

ATTACHMENT 1 – PLACITAS COMMUNITY DISCUSSION OF PERCEIVED AND/OR MISPERCEIVED CONCERNS AND UNCERTAINTIES

COMMENT #1: PURPOSE AND NEEDS REPORT: *It appears that the FS's published Purpose and Needs document (undated), has NOT been developed using the latest enhanced modeling, analysis and decision-making improvements and enhancements to reflect the current conditions of the Project area OR its future conditions when the remedy action will take place (future condition probabilistic trending) as recommended and mandated in the Gallinas-Las Dispensas Prescribed Fire Declared Wildfire Review, Santa Fe National Forest, Southwestern Region (lessons-learned Report) and subsequently developed Procedures and FS Training Manuals.*

I believe that the inclusion of these lessons learned enhancements and elimination of Report identified flaws is essential to the proper development and selection of the final, best value remedy of the hazardous tree fuel reduction project for the NM165 Canyon, Las Huertas Creek Project.

COMMENT #1: SUBSTANTIVE REASONING & JUSTIFICATION:

- 1.1 As a result of the devastating impacts resulting from the 2022 NM Prescribed Burns that unfortunately turned to wildfires as documented in the **2022 Gallinas-Las Dispensas** “lesson learned Report”, 30 plus pages exist of specific and detailed FS enhancements discussions, and recommendations for considering and managing future Prescribed Burn implementation.

This lessons learned Report analyzes and answers the following key question: If the Prescribed Fire Plan leading to the Gallinas-Las Dispensas wildfire, was compliant to all (“OLD SCHOOL”) FS procedures and guidelines at the time of execution, and if it was reviewed numerous times by senior experienced FS management and staff, **WHY did the controlled burn turn to a wildfire?**

The answers are contained in this lessons learned Report. It defines multiple flawed processes and recommends a new set and improved policies, procedures and processes to correct these flaws. In understanding that:

- this OLD School decision-making process was flawed (**FS's own lessons learned Report findings**)
- the Old School methodology was enhanced, improved and in some cases replace in this Report's recommendations, and
- subsequent new and improved FS procedures already exist for use on currently planned Projects

The Placitas Community represented herein, has **CONCERNS** and **UNCERTAINTY** in understanding:

- **WHY is the FS still willing to move forward with its “OLD School” decision-making methodology that could be a flawed?**
- **WHY has the FS not on its own discretion decided to redo its work as appropriate to take advantage of the lessons learned Report?**

- 1.2 As an example of new and improved Controlled Burn methodology, reference is made to the following **Eleven (11) NEW enhancement and improvement documents NONE-of-Which are**

identified in the Purpose and Needs Report or anywhere else in the information made available to our Community:

- Confronting the Wildfire Crisis: A Historical Year: FS-1187g; 2024;
- A Strategy to Expand Prescribed Fire Training in The West: FS-1229; 2023;
- Interagency Hotshot Crew Programmatic Review: FS 1225; 2023;
- Community Wildfire Community Grants: FS-1214; 2023;
- National Prescribed Fire Resource Mobilization Strategy: FS 1216; 2023;
- Confronting the Wildfire Crisis: Second Landscapes: FS-1187f: 2023;
- Confronting the Wildfire Crisis: Initial Landscapes: FS-1187d: 2023;
- Confronting the Wildfire Crisis: A Chronicle: FS-1187c: 2023;
- Confronting the Wildfire Crisis: Implementation Plan: FS-1187b: 2023;
- Confronting the Wildfire Crisis: Update: FS-1187e: 2022; and
- Confronting the Wildfire Crisis: FS-1187a: 2022"

Therefore, the Placitas Community represented herein, is **CONCERNED** and **UNCERTAIN** that this most important updating of studies, analyses, modeling techniques and methodologies has NOT BEEN USED to develop the FS's current "Prescribed Burn" solution and as a result, this proposed "Prescribed Burn" solution may be based on "Flawed" processes that have since been discarded and/or enhanced to improve decision-making.

