



February 13, 2023

Responsible Official: Dean Gould, Forest Supervisor
Objection Reviewing Officer: Jennifer Eberlein, Regional Forester
Sierra National Forest
1600 Tollhouse Road
Clovis, CA 93611

Regarding: Creek Fire Restoration Project Draft Decision Notice

Mr. Gould & Ms. Eberlein,

This letter of objections is submitted on behalf of the California Four Wheel Drive Association (Cal4Wheel) regarding the Pre-Objection Version of Creek Fire Restoration (CFR) project Draft Decision Notice (Draft DN) for Sierra National Forest (SNF). Many of our members and supporters live in and/or recreate in the area impacted by the Creek Fire. This letter of comment shall not supplant the rights of other Cal4Wheel agents, representatives, clubs, or individual members from submitting their own objections; USDA Forest Service (FS) should consider and appropriately respond to all objections received to the CFR project.

Cal4Wheel is a non-profit organization comprised of over 3,500 members who champion responsible off-highway vehicle (OHV) recreation while encouraging a strong conservation ethic and individual stewardship. We champion responsible use of public lands for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists. Our members use OHVs of all forms, as well as other motorized methods, to enjoy federally managed lands throughout California, including those of SNF. Our members and supporters live in California or travel across the country to visit California and use motorized vehicles to access FS managed lands throughout the state. Cal4Wheel members visit SNF for motorized recreation to participate in non-motorized and human-powered activity such as sightseeing, photography, hunting, fishing, wildlife and nature study, camping, observing cultural resources, rock climbing, boating, mountain biking, and other similar pursuits on a frequent and regular basis throughout every season of the year. Cal4Wheel members and supporters have concrete, definite, and immediate plans to continue such activities in SNF throughout the future.

General Comments

We recognize the positive health and social benefits that can be achieved through outdoor recreation. We also recognize that motorized recreation provides business owners in local communities with significant financial stimulus. Of great importance to the impetus for this letter of objections: our members are directly affected by management decisions concerning restoration, replanting, and resilience of the landscape within and around the Creek Fire burn scar in SNF.

Our members subscribe to the tenets of:

- Public access to public lands now, and for all future generations



- Active stewardship to maintain conservation of public lands, and safety for those who enjoy them
- Sharing our natural heritage

Cal4Wheel members as well as the general public desire access to public lands now and in the infinite foreseeable future. Restricting and jeopardizing safe access today deprives our children of the opportunity to enjoy the many natural wonders of public lands. Cal4Wheel members and the general public are deeply concerned about the condition of the environment and public safety. We all desire safe means to access public lands to engage in conservation efforts as well as outdoor recreation. We all desire to share our natural heritage now and in the future. How can our children learn about and appreciate our natural heritage when access to SNF via roads and trails for motorized use are eliminated or restricted due to FS management activity – or lack of proper management activity – when forest landscapes are allowed to deteriorate or burn in catastrophic wildfire due to lack of proper maintenance, and historic routes are blocked or closed to use?

We support any additional comments and objections that encourage SNF to maximize the total acreage for restoration of SNF, resilience of the landscape, and catastrophic wildfire prevention through implementation of the CFR project. We strongly advocate against any limitations that may be imposed to the plan that would diminish or eliminate restoration and wildfire prevention objectives. While a significant portion of the Creek Fire burn scar has been reduced to ash, there are critical areas within and surrounding the burn scar that remain at severe risk of catastrophic wildfire and mitigation efforts are urgently needed. Areas within the burn scar that were incinerated by the fire require intensive, ongoing restoration and management to ensure that the burned landscape may be rehabilitated to allow healthy forests, meadows, and wildlife habitat to rebound and thrive once again. Within Cal4Wheel comments during Scoping and Analysis, we expressed appreciation that SNF stated intent to focus on restoration of burned landscape, fuel reduction to build wildfire resilience within areas that were not burned, and hazardous tree abatement as core priorities for the CFR project ([Draft EA¹](#): Purpose and Need, page 4).

Cal4Wheel has reviewed the Draft DN and believes that the FS has failed to effectively follow through on implementation of the Purpose and Need for this project by severely limiting the scope of restoration and resilience of the landscape, specifically in regard to:

1. Immediate needs
2. NEPA violations
3. Social and economic impact
4. Public access for those with disabilities

Additionally, we have identified new information that directly impacts the proposed scope of the CFR project, including:

1. Influx and allocation of funding for Creek Fire restoration projects
2. 2022/23 winter storm impact on areas within the Creek Fire burn scar

IMMEDIATE NEEDS

The Purpose and Need of the CFR project is clear and well defined. The Draft EA¹ cites the Purpose and Need on page 4:



The overall objectives of the proposal are to:

