



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

December 9, 2013

Mr. Thomas L. Tidwell
Chief
United States Forest Service
Sidney R. Yates Building
201 14th Street, SW, 4th Floor,
Washington, DC 20250

Dear Chief Tidwell: *Tom*

CEQ is authorizing alternative arrangements in accordance with 40 C.F.R. § 1506.11 for the proposed Rim Fire Recovery Project outlined in your December 5 letter and the attached memorandum of December 4 from the Regional Forester (copies attached).

Specifically, you have requested alternative arrangement that:

- a. Shorten comment period for the draft EIS from 45 to 30 days;
- b. Eliminate the minimum 90-day requirement between the Notice of Availability of the draft EIS and the publication of the Record of Decision (ROD); and
- c. Eliminate the 30-day waiting period between publication of the final EIS and the ROD.

These are approved with the following modifications:

- a. Continue to enhance public and stakeholder engagement during the scoping initiated by the Dec 6 Notice of Intent to prepare the EIS;
- b. Continue active engagement of interested parties throughout the preparation of the EIS;
- c. Continue communication with the Yosemite Stanislaus Solutions collaborative group;
- d. Attend and continue communication with the Sierra Nevada Conservancy and parties participating in the Rim Fire Landscape Restoration Technical Workshop on December 18, 2013; and
- e. Post the Final EIS and proposed ROD on the Forest Service website for public review for 5-10 business days prior to publishing the official Notice of Availability in the Federal Register.

We appreciate your personal attention to this matter. The fire burned more than 400 square miles of forest land, threatening City and County of San Francisco's Hetch Hetchy Water and Power facilities and directly impacting portions of the Tuolumne River – including the Don Pedro Reservoir – and the Merced Rivers and Lake McClure. The

recognition of the need to ensure human health and safety balanced with protecting Stanislaus National Forest contributions to the water and power, and to the ecological values including the black woodpecker and spotted owl habitat, have provided the foundation for establishing these alternative arrangements. We commend you and your team for ensuring these arrangements comply with the National Environmental Policy Act and maximize opportunities to engage interested and knowledgeable stakeholders on all sides of the issues.

I have directed my Associate Director for NEPA Oversight to continue to monitor this important work and to visit the National Forest during the spring to meet with representatives from the Forest and interested parties. We appreciate the work done to prepare the alternative arrangements and the overall planning process, and look forward to working with you as you implement these alternative arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy H. Sutley', written in a cursive style.

Nancy H. Sutley
Chair



United States
Department of
Agriculture

Forest
Service

Washington
Office

1400 Independence Avenue, SW
Washington, DC 20250

File Code: 1950

Date: DEC - 5 2013

Ms. Nancy Sutley
Chair
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503
RE: Rim Fire Alternative Arrangements

Dear Ms. Sutley:

Per Title 40, Code of Federal Regulations, Part 1506.11, we request alternative arrangements with the Council on Environmental Quality to expedite the Rim Fire recovery efforts being analyzed in an environmental impact statement. This request includes the items Forest Service personnel have discussed with Horst Greczmiel of your staff.

The Rim Fire started on August 17, 2013, and quickly became the third largest wildfire in California, burning approximately 257,314 acres, including 154,430 acres of National Forest System lands. The fire burned more than 400 square miles of forest land and threatened the City and County of San Francisco's Hetch Hetchy Water and Power facilities that provide drinking water and power for over 2.5 million San Francisco Bay Area customers. Also threatened were the Don Pedro Reservoir and Lake McClure that provide drinking water and power for over 0.5 million San Joaquin Valley customers along with irrigation water for over 350,000 acres of farmland.

Emergency actions needed to remove hazard and dead trees and provide for future restoration treatments do not afford us time to conduct the regular planning process to comply with the National Environmental Policy Act. Quick action will avoid threats to human health and safety and the forest ecosystem.

Accordingly, I am forwarding Regional Forester Randy Moore's request for alternative arrangements.

If you have questions concerning this request, please contact Joe Carbone, Assistant Director, Ecosystem Management Coordination, at 202-205-0884.

