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The California Public Lands Council (CalPLC) appreciates the opportunity to provide feedback to the U.S. Forest Service Pacific Southwest Region (Region 5) regarding its Proposed Action for Post Disturbance Hazardous Tree Management. CalPLC represents more than 700 cattle and sheep producers throughout California permitted to graze federal allotments on U.S. Forest Service, Bureau of Land Management, and National Park Service lands. Public lands grazing permittees pride themselves upon their stewardship of federal lands, which includes mitigating fire risk through the grazing of fire fuels.

Because the Proposed Action will enhance the safety of forest roads and reduce fuel loading which may otherwise contribute to subsequent catastrophic wildfire, CalPLC strongly supports the Proposed Action. CalPLC encourages Region 5 to undertake the project without delay by seeking an Emergency Situation Determination and identifying any other administrative means by which the project may be expedited. Finally, given the risk that downed trees may become fuel for highseverity fires in 2022 and beyond, CalPLC encourages Region 5 to expand the scope of the project beyond roads, trails, and facilities.

I. CalPLC Strongly Supports the Proposed Action

CalPLC strongly supports the Proposed Action, which would authorize the felling and removal of hazardous trees and the removal of downed trees along high use roads, trails, and near USFS facilities. Grazing permittees rely on USFS roads and trails to access grazing allotments during the grazing season, and the removal of hazard trees along these roadways is crucial to ensuring the safety of grazing permittees and others utilizing these forest roads. Moreover, removal of hazardous trees is necessary to ensure that such trees do not create roadway blockages or other obstacles, as reliable Forest access is essential for grazing permittees to ensure the health and well-being of their livestock and to monitor their grazing allotments to ensure that all standards and guides under their permits are maintained.

Design features which call for low stumping [ldquo]for a distance of 100 feet from the road edge on upslope terrain and on easily visible level terrain areas[rldquo] are particularly important for ensuring the fire resilience of Region 5 Forests and Forest users. Such roadside clearing may assist in creating fuel breaks to stop or slow the spread of fire and will ensure that roads are more passable for fire suppression crews, grazing permittees seeking to access or evacuate livestock, and others requiring Forest access during a wildfire incident.

CalPLC also approves of the Proposed Action[rsquo]s proposal to [ldquo]maintain roads, trails, and facilities.[rldquo] At regional CalPLC meetings held throughout the state between 2017 and 2019, grazing permittees routinely identified the lack of appropriate road maintenance as one of the greatest challenges facing grazing permittees in virtually every Forest throughout the Region. In some Forests, road maintenance is so inadequate that grazing permittees have sought permits to repair Forest System roads at their own effort and expense. In many circumstances, Forest Service roads throughout the Region are impossible or difficult to traverse even absent the threat of fire-damaged hazard trees, and the presence of hazard trees post-fire only exacerbates the difficulty in navigating the terrain and the threat to permittees[rsquo] safety. Consequently, CalPLC support[rsquo]s the Proposed Action[rsquo]s intention to [ldquo]maintain roads, trails, and facilities,[rldquo] and encourages Region 5 to undertake road repairs well beyond the mere removal of hazard trees to ensure that Forest System roads provide adequate access to grazing permittees and other Forest visitors.

The Proposed Action has value well beyond the benefits to Region 5 roadways, however. As the scoping document for this project notes, [ldquo]high densities of[hellip]downed woody fuels have potential for high severity burn in subsequent fires.[rdquo] While the scoping document relates this threat of [ldquo]high severity burn[s][rdquo] to [ldquo]anyone using the roads,[rdquo] high severity burns pose threats well beyond the roads themselves. High severity fires may burn forest meadows, consuming available forage and badly damaging the soil with long-term consequences. High severity burns also have an increased risk of rapid spread, imperiling forest communities like Greenville, which saw three-fourths of its structures destroyed by the 2021 Dixie Fire.

Because the Proposed Action would reduce hazard tree risk to Region 5 roadways, provide for necessary maintenance of Forest roads currently in disrepair, and improve the fire resiliency of roadways, grazing allotments, and forest-adjacent communities, CalPLC strongly supports the Proposed Action and encourages Region 5 to undertake the project as expeditiously as possible.