1. Reduce risk to public health and safety;
2. Improve forest and watershed health in the footprint of the Creek Fire in both burned and unburned areas by restoring wildlife habitat; reestablishing forested conditions; eradicating non-native invasive species; reducing fuels build-up to minimize the risk of further high-intensity, large-scale fires; and increasing resilience of remaining forested areas to drought, fire, and other stressors exacerbated by climate change; and,
3. Provide a safe and sustainable road system

The Purpose and Need statement continues on with additional detail to define more specific immediate needs within the categories noted above, including:

- Public health and safety
 - Provide safe access and egress
 - Create strategic areas of low fuels
 - Maintain existing fuel breaks for strategic fire suppression
 - Maintain low future fuel loads and flame lengths that meet desired conditions
 - Address risk from falling trees (hazard trees)
- Restore area degraded by fire
 - Restore appropriate forest cover
 - Proactively restore conifer forests on a large scale
 - Restore conifer forest as wildlife habitat
 - Restore forested conditions near streams and other waterbodies
 - Vegetation reestablishment near and within developed recreation
- Improve conditions in areas maintained, enhanced, and unburned by the fire
 - Stabilize and increase resilience of the remaining live conifer habitat
 - Forest thinning and prescribed burning to foster healthy forest conditions
- Provide a safe and sustainable road and trail system
 - Physical stabilization of roads
 - Stream crossing improvements on perennial and intermittent streams

All of the specified immediate needs noted above (and many others cited within the Draft EA, this list is selective from the full list) directly impact the vested interests of Cal4Wheel members as active stakeholders of SNF. Within Cal4Wheel comments submitted during Scoping, we emphasized the imperative need for SNF to promptly and comprehensively address restoration and resilience of the total Creek Fire burn scar given the risk of severe negative impact on wildlife habitat, public access, outdoor recreation, and local economies.

The CFR project encompasses an area covering 230,000 acres (page 21). While the Creek Fire burn scar covers 380,000 acres, SNF has chosen to adopt a no-action approach to acreage that lies within designated wilderness and inventoried roadless areas, thereby immediately reducing the potential for restoration efforts by 150,000 acres, which equates to 40% of the burn scar. Thus, only 60% of the burn scar is included in restoration efforts through the CFR project. Given this existing, significant minimization to the scope of restoration planned for this project, it is therefore deeply disturbing that within the [Draft DN²](#), SNF has reduced restoration efforts even further by limiting project implementation solely to near-term treatment areas. Table 2 of the Draft EA¹ (page 15, and shown below) defines the scope of near-



term treatments. The sum total of acreage within this set of treatment areas is 31,967. This equates to only 13.8% of the CFR project area (230,000 acres), and a mere 8% of the Creek Fire burn scar (380,000 acres).

Table 2. Treatment area proposed activities (acres)

Subproject Treatment Area Name	Reforestation	Resilience	Hazardous Fuels (wildland urban interface)	Roadside Hazardous Fuels	Fuelbreaks	Roadside Hazard Tree Abatement
Tamarack	1,788.0	370.7	22.0	226.7	0.0	80.9
Balsam ⁷	2,216.6	408.2	1,100.7	319.4	226.8	76.8
Camp 10	4,452.0	475.9	503.6	413.7	353.6	0
Incline	514.4	228.0	0.0	57.6	101.3	0
Roush	899.0	4,118.5	0.0	69.2	212.6	0
Kaiser	4,127.7	7,378.6	0.0	1,225.0	0.0	0

It is wildly preposterous to attempt to claim that treating 8% of the Creek Fire burn scar is effective in meeting the Purpose and Need of the CFR project. Additionally, it is a blatant slap in the face to the many millions of vested stakeholders throughout the general public who live in, recreate in, and/or economically depend upon the health and resilience of SNF. As contracted land managers, the FS is responsible for maintaining the health of SNF for the benefit of the public. **SNF staff have made it clear that they fully understand the massive negative impact that was created through the broad scale decimation of the Creek Fire, as this is clearly cited throughout the Draft EA. Therefore, limiting the scope of implementation of this project to a mere 31,967 acres – a pitiful 13.8% of the total project area – is egregious negligence of the FS responsibility to maintain the health of the forest, and manage SNF for the benefit of the public.**

As stated in the Draft EA (page 1):

The Creek Fire is the largest fire to have occurred on the Sierra National Forest, and one of the largest in California history. The interior of the fire had large, continuous areas that burned at high intensity, particularly in the center of the footprint, which has degraded ecosystem conditions. For example, an 80,000-acre high-severity opening (mostly dead trees) dominates the fire scar.

