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

August 17, 2015

Mr. Thomas L. Tidwell
Chief
United States Forest Service
Washington, DC 20250

Dear Chief Tidwell:

CEQ has considered and is granting your request for the portion of the alternative arrangements not granted in my letter of May 14, 2015 (copy attached). We appreciate the efforts undertaken by the Service in acting on the commitments set out in the May 14 letter as well as in the ongoing engagement with CEQ and the public. Since the publication of the Draft Environmental Impact Statement (DEIS) on May 22, 2015, Eldorado National Forest Supervisor Crabtree and staff have continued to engage interested members of the public. CEQ's Associate Director for NEPA also visited the Eldorado National Forest and met with Supervisor Crabtree, Deputy Regional Forester Gyant, Eldorado NF and Regional Forest staff, and interested members of the public .

CEQ previously granted the alternative arrangement to shorten the comment period for the DEIS from 45 to 30 days. CEQ grants the request to (a) 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 (b) eliminate the 30-day waiting period between publication of the final EIS and the ROD.

These alternative arrangements are based upon your commitments to:

1. Provide the interested members of the public with an opportunity to comment on the preferred alternative as it has evolved since the DEIS before finalizing the EIS and ROD; and
2. Posting the final EIS on the Eldorado National Forest website for public review prior to publishing the official Notice of Availability in the *Federal Register*.

We appreciate your personal attention to this matter and look forward to continuing to work with you as you conclude the planning for the King Fire Restoration Project.

Sincerely,

Christy W. Goldfuss
Managing Director
Council on Environmental Quality

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

May 14, 2015

Mr. Thomas L. Tidwell
Chief
United States Forest Service
Washington, DC 20250

Dear Chief Tidwell:

CEQ is authorizing alternative arrangements in accordance with 40 C.F.R. § 1506.11 for the proposed King Fire Restoration Project outlined in your May 7, 2015 letter with the attached memorandum from the Regional Forester (copy attached).

Specifically, you have requested alternative arrangements that:

a. Shorten the comment period for the draft Environmental Impact Statement (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.

We are granting your request to shorten the comment period for the draft EIS from 45 to 30 days, and will continue to consider whether to grant your request to eliminate the 90-day requirement and the 30-day waiting period, based upon continued progress to enhance the outreach and engagement with the public and local stakeholders.

This alternative arrangement takes into account your commitments to:

1. Continue to enhance public and stakeholder engagement during the scoping initiated by the Notice of Intent to prepare the EIS which was published in the *Federal Register* on December 24, 2014;
2. Post the draft EIS on the Forest Service website for public review prior to publishing the official Notice of Availability in the *Federal Register*.
3. Continue communication with agency officials including the Central Valley Water Quality Control Board, California Department of Fish and Wildlife;
4. Continue the on-going government-to-government consultation with the Federally recognized Tribes within the affected area;
5. Complete formal consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act; and
6. Actively discuss and exchange information with interested parties on the potential parameters of the components of the alternatives and their projected

environmental consequences during the public review and comment period and thereafter as the final EIS is prepared. Discussions will include:

a. Focusing treatments on major system roads and lands previously identified for timber production;
b. Limiting work in riparian areas;
c. Limiting impacts from the wildfires such as sedimentation impacts (e.g. Rubicon River, South Fork American River), and other potential impacts from proposed treatments;
d. Using prescribed fire to treat fuel on steep slopes;
e. Strengthening and maintaining strategic fuel breaks around communities and important infrastructure;
f. Limiting work during wet weather;
g. Assessing current science on snag retention in order to better understand the effects of fire and proposed treatments;
h. Emphasizing the development of future forested habitat for species protected under the Endangered Species Act (e.g., amphibians);
i. Identifying treated and untreated areas for monitoring ecosystem response and post-treatment effectiveness;
j. Identifying ways to capture the economic value of burned timber to support and accomplish restoration objectives; and
k. Treating areas to reduce the effects of severe fire in future wildfire events.

We appreciate your personal attention to this matter, and look forward to working with you as you continue planning for the King Fire Restoration Project.

