



United States Department of the Interior



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FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

DEC - 9 2015

Mr. Kevin B. Elliott
Sequoia National Forest
1839 South Newcomb Street
Porterville, California 93257

Subject: Informal Consultation and Informal Proposed Threatened Species Conference for the Proposed Trail of 100 Giants Hazard Tree Removal Project, Sequoia National Forest, Tulare County, California

Dear Mr. Elliott:

This is in response to the Forest Service's December 1, 2015, request for concurrence from the U.S. Fish and Wildlife Service (Service) with the Forest Service's determination that the proposed Trail of 100 Giants Hazard Tree Removal Project may affect, but is not likely to adversely affect, the endangered mountain yellow-legged frog (*Rana muscosa*) (frog). No designated critical habitat for this listed species is located within the proposed project action area. Additionally, this responds to your December 4, 2015, request for concurrence from the Service with the Forest Service's determination that the proposed Trail of 100 Giants Hazard Tree Removal Project will not jeopardize the proposed threatened Fisher West Coast Distinct Population Segment (DPS) (*Pekania [=Martes] pennanti*) (fisher). This informal consultation for the mountain yellow-legged frog and informal conference for the fisher is based on the project information provided in your December 1, 2015, habitat assessment; the December 4, 2015, Short Form Biological Assessment and Hazard Tree Evaluation forms; and electronic mail and telephone communications between the Forest Service and the Service between December 1, 2015 to December 9, 2015. This letter is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

It is our understanding that the purpose of the project is to remove dead or dying trees that have been identified as hazardous to forest visitors by the forest district silviculturalist in the approximately 30 acre area encompassing the Trail of 100 Giants. A total of 117 dead, rotting or damaged trees are in close proximity to the trail. The trail is located across the highway near a popular campground and thus the hazard trees pose a safety threat to forest visitors in this high use area. The proposed project site is 2 miles north of the 107 intersection along the Western Divide Highway southeast of Springville. The elevation of 100 Giants Trail is approximately 6,400 feet, across from the Redwood Meadow Campground and consists of 1.3 mile paved walking loop through a Sequoia grove. The site has an intermittent stream, near long meadow creek, which holds water during spring snowmelt, and typically dries by summer. The intermittent creek lacks overhanging vegetation and deep pools. The site also has downed wood and snags resulting from decaying coniferous forest, mainly white fir, Ponderosa pine, sugar pine and giant Sequoia.

The proposed project site is within the current and historic range of the mountain yellow-legged frog, but does not fall within proposed critical habitat. The nearest known occurrence in 2007, is approximately 3 miles southeast the project site (CNDDDB 2015). The intermittent channel located in the action area when holding water in the late winter and spring, drains into Redwood meadow and long meadow creek and meadow that may provide suitable habitat for breeding and dispersing mountain yellow-legged frogs. However, the intermittent segment is isolated from this nearby habitat at the south due to elevated culvert placement. The adjacent long meadow and creek has been surveyed for the mountain yellow-legged frog 4 times in the last 15 years and no frogs have been detected.

Additionally, the project site is in the current and historic range of the fisher. The action area also falls within the Core Area 2 identified by the Draft Fisher Conservation Strategy to have optimal habitat features for female fisher and higher occupancy rates in the Sequoia National Forest than neighboring forests to the north. (Spencer *et al.* 2015). The action area is primarily Sierra mixed conifer forest with many elements of denning, resting and dispersal habitat utilized by fisher. The nearest known occurrence is within the action area of the project from the 1970s; however several more recent occurrences occur within a twenty kilometer radius of the action area (CNDDDB 2015).

The project action includes felling, removing and burning of the hazard trees prior to February 1, 2016 or between July 1, 2016 and February 1, 2017 if inside a stream buffer zone, and before March 1, 2016 or between July 1, 2016 and March 1, 2017 if outside of a stream buffer zone. All trees would be felled using hand tools or a chainsaw. Of the 117 hazard trees identified, 11 are within 82 meters (stream buffer zone) of intermittent channel of long meadow creek. All these trees will be felled away from the creek to minimize soil disturbance. Additionally, any trees that fall within the 82 meter stream buffer will be left in place or removed in small logs or rounds by hand, so soil is not disturbed by vehicles or skidding trails. Stumps of trees that are rotting or wet will be treated with anti-fungal chemicals (Borax) by direct application via backpack sprayer. Some felled tree sections will be retained to contribute to downed woody debris habitat for fisher. Smaller sections and those resulting in unsafe fuel loading near recreational areas, or those that impede access to recreational areas will be removed with small equipment by chaining along paved trails or equipment trails. Bucked material will be taken to the highway and sold as firewood, chipped and dispersed in the area, or piled and burned.

