Date submitted (Mountain Standard Time): 7/17/2019 12:00:00 AM
First name: Sam
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Organization:
Title:
Comments:
Santa Fe Mountains Landscape Resiliency Project

The eternal project of mankind is

to learn what forests have figured out.

Pat Westerford

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Attached Comment:

"

July 17, 2019

Mr. James Melonas, Forest Supervisor USDA Forest Service

Santa Fe National Forest 11 Forest Lane

Santa Fe, New Mexico 87508

submitted to: https://www.fs.usda.gov/project/?project=55088

re: Supplemental Comments on Santa Fe Mountains Landscape Resiliency Project Scoping Report

Dear James:

These supplemental comments are in addition to the timely comments below submitted via email on July 10, 2019 to the Santa Fe Mountains Landscape Resiliency Project Scoping Report (SFMLRP). Today[rsquo]s supplemental comments are also timely as they are submitted within the extended comment period which ends July 17, 2019. The references cited in both comments are consolidated at the end.

These supplemental comments concern the National Forest Management Act (NFMA) requirement that any action taken at the project-specific level comply with the national forest[rsquo]s Forest Plan. 16 U.S.C. Sec. 1604(i). Forest Service procedures also require consistency with the Forest Land and Resource Management Plan (FSM 1922.12 and FSH 1909.12).

The Santa Fe National Forest Plan (SFNFP) requires that canopy cover of mid-aged (VSS 4)1, mature (VSS 5) and old (VSS 6) ponderosa pine forests be managed for an average canopy cover

1 VSS is Vegetative Structural Stage. Canopy cover is the percentage of ground area shaded by overhead foliage (Daubenmire 1959 cited in Ganey and Block 1994:21) measured by the vertical crown projection of the upper, mid and lower canopies (USDA Forest Service 1996:92). of 40 percent or greater. For mixed conifer forests the canopy cover averages are one-third 60 percent and two-third 40 percent or greater for mid-aged forest (VSS 4), 50 percent or greater for mature forests (VSS 5) and 60 percent or greater for old forest (VSS 6). Average canopy cover for spruce-fir is one-third 60 percent or greater and two-thirds 40 percent or greater for mid-aged forest (VSS 4) and 60 percent or greater for mature and old forests (VSS 5 and 6).

The SFNFP[rsquo]s canopy cover standards apply to all forest and woodland communities not already protected as Mexican spotted owl habitat (USDA Forest Service 1996:91). These canopy cover minimums protect the Northern Goshawk (Accipiter gentiles), a raptor morphologically adapted to dense forests that studies using radio telemetry consistently demonstrate selects habitats with high canopy closure (Austin 1993; Beier and Drennan 1997; Boal et al. 2001; Bright-Smith and Mannan 1994; Drennan and Beier 2003; Hargis et al. 1994 and Stephans 2001). Please indicate the methods used to identify the VSS classes in the project area that meet these canopy cover requirements.

The SFNFP requires the project to [ldquo]identify and manage dispersal (Goshawk) post-family fledging areas (PFA) and nest habitat at 2 to 2.5 miles spacing across the landscape[rdquo] (USDA Forest Service 1996:92). The SFNFP links VSS, tree density and tree age to the [ldquo]site quality of the ecosystem management area[rdquo] (USDA Forest Service 1996:92).

The SFNFP also lists [ldquo]dozer piling[rdquo] as the least preferred treatment for woody debris and wisely [ldquo]limits dozer use for piling or scattering of logging debris so that the forest floor and herbaceous layer is not displaced or destroyed[rdquo] (USDA Forest Service 1996:94). Maintaining the organic surface soil layers where ectomycorrhizae fungi are concentrated[mdash]mobilizing nutrients and providing food for Goshawk prey[mdash]is critically important to sustaining healthy forest ecosystems (Reynolds et al. 1992:31). Please indicate site-specific measures that will be taken to limit dozer piling.

The SFNFP says [ldquo]no treatments should occur in a stand managed for old growth once the stand has achieved minimum structural characteristics of old growth[rdquo] (SFNFP, p. 69).2 To determine old growth please indicate the methods used for determining the age of trees in the main canopy; the size, height and number of standing dead trees; the size, length and pieces of down dead trees; the number of decadent trees; the number of tree canopies; and the total percent of canopy cover and how this site-specific data will be used in the [ldquo]quantitative models[rdquo] specified in the SFNFP (USDA Forest Service 1996:95).