According to the Draft DN, this 80,000-acre high-severity opening of mostly dead trees will be left virtually untouched by restoration efforts. There are tiny pieces of overlap along the edges from some of the near term treatment areas, but the 80,000-acre chasm of charred ash landscape is not slated for rehabilitation and replanting. This places this area at known risk of turning into permanent brush, a risk which is explicitly acknowledged within the Draft EA. The likelihood of this area eventually returning to a conifer forest or mixed forest without intervention of active restoration is slim to none. The Draft EA had originally proposed 68,000 acres of reforestation (page 7). While the 68,000 acres would not address the entire 80,000-acre hole of high-severity burn, it would include a good portion of it, along with other areas



throughout the burn scar that also experienced high-severity burn. This would have been an effective and appropriate response to fulfill the Purpose and Need of the CFR project.

While the elimination of broad scale reforestation is one major component that has been slashed from the Draft DN, there are other components of the original Draft EA that are critical to implement in order to fulfill the Purpose and Need for this project. Chief among these critical elements is reduction of fuels to prevent future catastrophic wildfire. A myriad of increased risk to public health and safety is perpetuated and increased through negligence to implement the fuel reduction measures that are desperately needed throughout SNF, particularly in the area within and around the CFR project footprint. The Draft EA clearly defines the range of risks to public health and safety, which include severe air pollution emissions (page 67), and the pervasive volume of dead standing trees (page 27).

For the reasons cited above, we object to the minimization of scope of implementation of the CFR project to comprise only near-term treatments. As remedy, the FS should follow through with implementation of the CFR plan as defined within the original Draft EA, published in August 2022.

NEPA VIOLATIONS

The area of SNF contained within the boundaries of the CFR project is a popular area of off-highway use and dispersed camping. It covers a large area of the Central California Sierra Nevada mountain range. Multiple communities that are economically dependent upon the health of the forest and public access to outdoor recreation in the forest lie inside or within close proximity to the boundaries of the CFR project. As stated in Cal4Wheel comments during both Scoping and Analysis, SNF should thus work to maximize OHV use and camping in this area. This can be achieved by ensuring that all current and newly created roads remain open and maintained for use following completion of the CFR project. We do not support the post-project decommissioning of any roads that are constructed or improved for CFR. Cal4Wheel appreciates that SNF provided clarification in the Draft EA¹ to specify that no existing OHV routes would be decommissioned or permanently closed as a result of the CFR project (page 11, and 48).

However, it is important to reiterate in our objections that NEPA requires agencies to consider a range of viable alternatives, and the recreation interest in SNF justifies the inclusion of analysis of impact on public access to outdoor recreation as a component of this project. Within Cal4Wheel comments for the Scoping phase of the CFR project, we noted that the project scoping document did not include adequate consideration for the direct social and financial impact on organizations like ours if the agency were to decommission roads, including roads that are created for the purpose of CFR project implementation. We also noted that a significant volume of OHV roads, improved campsites, and dispersed camping areas have been closed and decommissioned by SNF over the course of the last several decades. While these historical closures occurred for a variety of reasons, it is pertinent for SNF to thoroughly evaluate the impact of those closures in relationship to the scale of destruction inflicted by the Creek Fire. OHV roads, improved campsites, and dispersed camping not only serve to facilitate public access to SNF, they also create a thriving economy for outdoor recreation, and function as vital infrastructure for prevention of catastrophic wildfire and support of wildfire fighting efforts. OHV roads form natural fuel breaks across the landscape. They provide routes for firefighters to access remote back country terrain that is otherwise difficult, if not impossible, to address during a wildfire event. Improved campsites and dispersed camping areas provide staging sites for firefighters to establish functional base camps, store and repair equipment,



and shelter firefighters throughout the extended timeframes that are often required to extinguish a wildfire. In prior comments we urged SNF to develop an itemized inventory of OHV roads, improved campsites, and dispersed camping areas that fall within SNF that have been closed and/or decommissioned from 1980 to the present date. We further asked SNF to incorporate restoration of those OHV roads, campsites, and dispersed camping into the implementation plan for the CFR project.

OHV roads and trails serve as vital fuel breaks to prevent and slow the spread of wildfires across the forest landscape, and to provide firefighters with access to quickly deploy into remote areas of the forest when wildfires occur. Within the Bureau of Land Management (BLM) Environmental Assessment for the Williams Hill Recreation State Plan, the BLM accurately stated on pages 24-25 of the [planning document for WHRA](#)³, *"OHV routes and Staging Areas act as fuel breaks, since the vegetation along them is cleared... Construction of OHV routes and Staging Areas will effectively create new, secondary, permanent fuel breaks... OHV routes also serve to provide vehicle access to [remote] areas in order to suppress wildfires or conduct other resource management activities such as removal of dead or dying trees to reduce fuel load."* Cal4Wheel urges SNF to revisit analysis and formal designation of un-inventoried, non-system, and user-created roads and trails to ensure maintenance of vital infrastructure for wildfire prevention, and access for wildfire suppression. Whereas another federal agency, BLM, has clearly recognized and acted on leverage of OHV roads and trails as vital fuel breaks on public lands, it is imperative that the FS, as a sister federal agency, should do the same. In accord with the Purpose and Need for this project, restoration of previously closed OHV routes would serve to increase the safety and protection of endangered and threatened species, as well as the safety of humans who reside, work, and recreate in SNF, and all those who reside in the areas surrounding SNF.

