March 29, 2024

Weiser River Cattle Association

P.O. Box 283

Cambridge, Idaho 83610

Objection Reviewing Officer

Resilience and Fuels Reduction Prescribed Fire Project

USFS Intermountain Regional Office

324 25th Street

Ogden, UT 84401

Subject: Objection to the Decision Noice for the Forest-wide Prescribed Fire EA, Project # 63166

Dear Objection Reviewing Officer,

Thank you for the opportunity to provide another input on this Payette Forest-wide Resilience and Fuels Reduction Prescribed Fire Project Environmental Assessment (EA). The Payette Forest responsible official is Linda Jackson, Forest Supervisor, Payette National Forest. The project is located on approximately 1.3 million acres of the Payette National Forest.

We object to the draft decision on the Project. We are eligible to file an objection since we submitted comments in accordance with 36 CFR 218.5(a). Specifics of this objection are included below. The basis for this objection is contained in the unresolved comments we provided in our previous comment letter (included below in this letter) and our review of the Environmental Assessment, Finding of No Significant Impact, and Draft Decision Notice.

It is recognized that many positive changes have been made to the EA in response to the prior public comments received. This effort is appreciated. While we continue to support prescribed fire as one of the tools needed for management of our Federal lands, we believe that the revised EA continues to have areas that require further resolution. Some highlights from our prior comments are reiterated below.

The EA includes prescribed fire and some non-commercial pre-treatments as the scope of the action to be conducted in this 1.3 million project area acres. The use of prescribed fire as the primary tool puts natural resource destruction over the utilization of renewable natural resources. This segmented scope of action on vegetation resources results in conflicts with the Multiple Use and Sustained Yield Act and NEPA. If the prescribed fire action was limited to only to ground that is not available for grazing or commodity production, this issue could be mostly resolved. The management of the commodity and

grazing lands can be addressed under separate actions, without compromising the purpose and need of this action.

The EA identifies potential impacts and benefits to the range resource area from prescribed fire, and indicates that there could be a temporary reduction in use or temporary non-use as a result of prescribed fire. As previously noted, this is an example of where a commitment to a mitigative measure should be made in the EA, such as providing alternative range for the period an allotment is impacted, or strategically planning burns so grazing rotations are not impacted. It will be important for burn planning to be strategic, and include the entire PNF, to avoid annual impacts to the allotment owners and livestock use. Non-use or reduced use of allotments results in a direct and immediate impact to allotment owners and must be avoided.

Fuels reduction is a primary purpose of this EA. Prescribed fire targets some of the same natural resources as grazing (and commercial timber management). The baseline conditions described in the EA do not identify or acknowledge the contributions of livestock grazing to the fuel reduction and forest health objectives of this EA, or as an ongoing activity over the 25-plus year life of this prescribed fire action. Since the grazing program is an ongoing program, this information was supposed to be included as a component of the baseline environmental conditions in NEPA documents. To date, the PNF's commitments for inclusion of baseline grazing contributions and the consideration of the benefits of the grazing tool as a treatment have not been reflected in any of the Payette's proposed actions. To help resolve this continued omission, the following language is suggested as the minimum for inclusion in this EA and future Payette NEPA documents involving fuels reduction:

> "The ongoing grazing program provides benefits to forest health and fuel reduction objectives. Within the prescribed fire EA project area, an estimated XX thousand tons of fine fuels are removed annually from Federal lands by the grazing program. These fine fuels include grasses, forbs, and brush. This fuels reduction contributes to the Forest Plan desired conditions and plays an important role in our long-term forest management objectives. This fuel management and removal is part of the baseline environmental condition and will continue under the proposed action as well as the no action alternative. The grazing results in reduced ground fuel loads and reduces fuel continuity. This in turn will result in less intense fire and lower flame heights, reducing the potential impacts from fire. The fuel removal through the grazing program generates revenue for the federal government, local counties, and provides funds back to the local forest for range improvements. In addition to generating revenue and providing significant fuel reduction and land health benefits, the livestock industry is an important component of our local rural economies, and is important to our state and nation's food and fiber production."

