



*Protecting and restoring forests on New England's public lands
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April 28, 2023

Jim Innes, Saco District Ranger
USDA Forest Service White Mountain National Forest
james.innes@usda.gov

*Submitted via email and through the online comment portal:
<https://cara.fs2c.usda.gov/Public//CommentInput?Project=63301>*

Comments re: Hales Location Wildfire Resiliency Project #63301

Dear District Ranger Innes,

Standing Trees appreciates this opportunity to comment on the Hales Location Wildfire Resiliency Project (HLWRP). Thank you in advance for your consideration of this comment letter. During the April 4, 2023 virtual public meeting, we were invited to request a follow-up field trip with White Mountain National Forest (WMNF or Forest) staff to learn more about the ecological conditions of the HLWRP area. We wish to take the WMNF up on this offer and hope that you will arrange a site visit for any interested member of the public.

Standing Trees is an incorporated nonprofit dedicated to advancing policy and legal solutions that protect and restore New England's native forests. Standing Trees seeks to work constructively, proactively, and respectfully with public land managers to shape projects that restore degraded ecosystems, protect biodiversity, and enhance a range of ecosystem services. When necessary, Standing Trees is prepared to hold state and federal agencies accountable to relevant laws and policies, and to the latest ecological, climate, and biodiversity science.

Summary of comments:

As discussed in detail in the following pages, Standing Trees is concerned that the stated rationale, or purpose and need, for the HLWRP rests on faulty or incomplete information, and the project development process has not reflected a collaborative process in any meaningful sense. Standing Trees is not opposed to the use of prescribed fire as a management tool, but we question whether the evidence presented to the public supports this project as it is currently designed. We request that the White Mountain National Forest 1) convene stakeholders for a truly collaborative process, and 2) provide either a refined rationale for the project or modify or rescind the proposal.

Substantive concerns:

Standing Trees is committed to restoring historically-accurate natural ecological processes (i.e. the pre-European settlement disturbance regime, including indigenous burning) on public forests in New England, including the White Mountain National Forest. Historical

evidence points to the dominance of wind, ice, snow, and beavers in shaping the structure, composition, and function of the vast majority of forests that are now under the care of the White Mountain National Forest, including the landscape in consideration for the HLWRP.¹ Widely scattered across the region in generally small-acreage patches, lightning-caused fire has created unique natural communities.² Native American burning, although significant in its effects where it was employed, was relatively limited in geographic extent and much less of a broad disturbance agent than is often argued and understood.³

Endangered and Regional Forester Sensitive Species issues:

There is no discussion in project documents of how endangered and RFSS species will be impacted by the proposed burning. Will the hazard tree cutting or prescribed burns lead to take of the Northern Long-eared Bat or its habitat? What sort of analysis has taken place? If the analysis is not yet complete, why is the comment period taking place before the findings of this analysis are made publicly available for review and comment?

Compliance with Section 605 of HFRA

The project newsletter states that “hazard trees would be identified during site preparation and removed before burning begins.” We sent questions about this to Scott Hall, WMNF NEPA Specialist, who responded with an email on March 29th (see Appendix A). Specific to this topic, Scott shared that “[t]he only cutting that will occur are hazard and dead trees for safety purposes, this will happen as needed, there is no acreage.” What is a hazard tree? What constitutes a “safety purpose”?

The project is being implemented under Section 605 of the Healthy Forests Restoration Act (HFRA), which requires projects to “[maximize] the retention of old-growth and large trees.” However, the project newsletter makes no mention of this stipulation in Section 605 of HFRA. How will this requirement be balanced with cutting of hazard trees for safety purposes? How will the USFS maximize retention of old growth and large trees? The document titled “Hales Location Wildfire Resilience Project Proposal” (also labeled as “Small Projects Day Form 1 – Project Information”) says that “[n]o trees larger than 5 inches diameter are *expected* to be removed” [emphasis added]. We note that “expected” is different from “will not be.” As currently written, the project would allow for an unlimited amount of old-growth and large tree harvest. What measures will be followed to ensure that large standing and downed dead wood is retained, as well as large living trees?