Within Cal4Wheel comments for Scoping and Analysis, a partial list of roads, trails, and campsites that lie within SNF and have been previously closed was provided. These routes and areas would serve as vital fuel breaks, firefighter access routes, and firefighter staging areas, they include: 10S69, the Miami Trail, Swanson Meadow campground, Gigantia campground, and Fence Meadow remote dispersed camping. There are, of course, many more areas to add to a full inventory of OHV routes, improved campsites, and dispersed camping areas. The items noted above were intended to provide an initial list to build from. To support efforts to develop a full inventory, Cal4Wheel had offered volunteers through membership to survey and itemize the terrain across the Creek Fire burn scar as well as the full SNF.

Additionally, to support restoration efforts now, and long-term maintenance in the future, Cal4Wheel offered support through membership volunteers. Cal4Wheel takes pride in a rich legacy of contribution to construction, improvement, and maintenance of OHV roads, trails, and campsites through club "adoption" of specific sites as long-term commitments. Cal4Wheel's participation in the SNF Adopt-A-Trail program is longstanding. We asked SNF to consider this tangible offer of support as part of the resources available to ensure the success of the CFR project and post-project maintenance.

In accord with Congressional mandates and FS protocol for management decisions, the CFR project is subject to NEPA requirements. NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives to proposed actions or preferred alternatives analyzed during a NEPA process. 40 C.F.R. § 1502.14; 40 C.F.R. § 1508.9. "[A]gencies shall rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14. The alternatives section is considered the "heart" of the NEPA document. 40 C.F.R. § 1502-14 (discussing requirement in [D]EIS



context).

The legal duty to consider a reasonable range of alternatives applies to both EIS and EA processes. *Surfrider Foundation v. Dalton*, 989 F. Supp. 1309, 1325 (S.D. Cal. 1998) (citing *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1229 (9th Cir. 1988) ("Alternatives analysis is both independent of, and broader than, the EIS requirement.").

A NEPA analysis must "explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14 (EIS); *Id.* at § 1508.9 (EA); *Bob Marshall Alliance*, 852 F.2d at 1225 (applying reasonable range of alternatives requirement to EA). A NEPA analysis is invalidated by "[t]he existence of a viable but unexamined alternative." *Resources, Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993).

The reasonableness of the agency's choices in defining its range of alternatives is determined by the "underlying purpose and need" for the agency's action. *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142, 1155 (9th Cir. 1997); *Methow Valley Citizens Council v. Regional Forester*, 833 F.2d 810, 815-816 (9th Cir. 1987), *rev'd on other grounds*, 490 U.S. 332 (1989). The entire range of alternatives presented to the public must "encompass those to be considered by the ultimate agency decisionmaker." 40 C.F.R. § 1502.2(e).

The agency is entitled to "identify some parameters and criteria—related to Plan standards—for generating alternatives...." *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1522 (9th Cir. 1992). However, in defining the project limits the agency must evaluate "alternative means to accomplish the general goal of an action" and cannot "rig" "the purpose and need section" of a NEPA process to limit the range of alternatives. *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997) (emphasis added).

An agency must perform a reasonably thorough analysis of the alternatives before it. "The 'rule of reason' guides both the choice of alternatives as well as the extent to which an agency must discuss each alternative." *Surfrider Foundation v. Dalton*, 989 F. Supp. 1309, 1326 (S.D. Cal. 1998) (citing *City of Carmel-by-the-Sea v. United States Dept of Transportation*, 123 F.3d 1142, 1154-55 (9th Cir. 1997)). The "rule of reason" is essentially a reasonableness test which is comparable to the arbitrary and capricious standard. *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1150 (9th Cir. 1998) (quoting *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 377 n. 23 (1989)). "The discussion of alternatives 'must go beyond mere assertions if it is to fulfill its vital role of 'exposing the reasoning and data of the agency proposing the action to scrutiny by the public and by other branches of the government.'" *State of Alaska v. Andrus*, 580 F.2d 465, 475 (D.C. Cir. 1978), *vacated in part on other grounds*, *Western Oil & Gas Association*, 439 U.S. 922 (1978) (quoting *NRDC v. Callaway*, 524 F.2d 79, 93-94 (2nd Cir. 1975)).