The Forest Service can easily quantify the annual estimated fuel removal from grazing by multiplying the average daily consumption per animal unit by the number of animals and animal days in the project area. This can then be presented in the NEPA document as total annual tonnage removed. The calculation for the heating value (BTUs) of the fuel removed by grazing is also simple and that number would be easy to present in the NEPA document. Under the action alternative, the annual fuel removal by grazing works as a treatment and a maintenance action, reducing the need for other actions (such as prescribed fire) and/or frequency of those other actions. Impacts to wildlife and other natural resources from the application of prescribed fire can also be reduced through reducing the fire frequency.

This EA does not provide any analysis or information regarding economic and social impacts of the proposed action. The NEPA regulations require these impacts to be addressed in actions where social or economic and natural or physical environmental effects are interrelated. Prescribed fire has the potential for significant negative economic and social impacts, particularly with fire impacts to range or timber resources.

The structure of this EA defers the specific burn analyses to be performed by the IDT during the burn planning process. That burn plan process is not conducted as a NEPA action, therefore there is no official opportunity for public participation, and the public does not have a legal avenue to object at that point.

The revised EA has clarified that up to 45,000 acres may be burned annually on the Payette within the Section 7 watersheds. That acreage includes up to 30,000 annually under this prescribed fire project, with the balance (15,000 acres or more) authorized under other existing projects actions covered under separate NEPA. The updated prescribed fire EA presents Clean Air Act (CAA) air emission information (criteria pollutants including greenhouse gas, particulate, etc.) as a percentage of the totals for the county and state level for the 30,000 acres proposed under this action. No cumulative impact emission data (from the potential burn of 45,000 acres annually and other sources of the region) is addressed. Two questions are posed based on this information: 1) What does the Forest Service consider a significant level of emissions, for purposes of determining the needed level of NEPA analysis?; and 2) Why are cumulative impacts not presented for the Payette and other area contributions? As a side note, the EA and decision refer to the Montana/Idaho Airshed Group as establishing CAA compliance. However, the Montana/Idaho Airshed Group is only smoke management, which is a subset of the CAA law and regulations, and does not evaluate or establish CAA compliance.

The EA includes discussions of the fire models and expected flame length, fire intensity, etc. These fire models are used to inform the planning for vegetation treatments, including prescribed fire. These same fire models were used on recent past projects and prescribed fire planning and implementation. These models have apparently underestimated the flame height, rates, and intensity, as is evidenced by the significant tree mortality, soils impacts, wildlife impacts, plantation impacts, fences burned, etc. seen on these recent prescribed burns (e.g., Fourth Rock, Mud Creek, and others). The Forest Service has stated that the first entry burn behavior/intensity has been unexpected. Given this underprediction of impacts from the models, the predictions and model results discussed in this EA are in question. The Forest Service should be evaluating/analyzing a range of potential outcomes based on this experience with the fire models and implementation of prescribed fire. Impacts to all resources need to be quantified.

Thank you.

Respectfully,

Weiser River Cattle Association

Weiser River Cattle Association

Cambridge, Idaho 83610

Linda Jackson, Forest Supervisor

Payette National Forest

500 North Mission Street

McCall, Idaho 83638

Subject: Comments on Forest-wide Prescribed Fire EA, Project # 63166

Dear Supervisor Jackson,

The following comments apply to the proposed Payette Forest-wide Prescribed Fire (Resilience and Fuels Reduction) Environmental Assessment (EA). While the use of prescribed fire as one of the tools for the management of our Federal lands is supported, the Prescribed Fire EA as it is written is not supported, for a number of reasons, identified in the items below. It is clear that pursuing the path of a separate Forest-wide action for prescribed fire introduces some major issues that must be addressed.

Thank you.

Sincerely,

Weiser River Cattle Association

Our comments are as follows:

1. For all ground on the Payette that is designated for timber/commodity production, having a prescribed fire NEPA action that is separate from the remaining vegetation management actions which must occur on those same lands, is segmentation of NEPA, contrary to the requirement in 40 CFR 1502.4(a). These are connected actions.
2. The current prescribed fire EA does not prohibit (but must) the use of prescribed fire on commodity ground prior to commercial treatments. Given the Forest's experience and admission that "first entry" prescribed fires burn hotter, are less predictable, and cause additional timber mortality, prescribed fire should only be applied to this commodity ground after other

vegetation treatments are completed, and even then, with better planning, only burning under proper environmental conditions, and better management controls than we have seen on recent prescribed fires like Fourth Rock and Rusty Goose. The Forest's intended allowable mortality of up to 80% of trees greater than 8 inches in diameter (merchantable timber) is unacceptable on any ground, but especially so on commodity ground. This EA is not resource management, is not responsible land management, and is offensive to tax paying citizens.

