coyote Ranger District
USDA Forest Service
Santa Fe National Forest
HC-78 Box 1
Coyote, NM 87012

Dear Mr. Nieto:

Many of Sangre de Cristo Audubon Society's 1,400 members watch birds and recreate in the Jemez Mountains and have a longstanding interest in the management of the Forest. We support your efforts to restore forested landscapes in the Encino Vista area and encourage broader scale forest restoration projects on your district.

We have reviewed the Purpose and Need Statement for the Encino vista restoration project and have a number of comments:

In general, we feel that thinning projects are often too concentrated on ***conditions on the Forest***. We believe that the emphasis should be on proper ***function*** of the ecosystem processes that maintain the resiliency of the forest system. Silvicultural prescriptions that manage for particular conditions, while appropriate for specific projects and treatments, will fail if the processes that support the ecosystem are not allowed to function. This is particularly true in light of changing climate. A desired condition which is appropriate for today's climate may not be appropriate in the future, but if ecological processes are intact, the forest will sustain its resiliency.

That said, we support the need to create conditions for the resilience of these forests and feel the proposed action is appropriate if managed properly. It would be helpful for the public to know what further specific actions are planned or contemplated to further this broader goal. Restoration is desirable, restoration of natural ecological function in the surrounding forest should be the real goal.

In carrying out this work, we would hope that you would also consider the following in developing the details of the project:

- Improving stream function to accommodate processes of stream meander, stable stream morphology, and floodplain development.
- Managing recreational access to minimize impacts on the function of watersheds, riparian and cultural areas, and wildlife.
- Managing grazing to minimize impacts on watersheds, rangeland, riparian and cultural areas, and wildlife.

We have a number of specific concerns with respect to the proposal:

1. We are primarily concerned about nesting birds. Direction for management and protection of migratory birds and their habitats within the continental United States exists in several forms.

- The Migratory Bird Treaty Act (MBTA) enacted in 1918 established Federal prohibition, unless permitted by regulations, to pursue, hunt, take, capture, kill any migratory bird, any part, nest, or egg of any such bird.
- Executive Order (EO) 13186 signed January 10, 2001 directed Federal agencies to avoid or minimize adverse impacts (to the extent practical) on migratory bird resources when conducting agency actions (among many items within the "Federal Agency Responsibilities" section of the EO).
- Pursuant to the EO, agencies were to develop Memorandum of Understanding (MOU) to strengthen and promote migratory bird conservation and collaboration with the U.S. Fish and Wildlife Service. The original 2008 MOU was extended and signed in 2016.
- Bald and Golden Eagle Protection Act (1940 as amended) protects eagles from actions of anyone (or entity) which would "take" eagles to the point of causing nest failure or reduce productivity (unless you or your entity have obtained a permit issued by the Secretary of the Interior).

There have not been specific USFS policies provided to direct migratory bird analyses into the NEPA process. However, the Southwestern Regional Office (R3 USFS) direction on migratory bird analysis is as follows:

1) Analyze effects to Species of Concern which are developed by the local (State) Partners In Flight Office with an emphasis on "high priority species".
2) Analyze effects of project action on Important Bird Areas (IBA's).
3) Analyze effects of project actions to important overwintering areas on USFS lands.

While we appreciate the attention paid to Mexican Spotted Owl (*Strix occidentalis lucida*) and Northern Goshawk (*Accipiter gentilis*) in this initial Proposed Action, we are troubled by the lack of attention paid to other species. The New Mexico Avian Conservation Partners (Partners in Flight) Birds of Conservation Concern (Primary threat list status SC1) that can be reasonably expected to be found in the project area include:

Flammulated Owl *Psiloscops flammeolus*
Grace's Warbler *Setophaga graciae*
Juniper Titmouse *Baeolophus ridgwayi*
Lewis' Woodpecker *Melanerpes lewisii*
Mexican Spotted Owl *Strix occidentalis lucida*
Pinyon Jay *Gymnorhinus cyanocephalus* (nesting colonies are of particular concern)
Virginia's Warbler *Leiothlypis virginiae*
Woodhouse's Scrub-Jay *Aphelocoma woodhouseii*
Scaled Quail *Callipepla squamata*

In the absence of comprehensive survey data of the area, these species should be presumed to exist in the project area and would therefore fall under R3 USFS item 1 above.

A project that cuts live trees or shrubs during the nesting season will result in the total failure of all nests in that vegetation. Inasmuch as most of the trees in an area will be cut during the restoration activities, compliance with R3 USFS direction suggests that restoration/thinning work should not occur during the peak of the nesting season, specifically April 15 through August. This is also the primary season for reproduction of all wildlife so this restriction will have benefits for mammalian, piscine, and herpetological fauna as well.

Even those trees and shrubs that are not cut will be disturbed, all resulting in reduced nesting success by many neotropical migrant songbirds. Quite apart from violation of the Migratory Bird Treaty Act, this is another example where managing for desired conditions can disrupt natural ecological processes (reproduction) that are essential to proper ecological function. Since the period also includes the peak of the fire season, avoiding the use of mechanical equipment in treatment areas during this period reduces the likelihood of ignition at a sensitive time.