Sincerely,

Christy Goldfuss
Managing Director
Council on Environmental Quality

USDA United States Department of Agriculture | Forest Service | Washington Office | 1400 Independence Avenue, SW Washington, DC 20250

File Code: 1950
Date: MAY 7 2015

Ms. Christina W. Goldfuss
Managing Director
Council on Environmental Quality
722 Jackson Place, NW
Washington, D.C. 20503

RE: King Fire Alternative Arrangements

Dear Ms. Goldfuss:

Per Title 40, Code of Federal Regulations, Part 1506.11, we request alternative arrangements with the Council on Environmental Quality to expedite King 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 King Fire started on September 13, 2014. On September 18, the fire made a 15 mile run and burned over 50,000 acres at high intensity. In total, the King Fire burned 97,700 acres in California's Eldorado and Placer Counties, including roughly 63,000 acres on the Eldorado National Forest. Severe drought and extremely dry fuel conditions contributed to the forest experiencing one of its worst fire seasons. The King Fire was the largest wildfire in Eldorado National Forest history.

The emergency actions required to remove hazard and dead trees, while providing for future restoration treatments, do not afford us time to conduct the regular planning process needed to comply with the National Environmental Policy Act. Quick action will avoid threats to human health and safety as well as 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

THOMAS L. TIDWELL
Chief

Enclosure

CEQ Alternative Arrangements
For the Proposed King Fire Restoration Project

The King fire started on September 13, 2014. On September 18, the fire made a 15 mile run and burned over 50,000 acres at high intensity. The total area burned is 97,700 acres in Eldorado and Placer Counties, including about 63,000 acres of National Forest System (NFS) lands. The King Fire resulted in very high tree mortality (refer to attached map), landscape-level changes to forested habitat, and increased safety hazards for the public and Forest workers. The Forest Service is proposing a comprehensive King Fire Restoration Environmental Impact Statement (EIS) due to the magnitude of the project and the potential for significant and/or controversial cumulative effects.

The Eldorado National Forest (ENF) is requesting alternative arrangements from the Council on Environmental Quality to expedite the environmental review and decisions on the proposed King Fire Restoration Project EIS. Under Alternative Arrangements and with an Emergency Situation Determination (ESD) from the Forest Service Chief, the FS expects to complete the EIS process and make a decision in late-July 2015 and begin restoration work immediately thereafter. The proposed project aims to reduce the risk from falling dead, dying, and damaged trees that pose a significant safety concern to forest visitors and workers, and create a hazard to private property and cultural resources; remove dead trees in strategic fire management areas to improve the agency's ability to manage and control future fires; remove dead trees and reforest denuded areas that are unlikely to naturally reforest for decades; implement watershed improvements; promote scientific research; and expeditiously recover the value of the timber to offset the cost of restoration.

The FS requests approval of the following alternative arrangements to expedite the EIS timeframe:

- Shorten comment period for the draft EIS from 45 to 30 days;
- 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
- Eliminate the 30-day waiting period between publication of the final EIS and the ROD.

Alternative arrangements are anticipated to remove 45 days from the EIS timeline. The Eldorado National Forest intends to utilize stewardship contracting to remove the fire killed timber and leverage this timber value to accomplish restoration work including road repair to reduce erosion and sedimentation, fuel treatment of non-commercial dead trees; mitigation of fire effects on soil and water quality; and reforestation. With an ESD and Alternative Arrangements, the Forest Service would award stewardship contracts at the end of July, 2015 and begin immediate implementation. Without Alternative Arrangements or an ESD, contracts would be delayed until mid-November and the entire 2015 operating season would be lost due to the onset of winter weather.

Alternative Arrangements and the granting of an ESD would address the emergency situation and enable restoration by:

- Capturing the maximum economic value of deteriorating burned trees which pays for their removal from the woods and other restoration treatments.
- Addressing hazards to human health and safety within the project area as soon as possible during the summer season.
- Improving future wildfire suppression within the King Fire Area as a result of reduced fuel loads, reduced probability of snag torching, and increased firefighter safety.

- Timely reforestation at lower cost before re-sprouting shrubs that compete with trees for survival obtain a strong foothold.
- Reducing fuel accumulation and increasing resiliency of young trees to future fire.

Without both Alternative Arrangements and an ESD, the risks to achieving restoration are:

- Inability to address safety hazards along roads in a timely and comprehensive manner.
- Inability to operate during the 2015 operating season which normally ends on October 30. It is anticipated that the revenue loss for restoration would be approximately $5,000,000 due to timber deterioration.
- Stewardship contracts may go unbid because the timber would need to be harvested in 2016 and would be subject to additional deterioration and financial risk to contractors.
- Inability of sawmills that do not have kilns to dry the lumber and kill the larvae and insects that bore into the tree to process any fire killed timber. At least one of the mills within proximity to the King fire area has no kilns (Trinity River Lumber Company) and will only be interested in timber from the King Fire that can be harvested in 2015.
- If contracts do not receive bids, most of the restoration and fuel treatments would likely not occur due to lack of funding and high cost, and most areas identified for reforestation would not be planted due to worker safety hazards created by high numbers of standing snags. In addition, deterioration of the standing dead trees would make it too hazardous for workers to conduct future treatments to enhance tree survival and growth in many of the burned areas.