In addition, please document how the SFMLRP is [ldquo]incorporating natural variation . . . into management prescriptions[rdquo] . . . maintaining [ldquo]all species of native trees[rdquo]. . [ldquo]allowing natural canopy gap processes to occur[rdquo] . . . (USDA Forest Service 1996:89) and [ldquo]monitoring management practices within designated peregrine falcon habitat[rdquo] (SFNFP, p. 62) . . . provide [ldquo]. .

2 Old growth is defined on p. 69a of the Forest Plan by cover type for a range of live trees in main canopy, variation in tree diameters, dead trees, tree decadence, number of tree canopies, total basal area and total canopy cover.

. adequate perch and roost trees for raptors . . . within a 200 foot wide stand along . . . major ridges[rdquo] (SFNFP, p. 66) . . . coordinate timber activities in turkey nesting areas [ldquo]to minimize impacts between April 20 and June 10[rdquo] (SFNFP, p. 72) . . . locate log landing areas to the extent practical [ldquo]outside . . . threatened and endangered species habitat[rdquo] (SFNFP, p. 73) . . . maintain adequate cover [ldquo]within 8 chains (530 feet) of actively used elk wallows, licks, and seeps[rdquo] (SFNFP, p. 73) and, finally, protect [ldquo]trails, blaze trees, and trail markers[rdquo] during timber harvest activities (SFNFP, p. 74).

[mdash][mdash][mdash][mdash][mdash][mdash][mdash][mdash][mdash][mdash]-

The following are comments to the Scoping Report issued June 10, 2019 for the Santa Fe Mountains Landscape Resiliency Project (Project) located on the Espanola and Pecos/Las Vegas Ranger Districts, Santa Fe National Forest (SFNF). Please accept these comments on behalf of the Santa Fe Forest Coalition, Wild Watershed and the nearly 500 citizens who signed the attached online and paper petitions requesting that all activities halt in the 107,000 acre Greater Santa Fe Fireshed until an Environmental Impact Statement (EIS) is prepared. The 30-day comments period ends July 10, 2019 making these comments timely.

The Santa Fe Forest Coalition is an all volunteer nonprofit that educates the public, the media and policy makers on critical issues concerning forest and wildlife preservation in New Mexico. Member groups include Wild Watershed, Once a Forest, Multiple Chemical Sensitivities Taskforce, La Cueva Guardians, Tree Huggers Santa Fe and others. Wild Watershed is an all volunteer organization focused on aquatic conservation and wilderness preservation.

These comments are constrained by the minimal 30-day comment period. The SFNF has offered no justification for limiting public involvement in scoping to such a degree. Due to lack of time important issues may have been overlooked and the full implication of others unrealized.

Therefore, these comments are filed under protest.

1. SIGNIFIANT IMPACTS TO INVENTORIED ROADLESS AREAS REQUIRE DISCLOSURE IN AN ENVIRONMENTAL
IMPACT STATEMENT

As can be seen from the following history, the SFNF has consistently failed to comply with the National Environmental Policy Act[rsquo]s (NEPA) requirement to disclose and analyze the cumulative impacts of repeated clearing and annual burning over vast stretches of inventoried roadless areas (IRAs) adjacent to the Pecos Wilderness above Santa Fe. William Odum (1982) succinctly described the resulting environmental degradation from cumulative effects as [ldquo]the tyranny of small decisions.[rdquo]

In 2001 the SFNF prepared an environmental impact statement (EIS) to analyze the impacts of what turned out to be endless clearing and burning of forests in the Santa Fe Municipal

Watershed. It was hardly mentioned during the protracted analysis for this project that nearly all 15,000 acres (6720 acres within Pecos Wilderness) were national forest inventoried roadless lands.

In 2004, the Hyde Park Wildland Urban Interface Project proposed to clear and burn nearly 2000 acres of inventoried roadless forests to the north of the watershed. That project was successfully appealed twice for failure to consider impacts to IRAs. Hyde Park was resurrected soon after President Trump assumed office. In March of 2018 it was approved using a categorical exclusion for qualifying projects under an amendment to the 2014 Farm Bill. Within weeks another project impacting IRAs, the Pacheco Canyon Forest Resiliency Project, was also approved using the same expedited decision making process.

Despite repeated promises by the Washington office that the Forest Service would comply with all environmental laws, including NEPA, attorneys for the Forest Service argued in Wild Watershed v. Hurlocker that Congress had created a [ldquo]statutory exemption[rdquo] from NEPA and therefore disclosure and
analysis of cumulative impacts was not required.

The Project discussed here, consistent with this history, failed during scoping to even identify protection of IRAs as a potential issue. No information was presented to the public concerning the delineation, location and potential impact to IRAs. A SFNF official said in an email [ldquo]. . .