Compliance with Executive Order 14072

The project materials make no mention of EO 14072,⁴ Strengthening the Nation's Forests, Communities, and Local Economies. On April 20th, 2023, the Forest Service released a report titled “Mature and Old-Growth Forest: Definition, Identification, and Initial

¹ [Lorimer and White, 2003. “Scale and frequency of natural disturbances in the northeastern US: implications for early successional forest habitats and regional age distributions.”](#)

² Thompson, Sorenson and Zaino: *Wetland, Woodland, Wildland: A Guide to the Natural Communities of Vermont*, 2nd Edition (2019).

³ [Oswald et al 2020, “Conservation implications of limited Native American impacts in pre-contact New England.”](#)

⁴ [Exec. Order No. 14072, 87 Fed. Reg. 24851 \(Apr. 22, 2022\)](#)

Inventory on Lands Managed by the Forest Service and Bureau of Land Management” as required under EO 14072.⁵ Simultaneously, the Forest Service sent a letter to Regional Foresters stating that “[w]e will shortly issue guidance on using this information” in the aforementioned report.⁶ On April 21st, the Forest Service published an Advance Notice of Proposed Rulemaking that seeks input on how the agency should “adapt current policies to protect, conserve, and manage the national forests and grasslands for climate resilience,” including “concerns about...past and current management practices, including inappropriate vegetation management.”⁷ Given there is no acknowledgement of EO 14072, the public is left guessing as to this Project's compatibility with the Executive Order. How is the Forest Service complying with EO 14072?

Concerns with the “purpose and need” of the project:

The project newsletter lists the following reasons for the proposal: “Reduce hazardous fuel loads; Reduce threat of high severity wildfire to at risk communities; Create defensible space along Forest roads, mountain bike trails, and near WUI; Encourage the return of low and moderate intensity fire as a natural process in the ecosystem.” These can be broken down into two buckets and are discussed below:

1. Community protection from wildfire;
2. Restore low and moderate intensity fire as a natural process in the ecosystem.

1. Community protection from wildfire:

The newsletter says that the project was developed “with local fire departments and local Community Wildfire Protection Plans” (CWPP). However, the CWPP has not been provided for public review, even after Standing Trees requested this document at the only public meeting for the HLWRP on April 4. Similarly, no maps have been provided of the WUI. What’s more, no detailed history of project development is provided, so it is impossible for the public to determine how local or state agencies were involved. As is discussed later on, it also appears that the public (including local residents) was not involved in any project development.

The WMNF argues that there are hazardous fuel loads and a threat of high severity wildfire. However, aside from presenting the public with a few examples of recent fires, which are rare overall and impact a small amount of acreage across the National Forest and the region, the WMNF did not present specific, measurable, or credible evidence for high fuel loads or a localized threat of “severe” fire.

⁵ [MATURE AND OLD-GROWTH FORESTS: DEFINITION, IDENTIFICATION, AND INITIAL INVENTORY ON LANDS MANAGED BY THE FOREST SERVICE AND BUREAU OF LAND MANAGEMENT, U.S. DEP’T OF AGRIC. \(Apr. 2023\).](#)

⁶ [Letter from USFS Deputy Chief Chris French to Regional Foresters re: “Mature Old Growth Guidance: Infrastructure and Investment Jobs Act and Executive Order 14072” \(April 18, 2023\).](#)

⁷ [88 FR 24497: Organization, Functions, and Procedures; Functions and Procedures; Forest Service Functions. RIN: 0596-AD59. Document Number: 2023-08429.](#)

We cannot make a conclusive determination based on the limited data available in the HLWRP newsletter map and on the WMNF website, but all or portions of the HLWRP may fall within the Table Mountain Inventoried Roadless Area #2279, as identified in the 2005 WMNF Forest Plan Final EIS, Appendix C, Inventoried Roadless Area Inventory Evaluations. On p.178, under the sub-heading of “Management Considerations (fire, insects/disease, and non-federal lands)” for the Table Mountain IRA, the WMNF notes that:

“There are no concerns about insects and disease hazard in this area.