II. Region 5 Should Seek an Emergency Situation Determination and Alternative Arrangements

The October 25 Scoping Letter notes that [ldquo]the Regional Office may elect to seek an Emergency Situation Determination (ESD) from the Chief of the Forest Service[rdquo] and that an ESD [ldquo]would expedite the actions proposed in this project.[rdquo] CalPLC urges the Regional Office to seek such an ESD, which is appropriate under existing regulations and advisable given the urgency of the Proposed Action.

36 C.F.R. [sect] 218.21(b) provides that an ESD is appropriate when [ldquo]immediate implementation of a decision is necessary to achieve one or more of the following : Relief from hazards threatening human health and safety; mitigation of threats to natural resources on NFS or adjacent lands; avoiding a loss of commodity value sufficient to jeopardize the agency's ability to accomplish project objectives directly related to resource protection or restoration[rdquo] (emphasis added). Here, Region 5 has properly identified hazard trees and downed woody fuels as a threat to human health and safety.

Likewise, the Proposed Action is needed to [ldquo]mitigate threats to natural resources on NFS or adjacent lands[rdquo]: while the Scoping Letter notes that the Proposed Action will [ldquo]accelerate reduction of fuel accumulation and tree disease risk,[rdquo] the project will also ensure the survival of meadows and forest wildlife, as well as ensuring water quality and soil health which would be devastated in subsequent high-severity fires. Finally, the Proposed Action is necessary to prevent the [ldquo]loss of commodity value,[rdquo] as Region 5 has a limited window in which to [ldquo]capture the commercial value of the salvaged timber[rdquo] from wildfires in 2020 and 2021.

While any one of these factors would be sufficient to support an ESD under [sect] 218.21(b), all three factors are implicated by the Proposed Action. Under these circumstances, it is certainly appropriate for Region 5 to seek an ESD, and CalPLC encourages Region 5 to seek such a determination. The ESD is also appropriate given the time-sensitive nature of the Proposed Action. California[rsquo]s wildfire seasons are increasing in duration, with catastrophic wildfires coming earlier and earlier each year. In 2021, California[rsquo]s fire season had begun in earnest by May. Fires on National Forest System lands [ndash] such as the Tennant Fire on the Klamath National Forest [ndash] began to ignite in June. By July, California was deep into its fire season, with catastrophic wildfires like the Beckwourth Complex Fire, Tamarack Fire, and Dixie Fire raging across USFS lands. To achieve the purpose and need of the Proposed Action [ndash] in particular the [lsquo]secondary purpose[rsquo] of reducing fuel loading to avoid subsequent high-severity fire [ndash] it will be essential for Region 5 to undertake the project as soon as possible after winter weather conditions begin to abate and before California[rsquo]s fire season fully develops. Undertaking a standard NEPA process will cause undue delay in the Proposed Action, and an ESD is therefore advisable.

Given that the Proposed Action would achieve all of the purposes for which an ESD is available under regulation and given the need to expedite the project to avoid catastrophic threats from hazard and downed trees during the

2022 wildfire season, CalPLC strongly urges Region 5 to seek from the Chief of the U.S. Forest Service an Emergency Situation Determination for the Proposed Action.

III. The Proposed Action Should be Categorically Excluded from Full NEPA Analysis

The Scoping Letter for the Proposed Action notes that Region 5 intends [ldquo]to document the National Environmental Policy Act environmental analysis for these activities within separate environmental assessments for each of the three zones[rdquo] and that the [ldquo]environmental assessments will be made available for public review during an upcoming 30-day comment period[hellip](anticipated January 2022).[rdquo]

CalPLC is concerned that the process of preparing the three environmental assessments may unnecessarily delay the Proposed Action. To expedite this vital project, CalPLC encourages Region 5 to consider whether one or more categorical exclusions may be available under 36 C.F.R. [sect] 220.6. Potentially applicable [ldquo]Categories of actions for which a project or case file and decision memo are not required[rdquo] under [sect] 220.6(d) include [ldquo]Repair and maintenance of administrative sites[rdquo] ([sect] 220.6(d)(3)), [ldquo]Repair and maintenance of roads, trails, and landline boundaries[rdquo] ([sect] 220.6(d)(4)), and [ldquo]Repair and maintenance of recreation sites and facilities[rdquo] ([sect] 220.6(d)(5)).