Background and Supporting Information

In order to respond to post-fire conditions and potential threats to human safety and fuel conditions, the Forest has developed a multi-tiered approach to restoration:

- Mitigation of Fire Suppression Damage: this work has already been implemented to mitigate damage caused by fire suppression tactics. This included mitigating erosion from fire lines, and cutting of burned trees that posed an imminent threat to roads and infrastructure.
- Burned Area Emergency Response (BAER): this work is currently underway, and aims to identify and manage imminent and unacceptable threats to human life, safety, property, and critical natural and cultural resources on National Forest Lands.
- Sacramento Municipal Utility District (SMUD) Hazard Tree Removal Project: A Decision Memo was signed October 22, 2014 for this power transmission line and access road hazard tree removal project. A contract has been awarded to SMUD and this project is ongoing.
- Stumpy Meadows Campground Hazard Tree Removal Project (Categorical Exclusion): this project is planned to remove dead and dying trees within a NFS campground.
- Tree planting in small areas that can occur without prior treatment (Categorical Exclusion).
- King Fire Restoration Project: This project is in the planning phase. The FS is preparing an EIS to analyze the potential impacts of the proposed King Fire Restoration Project.

The Eldorado National Forest has a demonstrated track record of completing EIS' for fire salvage within ten months of the fire (Cleveland Fire, 1993; Star Fire, 2003; Power Fire, 2005; Fred's Fire, 2005); however, the King Fire is over four times the size of the largest of these fires. Due to the large scale of this project, implementation must start as soon as possible in 2015 in order to accomplish the proposed actions.

There are three companies that have expressed interest in purchasing salvage timber from the King Fire; Sierra Pacific Industries, Collins Pine, and Trinity River Lumber Company. The estimated timber volume that could be processed in 2015 by the end of the operating season (October 30) is estimated at about 50 million board feet from NF lands, worth an estimated $4,200,000 assuming one year deterioration.

Time is of the essence because the value of fire killed trees is short lived, and will continue to decline rapidly. Using timber deterioration rates in published studies, the Forest Service has estimated that about half of the timber volume and value will be lost two years following the fire (by October 2016) due to effects from fungi, insects, and drying. By the second year following the fire, smaller trees (<less than 24" in diameter) are likely to be unmarketable. It is therefore important to remove as much of the timber as possible within the first year after the fire before substantial deterioration sets in.

Scoping for the EIS is complete and the draft EIS will be available for public review and comment approximately in mid-April 2015.

The Forest Service is seeking an ESD from the Chief to expedite the NEPA timeline. The ESD would shorten the timeframe for implementation by three months by allowing the decision to be implemented without being subject to the FS's predecisional objection process (36 CFR 218.21).

PUBLIC ENGAGEMENT PLAN

The U.S. Forest Service (FS) is working closely with local citizens and governments, tribes, and interested organizations to focus its planning for restoration efforts on the Eldorado National Forest. The FS committed to enhance its public engagement throughout the planning and environmental review for the King Fire Restoration project. Public engagement will occur at key points within the planning process:

- On November 12, 2014, a field trip took place to the fire area with stakeholders and interested parties to begin discussing post-fire recovery projects and solicit ideas to help develop the salvage proposed action. Stakeholders included State, Federal, and local elected officials and staff, community liaison partners, utility company and water agency representatives, and representatives from industry and environmental groups.
- A Sierra Nevada Conservancy sponsored field trip took place on November 19, 2014 with Forest Service staff, State legislative members and staff, utility company and water agency representations, local elected officials, and other interested stakeholders.
- A meeting was held December 4, 2014 between the interdisciplinary team and interested and affected stakeholders to further discuss elements of the King Fire Restoration project proposed action.
- The Notice of Intent (NOI) was published December 24, 2014; beginning the formal scoping period.
- Letters were sent to all interested parties with information on the proposed action and scoping period.
- The FS developed multiple types of media and internet venues for the public to stay informed with the project and offer opportunities to comment, including the King Fire Restoration Schedule of Proposed Actions web page and information on the Eldorado National Forest website.
- A workshop was held January 13, 2015 to engage and inform the public and solicit scoping comments.
- A meeting with elected officials was held January 13, 2015 to discuss the proposed action.
- A meeting was held January 15, 2015 with agency officials from the Central Valley Water Quality Control Board and the California Department of Fish and Wildlife.
- A presentation and discussion was held at the Amador El-Dorado Forest Forum meeting on January 21, 2015. The forum is a group of forestry professionals, loggers, and citizens interested in forest management.