Although fire has made a past impact on the area, it is not considered a natural occurring influence of this ecosystem. The risk of significant fire in the Inventoried Roadless Area is low [emphasis added].

The need for prescribed fire is limited to its possible use as a means of maintaining wildlife openings.”

In fact, what the WMNF presented at the April 4 meeting was that the forest was reverting to northern hardwoods without intervention. This natural transition and evolution back to what was likely the forest composition before European settlement was presented during the presentation as a problem to be corrected with fire. However, the transition back to northern hardwoods would serve to reduce the fire danger to local residents as the forest develops a closed canopy, larger woody debris, and increased soil moisture. Instead, by keeping the forest in what is likely an unnatural condition, brought about by burning that occurred during the early years of European settlement and subsequent decades of intensive use, the WMNF’s prescribed burns will actually make the fire risk worse by maintaining or establishing a fire adapted ecosystem where it doesn’t belong.

2. Restore low and moderate intensity fire as a natural process in the ecosystem:

Standing Trees is not opposed to restoring fire where natural fire or indigenous burning practices were an important historical disturbance agent. However, nowhere in the project document or in the 2005 WMNF Forest Plan is it suggested that the HLWRP area was shaped by fire before European settlement in the way that the WMNF has argued. Instead, the landscape appears to be naturally returning to the local fire regime.

Section 605 of HFRA requires the Forest Service to “[consider] the best available scientific information to maintain or restore...ecological integrity, including maintaining or restoring structure, function, composition, and connectivity.” The Forest Service has not met this stipulation and therefore cannot claim to have met the bar for using this Categorical Exclusion.

The project documents do not reference any “best available scientific information.” Nor do the proposed management actions promote the “ecological integrity” or ongoing, natural tendency of the vegetation in the project area to return to the “structure, function, composition, and connectivity” that would be present if the forest were shaped by natural processes. Instead, the project appears to choose an arbitrary point in colonial history as

the desired future condition, and proposes an ecological experiment to bring about desired changes.

The HLWRP newsletter indicates that burn scars were found in the project area and that fires appear to have occurred at least nine times between 1792 and 1905. The newsletter and presentation also described the presence of pitch pine, oak, and red pine (red pine was only mentioned in the presentation, and not in the newsletter). The implications of these statements are that the forest is unhealthy and out of its historical condition. And the conclusion is that the WMNF must “restore low and moderate intensity fire as a natural process in the ecosystem.” This evidence is insufficient to make a case for restoring fire.

The HLWRP geographic area was initially explored by European colonists in 1642. Tragically, a combination of smallpox and war significantly reduced the local population of Pequawket tribal members and may have removed the tribe’s presence in the immediate vicinity of Conway and Bartlett, NH by 1725. Settlers began clearing land in earnest by the 1760s, and Conway was chartered in 1765. There was a road into the area by 1766, and two school houses by the late 1770s. All of this occurred prior to the first fire scar noted by WMNF staff (1792). Settlement and clearing expanded rapidly, and by 1849, there were twenty schools in the vicinity of the project area.

Fire frequency and intensity in New England escalated dramatically after European settlement due to widespread deforestation and intensive early industrial logging. In the book *Forests for the People: The Story of America’s Eastern National Forests*, authors Christopher Johnson and David Govatski (Mr. Govatski retired in New Hampshire after more than thirty years with the Forest Service) write about the great fires in the White Mountains in the 1800s and early 1900s: “Logging increased the severity of fires because of the slash that loggers typically left on the forest floor. During dry spells, branches and tree canopies dried into kindling, and when a spark flew into the midst of the slash, a conflagration quickly ensued.”