COMMENT #2: PURPOSE AND NEEDS REPORT: *It appears that the FS's published Purpose and Needs document, has been developed using a significant amount of general information and does not address forecasted, site-specific conditions that will exist at the time of the Prescribed Burn. Our represented community is specifically concerned about the NM165 Canyon, Las Huertas Creek hazard tree portion of the Project.*

COMMENT #2: SUBSTANTIVE REASONING & JUSTIFICATION

Examples of the types of concerns that are generated from the use of generalized information in lieu of area- specific information include:

2.1 The use of the term and description of "dry mixed conifer type". This generalized description lacks a list of species (other than noting deciduous aspen and gambrel oak) and generates the questions such as:

- **WHAT species in what proportions are associated with this type.**
- **HOW will they respond in a Prescribed Burn?**
- **WHAT types of control measures and resources will be required to totally control their burn characteristics under unknow climatic and weather conditions?**

2.2 Although the Placitas Community represented herein, understands that large diameter snags and insect/disease infected overstory are a risk factor with lightening BUT, they also have significant wildlife benefits, we ask:

- **HAS THE FS PERFORMED the FSH 1909.15 Chapter 31.1(2); subchapter220.6(b)(2) "cause and effect" analyses to determine the risk/reward relationship?**
- The document notes that 9 out of 13 fires since 1970 were human caused.

2.2.1 WHAT were the characteristics of these fires?

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- 2.2.2 WERE these fires large?
- 2.2.3 WHAT are the lessons learned?
- 2.2.4 HOW do the specifically relate to the NM165 project?

The lack of subject area specificity generates CONCERN and UNCERTAINTY about the accuracy and applicability of the studies, analyses and conclusion presented in this Purpose and Needs Report and how they will translate into understanding the resources needed to control a Prescribed Burn.

Therefore, the Placitas Community represented herein, is **CONCERNED** and **UNCERTAIN** whether the selection of a Prescribed Burn remedy for the NM165 project site is appropriate. We propose that additional studies, analyses and evaluations may be necessary and recommended under FSH requirements before the final decision can be made.

COMMENT #3: PUBLIC MEETING POWERPOINT SLIDES: *The FS's published PowerPoint Slide deck presentation to the Public on April 24th appears to contain information that:*

Has already been performed by the FS without Public "Partnering" or information gathering, and as defined above:

- 3.1 Has been developed using generalized information and/or OLD and obsolete information relative to performing a Prescribed Burn in the time-frame of 2028 to 2029, and*
- 3.2 Has NOT been developed using the latest enhanced modeling, analysis and decision-making improvements and enhancements as specified in the Gallinas-Las Dispensas Prescribed Fire Declared Wildfire Review, Santa Fe National Forest, Southwestern Region (lessons-learned Report).*

In almost every case, little or no backup supporting information was provided to the public relative to database content and accuracy, assumptions, understandings, analysis methodologies, and procedural references leading to decisions presented on these PowerPoint slides.

The Information in these slides OR lack thereof relative to justification for the information contained therein has created CONCERN AND UNCERTAINTY relative to how the FS made decisions and recommendations leading to a Prescribed Burn especially as it relates to the NM165 Canyon.

COMMENT #3: SUBSTANTIVE REASONING & JUSTIFICATION:

In specific, numerous **QUESTIONS**, **CONCERNS** and **UNCERTAINTIES** exist on slides 4, 12, 13 and 14 as defined below.

3.1 SLIDE 4 (FIGURE 1): It appears that a significant amount of work has already been performed by the FS while **Supporting Documentation was not made available to the Public** concerning the evaluations, analysis of remedy methodology and ultimate decision-making for selection of the Prescribed Burn Preferred Alternatively the FS without public "partnering".

3.1.1 NEPA Applies:

- **WHAT NEPA processes are you referring to as applicable?**
- **DO Extraordinary Circumstances exist?**

- IF EXTRAORDINARY CIRCUMSTANCES do exist, why doesn't the requirement for an Environmental Assessment (EA) and potentially an Environmental Investigation Report (EIR) apply (FSH 1909.15 Chapter 30, Subchapter 31.1)?
- DO "CATEGORY EXCLUSIONS" exist? If so, WHAT are they?
- DO alternate approaches, analyses, methodologies to better define the optimum hazardous tree reduction mission exist? If so, WHY are they not being used?
- WHEN and HOW is the Public allowed to participate in the decision-making processes?

In summary, WHY are/were evaluations and justification documentation on FS work performed to date was NOT PROVIDED or referenced for public review?