- Legal Notices for public comment on the Draft EIS will be submitted to the newspaper of record as required.
- The FS will host additional public meetings for information sharing purposes and to gauge public perception of the project. Dates are to be determined.
- The FS has and will continue to work closely with the El Dorado and Placer County Boards of Supervisors to keep them informed on project progress and solicit their comments.
- In an effort to receive input from local communities and organizations, FS Line Officers and staff will participate in the meetings of local service organizations and community groups.

Ongoing consultation:

- In compliance with the Endangered Species Act, the FS has begun informal consultation with the U.S. Fish and Wildlife Service, and will proceed with formal consultation. Consultation will be for federally listed California red-legged frog and Sierra Nevada yellow-legged frog. Consultation is not expected to be completed until June, unless it can be expedited.
- In compliance with the National Historic Preservation Act, the FS will be implementing the State Historic Preservation Office programmatic agreement which require surveys. Surveys are expected to be completed by June, 2015.
- In compliance with the Clean Water Act, the FS is consulting with the Central Valley Regional Water Quality Control Board throughout the planning process. The FS will apply for and receive a Waiver under Category B of the Waiver of Waste Discharge Requirements. This is not expected to delay project implementation.

ANTICIPATED CONCERNS OF KEY STAKEHOLDERS

- Local community groups, elected officials, and individuals are largely:
  - supportive of the project;
  - seeking expedited completion of planning efforts;
  - seeking the FS to address emerging safety needs such as public road access and reducing risks to private property;
  - seeking the FS to address the fuel condition adjacent to private property; and
  - interested in being part of the planning process.
- In addition to the above, timber industry groups are:
  - interested in project and sale feasibility;
  - concerned about any limited operating periods or other restrictions to harvest operations; and
  - concerned about certain project designs such as snag retention levels, and the subsequent impacts to the cost of implementation.
- Tribes did not respond to the scoping however they will likely be:
  - supportive of most aspects of the project;
  - concerned about protecting culturally significant locations and pre-historic sites; and
  - interested in being part of the planning process.
- The Center for Biological Diversity and John Muir Project are:
  - opposed to proposed salvage treatments and other aspects of the project;
  - concerned about alternative arrangements, emergency situation determinations, and any means of expediting the project timeline;
  - concerned about effects of salvage on the Black-Backed Woodpecker and California Spotted Owl, FS Sensitive and Management Indicator Species; and
  - interested in being part of the planning process;

- Other Environmental groups (including Sierra Forest Legacy, Sierra Club, Native Plant Society, and Trout Unlimited) are:
  - neutral to the project, alternative arrangements, and emergency situation determinations; and
  - concerned about effects of salvage on streams and wildlife;
  - concerned about herbicide use, invasive plants, and protection of sensitive areas; and
  - interested in being part of the planning process.