IRAs are not a layer in the GIS data sets available on our webpage. I'm afraid I've come up

empty-handed.[rdquo] According to a former Forest Service planner, this is consistent with a longstanding practice of [ldquo]data-free analysis and analysis-free decision-making[rdquo] that has plagued the agency for decades (Fairbanks 2005).

This history reveals an institutional bias within the agency as well as a deep local antipathy to roadless area conservation. It is relevant, then, to review the long struggle to preserve roadless areas and wilderness. This review is intended not only to prompt a re-evaluation of the agency[rsquo]s policy of denial and obstruction but also to honor those who have worked for decades to protect the well-springs of life found in untrammeled wild lands.

In particular, we pay homage to our friend and colleague Carol Johnson for her tireless efforts to preserve the Pecos Wilderness and the surrounding forests that will be impacted by this Project.

Review of Roadless Area Conservation

The U.S. Forest Service Roadless Rule prohibits timber harvest in IRAs with certain limited exceptions. 36 CFR [sect] 294.13. If history is any indication, this Project will likely be approved based upon the following exception: [ldquo]To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period.[rdquo]

Multiple lines of evidence suggests that dry mixed conifer and ponderosa pine forests such as those found in the Project area are shaped and characterized by periodic mixed-severity wildfires that include ecologically significant amounts of weather-driven, high-severity fire. It is well established that large, infrequent, and quite often severe natural disturbances shape and lend complex structure to historical landscapes, and thereby maintain the biological diversity (see Dr. DellaSala comments to the Project, pp. 6-9)

In 1964, Congress passed the Wilderness Act, creating the National Wilderness Preservation System. In addition to designating 9 million acres of National Forest System land as Wilderness, the Act directed the Secretary of Agriculture to complete a study of 34 administratively designated "primitive areas" and determine their suitability for Wilderness designation by September 2, 1974.

In 1971 the Forest Service expanded the scope of the review to include all roadless areas in the inventory and evaluation. This process was known as the Roadless Area Review and Evaluation (RARE). The Final Environmental Impact Statement (FEIS) for RARE was released in 1973.

The FEIS identified 247 roadless areas to be studied further for possible wilderness status.

The National Forest Management Act of 1976 (NFMA) replaced that evaluation process in place at the time with the requirement for an integrated Land and Resource Management Plan (LRMP) for each forest and grassland. By June of 1977, concerns were expressed that the NFMA land management planning process would be too slow to allow timely completion of review of the 247 study areas identified in RARE. Concerns were also raised that some areas might have been overlooked, and that RARE did not adequately inventory the National Grasslands and the Eastern National Forests.

In response to these concerns, the Secretary of Agriculture initiated a nationwide administrative study of roadless areas referred to as RARE II. The FEIS for RARE II was released in January of 1979.

In June, 1979 the State of California initiated a lawsuit (California v. Block) challenging a RARE II decision to designate certain roadless areas in California as non-wilderness. In June of 1980 the U.S District Court ruled that the Rare II FEIS did not comply with NEPA. The Ninth Circuit Court of Appeals affirmed this decision and identified the following deficiencies:

1) failure to identify distinguishing wilderness characteristics of each roadless area; 2) failure to adequately assess the wilderness value of each area and to evaluate the impact of non-wilderness designation upon each area's wilderness characteristics and value; 3) failure to consider the

effect of non-wilderness classification upon future wilderness opportunities; and 4) failure to weigh the economic benefit attributable to development in each area against the wilderness loss each area will suffer from development.

The decision was largely based on the Court's interpretation that NFMA regulations precluded further consideration of wilderness features in assessing environmental consequences of development projects in areas not recommended for wilderness. Because of this lack of discretion, the Court concluded that "[t]he critical decision to commit these areas for non- wilderness uses, at least for the next ten to fifteen years is irreversible and irretrievable.[rdquo]

Following the Circuit Court's decision, the Department of Agriculture revised the NFMA regulations regarding evaluation of roadless areas in forest planning (36 CFR [sect] 219.17 [1982]). These changes included: 1) establishment of new forest planning procedures for evaluating roadless lands for recommendation as wilderness; and 2) removal of language that the Ninth Circuit Court interpreted to mean the Forest Service was foreclosed from considering the roadless character of a roadless area if specific projects were proposed and evaluated in areas allocated to non-wilderness management.

The 1982 NFMA regulations allowed adequate discretion over development of Inventoried Roadless Areas, after approval of forest plans, by making non-wilderness allocation of roadless lands not a "critical decision" or an "irreversible and irretrievable" commitment of resources to development.

