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COMMENTS ON THE ENVIRONMENTAL ASSESSMENT (EA) FOR THE COMMUNITY PROTECTION — CENTRAL AND WEST SLOPE PROJECT (CPP)

My scoping comments on this project went largely unaddressed in the EA, therefore, I am resubmitting them by reference to be considered part and parcel of these comments.

I am also resubmitting my comments on the Mapes and Mapes Crocker Projects to be considered as part and parcel of these comments. This is because part of those recent and temporarily shelved project areas are within the CCP, and because the desired condition statement and associated intense prescriptions are nearly identical. These projects were also marked before scoping and reveal how, when the most intense prescriptions are converted into marking guidelines, it results in a nearly clearcut forest.

Introduction

I am a fifty-year resident of Blairsden, in the heart of one of the three sections of this project. During that time I have been involved in commenting on Forest Service activities, with several individual successes in providing input to the Forest Service that resulted in beneficial changes from initial proposals.

A few of these are as follows:

1. I was part of a Friends of Plumas Wilderness core group of about eight people who successfully campaigned to have the Bucks Lake Wilderness included in the California Wilderness Act of 1984 — over Forest Service opposition.
1. During the planning phase of the 1988 Forest Management Plan I personally initiated and led a campaign to stop the clearcut logging of old growth and road building planned near the Lakes Basin Recreation Area. This was accomplished by proposing to expand the boundaries of that area, thereby

precluding those activities. This was successful and was the only major land allocation change from the draft to the final Forest Plan.

1. In 1997, as part of my comments on the Forest Service's Camp Project Proposed Action in Meadow Valley, I created and offered the concept of variable density thinning as an alternative to the proposed single-tree-spacing prescription. This was analyzed as a reasonable alternative in the EA and was eventually chosen and implemented.
1. Along with other scattered successes that improved Forest management over the years, I most recently offered comments on the Lakes Basin Project that changed the proposed action in the Basin from a logging-based prescription to a handthin, pile and burn prescription.

The Community Protection Project is generally a potentially good idea, however, it has serious flaws that should preclude it from going forward in its present form. Here are my issues and concerns:

Proposed Action and Robust Public Involvement

The Proposed Action was misleading regarding the nature of the prescriptions being proposed. As noted in my comments on the PA, it basically indicated that no dominant and co-dominant trees would be removed. It stated that it would focus on reducing "...excessive surface fuels, ladder fuels and in *some cases intermediate* overstory *tree* density..." in order to "...decrease the potential for extreme fire behavior." (emphasis added) This was taken from Purpose and need element 3.

Element 1. In the PA is the only other one of the four elements that addresses fuel treatments, where it says that they would be designed to "...modify fire behavior to a lower intensity surface fire...". In other words, treat the ground and ladder fuels, as is basically repeated in element 3.

Nowhere in the PA does it indicate that anything other than this "light touch" prescription is being planned — even under "Mechanical Treatments". However, all three action alternatives take a giant leap past the stated proposed action prescription, and remove many large dominant and codominant trees, including provisions for three-acre clearcuts (where only <30" exist — which is mostly everywhere).

And, to make matters worse, none of the action alternatives are based on a prescription that would primarily implement the stated purpose and need to reduce extreme fire behavior by treating ground and ladder fuels, and in some cases,

intermediate overstory tree density. As I pointed out in my comments on the PA, “intermediate” has a very real silvicultural meaning, distinct from dominant and codominant.

The Forest Service knew very well, in advance, the extreme nature of its upcoming number one alternative, when it stated in the Interested Party letter for the PA that “...a Forest Plan Amendment may be included as part of this project.” Yet, in the PA itself, it didn’t even hint at the extreme basal area and canopy reduction prescriptions that would eventually show up in the EA as Alternative 1. In fact, the possible need for a Forest Plan Amendment was left out of the PA, entirely.

The Interested Party Letter and the PA both stated the following: “...the agency has decided to promote robust public involvement at the beginning of this planning process and environmental analysis.” How is my description above of the complete lack of transparency or clarity about proposed actions in any way commensurate with “robust public involvement”? (Not to mention fundamental National Environmental Policy Act (NEPA) public outreach requirements.)

Furthermore, despite, as stated in the PA, the “critical nature” of the Community Protection Project, there have been no community meetings.

And despite the stated need for public input, the Forest Service made no effort to contact me, even though I made the highly site-specific, and time-specific request for a meeting as part of my comments on the PA as follows:

In the end, I’m very willing to collaborate with the Forest Service and other parties to implement this important project in a timely manner. I’m thinking specifically of this statement in the PA: “There will also be opportunities to work with the Forest Service and our partners during collaborative outreach.” To me that means addressing comments and issues, such as those presented here, long before detailed planning begins. In the next few weeks and into summer, for instance.

A good opportunity to discuss issues would be to address the concerns that several of us had on the Mapes Project Preliminary EA WUI treatments. I requested a pre-final EA meeting, in that regard, and it would be a good chance to see how the PA WUI prescription proposal compares to the current Mapes WUI project that is already marked.