Based on the information received from the Forest Service, the following measures will be implemented to avoid potential adverse effects to the frog and the fisher:

1. No trees will be felled toward waterways in the action area.
2. Any trees felled from within the 82 foot stream buffer will be left on site or bucked with chainsaw and removed by hand. No heavy equipment or motorized vehicles will be utilized for tree felling or removal in the stream buffer zone.
3. Work (felling, tree removal and burning) will occur while the intermittent creek is dry (no flowing water) or covered by snow.
4. Work will not occur within the stream buffer zone during the breeding season of the frog (February- June).

5. Work will not occur in the action area during the breeding season of the fisher (March - June).
6. If snow melt occurs, providing moving water in the intermittent creek, during felling operations or removal of trees in the stream buffer zone, a Service-approved biologist, with the authority to halt work, will perform a visual encounter survey for the frog in the 0.25 mile stream buffer zone prior to commencement of work.
7. If personnel other than a Forest Service wildlife Biologist or Fisheries Biologist will be serving as project monitor(s), their written qualifications will be presented to the Service for review and written approval at least 2 business days prior to work commencing at the project site.
8. The Service-approved biologist will have the authority to stop activities that may result in adverse effects to the frog and/or fisher. If a frog or fisher is observed in the action area the animal will be allowed to leave of its own volition.
9. Project-related vehicle traffic will be restricted to established roads or access routes and will be kept to the minimum amount necessary to accomplish work. Project vehicles and equipment will observe a 20-mile-per-hour speed limit while in the action area.
10. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at the end of the workday from the action area.
11. Rodenticides will not be used at the project site. Borax treatment (Disodium Octaborate Tetrahydrate, Cellu-Treat brand name) by direct application (backpack sprayer or spray bar) to the stump, will be the only pesticide or herbicide used in the action area.
12. The Service-approved biologist will visually inspect any trees of DBH ≥ 30 " for cavities, branches, brooms or fungal mats that may be resting habitat used by the fisher. The Service-approved biologist will be on-site, with human safety as a consideration, for felling of these trees, and to the maximum extent practicable the Service-approved biologist will visually inspect trees for fisher prior to felling and on the same day felling is planned. If a fisher is present, the tree will not be felled, and all work that may adversely affect it will be halted.
13. If the frog, fisher or any other listed species is encountered during project implementation, the Service will be notified of the incident by telephone and e-mail within 24 hours.
14. An average density of 4 snags or downed logs (woody debris)/ 1 acre (largest available) will be maintained in the action area. Retained snags or logs that may serve as future fisher dens or resting sites will be at least 30 inches in diameter and at least 3 feet in length.
15. Select hazard trees felled with potential to provide optimal denning, resting and dispersal habitat for the fisher (≥ 45 " DBH, trees # 23, 25, 32, 40, 43, 74, 79, 105, 106, 112, 114 in the habitat assessment) will be at least partially retained on site to improve density of downed woody debris. Sections retained will be ≥ 3 feet and sections with any suitable cavities or hollows are preferred to those lacking characteristics that improve cover for fisher. These trees may be counted towards woody debris density requirements set in measure 14. These