This legal premise has since been affirmed by the Ninth Circuit in the case City of Tenakee Springs v. Block, 778 F.2d 1402 (9th Cir.1985), where the Court found that non-wilderness multiple-use management prescriptions on the Tongass National Forest Plan were permissive rather than a mandate or commitment to development. The concurring opinion also agreed that NEPA documents for projects proposed under the forest plan in roadless areas assigned to a non- wilderness management prescription must examine the issue of whether to treat, not just how to treat, such areas in order to comply with the Wilderness Act.

In 1994 the 9th Circuit Court of Appeals further addressed the need to analyze the effects of proposed treatment areas to roadless areas. In Smith v. USFS, the Court reaffirmed the legal requirement to consider a no-action alternative when proposing such treatments, citing Idaho Conservation, 956 F.2d at 1515, in order to [ldquo]preserve the possibility that the area might someday be designated as wilderness.[rdquo]

The 9th Circuit again reaffirmed the significance of development in roadless areas in Lands Council v. Martin (2008), where the Court states:

In Smith, 33 F.3d at 1078-79, we held that there are at least two separate reasons why logging in roadless areas is environmentally significant, so that its environmental consequences must be considered. First, roadless areas have certain attributes that must be analyzed. Those attributes, such as water resources, soils, wildlife habitat, and recreation opportunities, possess independent environmental significance. Second, roadless areas are significant because of their potential for designation as wilderness areas under the Wilderness Act of 1964, 16 U.S.C. [sect][sect] 1131-1136. Lands Council, 479 F. 3d at 640; Smith, 33 F.3d at 1078-79.

According to the Forest Service analysis of these legal precedents, dealing with their continuing obligations under the Wilderness Act:

Based on court history and past direction from the Chief, projects within roadless areas must analyze the environmental consequences, including irreversible and irretrievable commitment of resources on roadless area attributes, and the effects for potential designation as wilderness under the Wilderness Act of 1964.... The purpose of the analysis on the roadless resource is to disclose potential effects to roadless and wilderness attributes and determine if, or to what extent it might affect future consideration for wilderness recommendations.

This analysis focuses on the potential effects of project activities on wilderness characteristics

as defined in the Forest Service Handbook (FSH) 1909.12 (72.1). These wilderness characteristics include the following:

1) Natural [ndash] The extent to which long-term ecological processes are intact and operating;

2) Undeveloped [ndash] The degree to which the impacts documented in natural integrity are apparent to most visitors; 3) Outstanding opportunities for solitude or primitive unconfined recreation [ndash] Solitude is a personal, subjective value defined as the isolation from sights, sounds, and presence of others and from developments and evidence of humans. Primitive recreation is characterized by meeting nature on its own terms, without comfort and convenience of facilities; 4) Special features and values [ndash] Unique ecological, geographical, scenic, and historical features of an area; 5) Manageability [ndash] The ability to manage an area for wilderness consideration and maintain wilderness attributes.

Concerning the potential for cumulative effects of proposed treatments within an IRA, the Forest Service has described the following steps:

1) Identify the cumulative effects boundary in space and in time; 2) Describe the cumulative effects boundary [ndash] this will be the roadless area expanse. Describe what factors this is based on; 3) Describe the temporal boundary [ndash] this will be how long effects of the action will occur on the landscape. Describe what factors this is based on; and 4) Describe the past actions and their effects on current conditions. Describe what past actions were considered and summarize how they affected the five wilderness attributes described above. If there are comments that other past actions should have been considered discuss why they were or were not; 5) Contrast the effects of proposed actions with past actions. Describe how past actions were developed in relation to the roadless resource and how this proposal considered the roadless resource in its design, e.g. summarize the past actions that occurred, whether or not the actions occurred before or after the forest plan was established, whether or not those past actions were designed to minimize effects on the roadless resources (and if so whether or not they were effective) and how this proposed action contrast with those past actions; 6) Describe the effects of ongoing and reasonably foreseeable actions. Identify what actions were considered. If there are comments that others should have been considered discuss why they were or were not. Describe how these actions could affect the five wilderness attributes; 7) Describe the combined effects from past, proposed, ongoing, and reasonably foreseeable future actions. Describe the cumulative effects of the proposed action, in addition to the past, present and reasonably foreseeable actions on the five wilderness attributes.

Describe whether or not there would be irreversible or irretrievable commitment of resources.

National forest roadless lands are heralded for their conservation values. Those values are described at length in the preamble of the Roadless Area Conservation Rule (RACR) and in the Final Environmental Impact Statement (FEIS) for the RACR. They include: high quality or undisturbed soil, water, and air; sources of public drinking water; diverse plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non- motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and other locally identified unique characteristics (e.g., uncommon geological formations, unique wetland complexes, exceptional hunting and fishing opportunities).