Alternately, the Proposed Action may constitute an action which can be categorically excluded from further documentation in an environmental analysis with the preparation of a decision memo under [sect] 220.6(e). While the eligibility for categorical exclusions under [sect] 220.6(e) will depend on a variety of factors including the use of herbicides and the aggregate acreage of areas to be treated within a given [ldquo]zone,[rdquo] the Proposed Project may be eligible for categorical exclusions under provisions relating to the [ldquo]Construction and reconstruction of trails[rdquo] ([sect] 220.6(e)(1)), [ldquo]Post-fire rehabilitation activities, not to exceed 4,200 acres[rdquo] ([sect] 220.6(e)(11)), [ldquo]Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction[rdquo] ([sect] 220.6(e)(13)), [ldquo]Road management activities on up to 8 miles of NFS roads and associated parking areas[rdquo] ([sect] 220.6(e)(23)), or other provisions.

CalPLC appreciates that Region 5 recognizes the [ldquo]time-sensitive nature of the proposed hazard tree removal[rdquo] and is considering an ESD. CalPLC encourages Region 5 to examine every other opportunity available to expedite the Proposed Action, including but not limited to exploring whether the project may be categorically excluded from the need for [ldquo]further analysis and documentation in an[hellip]EA.[rdquo]

IV. Region 5 Should Expand the Scope of the Proposed Action Beyond Roads, Trails, and Facilities

In support of the Proposed Action[rsquo]s [lsquo]secondary purpose[rsquo] to [ldquo]reduce fuel loading,[rdquo] the Scoping Document notes that [ldquo]Reducing the density of standing dead trees and removing activity-generated downed woody material would reduce the chances of high-severity fire occurring along the roads within the project area.[rdquo]

While CalPLC appreciates and supports the need to reduce fuel loading along roads, we encourage Region 5 to expand the scope of the Proposed Action beyond roads, trails, and facilities to all fire-damaged areas within Region 5 Forests, or to consider subsequent action to address fuel loading from standing dead trees and downed woody fuels Region-wide. While reducing such fuel loading along roadways will certainly promote the forests[rsquo] wildfire resilience, downed trees not adjacent to roadways are a significant source of fuel for subsequent high-severity fire. These downed woody fuels present a significant threat of fire incidence, severity, and spread in the 2022 fire season and beyond which imperils our forests, natural resources, and forest-adjacent communities. To ensure the protection of natural resources and human health and safety, Region 5 should expand the scope of the Proposed Action to manage hazardous trees including those not adjacent to roads, trails, and facilities.

Expanding the scope of the Proposed Action would also better [ldquo]enable the capture of the commercial value of[hellip]salvaged timber,[rdquo] as discussed in the Scoping Letter. Private forestry companies have worked expeditiously in the wake of 2020 and 2021 wildfires to salvage timber from downed trees, capturing the economic value of these forestry products while reducing the risk of subsequent catastrophic wildfire to their forestry operations. Sierra Pacific Industries, for instance, has worked to salvage timber from dead trees on 35,000 acres of their forests burned in the 2020 Bear Fire, part of the North Complex Fire. By undertaking similar broad-scale salvage projects, Region 5 could ensure the resilience of its Forests and capture some financial value from the wildfires that have devastated the Region in recent years.

Conclusion

CalPLC appreciates the opportunity to engage with Region 5[rsquo]s proposal to manage post-disturbance hazard trees. CalPLC strongly supports the Proposed Action and encourages Region 5 to utilize all available means to expedite and expand the project to promote the fire-resilience of Forests throughout the Region.