In the end, as shown above, the Forest Service has made no demonstrable effort at robust public outreach, nor did it produce a PA that accurately described what it knew to be extreme measures it would eventually be proposing to achieve its

perceived fuel-management issues. Therefore, the current EA needs to be shelved while an honest PA and true public outreach and scoping process is re-implemented.

Emergency Situation Determination (ESD)

The PA states under “Legal Compliance”:

Due to the critical and time-sensitive nature of the proposed action, the Forest Service may elect to seek an Emergency Situation Determination, alternative arrangements, or use other emergency authorities to expedite implementation of all or portions of these projects.

However, I couldn’t find this statement in the EA. Therefore, I and the public will have to assume it is being dropped from consideration. That’s because, just like the Forest Plan Amendment, it would have had potential environmental consequences that should have been presented in the PA and analyzed in the EA.

For instance, if, under the ESD, the ability to file an objection was suspended, the additional potential environmental information brought forth in that objection would be lost. And, “to expedite implementation” can have environmental consequences, which should have been addressed.

The requested recourse is to drop any form of emergency proposal or appropriately re-issue the PA.

Project Location and Analysis

Due to the highly disparate nature of the community zones, the project should be broken up into three separate projects, and timely NEPA-based sub-projects, and analyzed by the three ranger districts in which they are located. Currently, their only linking attribute is the Wildland Urban Interface. Otherwise, they have highly different ecologies (and social settings) that should affect their ultimately site-specific prescriptions.

The Greater Mohawk Valley (Graeagle/Portola) component is higher-elevation mixed-conifer to pure-pine, dryer eastside — with a higher dependency on tourism and retirement living. And its topography and elevation contribute to it being less fire-prone.

The Greater American Valley (Quincy) component is a lower elevation, fire-prone area surrounded by recent and past fires, with a large percentage of the ground being unforested, post-fire landscapes.

The Westslope Communities component goes from the foothills to high elevation, and is sparsely populated. It also contains the mid-elevation section that gets heavy precipitation associated with high growth rates of trees and brush.

But the current Forest Service plan for these highly differing areas is to apply and sign off on a broad-brush, conditions-based analysis in all of them at once with little to no site-specificity, and then put off the site-specific project creation and sub-analysis to a future time.

However, at that time when the specifics of the project prescriptions and units are defined, the public will have been cut out of the standard NEPA process of comment and objection. This is unfair on its face, but especially considering the fact that the the Forest Service always asks for site-specific comments from the public on their own projects, stating “The more site-specific, the better.”

Additionally, this broad-brush analysis for large disparate areas is more akin to Forest Plan analysis, and, as such, requires an EIS. This is especially true considering that the Forest Service’s first alternative is so extreme that it would require a Forest Plan amendment to implement.

To sum up, a decision will be made on a very vague program of projects that may take decades to fully accomplish, and the public and local residents will have no NEPA-based recourse to respond. So, if the Forest Service wants to go ahead with this extreme broad-brush approach, then it must do an EIS. But ultimately, the individual, site-specific local projects must be traditionally NEPA-based.

PA/EA Conflict

The EA differs substantially from the PA, throughout, but especially in the Purpose and Need.

The term “fuels treatments” is used several times in the PA, including in the first sentence describing the “Purpose and Need for Action” as follows:

The purpose of this project is to implement fuels treatments that mitigate the risk to communities and critical infrastructure from wildfire.

However, the EA has added “vegetation treatments” to the PA’s first of four things it needs to do to accomplish the Purpose and Need.

By reading the PA, and just plain logically, “fuel treatments” is viewed by the public to mean things you do to “treat fuels”. This is particularly backed up for this project because in the two treatment-related needs listed, it only describes needs and goals that could be accomplished by strictly treating fuels. Those are, one, to modify fire behavior to a lower intensity surface fire, and, two, to reduce surface and ladder fuels, and some intermediate trees. Both of those can be accomplished by removing no dominant or co-dominant trees.

But vegetation treatments, as described in the EA, allows for most of the dominant and co-dominant trees to be removed in a given stand, as well as three-acre clearcuts.

Even if the Forest Service somehow argues that fuels treatments *can* include the extreme measures of cutting the majority of larger trees, and three-acre clearcuts, there is no listed need or goal in the PA Purpose and Need that would require doing that. Therefore, the Responsible Official will not be able to base their decision on whether or not the project meets those not-listed needs.

In the end, based on plainly reading the Proposed Action, the general public and I had no idea what was about to happen. Therefore, the PA needs to be rewritten, and republished, with the appropriate comment period to truly reflect what will be set forth in the EA. To do less would be wrong.

Emergency Aspect of Project

Even if one accepts perceived “vegetation treatments to improve forest resilience” as part of the project, it would not be considered to be critical or time-sensitive when compared to immediate fuels treatments to modify fire behavior. (It was, after all, not even considered enough of an emergency factor to mention in the PA.)

Furthermore, the treatments associated with the forest resilience aspect of the project are those that require mechanical thinning to achieve. Mechanical thinning requires selling contracts to logging companies to do the work. And, logging companies have five years to fulfill that contract, dependent on the vagaries of the timber market, with provisions allowing for extensions.

