



SAVE OUR FOREST AND RANCHLANDS

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June 28, 2019

Via Electronic Mail

James Melonas
Forest Supervisor
Santa Fe National Forest
11 Forest Lane
Santa Fe, NM 87508

Re: Santa Fe Mountains Landscape Resiliency Project

Dear Mr. Melonas,

Save Our Forest and Ranchlands (“SOFAR”) and the Cleveland National Forest Foundation (“CNFF”), two organizations dedicated to progressive land use planning and the protection of vital natural resources in San Diego County, are requesting a 90 comment period for the Santa Fe Mountains Landscape Resiliency Project and for an Environmental Impact Statement (“EIS”) to be completed. As the Project is one of the largest vegetation clearing projects ever proposed in the Santa Fe National Forest and will have impacts upon the surrounding natural and human environment, SOFAR and CNFF are requesting that the Santa Fe National Forest (“SFNF”) comply with the National Environmental Policy Act (“NEPA”) by preparing an EIS.

The Project, which entails a tree cutting and burning program for the 107,000 acre forest on the western slope of the Sangre de Cristo Mountains above Santa Fe known as the Greater Santa Fe Fireshed, would have significant impacts upon the social and ecological integrity of the surrounding areas. For SFNF to be in compliance with federal law, NEPA requires federal agencies to prepare an EIS for all “major federal actions

significantly affecting the human environment.” 42 U.S.C. § 4332(2)(C). Therefore, SFNF’s environmental analysis must demonstrate that the agency took a “hard look” at the environmental impacts of the action. See *The Steamboaters v. Fed. Energy Regulatory Comm’n*, 759 F.2d 1382, 1393 (9th Cir. 1985); *Foundation for North American Wild Sheep v. U.S. Dept. of Agriculture*, 681 F.2d 1172, 1178 (9th Cir. 1982). As SFNF has foregone completing an EIS, “An agency’s decision not to prepare an EIS will be considered unreasonable if the agency fails to supply a convincing statement of reasons why potential effects are insignificant.” See *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1211 (9th Cir. 1998) (internal citations omitted). Without a reasonable range of alternatives considered, as well as an analysis of significant impacts, many concerns are being raised about the health of the nearby human and natural environment. “Substantial questions [are raised]...as to whether an action...may cause significant degradation of some human environmental factor,” *Ocean Advocates v. Army Corp. of Engineers*, 402 F.3d 846, 864 (9th Cir. 2004) (internal citations omitted).

NEPA requires that a consideration of a reasonable range of alternatives to the proposed action that would achieve the action’s purpose. See 42 U.S.C. § 4332(2)(E); 40 C.F.R. § 1508.9(b); see also *Center for Biological Diversity v. National Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008) (“NEPA requires that alternatives be given full and meaningful consideration, whether an agency prepares an EA or an EIS.”) (internal citations omitted); *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 813 (9th Cir. 1999) (agency must evaluate reasonable alternatives that would achieve the stated purpose of the proposed action); *Environmental Def. Fund, Inc. v. U.S. Army Corps of Eng’rs*, 492 F.2d 1123, 1135 (5th Cir. 1974) (“... no major federal project should be undertaken without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means.”). Furthermore, SFNF is required to take a “hard look” before rejecting proposed alternatives. See *Klamath-Siskiyou Wildlands Center v. U.S. Forest Serv.*, 373 F. Supp. 2d 1068, 1088–89 (E.D. Cal. 2004) (agency arbitrarily and capriciously rejected all proposed alternatives where it rejected any reduction in timber harvest but provided no analysis of amount of revenue lost from each alternative or other economic analysis). In rejecting alternatives, SFNF must also address whether any other means of environmental protection are available. See *Muckleshoot Indian Tribe*, 177 F.3d at 813 (rejection of alternative abuse of discretion where nothing in the record demonstrated agency consideration of other means of achieving increased protection proposed by alternative).

In completing the required EIS, alternatives to the Project become critically important in determining the best method for fire protection and tree clearance in the Greater Santa Fe Fireshed. For example, have burning periods in the winter months been studied? Have burn periods been staggered? Have smaller burn areas been considered to study the impacts on habitat flora and fauna?

CNFF and SOFAR urge SFNF to not only complete an EIS, but to also consider how the current Project compares to a natural fire regime, which would preserve “80% or more of the dominant vegetation”.¹ Additionally, studies have found that adding more unnatural fire to a landscape may pose significant ecological effects, including increased growth of invasive and non-native plants.²

We appreciate the opportunity to comment on this most important project and thank you in advance for reviewing our requests.

Sincerely,

Duncan McFetridge



Director, CNFF
President, SOFAR

CC.

Peter Anderson, Executive Committee Chair
Sierra Club San Diego Chapter

Aruna Prabhala, Urban Wildlands Director, Senior Attorney
Center for Biological Diversity

Patricia Stewart
Tree Hugger Santa Fe

¹ <https://oregonexplorer.info/content/what-fire-regime>

²

http://www.californiachaparral.com/images/Eco_Found_for_Fire_Management_forest_and_shrublands_Keeley_et_al_pnw_gtr779.pdf