

Via fax and email

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September 12, 2003

Sierra Nevada Forest Plan Amendment DSEIS

P.O. Box 221090

Salt Lake City, UT 84122-1090

To Whom It May Concern:

Please accept these comments on behalf of the members of the California Association of Business, Property and Resource Owners. We are based in Nevada County but our membership is composed of concerned citizens in Placer and Sierra Counties as well. Our members are directly affected by this DSEIS. Many of our members are recreationists who use Forest Service lands (downhill and cross country skiing, snowmobiling, four wheeling, motorcycling, horseback riding, mountain biking, driving for pleasure/sightseeing, nature study, gold panning, camping, fishing, hunting, etc.) Some of our members use National Forest lands in the day to day course of their livelihood (wood cutters, ranchers, miners, guides). And most of our members are within a few miles of national forest lands – which becomes important when we evaluate the DSEIS in terms of fire risk and forest health.

We are acutely aware that our backyard is viewed as a national treasure, owned by all Americans. We share that viewpoint. It is another reason why we are compelled to respond to this DSEIS.

CABPRO was part of a joint appeal on the Sierra Nevada Forest Plan Amendment Final Environmental Impact Statement and Record of Decision signed January 12, 2001 by Regional Forester Brad Powell (Appeal # 01-13-00-0074). In that appeal, we outlined 8 major reasons why an appeal was necessary:

1. The Record of Decision is flawed and does not comply with requirements of the National Environmental Policy Act, National Forest Management Act, Organic Act, Multiple-Use Sustained Yield Act and other relevant statutes.
2. The FEIS, Standards and Guidelines and ROD are based upon a limited and arbitrary fire strategy with associated constraints that preclude effectively reducing

the threats of catastrophic fire losses. The FEIS Standards and Guidelines and ROD are also inconsistent with the National Fire Plan.

3. The FEIS has a narrow range of alternatives which do not meet the intent and legal standards for an adequate range of alternatives developed and displayed for consideration of the decision maker and the general public [40 CFR 1500.2(b)].
4. The FEIS does not adequately explore, disclose or evaluate the effects of the alternatives as required by Forest Service Manual and other regulations for social and economic institutions.
5. The wildlife portions of the FEIS and ROD are based upon inconclusive science and insufficient data sets, fraught with significant data gaps and contain a strong bias against human use that is not supported by the underlying science.
6. The grazing portions of the FEIS, Standards and Guidelines and ROD remove the potential for sound economically viable range management and grazing from the Sierra Nevada.
7. The FEIS and ROD reduce the opportunity for recreational activities in the Sierra Nevada region and avoids public response expressed throughout the process of actively dealing with the recreation issues.
8. The FEIS, Standards and Guidelines and ROD eliminate opportunities for sustaining an economically viable forest-products industry.

Our joint appeal and that of the other 200+ appellants in 2001 made the Forest Service take a step back. We were hopeful. The Chief's direction to the Regional Forester was promising, even though the Record of Decision was affirmed. The

Regional Forester's identification of 6 specific topics for further evaluation was positive. The Review Team established by the Regional Forester released findings and recommendations earlier this year. In a March 6, 2003 press release issued by the Pacific Southwest Region office, the message is repeated over and over: the Review Team was not willing to discard SNFPA goals, but they did agree that there were better, more effective ways to meet those goals. We seemed headed in the right direction – our concerns might be addressed. Then the SDEIS hit the streets in June and our hopes are dashed. What happened between March and June???

Unfortunately, this DSEIS ignores some of the most important comments made by the Review Team and we are again forced to question the selection of a preferred alternative. While moving in the needed direction, S2 represents half steps when full steps are warranted. S2 falls far short of providing needed relief for the natural and human elements of the Sierras. S2 makes us wonder what exactly the Forest Service motto means (“Caring for the Land and Serving People”). The Forest Service can do better. S2, unless modified, is not acceptable.

### ***The PROBLEMS***

#### ***✓ Analysis of Alternatives Was Flawed***

There is a range of 3 alternatives presented in the SDEIS and seven alternatives “referred to” from the FEIS. The SDEIS page 38 says “Ten alternatives are considered in detail... Readers can refer to the SNFPA FEIS Volume 1... for more detailed descriptions of these (F2 – F8) alternatives.” Is this a token attempt to meet NEPA requirements for a reasonable range of alternatives (i.e. NEPA-lite)?? We have to wonder - did the Region even take their own advice to refer to the other alternatives? There is no substantive, detailed, or illustrated comparison of all ten alternatives within the SDEIS. The text in SDEIS Section 2.3 “Comparison of Alternatives” is generic and misleading. The reader is forced to make his/her own calculations, charts and graphs to understand the comparisons.

In our opinion, S3 does not have enough “stand alone” characteristics to describe it as a separate alternative – it really is just a subset of S2. The fact that the SDEIS only used the “No Action” alternative (S1) from the SNFPA Record of Decision and ignored the real, tangible aspects of F4 appears arbitrary and capricious. This is troubling, given the previous public comment and technical documentation supporting key elements of F4. That technical documentation was part of our appeal package sent to the Chief. F4 meets the goals of the SNFPA.