3.1.2 Plan Consistency:

- WHY was evaluation and supporting Documentation not provided,
- WAS the Gallinas-Las Dispensas Report, Appendix I, Complexity Analysis of the Controlled Burn Plan, 28-specific evaluation criteria methodology used in determining the Prescribed Burn solution for the NM165 Project?

According the "lessons learned Report", this analysis is essential for the FS to make educated, substantive and justifiable comments and conclusions. **The Placitas Community represented herein is CONCERNED and UNCERTAIN that this analysis was done and if it was, WHY was it not made available to the Public?**

3.1.3 Consistency with Reg/Law/Policy:

- WAS this analysis performed?
- WHY was it not made available to the Public?
- HOW are we to make educated comments if this information is not made available?

3.1.4 Comparative Analysis Leading to Proposed Action:

- WAS this analysis performed?
- WHY was it not made available to the Public?
- HOW are we to make educated comments if this information is not made available?

3.1.5 Extraordinary Circumstances: FSH 1909.15 Chapter 30, Sections 31.1 and 31.2 (FIGURE 2 AND FIGURE 3)

- As specified in FSH1909.15 Chapter 30, subchapters 31.2, Extraordinary Circumstances that follow; **WE PROPOSE THAT EXTRAORDINARY CONDITIONS DO EXIST** in the NM165 Project.

(31.2): if *"the degree of potential effect (of the proposed Prescribed Burn: added) raises uncertainty over its significance (loss of control leading to an uncontrollable wildfire: added), then extraordinary circumstances exist, precluding the use of a category exclusion."* ... *"from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action"* (FSH1909.15 Chapter 30, subchapter 31.1).

- WHY is the Forest Service RAPIDLY MOVING TO MAKE A FINAL DECISION IN JULY 2024, formalizing a Prescribed Burn remedy if Extraordinary Circumstances potentially Exist and additional important studies would assist in make a "Best Decision"?

3.2 SLIDE 12, BURN PROBABILITY (BP): Notes in the legend at the bottom of this slide indicate that the resulting BP ratings are **based on fires inclusive of the year 2020**. Relative to the accuracy and applicability of this analysis:

- 3.2.1 **CAN 8-year-old (+/-) information and/or analyses be considered meaningful and valid** if the input data used in this analysis is already 3-years old and according to the FS, scheduling for the NM165 project is 3 to 5 years out?
- 3.2.2 **HOW will the latest changes in the existing conditions in the Project be taken into consideration** relative to forest characteristics such as:
 - o hazard tree type and species, inventory;
 - o demographic sprawl and population growth;
 - o availability of access roads, water filling stations; equipment and material laydown;
 - o new fire history in the Canyon, and perhaps most importantly,
 - o the overall impact of impact of climate change on forest moisture conditions and other key forest conditions that changes with time.
- 3.2.3 **WAS the latest enhanced modeling technology (recommended in the lessons learned Report) utilized for this Slide #12 Burn Probability 2020 analysis?**
- 3.2.4 **DOES the FS plan to re-perform the BP analyses in compliance with the lessons learned Report recommendations.**

3.3 SLIDE 13, WILDFIRE SUPPRESSION DIFFICULTY INDEX (WSD Index): This analysis was **based on a database inclusive of 2018**.

- 3.3.1 As stated above, the Placitas Community represented herein, believes it is necessary and appropriate that this analysis be performed again by the FS to accurately re-analyze, re-assess and determine an appropriate WSD Index for use in defining a final fuel reduction remedy.
- 3.3.2 **WILL THE FS USE the recommendations from the 2022 lessons learned Report which recommends new and enhanced modeling software and techniques** (Appendix K; Suppression Difficulty Index – Risk Management Assistance (Stratton and Miller 2021)?
- 3.3.3 **Housing Unit Density (HUD):** This analysis was, we think, based on a database inclusive of 2023. We believe it is necessary and appropriate that this HUD analysis be re-performed again in re-assessing the implementation of any final fuel reduction remedy using the recommendations from the 2022 lessons learned Report and the latest demographic/property development information forecasted for a burn to be performed 5 years from now.