Page 19 of the Draft EA cites an alternative that was considered but eliminated from detailed study:

Increase Recreation Opportunities

Commenters requested that we maintain or increase opportunities for recreation in the analysis area. Consider increasing recreation opportunities (roads and trails) or reopening previously closed areas, such as keeping temporary roads as permanent access. The purpose and need is



focused on addressing restoration of existing recreational opportunities that were degraded by the Creek Fire, but does not include expanding or increasing recreation opportunities.

Elimination of this alternative constitutes an explicit violation of the requirements of NEPA analysis in multiple ways:

- Agencies shall rigorously explore and objectively evaluate all reasonable alternatives
- Alternatives analysis is both independent of, and broader than, the EIS requirement
- The entire range of alternatives presented to the public must encompass those to be considered by the ultimate agency decisionmaker
- In defining the project limits the agency must evaluate alternative means to accomplish the general goal of an action and cannot “rig” “the purpose and need section of a NEPA process to limit the range of alternatives
- An agency must perform a reasonably thorough analysis of the alternatives before it; the “rule of reason” guides both the choice of alternatives as well as the extent to which an agency must discuss each alternative
- The discussion of alternatives must go beyond mere assertions if it is to fulfill its vital role of exposing the reasoning and data of the agency proposing the action to scrutiny by the public and by other branches of the government

Cal4Wheel objects to the elimination of the alternative to include restoration of previously closed OHV routes based on the legal precedent that a NEPA analysis is invalidated by the existence of a viable but unexamined alternative. As remedy, SNF must incorporate restoration of previously closed OHV routes into the scope of implementation for this project.

As noted previously in this Objection letter, Page 4 of the Draft EA¹ cites the Purpose and Need for the CFR project, which includes providing safe access and egress, and expanding fuel breaks.

Cal4Wheel objects to the proposed final decision set forth in the Draft EA¹ based on SNF failure to evaluate alternative means to accomplish the goal of the action, and, rigging of the purpose and need section of a NEPA process to limit the range of alternatives. The Purpose and Need, and the Alternatives Eliminated from the Draft EA, as well as the scope of implementation defined in the Draft DN, are in direct conflict with one another. As remedy, we assert the legal requirement for SNF to incorporate restoration of previously closed OHV routes into the scope of implementation for this project.

SOCIAL & ECONOMIC IMPACT

As noted within Cal4Wheel comments during Scoping for the CFR project, the US Forest Service motto is “Caring for the Land and Serving People.” In alignment with this motto, we thus advocated for consideration of social and economic impacts within FS management policies generally, and within the scope of impact for the CFR project specifically. The negative economic impact from the Creek Fire was massive for Fresno and Madera counties, and an especially difficult hardship for the foothill and mountain communities in and near SNF. Restoration of land within the Creek Fire burn scar, as well as fuel reduction and vegetation management to prevent future incidents of catastrophic wildfire in SNF, bear great potential to rebuild and revitalize this sector of the economy and local communities.



Socioeconomic loss from catastrophic wildfire has both immediate and long-term impacts including loss of economic viability across the community due to forest closures that halt public access, outdoor recreation, and tourism across the region from regular seasonal ventures such as OHV and snowmobile excursions, camping, hiking, hunting, fishing, foraging, and related activities. Catastrophic wildfire is the attributed cause of an [estimated \\$150 billion in financial loss in California in 2020](#)⁴. In addition to the forms of loss as noted above, this estimate also includes economic losses related to highway closures, evacuations, increased insurance premiums, firefighting costs, flight cancellations and health effects by hazardous air conditions.

During Scoping, we asked the FS to seriously, carefully, and thoroughly evaluate potential socioeconomic impacts when considering the scope of implementation for the CFR project. The FS carries the weight of responsibility for potential negative socioeconomic impacts, as the FS also carries the responsibility of managing public lands within SNF. There are many private citizens who, as residents and business owners within SNF boundaries, have advocated for decades that SNF engage in effective fuel reduction and vegetation management. Many of these private citizens would in fact have taken part in thinning trees, underbrush, deadwood, and excess biomass in SNF if it were permissible for private citizens to do so. Whereas the FS is contracted by the citizens of the United States to manage SNF, the FS bears responsibility for vegetation management and bars private citizens from implementing such projects independently. At this point in time, with the Creek Fire as an incident of hindsight to reflect on, it is abundantly clear that lack of effective vegetation management within SNF by the FS was a massive contributing factor to the scale of destruction that the Creek Fire inflicted on 380,000 acres of public land in Fresno and Madera counties. With widespread understanding of the value and critical need for effective vegetation management within SNF, a choice to continue existing vegetation management practices and NOT implement broad scale fuel reduction measures for catastrophic wildfire prevention, could be assessed as an act of intentional or gross negligence by the FS – negligence that bears immediate, persistent, and severe socioeconomic hardship on the citizens of Fresno and Madera counties.