Roadless lands are also responsible for higher quality water and watersheds. Anderson et al. 2012 assessed the relationship of watershed condition and land management status, and found a strong spatial association between watershed health and protective designations. DellaSalla et al. 2011 found that undeveloped and roadless watersheds are important for supplying downstream users with high-quality drinking water, and that developing those watersheds comes at significant costs associated with declining water quality and availability. Protecting and connecting undeveloped areas is also an important action agencies can take to enhance climate change adaptation.

NEPA requires federal agencies[rsquo] environmental analysis to consider [ldquo]any adverse environmental

effects which cannot be avoided.[rdquo] 42 U.S.C. [sect] 4332(2)(C)(ii). When several actions may have cumulative or synergistic environmental impacts, Forest Service must consider these actions together and prepare a more comprehensive environmental analysis. 40 C.F.R. [sect] 1508.8(b). Cumulative impacts are [ldquo]the impact[s] on the environment which result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person understands such actions.[rdquo] 40 C.F.R. [sect] 1508.7.

This Project is part of a much larger and more ambitious program to [ldquo]change forest conditions[rdquo] on the 107,000 acre Greater Santa Fe Fireshed, a large proportion of which is within IRAs. These actions in aggregate will likely cause significant adverse direct, indirect and cumulative impacts on the human environment[mdash]including but not limited to significant health effects for the surrounding community from regular and repetitive prescribed burns, as well as to wildlife communities that are commonly associated with dense forests like those the Project is intended to substantially alter, and on the wilderness characteristics, whose use and enjoyment is appreciated by many who value untrammeled natural amenities found in the roadless areas.

It is also likely that there are substantial [ldquo]unroaded[rdquo] areas that could become inventoried roadless lands and recommended for wilderness designation in the future. These lands play an important ecological role in ensuring the persistence of species, providing connectivity and ensuring watershed functionality.

Maintaining and enhancing the roadless character of these lands will contribute to the achievement of the substantive provisions in sections 219.8, 219.9, and 219.10 of the 2012 forest planning rule. The improvement of 94 miles of road may have significant damaging impacts on the natural values and scenic integrity of these unroaded lands by increasing access, altering water flows and reducing wildlife security.

Therefore, the Project planning team must identify, delineate and quantify unroaded lands and take the required hard look to determine if planned clearing and burning activities may have significant impacts. We strongly oppose any developments in unroaded portions of the Project area until potential impacts can be comprehensively disclosed and analyzed.

In summary, the cumulative effects of clearing and burning thousands of acres over many decades in unroaded, lightly-roaded and IRAs eligible for wilderness must be analyzed and disclosed in an EIS.

2. PROJECT PURPOSE AND NEED ARE INCONSISTENT WITH HFRA[rsquo]S REQUIREMENT TO RETAIN LARGE AND OLD
TREES AND NFMA[rsquo]S CONSISTENCY STANDARD

Projects authorized under Section 602 of the Healthy Forest Restoration Act (HFRA) may only be implemented [ldquo]in a manner that maximizes the retention of old growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease.[rdquo] 16 U.S.C. [sect] 6591a(e).

In addition, the HFRA requires that the Forest Service: "fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.[rdquo] https://www.fs.fed.us/projects/hfi/field-guide/web/page11.php.

The National Forest Management Act (NFMA) also imposes on the Forest Service a duty to ensure that any specific project in the forest complies with the [ldquo]land resource management plan of the entire forest,[rdquo] in this case the SFNF Plan. 16 U.S.C [sect] 1604(i).

The SFNF Plan[rsquo]s old growth standards begin with an admission of uncertainty, followed by a commitment to learn and identify old growth in all project planning:

Old growth is not well understood in the Southwest. Consequently, as knowledge is gained the characteristics and inherent values of old growth stands will be better defined. Site specific identification of old growth will occur during ecosystem area analysis or project planning. (SFNF Plan p. 67)

Uncertainty prompts our concerns. First, why is only the bare minimum of 20 percent of the project area[mdash]the floor established by the SFNF Plan[mdash]being managed for old growth?

Managing for minimums gives no room for error and errors are inevitable given the acknowledged uncertainty and unprecedented scale and intensity of proposed activities. How is managing for minimums consistent with the SFNF Plan that requires projects to [ldquo]strive to create or sustain as much old growth compositional, structural, and functional flow as possible over time at multiple-area scales?[rdquo]

It is unclear how old growth can be sustained as required by the SFNF Plan when as much as 30 percent of remainder trees left after aggressive clearing die in prescribed fires; more from wind throw in newly opened stands. Also, Ips beetle populations increase dramatically in untreated slash during dry conditions often overwhelming old growth ponderosa pines.