Sincerely,


THOMAS L. TIDWELL
Chief

Enclosure





United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9240 Text (TDD)

File Code: 1950

Date: DEC 04 2013

Route To:

Subject: Rim Fire Recovery EIS: Request for CEQ Alternative Arrangements

To: Chief

The Rim Fire started on August 17, 2013, in a remote area of the Stanislaus National Forest near the confluence of the Clavey and Tuolumne Rivers about 20 miles east of Sonora, California. Over the next several weeks it burned 257,314 acres, including 154,430 acres of National Forest System (NFS) lands, becoming the third largest wildfire in California history. Burned Area Emergency Response (BAER) projects mitigated many immediate hazards, but other emergency actions are needed to move towards long term recovery. These emergency actions must be taken in a time frame that does not afford us the time to conduct the regular planning process to comply with the National Environmental Policy Act (NEPA); consequently, a request for alternative arrangements for NEPA compliance has been prepared for your signature and submission to the Chair of the Council on Environmental Quality (CEQ).

Our current strategy for completing long term recovery is based on three primary objectives: move quickly and efficiently; deliver high quality analysis and decisions; and, emphasize the importance of public engagement in project development.

First, the Forest will prepare an Environmental Assessment (EA) for the Rim Fire Hazard Trees project (not included in this request) which would protect public health and safety by removing standing hazard trees and other trees previously felled during fire suppression and BAER across 7,630 acres of NFS lands within and adjacent to high use road corridors and other developed facilities. Scoping started on November 15, 2013; a draft EA will be available for a 30-day opportunity to comment in February 2014 and a final decision is expected in May 2014. At the present time, the judgment of the Forest Service environmental professionals is that the proposed actions being considered would, based on the scope and extent of the proposed action and available and practical mitigation measures, not result in significant impacts on the quality of the human environment. These proposed actions have independent utility and would be undertaken regardless of further recovery actions.

Second, the Forest will prepare an Environmental Impact Statement (EIS) for the proposed Rim Fire Recovery project (subject of this request) which would complete other emergency recovery work not addressed by BAER work. The Forest submitted a Notice of Intent (NOI) for publication in the Federal Register on December 6, 2013. The NOI describes a proposal to remove hazard trees and dead trees in order to: capture the economic value of those trees which pays for their removal from the forest and other future restoration treatments; provide for greater worker and public safety; reduce fuels for future forest resiliency to fire; and, improve road infrastructure to ensure proper hydrologic function and protect the watershed and surrounding areas from further degradation from rains and potential mudslides. Our public outreach will include inviting the public, particularly those who typically express concerns over our forest



management and proposed actions, to tour the area to see and hear the proposed actions that comprise the proposed recovery work.

Alternative Arrangements

As part of our objectives to move quickly and emphasize the importance of public engagement, our strategy for completing the Rim Fire Recovery EIS by August 2014 is based on obtaining alternative arrangements under the CEQ regulations for implementing NEPA at 40 CFR 1506.11 which state: Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Accordingly, you would request these alternative arrangements to:

1. Shorten the required 45 day comment period for the draft EIS by 15 days, down to 30 days (40 CFR 1506.10(c)); and,
2. Eliminate the 90 day period requirement between the notice of availability of the draft EIS and the record of decision (ROD) and the 30 day wait period between the final EIS and the ROD (40 CFR 1506.10(b)(1) and (2)).

With alternative arrangements, the recovery work would start as soon as possible with a decision in early August 2014; contracts awarded in August would allow several months of operations before winter weather closes access. Without alternative arrangements, a decision is expected in October 2014; contracts awarded in October would most likely begin operations in May 2015 due to winter weather. The need to take action and begin operations prior to the winter weather seeks to avoid the threat to human health and safety and the forest ecosystem. Winter weather in this area has historically included snows and rains with the attendant potential for mudslides and toppling of trees with adverse consequences for the watershed and safety of those working in and visiting the forest.

This request is based on careful consideration in the two main areas of concern discussed below.

Public Involvement

Almost all interested parties (locals, environmental groups, county, state and congressional) are demanding an expedited process to speed up the eventual recovery and future restoration of the Rim Fire. A 30 day comment period, combined with unprecedented and already started front end public involvement including the Yosemite Stanislaus Solutions (YSS) on-going collaborative group and planned public workshops, will provide focused and appropriate public involvement that will allow us to expedite the preparation and publication of the draft EIS. Eliminating the 90 day wait period between the notice of availability of the draft EIS and the record of decision (ROD) and the 30 day wait period between the final EIS and ROD does not affect public involvement because of the additional up-front public engagement and providing the opportunity for public review prior to publication of the Notice of Availability of the final EIS.

