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

March 6, 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 Westside Fire Recovery Project outlined in your March 6, 2015, letter and the attached memorandum of March 5, 2015, from the Regional Forester (copies attached).

Specifically, you have requested alternative arrangements that:

1. Shorten the comment period for the draft Environmental Impact Statement (EIS) from 45 to 30 days;
2. Eliminate the minimum 90-day requirement between publication of the Notice of Availability of the draft EIS and the publication of the Record of Decision (ROD); and
3. 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 in the development of the preferred alternative and its environmental consequences.

The preferred alternative that is being developed for the final EIS will draw components from the alternatives that were developed after public scoping and will be displayed in the draft EIS. This alternative arrangement takes into account that approach and your commitments to:

1. Enhance the public and stakeholder engagement begun during the scoping initiated by the Notice of Intent to prepare the EIS which was published in the *Federal Register* on October 15, 2014;
2. Post the draft EIS on the project's website for public review prior to filing the draft EIS with the Environmental Protection Agency and publishing the official Notice of Availability in the *Federal Register*;
3. Continue communication with the Siskiyou County Citizens Advisory Committee, Western Klamath Restoration Partnership, and Westside Klamath Steering Committee;

4. Continue strengthening the on-going government-to-government consultation with the Federally recognized Quartz Valley Indian Reservation, the Karuk Tribe, and other Tribes within the affected area;
5. 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 (e.g., plantations, and timber matrix areas);
    b. Limiting work in late successional reserve and riparian areas;
    c. Limiting impacts from the wildfires such as sedimentation impacts (e.g. North Fork of the Salmon River, Klamath River, Critter Creek), and potential impacts from proposed treatments (e.g., viewshed impacts on Wild and Scenic Rivers);
    d. Using prescribed fire in areas including steep slopes, stream buffer zones, and around salmon bearing waters;
    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., Northern Spotted Owl, Fisher);
    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 Westside Fire Recovery Project.

Sincerely,

Michael J. Boots
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: MAR - 6 2015

Mr. Michael J. Boots
Interim Chair
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

RE: Westside Fire Alternative Arrangements

Dear Mr. Boots:

Per Title 40, Code of Federal Regulations, Part 1506.11, we request alternative arrangements with the Council on Environmental Quality to expedite Westside 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.

Due to severe drought and extremely dry fuel conditions, the Klamath National Forest experienced one of its worst fire seasons in history in 2014 when over 220,000 acres of public and private lands burned. The Beaver, Happy Camp Complex, and Whites fires burned over 183,000 acres of federal lands, including 162,264 acres of National Forest System lands. Collectively, the area burned by these fires is being addressed in the Westside Fire Recovery project, and the area has been identified as requiring critical treatments to address post-fire conditions.

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

THOMAS L. TIDWELL
Chief

Enclosure

USDA United States Department of Agriculture | Forest Service | Pacific Southwest Region

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File Code: 1950
Route To:

Date: MAR 05 2015

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

To: Chief

As a result of the 2014 fire season, the Klamath National Forest in northern California is confronting substantial safety hazards for the public and Forest workers and landscape-level changes to forested habitat. Severe drought and extremely dry fuel conditions made this fire season one of the worst in the history of the Klamath. Over 220,000 acres of public and private lands burned during the 2014 fire season on the Klamath. Burned Area Emergency Response (BAER) projects mitigated many immediate hazards, but other emergency actions are needed to move towards long-term recovery. A subset (183,000 acres of Federal lands) of the total burned area includes the Beaver, Happy Camp Complex, and Whites fires (cumulatively addressed by the "Westside Fire Recovery Project") has been identified as requiring critical treatments to address post-fire conditions. These emergency actions must be taken in a time frame that does not align with the normal planning process schedule established by the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR 1500-1508). Consequently, this request for alternative arrangements for NEPA compliance has been prepared for your consideration and potential 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 analyses and decisions; and provide for robust public engagement in project development.

The Forest is preparing an Environmental Impact Statement (EIS) to analyze and disclose the effects of proposed treatments included in the Westside Fire Recovery Project. An EIS is required due to the scope of the proposed treatments and the potential for significant impacts, especially to the federally listed Northern Spotted Owl and it's critical habitat. The Notice of Intent to prepare an EIS for the Westside Fire Recovery Project was published in the Federal Register on October 15, 2014; scoping also began on this date. The Forest anticipates releasing a draft EIS for public comment in March 2015, followed by the issuance of a decision in June 2015. The project's purpose and need is as follows:

- There is a need for worker and public safety and access.
- There is a need for safe conditions for fire suppression for firefighters and community protection.
- There is a need for an economically viable project that meets project objectives and benefits our local communities.
- There is a need for restored and fire-resilient forested ecosystems.