Second, how does managing for minimum old growth, together with the admitted lack of understanding, [ldquo]maximize the retention of old growth and large trees[rdquo] required by HFRA? Third, how does discretionary cutting of trees up to 24 inches dbh [ldquo]maximize the retention of old growth?[rdquo]

Fourth, how will project-level knowledge be gained to better define [ldquo]the characteristics and inherent values of old growth stands?[rdquo] For example, how have the SFNF Plan[rsquo]s parameters for determining old growth been refined for this Project? These include: number of live trees in main canopy; variation in tree diameters; dead trees (standing snags and downed logs); tree decadence; number of tree canopies; total basal area; and, total percent canopy cover. Five, will project-level monitoring be done to ensure compliance with the HFRA old growth retention standard?

3. THE SCOPING DOCUMENT LACKS THE NECESSARY SITE-SPECIFIC DETAIL TO COMPLY WITH NEPA

The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. 40 C.F.R. [sect] 1500.1. In enacting NEPA, Congress recognized the [ldquo]profound impact[rdquo] of
human activities, including [ldquo]resource exploitation,[rdquo] on the environment and declared a national policy [ldquo]to create and maintain conditions under which man and nature can exist in productive harmony.[rdquo] 42 U.S.C. [sect] 4331(a).

The statute has two fundamental two goals: (1) to ensure that the agency will have detailed information on significant environmental impacts when it makes decisions; and (2) to guarantee that this information will be available to a larger audience. Envtl. Prot. Info. Ctr. v. Blackwell, 389 F. Supp. 2d 1174, 1184 (N.D. Cal. 2004) (quoting Neighbors of Cuddy Mt. v. Alexander, 303 F.3d 1059, 1063 (9th Cir. 2002)).

Analyzing and disclosing site-specific impacts is critical to achieve these goals because when, where and how activities occur on a landscape strongly determines the nature of the impact.

Location data is especially critical to the site-specific analysis NEPA requires. New Mexico ex rel Richardson, 565 F.3d at 706 and 707.

NEPA further mandates that the agency provide the public [ldquo][lsquo]the underlying environmental data[rsquo] from
which the Forest Service develop[ed] its opinions and arrive[d] at its decisions.[rdquo] WildEarth Guardians v. Mont. Snowmobile Ass[rsquo]n, 790 F.3d 920, 925 (9th Cir. 2015).

In this case, the SFNF failed to disclose site-specific impacts and failed to provide the public with any underlaying data supporting the Project[rsquo]s purpose and need. In particular, the scoping document does not disclose when, where, how much, what sequence or the specific location of tree clearing, burning and road improvements. Nor does it provide detailed disclosure of the necessary mitigation measures designed to lessen the impacts of Project implementation.

Instead, in seeking flexibility to respond to changing conditions, the SFNF apparently intends to postpone site-specific project design and analysis until after the agency decision is made. This upends NEPA[rsquo]s central purpose that agencies look before they leap. More importantly, keeping essential details of Project implementation under wraps until after the close of the comment period prevents the public from being involved [ldquo]to the fullest extent possible . . . in decisions which affect the quality of the human environment.[rdquo] 40 C.F.R. [sect] 1500.2(d).

As noted earlier, no information was presented to the public concerning the delineation, location and potential impact to IRAs. The impacts of tree clearing and burning projects in Hyde Park, Pacheco Canyon and the Santa Fe Municipal Watershed were not revealed despite these on-going projects being adjacent to or enclosed within the Project area. Nor were reasonably foreseeable future actions within the 107,000 acre Greater Santa Fe Fireshed disclosed. Without this information, the public is left in the dark concerning the cumulative impacts of a host of environmentally significant interconnected issues.

The Project proposes to upgrade 94 miles little used roads that will likely significantly impact soils, water quality, unfragmented habitat blocks, critical habitats, and fire risk. This is a significant issue for environmental analysis, yet many details are lacking. Portions of the project area feature steep slopes where improved roads and ground-based tree clearing activities may permanently impair soil productivity even if their use is temporary (Gucinski et al. 2001). Road-related soil erosion is a chronic source of sediment that can limit water quality and affect habitat for riparian-dependent species.

Road-stream crossings have high potential to adversely impact water quality (Endicott 2008) but the location of crossings is not disclosed. Road construction, tree clearing and burning may combine to increase overland water flow and runoff by removing vegetation and altering physical and chemical properties of soil, which can permanently alter watershed function (Elliot 2010 and Robichaud et al. 2010).

