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First name: Kirk

Last name: Ford

Organization:

Title:

Comments: Please accept the attached comment letter on the SERAL 2 DEIS dated March 19, 2021

Thank You

Thank you for the opportunity to comment on the SERAL 2 Project Draft EIS. We are in full support of the project but have concerns related to how the DEIS discusses potential project impacts to the various private property holdings within the SERAL 2 Project Areas.

We, our relatives, and neighbors own private property within the proposed SERAL 2 project area. The Brownes Meadows property identified on the DEIS Maps covers approximately 3500 acres of valuable standing timber, meadows, grazing land and watershed on the North Fork Tuolumne River outside of Long Barn. Numerous individual parcels are owned separately by seven different related families. Our family and others have owned the land and operated various forest product interests on the property since before the Stanislaus Forest Reserves were established in 1897. The entire property is an active timber management property and all timber related activities are regulated by the State Board of Forestry and California Forest Practices Rules. There are three active Non-Industrial Timber Management Plans (NTMP) that cover the entire property. There are also several smaller private parcels to the south of us.

The proposed activities will have an impact to private lands within the SERAL 2 Project Area, specifically, to the Brownes Meadows property. The DEIS identifies potential impacts to both Forest Service owned and special use permitted infrastructure, but does not appear to address any potential impacts to private lands or related infrastructure within the project area other than those owned by SPI. The primary comment we have is that we request the various impact assessments and suggested mitigation measures discussed within the DEIS be specifically extended to include all private lands potentially impacted by your project. Our property, and other adjacent and nearby private lands are identified as "Primary Rx Fire Opportunity" on Map 1 and Map 9 of the DEIS as shown below.

The map above shows the different assessors parcels within your Rx Burn Area. We only represent the highlighted parcel and do not represent the other owners. Overall, we fully support the SERAL 2 Project, and see this as a potential opportunity to work with the USFS to attain mutually beneficial goals. We, and other family landowners, have actively managed our lands for timber production and stand improvement, watershed improvement, wildlife, and fuels management for generations. Recently, we have participated with the "My Sierra Woods" project and have masticated approximately 580 acres to date and plan to masticate another 200 acres over the next 2 years over the entire property.

However, we have concerns about how the proposed SERAL 2 Project may impact our specific property, (and of course other private property within the Project Area) and do not see where, in the DEIS these concerns are addressed.

Regulatory Authority. First, the USFS has no authority to ignite Rx burns on private lands, and has not yet been given permission to do so on our property. The private parcels within the DEIS are within the CalFire state responsibility area and subject to state regulations for conducting prescribed fires. This may be a great public/private cooperative opportunity if the details can be worked out. However, we do not have any authority to negotiate proposed activities on any other parcel. The USFS will have to contact individual owners separately.

If the Forest Service's intent in including these private parcels in DEIS is to create a collaborative opportunity, we

support further development of Rx opportunity but specifically request the EIS discuss those actions in detail, with the following topics considered.

Resource and Economic Losses. Based on firsthand observations of some of the Rx Burn units in the SERAL 1 project area, specifically in and around Strawberry, we are concerned that USFS sponsored Rx burning may cause unintended damage to our forest resources.

The Draft EIS does not address impacts related to potential damage or loss of privately owned resources, structures, infrastructure etc. on private lands within the SERAL 2 project area. It also does not address potential economic impacts and losses to private landowners. For example, there are several homes, cabins, roadways, above ground and underground utilities, and a bridge located within the Brownes Meadows area.

The Draft EIS does not address mitigation or protection measures for these resources. The DEIS does not address the potential loss of standing timber on private lands. It does specifically address how and when the USFS can salvage fire killed trees on forest lands, and addresses the socio-economic benefits and losses related to the project. The potential economic and resource-related impacts resulting from Rx burning by the USFS on private lands are not addressed. Any fire-killed trees on our property resulting from the SERAL 2 Rx burning are (or would have been) an economic asset to us and their loss is a monetary loss to us, as well as a natural resource loss. Any economic and resource losses to private landowners resulting from SERAL 2 Rx burning, or other activities, must be discussed in the DEIS.

In addition to potential real losses there are administrative costs associated with maintaining compliance related harvest documents. NTMPs restrict silvicultural systems to uneven aged regeneration methods and any unanticipated, large scale mortality events could require extensive inventory and modeling efforts to amend existing documents.

Rx Burn Prescriptions and Coordination. From a site-specific standpoint, specific burn prescriptions and individual burn units need to be identified because the areas proposed for burning are held in different ownerships and have had different levels of timber and fuels management over the years. It is possible that not all landowners would be amenable to burning on or adjacent to their property.

Understandably, site specific assessments and impact analysis are deferred in the DEIS with only generalized protection measures defined. The DEIS, however, needs to include very specific language that site specific assessments will be provided by the USFS for all activities proposed on private lands and that protection measures will be defined on a site by site basis.