Of equal importance to assessing the socioeconomic loss from catastrophic fire, is assessment of socioeconomic gain through implementation of vegetation management projects that would restore SNF to greater resilience to future fire incidents. The unburned landscape within SNF has become severely overgrown with an excess of trees, underbrush, deadwood, and other biomass. This is an issue that has developed over many decades, and thus, the core factors are fully understood. Furthermore, the FS explicitly acknowledges that overly dense conditions across SNF contributed to the high-severity burn inflicted by the Creek Fire, as noted on pages, 34, 36, 37, 38, and 100 of the Draft EA. If SNF is to be restored to healthy and resilient status, it is critical to resolve over densification through logging, salvage, and removal of excess timber and deadwood. Congressman Tom McClintock correctly stated in a [presentation](#)⁵ to support The Resilient Federal Forest Act of 2015, “There’s an old adage that excess timber comes out of the forest one way or the other. It’s either carried out, or it burns out.”

In fact, excess timber has not been effectively removed from federal forest lands, including SNF, for over 30 consecutive years. As noted in an [article](#)⁶ sharing critique of the role of extreme environmentalism as a direct causal factor for extreme wildfire in California, from 1960 to 1990, 10.3 billion board feet of timber were removed from federal forest land each year. From 1991 to 2000 that number dropped to 2.1 billion board feet of timber per year, and has [remained at an average of about 2.5 billion board feet per year](#)⁷



from 2000 to 2021. Simple calculations quickly demonstrate how the dramatic decrease in removal of timber from federally managed land for over 30 years has contributed to overly dense, fire prone forests.

Removal of excess timber would stimulate socioeconomic health in the communities that lie in and near SNF through growth in jobs and commerce. Forestry and outdoor recreation represent vital components of the economy in the communities that are local to SNF. [In 2020, national GDP from the outdoor recreation industry produced \\$374 billion](#)⁸. California takes the lead in financial value added by outdoor recreation over other states across the nation, contributing nearly 12% of the national total, equating to [\\$44 billion in GDP in 2020](#)⁹. Of that \$44 billion, \$1.2 billion is attributed directly to the forestry industry. In light of these facts, we advocated in previous comments on this project for implementation of fuel reduction and vegetation management within unburned segments of SNF to be added to the scope of the CFR project in order to maximize the broad socioeconomic benefits that this project will facilitate through timber harvest, salvage, and sale.

Additionally, it is pertinent to consider the socioeconomic impact of OHV recreation specifically as a core area of impact by the CFR project. Central California boasts one of the largest networks of OHV routes in the state, with hundreds of miles of OHV roads contained within SNF. This network of OHV roads and trails serves as a major draw for OHV enthusiasts from across California and the US to visit SNF for outdoor recreation. Visitors represent a massive contribution to the local economy, as they spend money for lodging, food, and tourism. With reference again to the FS motto, "Caring for the Land and Serving People," it is critical for FS to prioritize preservation, restoration, and maintenance of OHV roads and trails as part of the scope of the CFR project in order to help local communities rebuild through economic growth and stability.

For the reasons cited above regarding negative social and economic impact, we object to the minimization of scope of implementation of the CFR project to comprise only near-term treatments. As remedy, the FS should follow through with implementation of the CFR plan as defined within the original Draft EA, published in August 2022.

PUBLIC ACCESS FOR THOSE WITH DISABILITIES

Within Cal4Wheel comments for Scoping and Analysis of the CFR project, we recommended that SNF use this project to finally begin to reverse its decades-long systematic discrimination against those with mobility-impairment-related disabilities. The FS has committed to manage our public lands for public benefit. Forest closures, including OHV road closures, that eliminate or restrict motorized access create discrimination against people with disabilities. Maintaining motorized access to public lands is critically important as it provides a mode of access that persons with disabilities can use and enjoy. Furthermore, ensuring safe public access via all motorized routes located within the Creek Fire burn scar aligns with the Purpose and Need for this project.

On his first day in office, Biden issued an "Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, [EO13985](#)¹⁰." This executive order established "an ambitious whole-of-government equity agenda" which focuses on addressing "entrenched disparities in our laws and public policies," and mandates a "comprehensive approach to advancing



equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”

Under this executive order, “The term ‘equity’ means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ... persons with disabilities....” Historically, there has been no group more greatly marginalized and excluded by public land management policies, and motorized travel management policies in particular, than people with disabilities. Outdoor enthusiasts with ambulatory disabilities frequently rely on motorized travel as their sole means to enjoy recreating on public lands. Not everyone has the ability to hike into a remote back country area, but many such people are still able to drive Jeeps, side-by-sides, and ATVs, which are restricted to the designated motorized route network.

