Data Submitted (UTC 11): 11/20/2023 5:00:00 AM First name: Doug Last name: Flaherty Organization: Tahoe Sierra Clean Air Coalition Title: President Comments: Public Comment Sequoia and Sierra National Forest Prescribed Burn Project - 65081

Final Comment Due 11/20/23

Tahoe Sierra Clean Air Coalition supports the creation of an Environmental Impact Statement (EIS), rather than simply an Environmental Assessment (EA) in connection with the proposed project.

The project should not be allowed to proceed without completing an EIS for the reasons listed below. The 2023 Sequoia and Sierra National Forest Plan EIS describes its role as a broader more general application (or umbrella document) and leaves the specifics of environmental analyses up to individual projects.

1. Similar to the Ninth Circuit Court of Appeals decision Bark vs the USFS, (Attachment A), the effects of this proposed project are highly controversial and uncertain, thus mandating the creation of an EIS. And second, the United States Forest Service (USFS) has failed to identify and meaningfully analyze the cumulative impacts of the Project.

Additionally, the arguments presented by plaintiffs in Bark vs the USFS. i.e., to require the USFS to create an EIS rather than an EA are strikingly similar.

Therefore, in favor of an EIS for this proposed project, Tahoe Sierra Clean Air Coalition points to and references the attached Bark vs USFS case, including all arguments in favor of an EIS, as well as stated evidence as presented by Bark, Cascadia Wildlands and Oregon Wild.

In Bark vs the USFS the projected project area was 11,442 acres in the Mt. Hood Forest.

Here, the proposed project goal is to implement the proposed actions on up to 32,000 acres on the Sequoia National Forest (including the Giant Sequoia National Monument) and up to 50,000 acres on the Sierra National Forest per year.

The significant geographical size and scope of the proposed project alone demands creation of an EIS.

2. In the examples below, the project scope information fails to identify and meaningfully analyze the cumulative impacts of the project and are highly controversial, speculative, arbitrary, capricious, agenda driven, and represent prejudicial abuse of discretion.

* Restoration would increase emissions and affect air quality in the short term, but the degree of increase depends on the amount of treatment. In the long term, restoration would reduce emissions from wildfires. Similar to alternative B. The increased use of mechanical treatments, allowing for increased fire use, would reduce future emissions from wildfires. Emissions will increase in the short term both by machinery use and fire treatments.

* Applying more frequent prescribed fire would help bring many areas within these forests toward a more natural range of variation and would allow future wildfires to burn at generally lower, more natural, intensities.

* Based on historic fire returns at the Sierra Nevada scale, analysis suggests that the Forest Service alone needs to treat fuels across all forest types on 184,000 acres, and possibly up to 488,000 acres.

* Reduce fuel buildup and the risk of large and severe wildfire.

* Restore fire return intervals in areas where fuel profiles allow,

* Restore and maintain desired ecological processes and habitat conditions and Create improvements in resilience to climate change and large-scale disturbances.

* Restoration treatments under alternatives B and D would result in a direct effect of reduced smoke emissions by mid-century. Reduction in wildfire emissions would make long-term attainment of visibility goals more likely under alternatives B.

* Assess new wildfire starts for opportunities to manage wildfires to meet resource objectives. Implement other activities that facilitate and maximize opportunities to manage wildfires to meet objectives.

* Ecological Resilience to Drought, Air Pollutants, Climate Change, Insects, and Pathogens. In most subalpine forests, alternative B would promote increased resilience to fire, climate change, drought, insects, and diseases because of higher restoration treatment rates (specifically the restoration of fire). Wildfire would increase resilience, primarily through reducing stand densities, increasing heterogeneity, and promoting seral class diversity and tree regeneration. In addition, Whitebark pine forests located in recreation areas (like ski areas) would be more ecologically resilient under alternative B. Alternative B would likely have greater treatment rates in recreation areas based on a regional Whitebark pine restoration strategy. Despite differences among alternatives, many White bark pine, and other subalpine forests would be heavily impacted by insects and diseases associated with increased moisture stress and warming climate conditions under all alternatives (Meyer et al. 2014, Schwartz et al. 2013).