In order to accomplish these objectives, the Klamath National Forest proposes:

- 650 miles of roadside hazard treatments (i.e., snag removal) along Forest system roads, State Highways, and County roadways;
- 12,000 acres of salvage harvest of snags to reduce future fire risk and severity and to provide for public and forest worker safety;
- 22,900 acres of hazardous fuels treatments (including strategic fuel breaks and within ¼ mile of private property structures and other infrastructure); and
- 7,900 acres of reforestation (site preparation, planting, and release) to accelerate the restoration of forest habitat;
- 148 legacy sites[1][2] will be treated for stream and watershed improvement, including culvert replacement, roadway diversion prevention treatments (rolling dips), aquatic organism passages, retaining walls (where road prism has slumped or failed), fill removal/reduction treatments (remove excess fill materials from above of stream crossings), and other long-term roadway improvement work, as negotiated with the California North Coast Regional Water Quality Control Board.

Alternative Arrangements

In order to achieve our strategy of moving quickly, we are striving to issue the Westside Fire Recovery Project Record of Decision (ROD) by June 2015. Meeting that goal will only by possible if we are granted 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."

We request that these alternate arrangements include:

1. Shortening the required 45-day comment period for the draft EIS by 15 days, resulting in a 30-day comment period (40 CFR 1506.10(c));
2. Eliminating the 90-day period requirement between the notice of availability of the draft EIS and the ROD (1506.10(b)(1)); and
3. Eliminating the 30-day wait period between the final EIS and the ROD (40 CFR 1506.10(b)(2)).

In order to achieve our strategy of emphasizing the importance of public engagement, the Forest will post the draft EIS to the project's webpage for public review prior to the publication of the Notice of Availability publication in the Federal Register. This will, in effect, lengthen the 30-day time period the document is available for public review and comment.

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[1] Legacy site treatment is in addition to the hydrologic stabilization work associated with project treatment and road access.

[2] Legacy sites are long-term sites created by past timber harvest or road-building that were contributing and would continue to contribute to altered stream shade and sediment conditions and impaired stream and watershed conditions.

If the requested alternative arrangements are granted, the recovery work would start as soon as possible after issuance of a decision in June 2015, with contracts awarded and operations beginning by July. This would allow several months of operations before winter weather closes access. Project objectives would be met in a timely and effective manner, which is critical for addressing existing safety threats. The Forest estimates 100 to 250 million board feet (mmbf) of saw timber and $2.5 to $6.25 million in receipts if the timber sale contracts are awarded in June 2015. If treatments are able to start in early summer 2015, many fuels reduction objectives will be met through leveraging of the timber sale contact, as economic value will still be recoverable from burned trees. Funds generated from the sale would provide for 1,000 to 2,500 acres of reforestation work that is critical for restoration of watershed conditions for fish habitat and the creation of future wildlife habitat for the federally-listed northern spotted owl and other important wildlife species. Without an expedited timeline for this project and associated timber sale contracts, the same treatments would cost the government an estimated $11.5 million to implement. In addition, capturing the maximum economic value of the salvaged timber would benefit the local counties and communities economies. Leveraging the timber sales would provide for the removal of roadside hazard trees and snags within areas planned for reforestation or hazardous fuels reduction. Timber sale receipts would also allow for the quick and efficient reduction of hazardous fuels and protection of infrastructure, which would in turn reduce the intensity of future fires and provide for the safety of the public and forest workers.

Without alternative arrangements, the Forest's decision would not be issued until August 2015 at the earliest and implementation would not occur until September 2015 at the earliest. Given the scale of the operations, a September 2015 award date would not provide sufficient time for an operator to accomplish work before the winter weather closures which are projected to begin in October[3]. This would result in a majority of the implementation being delayed until late-spring 2016. By that time, trees will have been dead nearly two years and much of the wood will have lost its economic value. Furthermore, purchasers are less likely to bid on a project advertised in August than one that is offered in June because of the reduced time for operating in the 2015 season. This would result in less timber contract proceeds, reducing the Forest's ability to cover the cost of reducing safety hazards or restoring forested areas. For these reasons, if alternate arrangements are not granted, it is unlikely that the Forest would be able to address much of the urgent safety and restoration work in a timely manner or realize the opportunity to generate funding for additional restoration work.