CONTACT INFORMATION FOR KEY STAKEHOLDERS

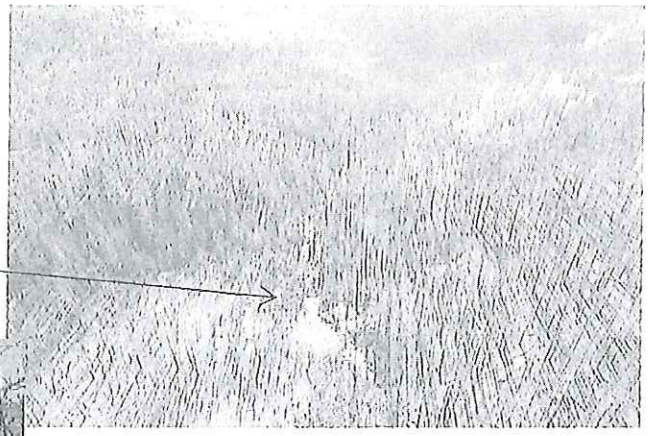
Sacramento Municipal Utility District	Grant Nelson	grant.nelson@smud.org	530-647-5012
Placer Co Water Agency	Marie Davis	mdavis@pcwa.net	530-906-1984
Georgetown Divide Public Utilities District	George Sanders	gm@gd-pud.org	530-333-4356
CA Native Plant Society	Alice Cantelow	alicecantelow@gmail.com	530-622-5306
Sierra Club, Motherlode Chapter, Maidu Group	John Le Pouvoir		530-644-7295
Trout Unlimited	Erik Holst	e-holst@comcast.net	530-417-0722
Collins Pine	Jay Francis	jfrancis@collinsco.com	530-258-2111
Sierra Pacific Industries	Robert Hoover	r-hoover@spi-ind.com	916-645-1631
Trinity River Lumber Co.	Greg Kostick	trl.oro@sbcglobal.net	530-515-2345
John Muir Project	Chad Hanson	cthanson@gmail.com	530-273-9290
Center for Biological Diversity	Justin Augustine	jaugustine@biologicaldiversity.org	415-436-9682 x302
Supervisor, El Dorado County	Ronald Mikulco	bosone@edcgov.us	916-715-0070
Supervisor, El Dorado County	Brian VeerKamp	bosthree@edcgov.us	530-621-5390
CA Off Road Vehicle Association	Amy Granat	amy.granat@corva.org	916-710-1950
Shingle Springs Rancheria	Nicholas Fonseca, Chairman	nfonseca@ssband.org	(530) 676-8010
Washoe Tribe of California and Nevada	Darrel Kizer, Chairman		(775) 265-4191
United Auburn Indian Community	Gene Whitehouse, Chairman	gwhitehouse@auburnrancheria.com	(530) 883-2390
Colfax - Todd Valley Consolidated Tribe	Pamela Cubbler, Chairperson		(916) 723-8022
Cut To Length Forest Management	Jeff Holland	ctlfm@jps.net	530-957-3247
Sierra Forest Legacy	Craig Thomas	craig@sierraforestlegacy.org	916-708-9409
Sierra Forest Legacy	Sue Britting	britting@earthlink.net	
Center for Sierra Nevada Conservation	Karen Schambach	csnckaren@gmail.com	530-333-2545

ATTACHMENTS

1. MAP OF KING FIRE BASAL AREA MORTALITY
2. PHOTOS OF KING FIRE IMPACTS

CEQ Alternative Arrangements
For the Proposed King Fire Restoration Project
Photo Attachment

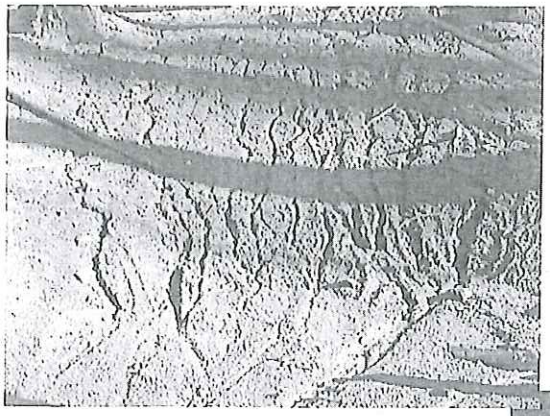
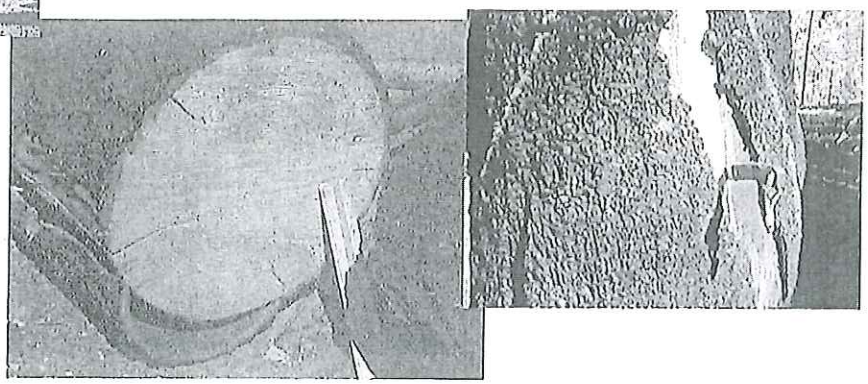
Fuel accumulation beginning in King Fire



Steep hillslope and streamcourse affected by high severity fire

High use public road in King Fire

Eroding soil in King Fire



Tree/log deterioration within one year of the Star Fire, Eldorado and Tahoe National Forests.