The scoping document does not disclose the presence of unauthorized roads and trails that may be causing significant resource damage. Simply blocking entrances along other measures is often ineffective at preventing longstanding unauthorized use or addressing resource concerns. This is a significant issue that requires detailed disclosure of the extent, location and impacts. The lack of specificity precludes our ability to provide meaningful comments or determine the efficacy of the mitigation measures.

The extent of unauthorized roads should have been informed by the SFNF forest-wide Travel Analysis Report (TAR) generated to support compliance with Subpart A of the Travel Management Rule, or by a project specific TAR. Subpart A also directs the agency to [ldquo]identify the roads on lands under Forest Service jurisdiction that are no longer needed,[rdquo] and therefore should be closed or decommissioned. A project specific analysis must evaluate all unneeded roads in the Project area for closure or decommissioning.

4. PROTECTION OF THE UNIQUE POPULATION OF SWWP IS A SIGNIFICANT ISSUE THAT WAS NOT IDENTIFIED IN
THE SCOPING DOCUMENT

In 2009 the Santa Fe Municipal Watershed 20 Year Protection Plan recommended that a self-sustaining population of Southwestern White Pine (SWWP) be protected during on-going maintenance activities. To quote from the Protection Plan:

During planning of restoration treatments a concern was expressed for the fate of Southwestern

white pines in the watershed, because populations have suffered in the West in recent years due to the exotic white pine blister rust. White pines in the watershed have been reproducing successfully in spite of the threat of blister rust and thus the Santa Fe Watershed has been identified as a possible sub-regional refugia for this tree species. The protection of southwestern white pines should continue to be an objective throughout long-term prescribed burning
maintenance. (p. 20)

The SWWP refugia mentioned in this plan extends into the Project area. At the northern limits of its distribution, SWWP may be exhibiting unique resistance to white pine blister rust. Removing individuals that are genetically resistant before it can be determined their value in countering the disease would be a significant loss to regional biodiversity.

Also, this Project must be consistent with the SFNF Plan[rsquo]s reforestation standards that require a minimum of 120 SWWP remain per acre following clearing and burning (replacement page 69a).

Unfortunately, the Forest Service has a long history of ignoring evolutionary processes such as natural selection. In its formative years the agency encouraged land owners along the eastern seaboard to cut down all American chestnuts before they were killed by an exotic blight. As a result genetically resistant trees that may have allowed the species to survive and adapt were lost (Kelly 1924). A more recent example is salvage logging of beetle killed white bark pine in the northern Rockies (Six et al. 2018).

This vital issue was not mentioned during scoping despite the SFNF being alerted last December to the loss of thousands of SWWP during the initial clearing of the Hyde Park WUI project (see attached letter to Melonas Dec. 18, 2018).

5. A VIEWSHED CORRIDOR PLAN MUST BE PREPARED AND OTHER MITIGATION MEASURES TAKEN TO BE
CONSISTENT WITH THE SFNF FOREST PLAN.

NFMA requires that any action taken at the project-specific level must comply with the national forest[rsquo]s Forest Plan. 16 U.S.C. Sec. 1604(i). Forest Service procedures also require consistency with the Forest Land and Resource Management Plan (FSM 1922.12 and FSH 1909.12).

The SFNF Plan for management area D (p. 113) requires that site-specific projects [ldquo]develop Viewshed Corridor Plans as a part of project level planning for all vegetation management projects.[rdquo] The Viewshed Corridor Plan must be developed in order to meet the visual quality objective of retention. Management area D (p. 116) also specifies that [ldquo]fuel treatment methods with effects lasting no longer than one year are acceptable.[rdquo] Management area L requires that [ldquo]roads constructed
will be closed immediately following the activity, scarified and reseeded.[rdquo] The purpose and need of this Project did not reflect these SFNF Plan requirements.

Please ensure that these SFNF Plan consistency requirements are included in the EIS.

6. A RISK ASSESSMENT REVIEW SHOWED THAT A TNC RISK ASSESSMENT CANNOT BE USED TO SUPPORT WILDFIRE
RISK REDUCTION TREATMENTS

A wildfire risk assessment of the Greater Santa Fe Fireshed produced by The Nature Conservancy (TNC) cannot be relied on by the SFNF to support this Project because it did not address the key issue of probability. The review is attached.

It also did not estimate the costs of potentially damaged resources or the cost associated with risk reduction treatments. Further, the TNC study did not address the likelihood that resources would be damaged in the event of a fire or address the effectiveness of risk reduction treatments. The review notes that the likelihood of a wildfire occurring could have been calculated from historic records of wildfire along with consideration of the potential impacts of climate change.