Motorized access eliminates ableist bias in forest management policies, which aligns with the goals of EO13985. Management policies that focus on minimizing motorized recreation have caused significant decrease in public access to public lands over many decades; this has disproportionately impacted people with disabilities. In alignment with EO13985, we urge the USFS to advance equity in public access to SNF by removing policies that discriminate against those with disabilities. For the CFR project, we again express appreciation for SNF’s commitment to preserve all existing roads and trails within the project plan (Draft EA, page 11 and 48). We urge SNF to extend their commitment to eliminate ableist bias in public access regulations by reopening roads and trails that have been closed within SNF since 1980. There is a unique and important opportunity for SNF to be a trendsetter in restoring and building new roads and trails as part of the CFR project. New roads and trails may be designed to optimally traverse the landscape in a manner that idealistically balances the needs and interests of public access, flora, and fauna.

Cal4Wheel objects to the minimization of scope of implementation of the CFR project to comprise only near-term treatments as this neglects to ensure safe public access for persons with disabilities in alignment with EO13985. As remedy, the FS should follow through with implementation of the CFR plan as defined within the original Draft EA, published in August 2022. Cal4Wheel further objects to the elimination of the alternative to include restoration of previously closed OHV routes based on the directives set for in EO13985 to embed equity of access for disabled persons. As remedy, SNF should incorporate restoration of previously closed OHV routes into the scope of implementation for this project.

NEW INFORMATION: INFLUX AND ALLOCATION OF FUNDING FOR CREEK FIRE RESTORATION PROJECTS

Page 7 of the Draft EA¹ states that limited resources for implementation require prioritization of active management based on feasibility, public safety needs, and ecological needs. This is sensible within the scope of project implementation slated within the Draft EA. However, within the severely limited scope of implementation defined in the Draft DN, this is completely illogical. Page 1 of the Draft DN² states that “future treatment areas within the larger geographic area analyzed in the Draft EA may be authorized in future decisions subject to objection.” The CFR project is taxpayer funded, and thus should stand up to public scrutiny of the financial investment and outcomes. Given the severe reduction of scope, the FS should disclose to stakeholders the financial allocation designated for the CFR project. The total original



funds allocated must be directly reallocated to other restoration-specific “future projects,” and, the FS should disclose the nature and timing of those projects, noting with specificity how and where they align with the objectives of the original CFR Draft EA that were slashed from the Draft DN.

In recent years, SNF allocation and use of funds for taxpayer and grant funded projects has warranted a high level of question and scrutiny by the public. A foundation of trust that funds will be utilized in accord with the Purpose and Need of the project – and in alignment with the FS requirement to manage SNF for the benefit of the public – is lacking.

During a public meeting on April 13, 2022, Forest Supervisor Dean Gould outlined the slate of new funding that had been granted to SNF for Creek Fire restoration, replanting, and rehabilitation of the landscape. It was stated that one grant for \$89 million included \$15 million specifically for fuel reduction treatments. A second grant for \$33 million included \$25 million specifically for fire restoration. The sum of these grant funds as noted is \$40 million. Is this \$40 million a part of the CFR project, or is this funding available in addition to CFR project funding? Precisely when and how will this \$40 million be distributed towards fuel reduction and fire restoration projects, whether that may be done within the CFR project or as a separate set of projects in addition to CFR? These questions must be answered as part of the Objection Resolution process, with full delineation of the source, allocation, distribution, and accountability for use of funding.

Furthermore, in the course of volunteer work and engagement with FS staff in SNF, Cal4Wheel members have observed and interacted with FS staff engaged in a variety of replanting efforts in 2021 and 2022. Replanting efforts ended before the scale of completion that had been slated for those projects, and FS staff reported that planting stopped because they ran out of trees and didn't have money to purchase more. FS staff additionally stated that they were ready to plant as many trees as they could procure, their only limitation was funding to purchase trees. Given the details cited above regarding the mass influx of funds that were dedicated to fire restoration projects, this report of lack of funding to purchase trees requires explanation and must be answered as part of the Objection Resolution process.