3. The Forest Service currently applies the same 80% mortality standard to both treated and untreated ground, and commodity and non-commodity ground. Different standards should apply to each of these different ground categories, rather than using a single standard for all ground.
4. Any prescribed fire NEPA must present expected and acceptable levels of resource impacts (such as timber mortality, all wildlife mortality, watershed impacts, sediment contributions, impact to grass/forbs/range/grazing, etc.) and identify mitigative measures and commitments for actions to avoid unacceptable impacts or address post-fire actions where results were outside of acceptable limits. Clear definitions/standards/objectives for what results are acceptable and what isn't, for all resource areas, addressed specifically for the location it is to be applied, must be included in the NEPA documents. This prescribed fire EA is very unclear in this regard, particularly in areas such as timber, range, wildlife, watershed, range, and other biological impacts. Acceptable levels of impacts must be quantified and formal post-implementation monitoring conducted. Excessive impacts from prescribed fire are no different than excessive impacts from wildfire. Post-fire mitigation activities must be immediate, and not delayed for one or more years. Salvage timber values diminish quickly following fire, soils erode without plant life to hold them, sediment ends up in our streams, watersheds don't function properly following intense fires, etc.
5. Alternatives to applying prescribed fire are not addressed in the EA. Using other treatment tools alone or in conjunction with prescribed fire (such as grazing and mastication) should be alternatives considered and selected on some of the Payette Forest lands. Given the recent focus on climate change and greenhouse gas emissions, alternatives to burning must be considered. This should include the use of tools such as grazing and mastication without burning in order to reduce fuels and sequester carbon, thus reducing the greenhouse gas and particulate emissions. The NEPA regulations require that alternatives to proposed actions be addressed, however this EA does not include alternatives, and in fact precludes the use of some of these alternatives in the future due to the potential results of the application of prescribed fire.
6. This prescribed fire EA is essentially a conditions-based approach to the application of fire at a Forest-wide level (1.3 million acres included in the scope). It does not analyze specific resources or specific areas, does not quantify objectives or limits, and indicates an IDT will be used for burn planning prior to the actual burn implementation. This approach, while similar (but far from identical) to what has been done under past CFLRP projects (such as Huckleberry or LCBC) for vegetation management activities, is being done at a much larger scale, without being specific to the exact location (and associated resources) it is to be applied, with no standards defined for outcomes. It should be noted that those other past projects NEPA analyses contained an inclusive evaluation of the proposed treatment of each resource area (such as vegetation), and was not segmented. Public involvement required under NEPA is not meaningful as this prescribed fire EA is presently written.

7. Given the excessive destruction we have been seeing recently from the application of prescribed fire on the Payette, and the open-ended statement in the EA regarding discretion of the Forest to apply fire even when conditions aren't suitable is concerning. We need to eliminate this discretion. Prescribed fire should only be applied when conditions (environmental, fuel loading, etc.) will result in only low intensity burns, with minimal tree mortality, minimal impact to wildlife, etc. Citizens will not support the use of prescribed fire, applied at the discretion of the Forest Service, with a history of bad outcomes.
8. The individual burn plans will be competing for the same IDT resources as needed for other projects, and will not provide for the public involvement at that specific burn plan level. This approach at the EA level (lack of analysis and any specific detail) does not meet the intent of the NEPA regulations. The need for IDT staff for burn plans (and post-burn assessment) will create further competition for the limited internal Forest staff resource. As another point, the Forest should consider bringing in outside contract resource specialist expertise in order to help with some of the demand needed for prescribed fire, and minimize impacts to other projects.
9. The EA does not provide an evaluation of cumulative impacts, even though prescribed fire can have a significant impact across many resource areas, and have significant negative economic impacts. The conclusion in the EA that an EA is sufficient is not supported.
10. The EA does not sufficiently address mitigative measures (required under NEPA) which should be taken to avoid, minimize, or compensate for the impacts of the prescribed burns. The mitigation should be presented in a single summary at some location in the document. Presently, what little mitigation is included in the document is scattered out in whatever section something is proposed, with very limited information or analysis.
11. The EA identifies potential impacts and benefits to the range resource area from prescribed fire, and indicates that there could be a temporary reduction in use or temporary non-use as a result of prescribed fire. This is an example of where a commitment to a mitigative measure should be made in the EA, such as providing alternative range for the period an allotment is impacted, or strategically planning burns so grazing rotations are not impacted. The NEPA should provide any required advance analysis required to allow the automatic implementation of such a mitigative measure, should it be needed. With this EA (which allows 30,000 acres annually to be burned), along with other NEPA actions which already include prescribed fire, significantly more than 30,000 acres could be burned annually. Given the intent to burn much larger blocks of land each year and more total acres, the potential for this type of impact to range has a higher likelihood, and compensatory measures should be addressed. It will be important for burn planning to be strategic, and include the entire PNF, to avoid annual impacts to the allotment owners and livestock use.
12. The EA addresses grazing allotments in Adams and Washington Counties but does not address allotments in Idaho or Valley Counties, though Payette Forest lands within those counties are part of the 1.3 million acres to be burned. This omission should be addressed.
13. The EA does not quantify greenhouse gas emissions. NEPA requires that impacts from proposed actions be addressed. Prescribed fire is an intentional action under this agency proposed action, with many potential impacts to many resource areas. The NEPA documents must (but do not) quantify the air emissions and clean air impacts from prescribed fire, including particulates and greenhouse gases. Smoke management is only one aspect of air impacts.