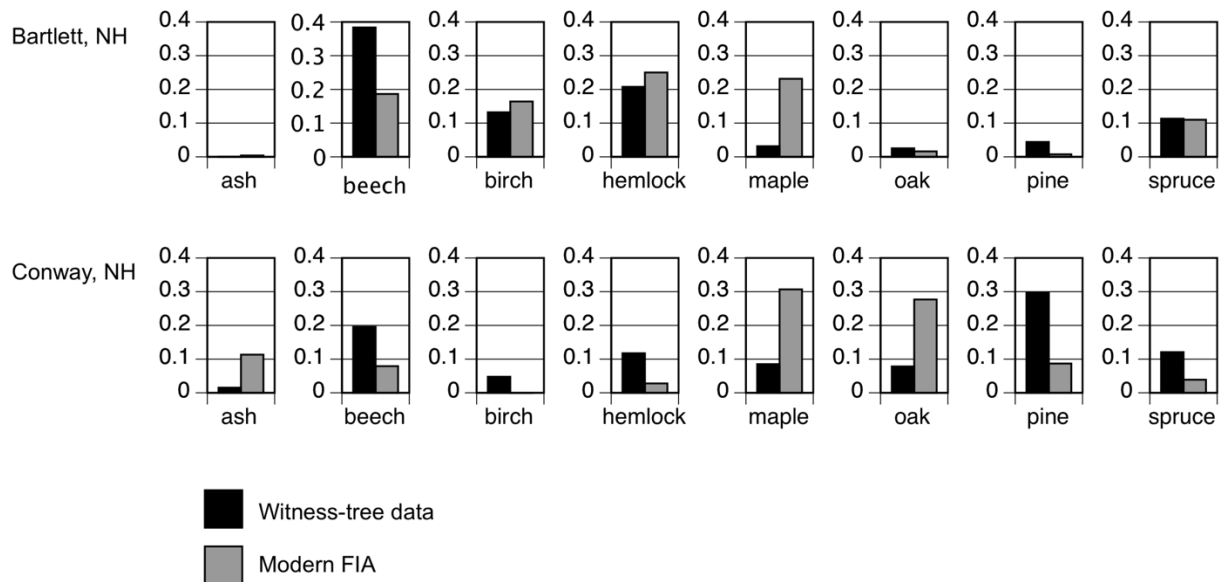
Prior to European settlement, the fire return interval in northern hardwood forests of New Hampshire’s White Mountains is estimated to have been on the order of 600 to more than a thousand years for low-intensity fire events, with a much greater interval between medium to high intensity events.⁸ Oswald et al 2020 looked at charcoal, pollen, and other data in New England to determine pre-colonization fire regimes. They concluded that “[L]and managers seeking to emulate pre-contact conditions should de-emphasize human disturbance and focus on developing mature forests; those seeking to maintain openlands should apply the agricultural approaches that initiated them four centuries ago.”⁹

During the presentation, one WMNF staff person remarked that “beech isn’t supposed to be [in the project area] anyways.” This comment was made in reference to the fact that hardwoods, including beech, are naturally returning to the HLWRP area. No scientific

⁸ [Lorimer and White, 2003. “Scale and frequency of natural disturbances in the northeastern US: implications for early successional forest habitats and regional age distributions.”](#)

⁹ [Oswald et al 2020, “Conservation implications of limited Native American impacts in pre-contact New England.”](#)

evidence was presented to support the assertion that beech or a northern hardwood natural community do not belong in the project area.



The figure above was constructed using [data](#) from [Thompson et al 2013](#). The paper looks at witness-tree and modern (FIA) data from across the Northeast. Here, witness-tree and FIA data are plotted for Bartlett and Conway. We note that beech was abundant in both towns in the witness tree dataset.

