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July 8, 2022

Elspeth Gustavson  
USDA/Forest Service  
Willamette National Forest  
3106 Pierce Parkway Suite D,  
Springfield, OR 97477

Dear Ms. Gustavson,

Thank you for this opportunity to comment on the 2020 Fire Affected Road System Risk Reduction Project.

The Project proposes to "reduce the risks" posed by fire-killed and injured trees to:

- Public and forest worker safety and ability to use roads,
- Firefighter access to new ignitions,
- Usability of potential evacuation routes,
- Hazardous fuel loads,
- Functionality of roads as potential fire control lines, and
- Road infrastructure damages and failures

EA at 2.

FSEEE recommends that you quantify the risks these trees pose to each of the road characteristics listed above.<sup>1</sup> For example, when it comes to public safety, "the

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<sup>1</sup> NEPA requires the Forest Service assess quantitatively the purported benefits of its proposed action, in addition to its environmental costs. In considering whether to prepare an EIS, an agency must consider "[i]mpacts that may be both beneficial and adverse." *Id.* at § 1508.27(b)(1). Agencies must also consider "[t]he **degree** to which the proposed action affects public health or safety." *Id.* at § 1508.27(b)(2). *350 Mont. v. Bernhardt*, 443 F. Supp. 3d 1185 (D. Mont. 2020) (emphasis added). Where the risks to public safety can be quantified NEPA requires the Forest Service do so. *See, e.g., id.* (Risk of train derailments can be quantified, thus agency must do so in NEPA document).

odds of being hit by a falling tree are so miniscule, trees are not generally considered to be hazardous let alone a recreational hazard.” See Declaration by Professor Travis Heggie (expert in backcountry safety hazards and the former Public Risk Management Specialist and Tort Claims Officer for the National Park Service), filed herewith. We agree that there is "a very low probability of a tree falling directly onto any one person or vehicle," but are skeptical that "the collective long-term risk warrants mitigation." EA at 3. As Dr. Heggie explains, the "collective long-term risk" is very small compared to other risks that people accept as a normal part of being in the backcountry. Hiking and climbing are the leading cause of backcountry deaths (40%), while avalanches account for 15%, drowning incidents 10%, and heart attacks 10%.

Notwithstanding these considerably higher risks, people still hike, climb, ski, and swim on the national forests. In fact, these backcountry uses are increasing. In contrast, trees account for the same number of fatalities as do bears – 1%. And of that 1%, dead, dying, or damaged trees (i.e., trees described in the EA as posing a safety risk to people) account for fewer deaths than do live, healthy trees.<sup>2</sup> Thus, by the Project's logic, the Forest Service ought to cut down all trees. After all, as Dr. Heggie points out, “it is an inescapable fact of entropy that all trees fall down at some point during their existence.”<sup>3</sup>

We ask that the Forest Service calculate the fatalities and injuries associated with taking no action as compared to the proposed Project. How many injuries will be avoided and lives will be saved? In making this analysis, the Forest Service should incorporate the fact that cutting trees is among America’s most dangerous

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<sup>2</sup> Recently, [a live maple tree fell](#) killing a camper in Olympic National Park and a 14-year-old volunteer with Friends of Trees was [killed by a falling branch](#) from a live tree while planting seedlings in the Forest Service’s Sandy River Delta, a part of the Columbia River Gorge National Scenic Area. [A 10-year-old boy was killed](#) in August when the car he was riding in with his family on U.S. 276 in the Pisgah National Forest was hit by a live oak tree. In 2020, [a windstorm felled](#) an Ochoco national forest live tree onto a camp trailer, crushing and killing the occupant. In June, 2021, a windstorm felled a live tree in the Boise national forest’s Antelope Campground, killing one person. In 2013, [high wind uprooted a live, 200-foot](#) tall tree, in an Idaho Panhandle national forest campground, killing one person. In 2015, a 15-year-old attending Bible camp at Minister Creek Campgrounds in the [Allegheny National Forest was killed](#) when strong storms blew over a live tree.

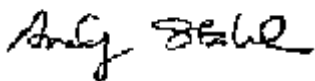
<sup>3</sup> I witnessed this natural phenomenon two weeks ago while riding my bicycle round-trip from Dorena to Oakridge. At over 90 miles and 9,000' of elevation, the biggest safety risk I faced was a heart attack. I also had to be wary of the many green trees and portions thereof that had fallen across the road. Not to mention the numerous road slumps, frost heaves, and side-cast failures that make this national forest route a thrill-a-minute (next time I'm taking my gravel bike). Don't get me wrong -- that's the sort of recreation experience I seek and expect, as do others traveling the Willamette's backcountry roads. My point is that standing dead trees don't make these roads any riskier to travel than they already are. If the Forest Service thinks they do, put a number on it, i.e., prove it with facts.

occupations (a point AFRC also makes in its Project comments), and cutting dead trees is particularly hazardous. As Dr. Heggie points out, "When fallers cut a tree, the chance they are in the potential kill zone is a 100% certainty. When extreme weather or other natural forces cause a tree to fall, the odds that anyone is in the potential kill zone are minimal." In essence, the Project turns what is a very small safety risk to the general public into a major safety risk to loggers. The analysis should quantify and disclose these facts so that the Forest Service and public can assess whether the Project's costs are worth the purported safety benefits.

In regard to fire and fuel management, the EA states that "the location of these treatments along road systems would focus fuels reductions efforts on **strategically important areas** that would serve as fire control lines." EA at 40 (emphasis added). Given the Willamette's chronic road budget shortfall (\$1.5 million available versus \$5.9 million in needs, as reported in the Willamette's [2015 Road Investment Strategy](#)), we're concerned that limiting the geographic scope of fuel and fire-focused treatments to **only** the roads affected by the 2020 fires may not be the best strategy.

Insofar as the vast preponderance of this project's costs will be paid by appropriated funds that could be spent on any of the Willamette's road needs, we encourage the Forest Service to consider the 2020 footprint road priorities within the broader context of the Willamette's overall road/fire priorities. In other words, don't let treating the 2020 fire-affected roads short-change treatments of more strategically important roads that lie outside the 2020 fire footprints. This is particularly important because the 2020 fires have dramatically reduced the short to medium-term future fire risks in the burned areas. Thus, the roads within these footprints may have a lower priority than do roads in unburned areas that could serve a strategically important purpose in areas facing a higher risk of burning.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Stahl".

Andy Stahl  
Executive Director