But this did not occur.

7. QUESTIONS THAT WERE NOT ADDRESSED DURING PUBLIC MEETINGS

The two public meeting held in conjunction with Project scoping were dominated by SFNF presentations. Time for questions from public was limited. Public meetings where the public is mostly relegated to being an audience does not comport with a fundamental purpose of NEPA which mandates that [ldquo]federal agencies shall to the fullest extent possible . . . encourage and facilitate public involvement in decisions which affect the quality of the human environment.[rdquo] 40

C.F.R. [sect] 1500.2(d). Therefore, we are exercising our public involvement rights during the scoping period by submitting the following substantive questions:

1. PURPOSE AND NEED AND NATIONAL ENVIRONMENTAL POLICY ACT

? Why isn[rsquo]t protecting lives and property the primary purpose of this project? Making vulnerable homes fire-safe and clearing flammable vegetation immediately around structures

are proven strategies.

? Will measures to protect soils, water quality and wildlife habitat be mandatory and enforceable if they are proposed in an Environmental Assessment as opposed to an

Environmental Impact Statement? Please explain the role of mitigation measures in each document.

2. ROADLESS FORESTS AND ROAD IMPROVEMENT

? How many inventoried roadless areas exist in this area? Will they be proposed for Wilderness in the new forest plan? Why weren[rsquo]t project overlays of roadless areas presented in the

scoping document or at public meetings?

? Improving roads will increase human caused fires in this area. Does the SFNF have the capacity of responding to this increase?

? How will road decommissioning [ldquo]restore[rdquo] unneeded roads? Shouldn[rsquo]t unneeded roads be

obliterated to protect water quality and wildlife habitat and prevent the spread of invasive

plants and access by arsonists and poachers?

? How will ATVs be effectively restricted from newly improved roads?

3. CLIMATE DISRUPTION

? Is the Forest Service allowed to discuss the role that human emissions play in creating a hotter and drier climate in the Southwest? If so, why is climate disruption so rarely

addressed by the SFNF?

? Is current climate science being used to analyze the impacts of clearing trees and annual burning?

? Why isn[rsquo]t climate change mentioned as the primary driver of larger and more frequent high-

severity fires, not the build up of fuels?

? Why is the aim of this project to restore past forest structure instead of working with natural

succession and evolutionary processes to help the forest adapt to a warmer and drier climate?

4. WILDLIFE AND ANCIENT FORESTS

? How will wildlife corridors be maintained in areas cleared and annually burned? Have corridors been identified in the project area?

? Will clearing and burning be restricted in the spring to protect breeding bird nests and other

wildlife? If not, please explain why.

? Old growth aspen is important breeding bird habitat. Clearing and burning conifers in the understory will cause significant harm. Will bird populations in old growth aspen habitat be

monitored to determine impacts? If not, please explain why.

? Why are the threats of high severity fire to Mexican spotted owl habitat highlighted while it[rsquo]s benefits and the adaptability of the owl to burned forest habitat not discussed? Does the

SFNF monitor the Mexican spotted owl population? If so, what are the current trends?

? Why is retaining the minimum allowed old growth the aim of this project when the forest plan requires as much old growth be managed as possible?

? Preservation of old growth and fuel reduction have conflicting aims. How will old growth

forests with their dense multistoried and high canopy cover be maintained on a minimum of

20% of the project area?

5. CLEARING TREES AND ANNUAL BURNING

? How many live trees will remain after the initial clearing and burning? How many remainder trees are expected to die in prescribed fires and subsequent wind throw in newly opened

stands?

? Will the legally required regeneration standards for remainder trees be monitored? If so will that data publicly be available?

? Will the size of burned debris piles be limited to protect soils and discourage invasive plants

from becoming established?

? Why do spruce/fir and pi[ntilde]on/juniper forests with mixed-severity fire regimes receive the same treatment as ponderosa pine and dry mixed conifer forests with low-severity fire

regimes?

? Why are protection measures for the currently secure but vulnerable Southwestern White Pine population not discussed? Will you cut down genetically resistant white pines before it

can be determined their value in countering white pine blister rust?

? Will on-going livestock grazing impede the goal of restoring low-severity fire regimes?

? Reference conditions are mentioned as being used to establish a desired forest structure.

Please identify the reference sites in the project[rsquo]s Colorado Rockies bioregion.

Respectfully Submitted,

/s/ Sam Hitt Sam Hitt

President SFFC

Founder Wild Watershed

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