On the contrary, beech is slowly recovering its historic distribution and abundance across northern New England after declining post-clearing and settlement. Thompson et al 2013 found that “[a]cross the region, beech experienced the largest decline in relative abundance from the pre-colonial to modern era” compared to other tree species.¹⁰ The figure above uses data from the same paper to compare modern FIA and historic witness tree data for Bartlett and Conway, NH. This tracks closely with the conclusions of a widely cited study from 2003 which found that, “[i]n presettlement times, beech was often the major dominant, usually averaging 30% or more of the witness trees” in northern hardwood forests.¹¹

There is even detailed pollen data from Echo Lake, located one mile north of prescribed burn “F” on the HLWRP newsletter map, showing the much greater abundance of beech in the project area prior to European settlement than current conditions. The pollen data show that prior to European deforestation, the HLWRP area was dominated by birch, beech, and hemlock, with smaller amounts of white pine and oak.¹²

¹⁰ [Thompson et al 2013, “Four Centuries of Change in Northeastern United States Forests.”](#)

¹¹ [Lorimer and White, 2003. “Scale and frequency of natural disturbances in the northeastern US: implications for early successional forest habitats and regional age distributions.”](#)

¹² [Shuman et al 2005, “A Record of Late-Quaternary Moisture-Balance Change and Vegetation Response from the White Mountains, New Hampshire.”](#)

The public is left to wonder how the WMNF came to its conclusion that fire is an important part of this landscape that must be restored. Even if we were to agree that prescribed fire can be an appropriate management tool, there is no evidence presented in HLWRP documents that makes a compelling ecological or historical case for prescribed burns in this particular landscape.

Process-related concerns:

Section 605 of HFRA mandates that the HLWRP must be “developed and implemented through a collaborative process that...includes multiple interested persons representing diverse interests...and is transparent and nonexclusive.” The Forest Service has failed to engage in “collaboration” by this definition.

The Forest Service first made the details of the HLWRP available to the public at the start of the scoping period. According to the presentation given during the April 4th virtual public meeting, the project has been under development since summer 2020. During the April 4th virtual meeting, District Ranger Jim Innes described the scoping period as the collaborative process for the HLWRP, which is echoed in the document titled “Hales Location Wildfire Resilience Project Proposal” (also labeled as “Small Projects Day Form 1 – Project Information”): “Public collaboration would include a comment period, public meeting, and adding to the WMNF SOPA...” Similarly, the project newsletter says: “The comment period is your opportunity to be involved in the collaborative process, to offer thoughts on alternative ways for the Forest Service to accomplish what is proposed, to comment on the proposed activities, and to work with the Forest Service in doing what is right for the land.”

It is challenging to understand how collaboration was employed in any meaningful sense if there was no attempt to solicit public input other than through traditional scoping. Further, by failing to provide any substantive rationale for the project rooted in best available science, the public has been denied the ability to understand and effectively comment on the project during this scoping period.

Other failures to meaningfully collaborate include:

- There was only one public meeting, held via Microsoft Teams. Local residents and other interested members of the public who may not be comfortable using virtual meetings were not given an opportunity to meet Forest Service staff, learn about the project, and ask questions in person. Best practices would include both a virtual and in-person meeting in the vicinity of the project area, or a format that allows for both to take place at the same time.
- As was shared during the April 4th public meeting by a local resident, people near the project area didn't receive a mailing about the meeting until less than a few days before the meeting date.
- No field trip has been scheduled for people to learn more about the proposed project during the only comment period that will be available to the public. During the April 4th public meeting, WMNF staff suggested that a site visit could take place if

requested by the public. Standing Trees requested a site visit with the Forest Service that could be made open to the public. In an email response on Monday April 17th, 2023, WMNF staff suggested that the soonest a site visit could take place is after the conclusion of the scoping comment period (see Appendix C). While we understand that it might be challenging to schedule the outing on such short notice, we believe the public should be given another chance to comment. Otherwise, the field trip should have been scheduled before or during the comment period.