3.4 SLIDE 14, POTENTIAL CONTROLS LOCATIONS (PCL): This database analysis performed by the FS, was based on a database inclusive of 2023 and may be current but we question whether it is reflective of conditions that will exist 5 years from now.

We believe it is necessary and appropriate that this PCL analysis be re-performed again in re-assessing the implementation of any final fuel reduction remedy using the recommendations from the 2022 lessons learned Report and the latest roadway, fire protection infrastructure upgrades, water supply infrastructure, forest trail upgrades, and other pertinent infrastructure.

Thus, the Placitas Community proposes that all of the Slide Presentation, missing documentation listed above generate CONCERNS AND UNCERTAINTY in the FS's approach to defining, managing and controlling numerous EXTRAORDINARY CIRCUMSTANCES that exist and should be studied and resolved before a final decision to mitigate hazardous fuel buildup in the NW165 Project is completed.

COMMENT #4: PRESCRIBED BURN CONTROL PLAN (Plan): *We do not find in publicly available documents any form of a "Prescribed Burn Control Plan" that would define and commit to making available appropriate execution resources in place when the burning occurs and related details OR emergency response resources that would immediately be available should there be any concern over loss of control.*

COMMENT #4: SUBSTANTIVE REASONING & JUSTIFICATION:

One of the primary enhancements and improvements in the lessons learned Report focuses on performing "Complexity Analysis" modeling (RISK Assessment) with its latest technology and tools to address the 28 input criteria necessary for a high-quality analysis leading to BEST VALUE selection of an optimum and preferred set of remedy solutions, the Preferred Alternative.

In according to the lessons learned report, this risk assessment would contain but not be limited to planning logistics and information addressing the following types of considerations:

- 4.1 Discussions and confirmation that traffic management, maintenance and potential upgrading of the canyon portion of NM165 to support staging of equipment and safe deployment of firefighting and emergency support personnel will be performed as necessary.
- 4.2 Identification and confirmation relative to the availability of water supply sources for all types of firefighting equipment needed to support the Prescribed Burn AND a Wildfire "battle".
- 4.3 Identification and confirmation on availability of resources discussing:
 - 4.3.1 Air tankers, helicopters, pumper equipment, water tankers and other pertinent equipment will be within an hour or so away on the burn days;
 - 4.3.2 Existing area, regional and adjoining state professional fire department resources will confirm dedicated standby resources on burn days.
- 4.4 Confirming to the Placitas Community that if there were fires underway elsewhere in the region that might have firefighters and other resources tied up when the Placitas Prescribed Burn is started, the local FS will still have adequate and emergency resources to maintain control in any conditions once it is started?

- **HAS this Plan been drafted or Prepared?**
- **CAN the Public have access to this thinking?**

Without having access to such a Burn Control Plan, the Placitas Community, represented herein, proposes that this missing documentation generates **CONCERNS AND UNCERTAINTY** relative to the FS's ability to ensure that adequate resources will be available when the final hazard fuel removal project is implemented.

COMMENT #5: COMMENT SUMMARY: *As a result of the CONCERNS and UNCERTAINTIES defined in COMMENTS 1 through 4 above, it appears in summary that the FS's recommendation of a "Prescribed Burn" remedy methodology as it applies to the NM 165 Canyon has NOT been developed using the FS's own currently existing Best Practices and may NOT reflect the optimum way to resolve the project's challenges and risks.*

COMMENT #5: SUMMARY OF SUBSTANTIVE REASONING & JUSTIFICATION:

- 5.1 No discussion was made, reference or evidence found that indicates that the **FS has utilized and incorporated lesson learned Report analyses/decision-making tools Gallinas Las Dispensas lessons learned Report.**
- 5.2 By not incorporating the recommendations contained in the lessons learned Report, we have **CONCERN** and **UNCERTAINTY** in the FS's ability to control the proposed Prescribed Burn in the steep and remote NM165 Las Puerta Creek Canyon since a **Burn Control and Implementation Plan may not/does not exist and if it does, it was NOT made available to the Public that mitigates and/or eliminates these concerns.**

It appears that older, less efficient and obsolete methodologies and tools were used in the FS's NM165 fuel reduction analyses leading to the FS apparent rapid action to formalize the determination of a "Prescribed Burn" solution. This solution may NOT be the "Best Value, Preferred Alternative" Solution for the Placitas Community.