Disclosure of impacts not only means that differences are acknowledged, but that they are quantified and presented in an understandable manner. The goal is to inform the public and decisionmakers as to possible consequences. That goal was not met here. We are disappointed with the poor job of comparing alternatives. This defect needs remedy. We respectfully request a re-evaluation of the three SDEIS alternatives with F4.

✓ *S2 Fails to Adequately Deal with Heavy Fuel Load*

It may be difficult for agency personnel in Vallejo or the public in urban areas to understand the extreme concern those of us in the rural counties have with wildland fire. Predicting fire seems akin to predicting the weather – a gamble. Only in this case, the stakes are very, very high! The discussion can quickly move from the academic to the real in certain months of the year. Although alternatives presented in the FEIS do a much better job of reducing fuel load, an extremely conservative approach is chosen in the SDEIS with little justification for the new alternative S2. S2 does not give us any comfort. S2 leaves us vulnerable, when that danger could be avoided!

SDEIS page 4 notes, “The Regional Forester intends for the Southwest Region to achieve the goals of the National Fire Plan.” Given the SNFPA/S2 constraints, we ask “When and where will the Region meet the National Fire Plan?” Certainly not in the Sierras anytime soon!!! That sentence must mean that the four Southern California forests and the coastal forests will meet those National Fire Plan goals???

The SDEIS states on page 40 that “Approximately 7.5 million acres in the 11 Sierra Nevada national forests are estimated to have high to very high levels of fire hazard and risk.” Total acreage of all 11 national forests covered under this SDEIS is 11,463,332. 7.5 million acres is about 65% of that total.

Fire risk is described as a “Condition Class.” Condition class 3 denotes a very high risk of catastrophic fire, “where these lands ‘verge on the greatest risk of ecological collapse.’ ” Class 2 denotes lands that have “a moderate risk of losing key ecosystem components as a result of wildfire.. . .about 3 million acres (of Sierra Nevada forests) are estimated to be in condition class 3.” (SDEIS page 98) SDEIS page 30 notes that the Review Team identified aspects of existing direction that must be refined: “Briefly, fuels treatment must significantly lower wildfire intensity and rate of spread... Management must actively restore fire-adapted ecosystems by making demonstrated progress in moving acres out of an unnaturally dense condition (i.e. moving acres from class 2 or 3 to condition class 1).” That means that the above mentioned 7.5 million acres (Class 2 or 3) warrants treatment – demands treatment - to reduce estimated risk of catastrophic fire. It is a known problem.

But the “Fuels Treatment” Table in the SDEIS page 81 says for a 20 year period under S2, only 1,596,000 acres will be touched by an active treatment program, while 677,000 acres will be touched by prescribed burns. For a ten year period, that translates into about 798,000 acres mechanically treated and 338,500 acres to be burned (given the right wind, air quality, moisture, and others factors). Total treated and burned acres for a 10 year period is 1,138,508 or about 10% of the entire land base of the 11 national forests covered by this SDEIS. The 1,138,508 acres is a far cry from the 3 million acres identified as Class 3 or the 7.5 million acres of both Class 2 and 3. Why the small amount treated? Again, this seems to be a token response to a known, significant, and life threatening situation. This is not what we would call “demonstrated progress.” It is better than nothing, but that is a sad commentary on the agency’s willingness to go beyond a minimal output.

Also, the treatment to be done on the 10% of the land base will take a generation or more to accomplish. (SDEIS page 39 - “Both the community protection and landscape fuels treatment are accomplished over a 20-25 year period.”) The National Fire Plan calls for a network of “defensible space” to be in place in the first decade. The fuels treatments authorized under the SDEIS must be accelerated at a pace and scale that meets the first decade objective of the National Fire Plan.

Please increase the acres treated annually to F4 levels – S2 acres are not enough. F4 does a much better job responding to the fire danger. SDEIS p. 10 summarizes two key benefits of F4 in comparison to other alternatives related to “Severe Wildland Fires:” the predicted acres burned decreases, and fuels treatments in a strategic pattern are emphasized so that expected losses of old forest from severe wildfire are less than for other alternatives. That sounds good to us!!

SDEIS imposed limitations on the placement of SPLATS mean we are exposed to catastrophic fire by design, not by accident! What ever happened to site specific flexibility for maximum effectiveness?? And remember – SPLATS are supposed to slow down fires (i.e. the speed bumps), not stop them. That is – if they work. SPLATS are an experimental method, the product of computer modeling. We who live here, and the forests, are the guinea pigs. Our backyard ***is not*** a laboratory operating under controlled conditions. Please add DFPZs (Defensible Fuel Profile Zones) to the fire-safe “toolbox” to be used across the rest of the Sierran forests (not just HFQLG areas). DFPZs are tested and proven to be effective.