- The Forest Service did not provide the Conway “Community Wildfire Protection Plan” after being asked to do so at the April 4th public meeting, despite the fact that the plan is one of the few documents referenced in the HLWRP newsletter and is not readily available online (after multiple searches, we have been unable to find a copy).
- On March 29, Scott Hall wrote in an email (Appendix A) to Standing Trees that “Section 605 requires the WMNF to conduct a transparent collaboration process with the public. The scoping period, which begins April 3, is part of the collaboration process, as is the virtual presentation being held on the evening of April 4. Since this is a categorical exclusion project there will not be an objection process and a decision memo will be published after the NEPA analysis is complete.” Our observation is that the public process for the HLWRP has been no different than the typical scoping period for any Integrated Resource Project approved in recent memory or under active development by the White Mountain National Forest. “Collaboration” has no significance if it is no different from standard public scoping. How can the Forest Service claim that the process has been collaborative in any meaningful sense, if the public process has looked no different from scoping for any other Integrated Resource Project?
- In the same March 29th email, Scott Hall noted that “Yes, every project we do, including this project, is analyzed for effects for Threatened and Endangered species under section 7 of the ESA, in coordination with the U.S. Fish and Wildlife Service. The NEPA analysis is not yet complete, when it is the specialist review document will be published to the project website which will include the effects determination under section 7.” Again, we question how the Forest Service can claim to be collaborating, much less offering a bare-minimum amount of transparency, if the “NEPA analysis is not yet complete.” This is the only comment period offered to the public, and the public has – at best – incomplete information with which to measure the impacts of the project. As Scott Hall mentioned elsewhere in the same email: “Since this is a categorical exclusion project there will not be an objection process and a decision memo will be published after the NEPA analysis is complete.”
- Finally, we feel compelled to mention the disrespect that was shown to Standing Trees by WMNF Saco District Ranger, Jim Innes, at the April 4th public meeting. Approximately five members of the public were in attendance, at least three of whom were associated with Standing Trees. Standing Trees Executive Director, Zack

Porter, had been encouraged by Scott Hall in his March 29th email to attend the April 4th meeting. Scott wrote: “You are welcome to attend the public presentation on April 4, the district ranger and the zone firefighter lead who put the proposal together will be in attendance. There will be a Q&A after the presentation where all your questions can be answered.” After allowing three local residents and a concerned citizen ample time to ask questions, Zack Porter attempted to concisely and respectfully explain some of Standing Trees’ concerns about the proposal, and to ask questions of District Ranger Innes and zone firefighter lead, John Neely. In the middle of offering a comment, District Ranger Innes interrupted and asked: “Are you done yet? You really like to hear yourself talk.” The meeting was ahead of schedule, with plenty of time remaining (as it was, the meeting ended early).

Section 605 of HFRA requires “a collaborative process that...includes multiple interested persons representing diverse interests...and is transparent and nonexclusive.” District Ranger Innes’s comments were rude, offensive, and *exclusive*. Zack Porter withheld many other comments and questions that he would have shared during the public meeting because of the way that he was treated. The clear implication of the District Ranger’s comment was that the public’s collaborative input was unwelcome. Having served as a regular participant in two multi-year collaborative efforts, including a USFS Collaborative Forest Landscape Restoration Program collaborative in Montana (the Southwestern Crown Collaborative – www.swcrown.org), Zack was deeply disturbed by the events of the evening. In nearly twenty years of working for and with the Forest Service, Zack had never experienced anything like the behavior he witnessed on April 4th.

Conclusion:

In principle, Standing Trees would not oppose the use of prescribed fire in historically appropriate locations, for scientifically-justifiable reasons, and with sideboards in place to protect large, mature, and old-growth trees, endangered species and other important values. However, in the case of the HLWRP, the purpose and need are not based on sound science; there has been no evidence presented for the public to independently verify the Forest Service’s claims about current conditions or the need for the proposed action; and there has been no collaborative process as required by the type of Categorical Exclusion that the WMNF has chosen to employ. The Forest Service has denied the public the ability to meaningfully engage with the proposed action and provide feedback.

As it currently stands, the HLWRP has not met the bar for a Categorical Exclusion under Section 605 of HFRA. We request that the White Mountain National Forest 1) convene stakeholders for a truly collaborative process, and 2) provide either a refined rationale for the project, or modify or rescind the proposal.

Thank you for your consideration of these comments and we look forward to discussing this project in more detail with WMNF staff on a field trip and in other meetings.

Sincerely



Zack Porter
Executive Director
Standing Trees

Appendix A. Email from Scott Hall on 3/29/23.