- 5.3 An analysis of the conditions that may exist in the NM165 Canyon (**probabilistic and risk modeling using NEW lesson learned define modeling techniques and tools**) at the actual time of fire reduction implementation (4 to 5 years out, perhaps 2028 or 2029) will certainly factually define EXISTING and new conditions that should be considered by the FS (as indicated in FSH 1909.15, Chapter 30, 31.1 and 31.2 – **FIGURE 3**).
- 5.4 Since **significant amounts of pertinent information do not currently exist**, additional studies and analyses using the NEW lessons learned and associated modeling and analysis are prescribed by FSH guidelines by conducting an Environmental Assessment (EA) or Environmental Investigation Study (EIS) or as other appropriate analyses.

- 5.4.1 Reference is made to Slide 4's reference to **FSH 1909.15, Chapter 30, Subsection 31.2** which states:

"31.2 EXTRAORDINARY CIRCUMSTANCES: If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion."

Thus, in simple terms (my interpretation of the requirements of this regulation) indicates that:

31.2 EXTRAORDINARY CIRCUMSTANCES: If the degree of potential effect, (the impact resulting from loss of control of the recommended Prescribed Burn) raises uncertainty over its significance (the well-being of human health and the environment associated with a resulting Wildfire), then an extraordinary circumstance exists, precluding the use of a category exclusion.

5.4.2 In addition, Reference is made to **FSH 1909.15, Chapter 30, Section 31.2:**

"31.1: CATEGORY EXCLUSIONS - GENERAL: A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action".

5.4.3 In updating and enhancing the FS's current work products, it is most important for the FS to including the addition of the recommended "Complexity Analysis" modeling (RISK Assessment) with its latest technology and tools to address the 28 input criteria necessary for a high-quality analysis leading to BEST VALUE selection of an optimum and preferred set of remedy solutions.

Based on the comments presented above, the Placitas Community represented herein believes that there are numerous existing EXTRAORDINARY CIRCUMSTANCES (as specified in FSH guidelines) that must be resolved if we are to understand and support the FS's path forward.

COMMENT #6: PLACITAS COMMUNITY COMMENT REQUESTS: *As a result, it is difficult for the Placitas Community represented herein, to validate or provide meaningful comments on the merits of the FS's proposed Prescribed Burn project without an OPEN AND HONEST COLLABORATION PROCESS THAT ADDRESSES THE QUESTIONS, CONCERNS AND UNCERTAINTIES DEFINED HEREIN. We believe that IT IS Important and request that the FS EITHER:*

- *Perform further analyses and documentation to respond to and address these concerns and uncertainties, and/or*
- *"Partner" with the Placitas Community to develop an alternative pathway to defining the preferred alternative.*

Therefore, the Placitas Community represented herein proposes, that it is necessary and appropriate for the FS to:

- **DEVELOP PLACITAS COMMUNITY "PARTNERING CORE TEAM" THAT WILL PROACTIVELY**
 - **Develop an optimized path forward to quickly remedy the hazardous fuels threat (Attachment 1, Figure 2: Decision Tree Flow Chart, Pathway **
 - **Communicate the results of the Core Team's synergistic efforts to the Public to dispel misperceptions and continue to build Public confidence and support.**

As such, we propose that we are immediately available to participate in a Forest Service led, "Placitas Community Partnering Core Team" to support, maximize and accelerate the benefits of your future work efforts. **Thank You for your considerations!**



4

Forest Service Slide #4 Presented in April 24th Public Meeting

Project Milestones

Milestone	Date
Scoping Start	04/03/2024
Comment Period	N/A Ends 6/21/24
Objection Period Start	N/A
Decision	07/01/2024 (Estimated)
Implementation	10/01/2024 (Estimated)