NEW INFORMATION: 2022/23 WINTER STORM IMPACT ON AREAS WITHIN THE CREEK FIRE BURN SCAR

During Scoping and Analysis, Cal4Wheel provided a partial list of high-priority roads and recreation areas that are in need of inclusion in CFR restoration, replanting, and landscape rehabilitation projects. Since then, the 2022/23 winter has wreaked havoc throughout SNF due to unusually high levels of snow and rainfall. This winter season has revived creeks and drainages that have not seen running water in years. Erosion and washouts are now common throughout the Creek Fire burn scar. Subsequently, we note the following additional high priority areas that are in need of restoration efforts within the CFR project:

- Jose Basin: the main road (forest service number 9S07) as well as all side roads and spurs from the main road. This area was scorched by high-intensity fire, it is in need of intensive replanting and comprehensive reforestation to prevent additional erosion, washouts, and damage to the down-flow watershed.
- The broader region surrounding the sand flats by Red Lake and Coyote Lake area were severely burned and are in need of restoration. This is a high priority multiple-use area that is a popular destination for dispersed camping, fishing, hunting, and OHV recreation.



- General access surrounding the Florence and Edison Lake areas is compromised. Access to fishing, hunting, hiking, and dispersed camping is now diminished or eliminated due to high-intensity burn and winter storm damage. These areas are in need of intensive replanting and landscape rehabilitation.

CLOSING

In closing, we emphasize that minimization of restoration efforts now is irresponsible negligence to address both current needs and the future health of the SNF. Failure to complete direly needed road and trail maintenance now will increase risk of health and safety for all who live, recreate, and work in SNF; it will also place vital infrastructure for public access at risk as poor or unsafe road and trail conditions could lead to closures. Whereas the Draft EA for the CFR project had demonstrated a strong commitment to positively impact not only the restoration of the forest, but also revitalization of communities, local economies, and protection of public access to public lands – the Draft DN so significantly minimizes the scope of implementation that this commitment is now void. Effective implementation of this project would have served to restore the forest to healthy balance, prevent future catastrophic wildfire, increase social and economic welfare of local communities through enhanced safety and access for outdoor recreation industry opportunities, and increase economic growth and sustainability for local communities through timber harvest, tree salvage, and other forest industry opportunities. Unfortunately, SNF has failed to follow through on these desperately needed actions by decreasing the scope of CFR project implementation solely to near-term treatment areas. We urge SNF to reverse the Draft DN and revise the final decision to include the full scope of implementation as defined in the Draft EA, and, to elevate the positive impact of the CFR project further by increasing general public access, increasing fuel breaks, improving wildfire prevention, and decreasing discrimination of disabled persons to access outdoor recreation through restoration of previously decommissioned OHV roads and trails.

California Four Wheel Drive Association would like to be considered an interested public for this project. Information can be sent to the following address and email address:

Rose Winn
California Four Wheel Drive Association
8120 36th Avenue
Sacramento, CA 95824
rwinn@cal4nrc.com

Sincerely,

Rose Winn
Natural Resources Consultant
California Four Wheel Drive Association



References

1. USDA Forest Service. Creek Fire Ecological Restoration Project. Environmental Assessment and Finding of No Significant Impact. August 2022. <https://www.fs.usda.gov/project/?project=60422>
2. USDA Forest Service. Creek Fire Ecological Restoration Project. Draft Decision Notice. December 2022. <https://www.fs.usda.gov/project/?project=60422>
3. Bureau of Land Management. Draft Williams Hill Off-Highway Vehicle Recreation Plan and Environmental Assessment. 2021. https://eplanning.blm.gov/public_projects/2014037/200487052/20057857/250064039/DOI-BLM-CA-C090-2021-0014-EA-draft.pdf
4. Accuweather. Wildfires in Western US Could Cause \$130 Billion to \$150 Billion in Losses. September 14, 2020. <https://www.accuweather.com/en/severe-weather/wildfires-in-western-us-could-cause-130-billion-to-150-billion-in-losses/812654>
5. Congressman Tom McClintock, 5th District of California. Resilient Federal Forests Act. July 9, 2015. <https://mcclintock.house.gov/newsroom/press-releases/resilient-forests-act>
6. The Federalist. How Misguided Environmentalism is to Blame for California's Wildfires. November 16, 2018. <https://thefederalist.com/2018/11/16/misguided-environmentalism-blame-californias-wildfires/>
7. USDA Forest Service. Forest Products Cut and Sold from the National Forests and Grasslands. Accessed and cited February 12, 2023. <https://www.fs.usda.gov/forestmanagement/products/cut-sold/index.shtml>
8. Bureau of Economic Analysis. Outdoor Recreation. November 9, 2022. <https://www.bea.gov/data/special-topics/outdoor-recreation>
9. Bureau of Economic Analysis. Regional Data. Accessed and cited February 12, 2023. <https://apps.bea.gov/iTable/?reqid=70&step=1&acrdn=9>
10. Executive Office of the President. Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. EO13985. <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>