Zack Porter <zporter@standingtrees.org>

Hales Location Wildfire Resiliency Project Comment Period and Public Meeting

Hall, Scott - FS, NH <scott.hall@usda.gov>
To: Zack Porter <zporter@standingtrees.org>

Wed, Mar 29, 2023 at 11:04 AM

You're welcome Zack, the answers will be in chronological order.

- The first project is the Conway Wildfire Resiliency project, it was approved in 2021, the project website can be found here: <https://www.fs.usda.gov/project/?project=58946>. If you look through our Facebook page video library the virtual meeting recording is available to watch. The other two projects will be somewhere in Albany and Bartlett, they are still in conceptual phase and do not have project areas laid out and no materials exist at this time. They will be presented and scoped in the same type of format we are currently scoping the Hales Location project.
- The only cutting that will occur are hazard and dead trees for safety purposes, this will happen as needed, there is no acreage.
- As mentioned above, the only trees that will be cut are hazard trees and dead trees.
- No commercial timber is included in the proposal.
- Yes, every project we do, including this project, is analyzed for effects for Threatened and Endangered species under section 7 of the ESA, in coordination with the U.S. Fish and Wildlife Service. The NEPA analysis is not yet complete, when it is the specialist review document will be published

to the project website which will include the effects determination under section 7.

- Section 605 of HFRA is a pretty new category, the Conway Wildfire Resiliency project was the first project the WMNF put through under that category.
- Section 605 requires the WMNF to conduct a transparent collaboration process with the public. The scoping period, which begins April 3, is part of the collaboration process, as is the virtual presentation being held on the evening of April 4. Since this is a categorical exclusion project there will not be an objection process and a decision memo will be published after the NEPA analysis is complete.
- You are welcome to attend the public presentation on April 4, the district ranger and the zone firefighter lead who put the proposal together will be in attendance. There will be a Q&A after the presentation where all your questions can be answered.

Appendix B. HFRA Section 605.

9. *Wildfire Resilience.* The Consolidated Appropriations Act of 2018 ([Pub. L. 115-171](#)) amended Title VI of the Healthy Forests Restoration Act of 2003 (HFRA) ([16 U.S.C. 6591 et seq.](#)) to add Section 605. Section 605 establishes a categorical exclusion for hazardous fuels reduction projects in designated areas on National Forest System lands. A hazardous fuels reduction project that may be categorically excluded under this authority is a project that is designed to maximize the retention of old-growth and large trees, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires (HFRA, Sections 605(b)(1)(A)).

This categorical exclusion may be used to carry out a hazardous fuels project in an insect and disease treatment area that was designated by the Secretary under HFRA section 602(b) by March 23, 2018. (HFRA, Section 605(c)(2)(C))

Within designated landscape scale areas, projects carried out under this authority are:

Prioritized in the wildland-urban interface; or

If located outside the wildland-urban interface, limited to Condition Classes 2 or 3 in Fire Regime Groups I, II, or III that contain very high wildfire hazard potential. (HFRA, Sections 605(c)(2)(A) & (B))

Projects carried out under this authority may not be implemented in any of the following areas:

a component of the National Wilderness Preservation System;

any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

a congressionally designated wilderness study area; or

an area in which activities . . . would be inconsistent with the applicable land and resource management plan. (HFRA, Sections 605(d)(1)-(4))

A project under this authority must either carry out a forest restoration treatment that: *complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).* (HFRA, Sections 605(b)(2))

Or, a project under this authority must carry out a forest restoration treatment that: *maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires; considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and is developed and implemented through a collaborative process that— includes multiple interested persons representing diverse interests; and is transparent and nonexclusive; or meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).* (HFRA, Sections 605(b)(1)(A)-(C)).

Projects carried out under this authority are subject to the following size limitation on the number of acres treated:

may not exceed 3000 acres.

(HFRA, Section 605(c)(1))

Projects carried out under this authority are subject to the following limitations relating to roads:

A project . . . shall not include the establishment of permanent roads.

The Secretary may carry out necessary maintenance and repairs on existing permanent roads for purposes of this section.