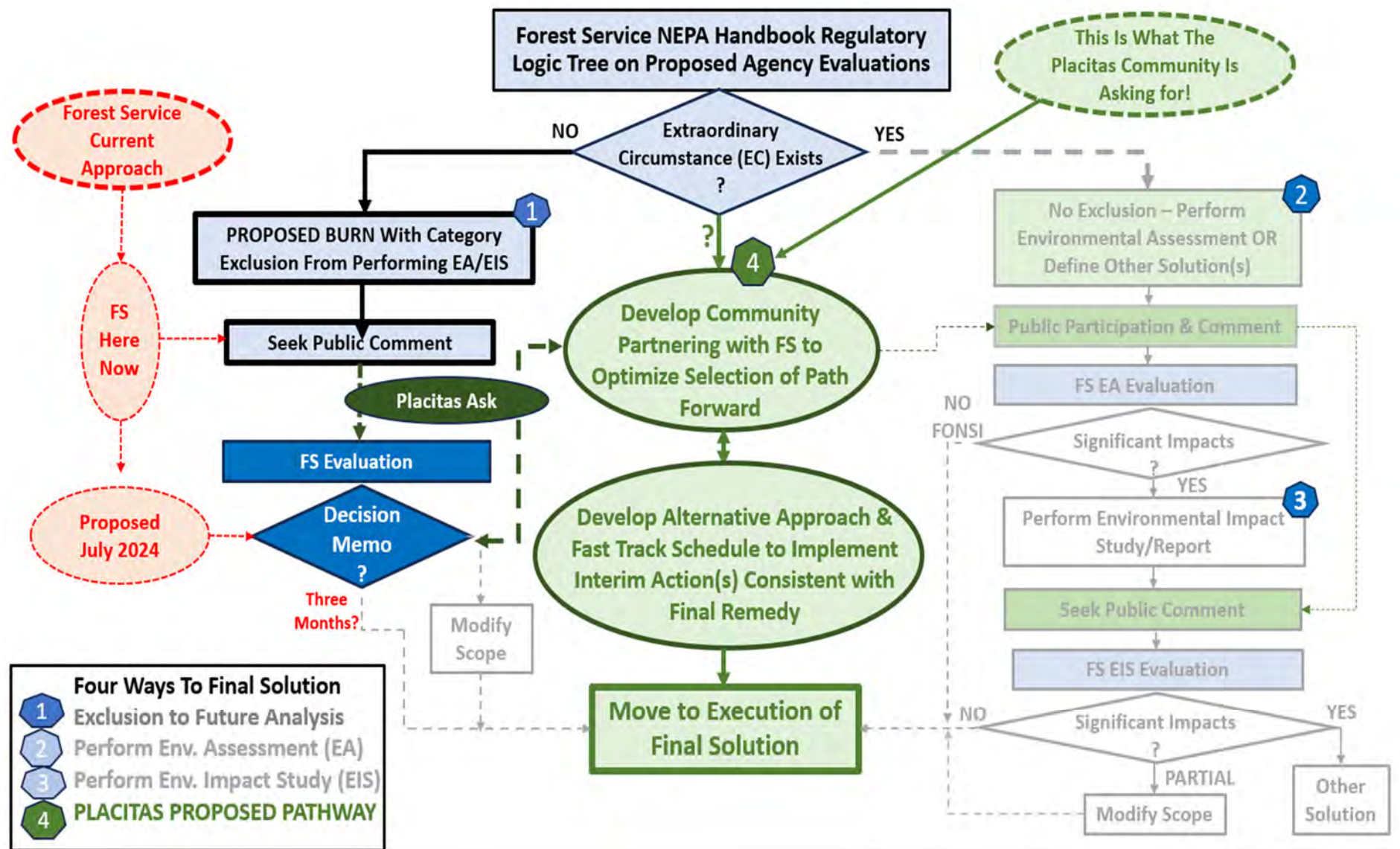
3 Months ?

- **3-Months Between Decision and Implementation of Proposed Prescribed Burn**
- **Apparently, The Forest Service Has No Intention of Performing Any More Studies and Intends to Issue A Final Decision Memo for the Prescribed Burn Unless Public Comment Overwhelming Says Otherwise.**

Need To Analyze Regulatory Process FSH 1909.15 Chapter 30 For Defining EXTRAORDINARY CIRCUMSTANCES That REQUIRE Future Analyses (EA/EIS) That May STOP/Delay a July 2024 Decision (See Figure 2)

FIGURE 1 –Forrest Service Presentation & Understandings

FIGURE 2 – Decision Tree Flow Chart



DEVELOP A PLACITAS COMMUNITY PARTNERING CORE TEAM TO OPTIMIZE THE NORTH SANDIA FUELS REDUCTION PROJECT & DEVELOP COMMUNITY SUPPORT