Future Reforestation and Ecosystem Restoration

The Rim Fire Recovery project is one of the first major steps towards future reforestation and ecosystem restoration within the Rim Fire. The requested alternative arrangements maximize the value of rapidly deteriorating burned timber in order to capture the economic value of those trees

which pays for their removal from the forest and other future restoration treatments (see Appendix A, attached on p. 4). By maximizing the value returned to the government, realized through several months of operations before winter weather closes access, the forest will have funding available for investments in future reforestation and ecosystem restoration which is not available under current budgets.

The immediate damage caused by the Rim Fire is estimated at between \$100 million and \$736 million to environmental benefits for the first year after the fire (for example, see the attached Preliminary Assessment: The Economic Impact of the 2013 Rim Fire on Natural Lands).

The fire burned more than 400 square miles of forest land, threatening City and County of San Francisco's Hetch Hetchy Water and Power facilities and directly impacting portions of the Tuolumne River (Don Pedro Reservoir) and Merced Rivers (Lake McClure). The Hetch Hetchy system provides drinking water and power for over 2.5 million San Francisco Bay Area customers (<http://www.sfwater.org>). Don Pedro Reservoir (<http://www.mid.org>; <http://www.tid.org>), serving the greater Modesto and Turlock areas and Lake McClure (<http://www.mercedid.org>), serving the greater Merced area provide drinking water and power for over 0.5 million San Joaquin Valley customers along with irrigation water for over 350,000 acres of farmland.

If you have any questions or want any additional information regarding this request, contact Bernie T. Gyant, Deputy Regional Forester for Resources, directly at 707-562-9000.

for 
RANDY MOORE
Regional Forester

cc: Bernie Gyant

Appendix A Commodity Values and Industry Logistics

Commodity Values and Returns to Government

Estimates range from 600 to 800 mmbf (million board feet) of salvage timber potentially available in the Rim Fire Recovery analysis area. The local logging industry could harvest up to 100 mmbf of salvage timber (3,500 acres @ 28.5 mbf (thousand board feet)/acre) in the 45 day alternative arrangement time period based on their capacity of up to 2.2 mmbf of salvage each day. With alternative arrangements, the net return to the government for salvage timber is estimated at a value of \$5,000,000 (100 mmbf @ \$50/mbf).

Without alternative arrangements, salvage operations starting in October would be subject to suspension due to winter weather. Even if weather permits a full 45 days of operation in October and November, the original 100 mmbf would be reduced to 93 mmbf due to deterioration of trees between 16-20" dbh (diameter breast height). Deterioration also reduces the value of remaining trees over 20" dbh by 25%. Accordingly, the gross return to the government for salvage timber is \$3,487,500 (93 mmbf @ \$37.50/mbf); however, since trees between 16-20" dbh are no longer usable as sawlogs, additional costs to the government of \$1,050,000 (3,500 acres @ \$300/acre) result from cutting, piling and removing (burn, lop and scatter, chip, etc.) those small trees. This would result in a net return to the government of \$2,437,500 (\$3,487,500 minus \$1,050,000).

In summary, net return to the government can be as high as \$5,000,000 with alternative arrangements compared to \$2,437,500 without alternative arrangements. This difference of \$2,562,500, would provide only partial funding for the high priority future watershed and riparian restoration treatments that present immediate impacts to Hetch Hetchy Water and Power facilities, Don Pedro Reservoir, and Lake McClure. That difference results in an inability to fund and complete the first phase of about 3,500 acres of reforestation and restoration for future wildlife habitat. The corresponding ripple effect delay for implementing the rest of the proposal would reduce or eventually eliminate funding available for another 26,500 acres of reforestation and restoration needs (riparian, roads, soils, watershed, wildlife, recreation, etc.) throughout the remaining portions of the Rim Fire.

Industry Logistics

Local industry is geared up to start recovery work immediately. As described above, local industry could harvest up to 100 mmbf of timber in the 45 day alternative arrangement time period. Contracts awarded in August would allow several months of work before winter weather closes access and gives rise to increased threats of mudslides and ecosystem degradation. The separate Hazard Tree project supported by the EA that is currently underway will be available for industry starting in May 2014. We expect industry to complete logging the hazard trees and will be ready to begin salvage operations under the proposed Recovery project as early as August 2014. It is extremely important to keep the logging infrastructure in place and operating throughout the season to best utilize and maximize available skilled logging labor, logging equipment, trucks and mill capacity.