We are concerned about using goats to manage Gambel's oak. If goats were deployed during the nesting season, they would eat up a lot of understory vegetation (important for shrub nesters) and possibly the nests themselves. The use of goats for shrub control should also be restricted to periods outside of the nesting season.

2. We are also concerned that proposed changes in the Forest Plan will relax standards for Mexican Spotted-owl management. While this may be in an effort to reduce fuel loads, it appears to reduce protection and indeed degrade habitat. For example, on Page 18 the proposal states: "Within PACs, combinations of thinning trees up to ***17.9 inches*** d.b.h., mechanical fuel treatment and prescribed fire should be used to abate fire risk to owl nest/roost habitats and improve habitat structure in select protected activity center outside the 100-acre core area." The prior language states: "Use combinations of thinning trees ***less than 9 inches*** in diameter, mechanical fuel treatment and prescribed fire to abate fire risk in the remainder of the selected protected activity center outside the 100-acre "no treatment" area." Larger trees are an essential component of Mexican Spotted-owl habitat. Removal of trees in the 9-17.9" size class will inevitably degrade habitat for Mexican Spotted-owls. There is no justification for this change.

3. We are concerned with soil compaction in treatment areas. Skidding of whole trees and/or collection of fuelwood by large numbers of individual pickup trucks can lead to excessive soil compaction in large areas. Soil compaction retards recovery of desirable grasses, forbs, and shrubs that are important for wildlife and can advance the establishment and spread of noxious weeds. While the use of small fuelwooders to perform restoration work has some social benefits, we would prefer to see the use of tracked feller-bunchers in conjunction with forwarding equipment to remove both the fuelwood and the slash (see concern below) from the treatment areas. A central location where fuelwood could be collected by individuals would result in a more controlled area of compaction that could be remediated at the end of the project.

4. We are worried that the use of many individual pickup trucks over a large area will result in the establishment of a large number of "social" roads that are difficult to obliterate. These roads tend to have a life of their own beyond the project lifetime and

result in continuing disturbance of wildlife, the poaching of remnant snags (see concern below), and attendant erosion.

5. We are concerned that the slash resulting from the thinning will remain on the ground for long periods of time prior to burning. Large quantities of green slash are likely to attract bark beetles, particularly in case of drought. This will lead to increased and unnecessary mortality in the remaining trees. If forwarding of the entire trees is not used as suggested above, we would encourage the piling and burning of slash as the project proceeds followed by a broadcast burn at the end of the project.

6. We are disturbed by the low number of snags in the Santa Fe National Forest generally. Snags are extremely important for many species of birds and other wildlife. There is a propensity on the part of fuelwooders to cut snags in the mistaken belief that they are "lightning rods" that ignite fires. Many snags also make particularly nice firewood on account of their pitch content. We urge your to make a concerted effort to conserve existing snags through education of the personnel involved and if necessary by the marking of snags and snag recruit trees. Also, we note that dense duff can lead to the death of otherwise healthy mature trees during broadcast burns. While this is one means of snag recruitment, we do not support it.

7. We are apprehensive about the treatment of old, large trees in this project. We urge you to be more specific as to the treatment of old, large trees in the analysis to ensure that these trees, which are essential for wildlife and future forest resilience, are protected.

8. We are concerned about the management of Piñon-Juniper savannas and woodlands. "Management of Pinŏn-Juniper vegetation has been hindered, especially where ecological restoration is a goal, by inadequate understanding of the variability in historical and modern ecosystem structure and disturbance processes that exists among the many different environmental contexts and floristic combinations of Pinŏn, Juniper and associated species...For example, "persistent woodlands" may still be within their historical range of variability, whereas degraded woodlands would be strong candidates for restoration to pre-1900 conditions."[1] "The first step in effective restoration is to identify and then modify the cause of degradation. If our land uses are found to be responsible for tree invasions or density increases, and if restoration is to have lasting value, it is essential to change the land uses that led to the need for restoration."[2] We strongly urge you approach the "restoration" of these woodlands and savannas with humility and care, cognizant of the centuries of land uses that have led to the conditions that are found on the Forest.

We thank you for the opportunity to comment on this project. Getting it right at the beginning is important.

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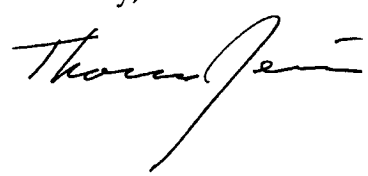
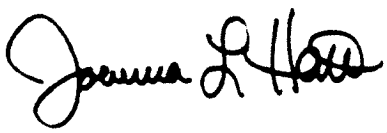
[1] Romme, W.H., and others. 2008. Historical and modern disturbance regimes, stand structures, and landscape dynamics in Pinŏn-Juniper vegetation of the western US. Colorado Forest Restoration Institute, Colorado State University, Fort Collins, CO.

[2] Baker, W.L., and D.J. Shinneman. 2004. Fire and restoration of piñon-juniper woodlands in the western United States: a review. *Forest Ecology and Management* 189: 1–21.

Sincerely,



Tom Jervis, President



Joanna Hatt, Conservation Chair

109 Daybreak
Santa Fe, NM 87507