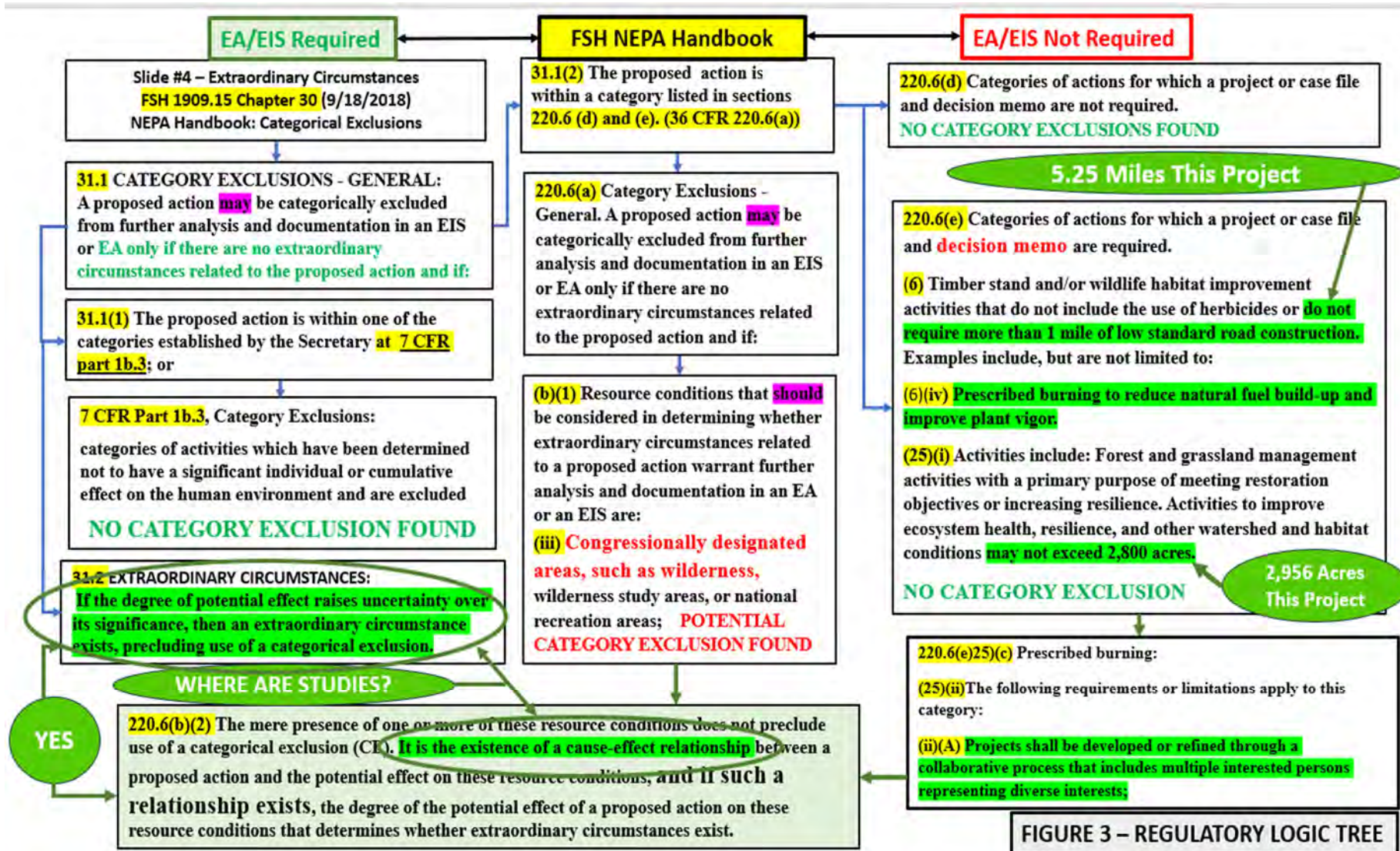


FIGURE 3 – REGULATORY LOGIC TREE

ATTACHMENT 2
300+ Placitas Resident Signatures
Agreeing To The Comments
Contain In This Document