14. The EA identifies some impacts to wildlife resources, but limits the discussion to a select number of species. The EA does not address the impacts and mortality of many other species. Prescribed fire has significant impacts to all wildlife (not just the select few currently addressed) in local areas of the burn area. Those impacts (mortality, displacement, or reduced numbers from habitat destruction, etc.) must be addressed and quantified.
15. Given the magnitude of potential impacts from prescribed fire, concluding that an environmental assessment is a sufficient level of NEPA coverage is questionable. Since the approach to the prescribed fire EA NEPA document is generic and not site-specific, no true evaluation of impacts has occurred upon which to base a decision that there are no significant impacts and an EIS is not required. It is unclear how any conclusion on significance (or lack of) was reached or could be supported by the current EA. One simple example is that allowing 80% merchantable timber mortality (which FS staff state is allowed under the Forest Plan) in burned areas is clearly a significant impact. The full rigor of an EIS would address things such as impacts to each specific resource area and cumulative impacts, required under the NEPA regulations.
16. The No-Action discussions in this EA for each of the resource areas are very misleading and incorrect. Just because no action would be taken for this separate prescribed fire EA does not preclude other fuels reduction treatments or the use of prescribed fire as a component of other anticipated NEPA actions. Where other vegetation treatments are expected, prescribed fire should be addressed as a part of those actions, to provide a complete analysis of the resource and impacts and avoid segmentation. The no action discussion in this EA does not acknowledge the other treatment actions which are contemplated for some of these same lands and resources being addressed in this prescribed fire EA. This incorrect no action narrative highlights the fact that this EA is a connected action and should not be pursued independently of the other anticipated actions that would occur on these same lands for the same resources.
17. The EA does not adequately address potential impacts. As another example, the section on soils (page 42) states that it is not possible to speculate on impacts. This approach to analysis in NEPA is entirely unacceptable, unless a further NEPA review (tiered) is planned to address it. In a case like this EA, where specific information is not available, the NEPA analysis should be presenting a range of potential conditions or outcomes which is bounding, and the analysis conducted accordingly in order to determine significance. This EA is inadequate.
18. The EA identifies a strategy for prescribed fire in white bark pine areas. The focus of the strategy is providing protection, where possible, for mature, cone bearing trees. Having this as the focus of the strategy, without addressing the need for protecting the young trees, both natural regeneration and the new Forest plantations, is unacceptable for this ESA listed species. The EA strategy is currently inadequate.
19. Effects on public safety (including recreational activities) must be expanded to address commitments to post-fire actions. Fire will create hazards (such as dead and down trees, rolling rocks, etc., etc.). There should be commitments in this NEPA made for post-fire actions (mitigation).
20. The EA includes a project design feature BT-6 for reseeding where certain conditions have occurred. This project design feature is applauded, but it should be noted that the Forest Service did not follow this project design feature for recent prescribed fire actions such as the Fourth Rock burn. This is another one of those mitigations that the EA should specifically provide

commitments for, and provide any necessary analysis to enable this post-fire action. Follow-through of these commitments should be mandatory.