The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed. (HFRA, Section 605(c)(3))

All projects and activities carried out under this authority:

shall apply the extraordinary circumstances procedures under section 220.6 of [title 36, Code of Federal Regulations](#) (or successor regulations) when using the categorical exclusion under this section. (HFRA, Section 605((c)(4))

shall be consistent with the land and resource management plans. . . (HFRA, Section 605(e))

For projects and actions carried out under this authority:

The Secretary shall conduct public notice and scoping for any project or action. (HFRA, Section 605(f))

Document this category in a decision memo (FSH 1909.15, 33.2-33.3). The decision memo should include a description of the efforts taken by the Agency to meet the collaborative process requirements in HFRA, Section 605(b)(1).

Cite this authority as Section 605 of HFRA ([16 U.S.C. 6591d](#)).

Appendix C. Emails from Jim Innes and Theresa Corless on 4/17/23.



Zack Porter <zporter@standingtrees.org>

Meeting and site visit request re: Hales Location project 63301

Innes, James - FS, NH <james.innes@usda.gov>

Mon, Apr 17, 2023 at 2:46 PM

To: Zack Porter <zporter@standingtrees.org>

Cc: "Corless, Theresa - FS, NH" <theresa.corless@usda.gov>, "Neely, John - FS, NH" <john.neely@usda.gov>

Hi Zack,

Thank you for your continued interest in the project. I am going to be out of the office until May 1 and John is busy with prescribed burning. In general, the field season is very busy time for us. Realistically, the earliest we could pull together a public field trip together would be mid-June. Once I get back in May I will work on scheduling that. In lieu of a zoom meeting this week Theresa is going to send you some information about Section 605 and if you still have questions we could discuss during the field trip. Hopefully that works for you.

Thanks,

Jim

**Jim Innes
District Ranger
Forest Service**

Saco Ranger District, White Mountain National Forest

p: 603-447-5448 x5102

c: 603-520-2321

james.innes@usda.gov



Zack Porter <zporter@standingtrees.org>

Meeting and site visit request re: Hales Location project 63301

Corless, Theresa - FS, NH <theresa.corless@usda.gov>

Mon, Apr 17, 2023 at
3:17 PM

To: Zack Porter <zporter@standingtrees.org>

Cc: "Innes, James - FS, NH" <james.innes@usda.gov>, "Hall, Scott - FS, NH" <scott.hall@usda.gov>

Hi Zack

To answer your question about the use of HFRA 605 for this project:

Section 605 of the Healthy Forest Restoration Act (HFRA) states: *(b) COLLABORATIVE RESTORATION PROJECT.—(1) IN GENERAL.—A project referred to in subsection (a) is a project to carry out forest restoration treatments that— (A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires; (B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and (C) is developed and implemented through a collaborative process that—(i) includes multiple interested persons representing diverse interests; and (ii)(I) is transparent and nonexclusive; or (II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125). (2) INCLUSION.—A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).* [Section 605 of HFRA \(16 U.S.C.6591d\)](#)

The purpose of this project is to create the desired ecological conditions across the landscape that would: reduce fuel loading; better protect personal and public property and resources; and encourage the return of low- and moderate-intensity fire as a natural process in the ecosystem. This will be accomplished through the application of prescriptive fire to reduce hazardous fuel loading (i.e. built up dead and downed woody material on the forest floor) and remove suppressed or overstocked tree species. The project area is focused on WUI locations, where hazardous fuel loads intersect with private land, homes, neighborhoods, and other highly valued resources. These areas contain evidence of past fires in the form of charred stumps and fire scarred living trees. Additionally, the project area is focused on WMNF areas that experience moderate to high levels of visitor use where the potential of an unintended fire exists.

This proposal meets the requirement so of HFRA 605 in that it will reduce the risk and increase resiliency to wildfire, considers the best available scientific information to restore maintain and ecological integrity, and is being developed through a collaborative process.

As Jim said, we can discuss this during a public field visit in June. It may be more helpful to discuss it when you can see the area.

Best,

Theresa

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