Pre-burn preparation and fire line construction areas need to be approved by the landowners, and paid for by the USFS. We - all the landowners, need to have final authority over specific burn unit design, prescriptions, fire line construction, site preparation activities and final OK for ignition on our individual properties. It needs to be clear that the landowners and their chosen consultants and foresters are the ones in complete control of ANY work or activity on private lands.

We are not Rx Burn experts and would need to hire specialists to help consult and coordinate with USFS prior to any SERAL 2 activities on our properties. We would expect the USFS to pay for our consultants prior to final Rx design approval on our properties, including services of a Registered Professional Forester, Rx Burn Expert, and any other specialists normally required to review a proposed Rx burn of this size on private property.

Legal Liability. The Draft EIS does not address legal liability issues related to a voluntary ignition of a federally sponsored Rx burn on private lands. This may be appropriate to discuss in the Socioeconomic Impact assessment portion of the DEIS. When we conduct Rx burns on our property, we as landowners, take on all legal liability issues that may result from a voluntary ignition on our property. There are some new protections in

California state law that may limit our liability if the Rx burn is done to very stringent standards, but there is no similar current law that protects us from USFS activities. We request the EIS specifically address liability concerns.

Temporary Access Roads. The DEIS identifies that Rx burning and other activities, including construction of temporary access roads, may result in impacts to watershed values and soils on Forest lands. It does not specifically extend the impact analysis and the various associated protection measures, BMP's, erosion control measures, and other protections to private lands. We request that the DEIS state formally that these impacts could occur on private lands and that all appropriate protection measures are similarly extended to any activities on private lands and that the USFS would pay for all construction and rehabilitation costs associated with placement of temporary access roads on private lands.

Regulatory Compliance. The DEIS does not indicate whether the proposed activities have the potential to conflict with our existing NTMP's and related California Department of Fish and Wildlife or Water Quality Board permits or authorizations. We request that the DEIS include an assessment of any of these potential conflicts and define what, if any resolution may be required. Additionally, if we were to privately suggest an Rx burn of a similar size on our property as is proposed in the DEIS, we would be subject to the California Environmental Quality Act, and it is unlikely that CalFire would issue a permit for a burn that size without CEQA compliance. Will the Dra. EIS suffice as an "in-kind" or "in-lieu-of" CEQA compliant review for these activities on our property, or is additional review required before the USFS can implement this portion of the project?

The Draft EIS needs to state specifically that it suffices as an "in-lieu-of" CEQA document for all activities the USFS proposes on private lands.

It is possible that CalFire will require us to modify our existing NTMP's to include Rx Burning as a management tool before any ignition takes place on our property. The EIS needs to address this possibility and ensure that the USFS will provide adequate funding to modify the NTMP's as necessary, if required.

Fuel Break along Hwy 108. The DEIS identifies a fuel break being constructed directly adjacent to Highway 108 and Sugar Pine Creek near Stoddard Springs along Forest Road 3N87. There is a small section of the road that crosses our property in Section 10. This section is timbered and if it would aid the USFS in connecting the fuel break sections, we are willing to allow continuous construction of the fuel break along this section of road. However, there is ongoing trespass, illegal dumping, shooting, and resource damage on private property from this entrance point. We request the EIS consider the potential for increased overland access from fuel break construction and any potential deterrents or mitigations to trespass during prescription design. The Dra. EIS Maps should identify this small section of land as connected with the fuel break to the north and south. A portion of this property may also be in the CalTrans right-of way.

Access Issues. There is a 10 Acre landlocked USFS parcel surrounded entirely by private lands adjacent to southeast side of our property identified on Map 1 as "Forest Thinning". The DEIS does not mention how the USFS plans to access this parcel through private lands. There are no existing roadways or skid trails nearby. If temporary access roads are proposed on private lands, the DEIS needs to specifically define that decommissioning and erosion control measures described for temporary roads on Forest Service lands are also extended to any roads constructed on private lands, and the site-specific assessment for activities on the parcel needs to identify access alternatives. Further, any temporary access roads proposed across our property will need to be approved by the landowner and included in any amended NTMP.

To summarize, we are in full support of the SERAL 2 Project, and see this as a unique and very valuable opportunity. We would like to emphasize, however, that the Draft EIS does not fully extend the impact assessment and related protection measures to any of the private lands within the SERAL 2 project area, regardless of whether they have any specific prescriptions such as Forest Thinning, Rx Burning, Fuel Breaks, or

Herbicide use identified as being located directly on those private lands or adjacent to them on the DEIS Maps. We request that the DEIS assessment and protections be specifically extended to include any and all private lands within or adjacent to your project area intended for immediate treatment or additional planning for future implementation.

Thank you again for the opportunity to comment.

Sincerely,

Jenny Matkin

Kirk Ford

Lara McNicol

Travis Ford

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