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Please change your definition for “wildland-urban interface” to mean “in or near communities of at least one structure per 40 acres.” That is crucial for Nevada County!

Please remove the 20 year limitation on initial treatments.

Please include for the Record a graph prepared by John Hofmann with the Regional Council of Rural Counties. The graph is titled “Lethal or Stand Replacement Acres Burned (forester lands only).” The graph uses SDEIS Figure 4.2.4b as the base. The graph is a perfect illustration that F4 is a superior alternative to S2. S2 provides some reduction in fire severity but fails to achieve the desired reduction in high severity fires, even over the extended timeframe of 140 years. Only Alternative F4 achieves the desired condition – and it takes 40 years to do so. When we know better - when we can see for our very own eyes - that S2 predicts a greater number of acres burned under “lethal” conditions than F4, how can the SDEIS recommend S2???

Human lives and the forest ecosystem are at stake. Shouldn't the protection of human life count for something? We urge you in the strongest possible terms to re-examine F4's suitability as the preferred alternative. The tactics to prevent and fight fire must be more aggressive than proposed in S2. Concentrating on a relatively few acres when the remainder of the forest is the bigger issue is vivid illustration of the cliché “you can't see the forest from the trees.” Please allow broader discretion by your rangers and experts at the local level, so that more “effective” treatment to reduce dangerous fuel load can be undertaken to protect life and limb.

✓ *S2 Ignores Congressional Mandates and Social Responsibility*

SDEIS direction to severely reduce timber production is alarming . It is alarming in several ways.

1) It ignores Congressional legislation establishing Forest Reserves and followup legislation codifying the “multiple use-sustained yield” concept of federal land management. That leads us to wonder what multiple use will be next (although grazing looks like the next target for the “eliminate” list).

2) It removes a potential source of revenue to pay for federal management costs. We recognize and agree with the difference between “National Park” management and “National Forest” management. We support the use of public lands (National Forests and BLM) for multiple and commercial purposes (i.e. ski areas, film making, water supply, power production, etc.). Some preservation groups do not share that philosophy. No matter what the agency does, if it entails any potential for possible profit for a private party, there will be detractors. It is expensive managing the nation’s forests. We encourage the Region to carefully look at all appropriate ways to generate revenue, provided that reasonable environmental safeguards are in place and the public’s existing, traditional uses are respected. Commercial timber harvesting can be beneficial in many ways, not the least of which is achieving a healthy ecosystem. The current density of forested stands is extremely high and the regrowth rate is also high. So where’s the justification for a “no cut” position, other than philosophical????

3) It financially harms the community and region accustomed to timber dollars and increases our dependence on outside sources for wood products. It makes sense to try and produce in the US what we consume in the US, when possible. That is the responsible thing to do. Relying on other

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countries to meet our demand for wood is irresponsible. California has an abundance of forest land. California’s forests can provide for the state’s citizens and still retain a high degree of environmental protection, if given the chance. The SDEIS ignores the corollary question – where will we get our wood? How many private interests could propose a major federal action and ignore the question of direct and indirect consequences? Where is the accountability for the action?

✓ *S2 Jeopardizes Family Ranching & Family Recreation*

We fully support the comments and recommendations submitted by the California Cattlemen's Association on this SDEIS. Most significant are the realizations that S2, the preferred alternative, still unnecessarily harms ranching families. S2's analysis lacks substance or justification.

The organized recreation community (Back Country Horsemen of California, Blue Ribbon Coalition, and others) has expressed concern about the Standards and Guidelines, and we share their concern. The bias against recreation is unwarranted. Confusion about the SDEIS S&G must be remedied in order to more fully understand the impacts of the proposed action. Disclosure of impacts has not occurred. On a related note, the decision to change land use designations for motorized use, from "open" forests to "designated routes" is very serious. The lack of analysis evaluating this change is disturbing. Again, where is the identification of direct and indirect consequences (displaced users being concentrated on designated routes)? Where is the discussion about options? This decision should be removed from the SNFPA SDEIS and given to the local forests for discussion and action.

**We urge you, in the strongest possible terms, to withdraw your selection of S2 as the SDEIS preferred alternative. We urge you to conduct a thorough analysis of F4 in light of these comments and the new information presented since the SNFPA ROD was signed. We urge you to select an alternative that not only accomplishes the desired goals of forest health and biodiversity, but also makes a real effort to keep us – your next door neighbors - from harm's way.**

Please do not hesitate to contact me (phone 530-582-4051/ email: [davison@sierra.net](mailto:davison@sierra.net)) if you have any questions.

Sincerely,

Pat Davison  
Field Director

cc: US Representative John Doolittle  
US Representative Wally Herger  
US Senator Barbara Boxer  
US Senator Dianne Feinstein  
Mark Rey, Under Secretary, USDA - Natural Resources and the Environment  
Jack Blackwell, Regional Forester, USDA – Forest Service

# LETHAL OR STAND REPLACEMENT ACRES BURNED [forested lands only]