3. Based on the project scoping information the USFS cumulative impact analyses is insufficient since the project description primarily discusses projected desired outcome anticipated impacts of the project. However, these decided upon desired impacts are speculative, arbitrary, and capricious, required a crystal ball to make such claims agenda but had "no quantified assessment" of their combined impacts. Klamath-Siskiyou Wildlands Ctr. v.

Bureau of Land Mgmt., 387 F.3d 989, 994 (9th Cir. 2004).

In this case, the USFS ignores the NEPA requirement to conduct a hard look analysis by obfuscating the intended meaning of "impact" under NEPA.

4. As required under NEPA, the USFS has failed to take a hard look, in order to analyze the cumulative smoke impacts of the proposed actions including in connection with cumulative wildfire use for resource purposes, on streams, lakes, rivers including impaired 303(d) waters, locally, regionally, and nationally. This includes all cumulative impact generating smoke impacts from USFS, National Parks and BLM projects within and adjacent to the Sierra Range. The USFS ignores discussion and analysis of the impacts from wind driven smoke that can often travel hundreds of miles, or further, from the main burn area or Air Quality District boundaries approving such burns. The proposed project impacts are not limited to an island based on the boundaries of the Sequoia and Sierra National Forests, yet the USFS fails to discuss these impacts beyond their boundaries.

Based on new University of California at Davis information titled Wildfire Smoke Impacts Lake Ecosystems (Exhibit B), authored by a significant list of qualified authors, the Sequoia and Sierra National Forests, the USFS Pacific Southwest Region Office and the United States Forest Service must discuss the cumulative smoke impacts of the proposed actions including wildfire use for resource purposes, on streams, lakes and rivers including impaired 303(d) waters, locally, regionally, and nationally. This includes discussion of the acceptable rate of further degradation of each of the impaired waters within the plan. As an example, Isabella Lake and other 303 (d) listed in the 2023 Forest Plan / EIS).

The USFS must take a hard look at the cumulative generation impacts of "burn down" smoke often lasting weeks or months after prescribed burn and wildfire use is undertaken. Burn down impacts are significant to the health and safety of humans and animals and the USFS and its partners fail to discuss the impacts on humans as well as prescribed and wildfire use generated phosphorus and nitrogen. This includes discussion and analysis of the role of these practices in creating significant algae and cyanobacteria blooms which now cumulatively impact project area waters.

The US EPA states:

Nutrient pollution is one of America's most widespread, costly, and challenging environmental problems, and is caused by excess nitrogen and phosphorus in the air and water.

Additionally, the USFS must discuss the cumulative impacts on humans and wildlife from algae and cyanobacteria blooms created by the cumulative impacts of the proposed action, and in connection with wildfire use for forest resource purposes. Recent studies indicate that there may be a connection between cyanobacteria and amyotrophic lateral sclerosis (ALS) as it may impact those living and recreating near impacted waters, including impaired waters (Exhibit C).

Cumulative atmospheric disposition from forest smoke produces nutrients that can rapidly increase these blooms and others. Cumulative analyses of prescribed burn smoke impacts must be cumulatively linked with USFS, US Parks Service and BLM use of wildfire policies. Failure to do so is arbitrary and capricious and represents abuse of discretion.

5. In December of 2022, the Whitebark Pine was included on the threatened species list under the Endangered Species Act of 1973 (Act), as amended. Yet the 2023 EIS, nor the proposed scoping for this project, which presumes an EA, fails to acknowledge this threatened status.

While the language in the scoping barely discusses protection of the Whitebark Pine in relation to use of prescribed fire, the USFS must discuss the cumulatively significant smoke impacts on the Clarks nutcracker in relation to all other cumulative impacts in connection with this project.

This since, as discussed in the 2023 EIS, the Clarks nutcracker and the Whitebark pine are equally dependent on one another within their critical symbiotic relationship. This since the Clarks provides vital seed distribution critical to the survival of the white bark pine.

Failure to discuss the cumulative impacts of prescribed fire and wildfire use on the Clarks Nutcracker is arbitrary, capricious and would represent a prejudicial abuse of discretion.

END

Attachments:

Exhibit A - Published Ninth Circuit Opinion.pdf

- Exhibit B Smoke Impacts on Lakes.pdf
- Exhibit C Health risks associated with cyanobacteria ALS.pdf