- logs will be preferentially retained and arranged to provide cover, especially in areas where canopy cover is less than 60%. Portions of the tree bole that are too small, such as the upper 1/3 of the tree, and lateral branches may be removed or piled and burned.
16. Trees (#10 in the habitat assessment) of lower hazard rating (5 or less) and that have large DBH (≥ 25 Inches) will be partially retained as snags or tall stumps, if possible, with human safety as a major consideration. Hazard branches and tops will be removed to ensure if the tree falls it will not be on recreation paths or campsites, but the base shall remain intact. Height of the tree base retained is left to the discretion of the forester based on consideration of human safety.
 17. To maximum extent possible, trees will be felled in a fashion that minimizes damage to surrounding trees.
 18. A flag line will be erected to demarcate the buffer zone surrounding the stream, and potential frog habitat.
 19. Slash piles will only be burned when the number of snags or logs exceed the average woody debris density across the action area (as listed in measure 14), or as necessary for human safety. Slash pile burns will only occur between July 1st and January 31st, outside the breeding season of the fisher. Slash piles will not be burned within the stream buffer.
 20. To the extent possible felled hazard trees will be left on the ground. Felled trees that result in unacceptable fuel loading near the trail, or that impede access to the existing trail, will be removed using an excavator, a bobcat, quads or a chipper. In these instances, felled material will be cut into short sections to minimize surface disturbance, then chained and moved from the area. Focus will be to pull log segments to the paved trail, or to utilize existing equipment trails from prior entry. Where ground disturbance results, berms created will be raked out, and restored with ground cover using hand tools to rehab. Felled trees that present high fuel loading that are inaccessible, would be cut into smaller segments, piled, and burned. Felled trees will not be dragged in the buffer zone, but will be cut into sections (bucked) before removal to prevent ground disturbance. All motorized vehicles and equipment will be stored on existing roads, cleared landings or off-site.
 21. The Service-approved biologist will visually inspect any felled trees of DBH ≥ 30 " for cavities, branches, brooms or fungal mats that may be resting, denning or dispersal habitat used by the fisher. The Service-approved biologist will be on-site, with human safety as a consideration, when bucking, burning and removal of felled trees, that may provide habitat for the fisher, occurs. If a fisher is present, all work that may adversely affect it will be halted.

The Service concurs with the Forest Service's determination that the proposed project may affect, but is not likely to adversely affect the mountain yellow-legged frog and will not jeopardize the fisher because: (1) the project is located within a high use recreational area where a listed species are less likely to be present during periods of low use; (2) the proposed work will not occur in any water ways, or cause disturbance to banks of waterways that could provide suitable habitat by use of any heavy equipment or vehicles; (3) the proposed project will not result in the loss of listed species habitat; (4) project activities will occur outside the breeding season of the frog, when the frog is not

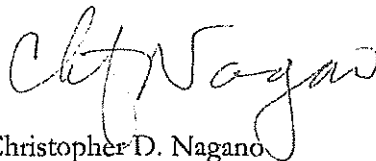
active, and the frog likely will not occur within the site during implementation of the project as there is no overwintering habitat in the project area; (5) project activities will not occur within the breeding season of the fisher, although breeding habitat; (6) the project will not alter overall canopy cover and will maintain snag and woody debris cover for the fisher; (7) the intermittent creek that could provide suitable habitat is isolated from other waterways by roads and other infrastructure; and (8) the Forest Service will implement the measures described in the information provided to the Service to avoid adverse effects to listed species.

The provisions of section 9 of the Act are not applicable to proposed species; however, the specification of conditions for the West Coast DPS of the fisher in this informal conference is intended to provide a basis with sections 7(b)(4) and 7(o)(2) of the Act. Thus, the recommendations set forth in the Measure section of this document are intended to satisfy the requirements of sections 7(b)(4) and 7(o)(2) in the event this proposed species is listed under the Act. If the species is listed, the Forest Service may request the Service review the Trail of 100 Giants Hazard Tree Removal Project, and if we determine there have been no significant changes in the action as analyzed in this letter, the Service will adopt the informal conference as the informal consultation determination for the fisher.

Unless new information reveals effects of the proposed project that may affect listed species in a manner or to an extent not considered; or the project is modified in a manner that causes an effect to the listed species that was not considered; or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary.

If you have questions regarding this letter, please contact Desirae Watson, Endangered Species Biologist (Desirae_Watson@fws.gov) or Chris Nagano, Forest Foothill Division Chief (Chris_Nagano@fws.gov), at the letterhead address, (916) 414-6653, or by electronic mail.

Sincerely,



Christopher D. Nagano
Chief, Endangered Species Division (Forest)

cc:

Ms. Nina Hemphill, Ms. Robin Galloway and Mr. Joshua Courter, U.S. Forest Service, Springville, CA

Ms. Diane MacFarlane, U.S. Forest Service, Vallejo, CA

Ms. Sandra Jacks, California Department of Fish & Wildlife, Rancho Cordova, CA

Ms. Sarah Boogay, Ms. Marguerita Gordus, California Department of Fish and Wildlife, Fresno, CA

Literature Cited

California Department of Fish and Wildlife. 2014a. California Natural Diversity Data Base (CNDDB) RAREFIND. Natural Heritage Division, Sacramento, California.

Spencer, W.D., S.C. Sawyer, H.L. Rosmos, W.J. Zielinski, C.M. Thompson, and S.A. Britting. 2015. Southern Sierra Nevada Fisher Conservation Strategy. Unpublished report produced by Conservation Biology Institute.