An example of this kind of delay is currently happening in the Greater Mohawk Valley area where fuel reduction units designed to protect Graeagle have gone untreated since the contract was signed about five years ago (see photo). And, in that project it was my comments that forced certain units out of a mechanical thin prescription into a handthin, pile, and burn prescription. Wherever that prescription prevailed the work is now completed.



Another example of delayed critical fuel reduction work around a community, due to the market for timber, is the Plumas Eureka Project, which was also marked at least five years ago, but the entire project has yet to be implemented.

Allowing five years or more to physically achieve a goal that is being rushed through the very much shorter analysis period on an emergency basis is, on the face of it, irrational.

But, regarding the emergency aspect of protecting our communities, the choosing of any alternative that requires mechanical thinning automatically responds less to the stated emergency and “critical, time-sensitive” nature of the project’s Purpose and Need to “implement fuels treatments that mitigate the risk to communities...from wildfire.”

For example, the EA offers three alternatives that it says reasonably address the Purpose and Need. Alternative 1. includes large areas of mechanical thinning to

achieve proclaimed emergency goals while Alternative 3. Includes far less to achieve the same goals with my handthin/underburn only alternative being able to achieve them with no mechanical thinning, and its associated multi-year delay.

Due to recent Acts of Congress, there is currently enough money available to immediately go forward with the Forest Service developed alternative that includes largely manual treatments, or even a completely manual treatment alternative.

Given the above, it is clear that the alternative with the least amount of mechanical thinning responds best to the emergency, critical, time-sensitive nature of the purpose and need of the project, and, therefore, it must be the alternative chosen by the Responsible Official. (This includes my handthin/underburn only alternative that was illegally ignored under the Alternatives Dismissed from Detailed Analysis. See section on that below.)

Request for an Emergency Situation Determination

The Forest Service states that because of the time-sensitive nature of the proposed action it may seek an ESD which “reduces [I think the word is ‘removes’] one last opportunity for formal public involvement prior to a final decision...”.

In addition to my comments about this issue above, the potential decision to seek an ESD makes very little sense regarding time-sensitivity. Currently, the Forest Service is well into its second year of planning a project that it admits could take decades to accomplish. So, given this expanded time-frame, how is taking the relatively short time to finish out the public input process logical?

And, this is called the Community Protection Project. The public is the community, yet an ESD would cut the community out of its rightful process.

Additionally, in this mix of timelines the Forest Service gave itself an extra eight months from its original deadline to complete the EA. Now it wants to squeeze the public out of a measly three months to complete its formal involvement.

Finally, the purpose of that full National Environmental Protection Act public involvement process is for the Forest Service to gain information that could help protect the environment. Therefore, in order to fully protect our communities the Forest Service should not seek any measures that curtail our rightful NEPA input.

Alternatives Dismissed from Detailed Analysis

As stated under this section of the EA (pg. 2-29): “NEPA requires federal agencies to evaluate reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail.”

In my comments on the PA, I state: “My first proposed alternative for this project is handthin/underburn only.”

But under this section the Forest Service lists three alternatives that were eliminated from detailed study and none of them are handthin/underburn only. Therefore, the Forest Service has violated NEPA by not only failing to “briefly discuss the reasons for eliminating” this alternative, but also by not even even identifying it in order to get to the NEPA-required, first step of evaluating it.

As the Forest Service Handbook 1909.15 provides:

Because alternatives eliminated from detailed study are considered part of the range of alternatives, the project or case file should contain descriptions of the alternatives and the reasons for their elimination from detailed study.

It further notes:

And, “[i]n considering which alternatives to analyze, agencies must provide a ‘detailed statement’ regarding why they were eliminated or not considered.”

Forest Service has failed in this area.

This alternative is feasible and adequately meets the the project’s purpose and need, as set forth in the PA, not the EA. (I’ve shown above that the section on “vegetation treatments” and “forest resilience” that was added to the Purpose and Need in the EA was not a tweak or clarification, but a substantial change to the project requiring a new PA and public scoping process.)

Additionally, an alternative that most quickly achieves the “critical priority work” to modify fire behavior to reduce the risk of wildfire impacts to communities, as is stated in the PA and Purpose and Need, is the alternative that best meets the project’s states “urgent community protection” purpose and need. I’ve shown in a section above that that alternative is the handthin/underburn only alternative.

In the end, the Forest Service needs to include and analyze a handthin/underburn only alternative in the EA, and, for the reasons set forth in these comments, the

Responsible Official should choose it as the alternative that best meets the project's Purpose and Need.

Handthin/Underburn Only Vs. Mechanical Thinning

The further efficacy of a handthin/underburn alternative over mechanical thinning to achieve almost all of the goals of the EA is set forth in my comments on the Mapes and Mapes Crocker Project, and are attached here.

Request for Meeting

As noted above, I specifically asked for a site-and time-specific field-meeting with the Forest Service to discuss my comments on the PA before the EA was issued. Despite claims of robust public involvement, there was no response to that request. I am making the same request to meet this summer before the next decision on the already-marked Mapes Project, which is inside the Community Protection Project boundary.

Thank you for this opportunity to comment.