21. Post-burn assessments should be a firm commitment in the EA, should be documented, and should include all necessary resource specialists. These documented assessments should be publicly available. The FWT-12 (but expanded) could be a starting point for developing a standard approach for post-burn assessments.
22. Any NEPA for prescribed fire must quantify the impacts to resources. Estimates of things like timber mortality (in terms of percentages and volumes) or impacts that limit range use, along with the associated value/cost, must be presented (quantified). All resource impacts translate to an economic impact as well as the environmental impacts, and all of these impacts are supposed to be addressed in the NEPA document. The consequences of the improper application of prescribed fire, which includes having standards that allow excessive impacts), have a huge negative impact on local economies. The current prescribed fire EA is incomplete, and must meaningfully address the economic impacts based on the parameters being allowed for prescribed fire application.
23. Page 39 states that prescribed fire effects are well known and predictable. This statement is incorrect. An honest discussion of prescribed fire should be included in any NEPA document that includes prescribed fire.
24. Design feature ST-3 identifies a potential action in cases where overstory mortality is excessive. This is another mitigative action that should be quantified and addressed as a specific commitment in the NEPA document, with sufficient analysis to enable the corrective action to be taken without the need for a whole new NEPA analysis. This could include removal/salvage in addition to replanting.
25. 40 CFR 1505.3 identifies that implementing includes monitoring, mitigation, and reporting. This EA falls very short on all three of these elements, and does not meaningfully address them. Additionally, the CFLRP also requires monitoring and reporting, however, the history of the PNF CFLRP projects fall short of meeting those CFLRP requirements as well.
26. Responsible resource management and utilization does not appear to be even a small consideration in the current prescribed fire EA. The use of tools such as grazing and mastication would have less impact to timber, wildlife, range, air, water, soils, etc., than is seen through the application of only prescribed fire. Resource utilization versus destruction, should be a mandatory component (and quantified) for any of these NEPA actions.
27. The prescribed fire EA anticipates up to 30,000 acres per year could be burned under that project action. This is in addition to all other active project areas where NEPA has previously authorized the use of prescribed fire. This could mean that much more than 30,000 acres of the Payette is subject to prescribed fire each year. The Payette Forest management must inform the public of the entire plan for annual prescribed fire application. This then must be properly analyzed for all impacts. The local communities in particular deserve this as a courtesy, and it is also required by laws and regulations.
28. All project design features should be exactly from the Forest Plan. Freelancing, modifying language, or extrapolating from the Forest Plan is exactly what caused the LCBC project to lose in court. If the Forest Plan needs adjustment, amend it, as intended, before using some new idea.

Conclusion

Alternative solutions to the current proposed prescribed fire EA could include the following:

- Limit the scope of this prescribed fire EA to only those lands on the Payette that are not designated for commodity production or grazing. Those grounds could then address the proper application of the various vegetation treatment tools under their respective NEPA analysis when those projects are proposed for action.
- Include separate standards for prescribed fire in treated and untreated ground. Provide separate standards for commodity, non-commodity and grazing ground.
- Limit the scope of this prescribed fire EA to only those lands that are not commodity ground or grazing lands and where future broader vegetation treatment actions are not anticipated. Continue to include prescribed fire in future veg treatment actions (such as the next project Granite Goose).
- Address the use of "carbon storage" and grazing as one of the tools for vegetation management, as a component of vegetation treatment actions. This could eliminate the need for the use of prescribed fire on some lands, reducing greenhouse gas emissions and reducing climate change impacts, with better resource utilization.
- With the commodity production ground (including grazing) removed from the scope, provide a more complete analysis for the remaining lands subject to the proposed action, with details as identified in the comments above. Determine the significance of the impacts.
- Meaningfully address the full economic and social impacts for the prescribed fire action. Quantify the impacts.

or

- Cancel the prescribed fire EA entirely and only address prescribed fire in project specific actions, as those proposed actions are developed. Those proposed actions would include a variety of tools to accomplish the objective, including prescribed fire. Application of prescribed fire could be reduced and complemented through use of treatment methods such as grazing, mastication and other treatments that result in carbon storage rather than greenhouse gas generation, more resource utilization, less resource destruction, lower impact to timber, wildlife, range, etc., and lower impact to local communities and economies.
- Conduct a full EIS for projects, so all resource areas and actions associated with those resources are addressed for the specific piece of ground included in the proposed action.