Without alternative arrangements to advance the work, it is likely that:

- The majority of roadside hazard treatments would be delayed until 2016. Delayed roadside hazard treatments along roadways and nearby infrastructure would increase safety risks to forest workers and the public. To mitigate safety risks to the public, Forest Orders may be temporarily needed to close road access to portions of the Forest, which would substantially decreasing public access to public land.
- Salvage treatments would be substantially reduced and may not be accomplished at all. Without salvage harvest, snags would continue to decay, break, and fall. This would

[3] The project is proposed to take place during the normal operating season that is defined as May 1 to October 31. All ground disturbing activities, whether inside or outside of the normal operating season, will be implemented according to the Forest's Wet Weather Operation Standards.

increase surface fuel loading, which will increase the severity and intensity of future fires. Increased fire intensities and dead and decaying standing trees would inhibit the effective control of future fires and/or put fire suppression crews at increased risk.

- Fuels reduction work on National Forest System lands adjacent to private lands would not be accomplished or would be accomplished at a much reduced level. Fuels treatments would be more dependent on appropriated funding, which would likely result in only a fraction of the proposed treatments being accomplished. Hazardous fuels treatments would likely be limited to areas immediately adjacent to local communities with little work accomplished on strategic fuel breaks.
- Reforestation of burned forested areas would not be accomplished. Planting crews cannot safely operate in areas of dead and decaying standing trees.
- Without alternative arrangements for salvage harvest treatment, it is estimated that no more than 30 mmbf or $300,000 in receipts would be sold. When compared to salvage offerings with alternative arrangements, there is a comparative loss of 70-220 mmbf or $2.2 to 6 million in receipts. Economic opportunity and job creation as well as public safety for the local communities will be impacted.
- It is a violation of Office of Safety and Health Administration codes to plant or treat hazardous fuels under, or adjacent to, snags. Since there would also be fewer funds available from timber contract receipts, the opportunity to restore forested habitat through site preparation and reforestation work would be lost.

Public Involvement

This request for alternative arrangements for the Westside Fire Recovery Project is built upon the foundation of strong public engagement. This public engagement has been and will continue to be in place. Many interested parties (i.e., local residents, county and state governments, and industry groups) are asking for an expedited process to speed up the eventual recovery and future restoration of the 2014 fire area. A 30-day comment period on the draft EIS, combined with the extensive front-end public involvement that has already begun, will provide focused and appropriate input from the public that will allow us to expedite the preparation and publication of the final EIS and ROD.

The Forest has been actively consulting with regulatory agencies as well as local and national elected officials. The Forest has also initiated government to government consultation with local tribes. The Karuk Tribe has raised specific concerns regarding reforestation actions and project timelines; the Forest is increasing its engagement with the Karuk to address these concerns. The Forest will continue consultation efforts with all parties to ensure there is a full understanding of the project and that the resource needs of these groups are recognized and addressed. The Forest is using news releases and social media to inform broader audiences. The Forest has created a project website to provide an independent electronic news outlet, as well as the standard legal notices and public notifications that meet the requirements of NEPA. Field trips and public meetings in the local communities of Yreka, Fort Jones, Scott Bar, Sawyers Bar, Happy Camp,

Klamath River, and Seiad have occurred and will continue to be used to inform, consult, and involve interested persons, organizations, etc., in an interactive, in-person manner. These efforts will also help us gauge public understanding and perception of the project.

In addition to the Forest's outreach efforts to the local communities, the Forest is participating in unprecedented collaborative efforts for the Westside Fire Recovery project:

- On January 6, 2015, the Siskiyou County Board of Supervisors unanimously approved the formation of a Citizens' Advisory Committee, charged to develop consensus recommendations for the Board to consider in responding to federal and state agencies on a variety of topics, including the Westside Fire Recovery Project. The Committee represents a broad spectrum of interests within Siskiyou County.
- In addition, the National Institute for the Elimination of Catastrophic Wildfire is forming a diverse citizens' collaborative group to address the Westside Fire Recovery Project. The group ("The Westside Klamath Steering Group") will be comprised of Siskiyou County residents representing a wide range of interests that reflect the social and economic diversity within the affected area. The purpose of the group is to generate, through a collaborative process, consensus recommendations to the Forest Service, Siskiyou County Board of Supervisors, the California State Legislature, the Governor's Office, and the California Congressional Delegation regarding treatments for the Westside Fire Recovery Project area.

The two groups will complement each other in representing the views of Siskiyou County residents. Both collaborative groups will:

- Serve as advocates for actions regarding the recovery and restoration of the Westside Fire Recovery Project area that are reflective of, and responsive to, the needs of the residents of Siskiyou County.
- Help evaluate the draft EIS.
- Suggest guidance for finding balance between protecting resources (such as wildlife, fisheries, and water quality) and protecting human life and safety, public infrastructure, private property and communities.

The Forest intends to collaborate with both groups on the Westside Fire Recovery Project with the goal of developing long-term relationships that transcend this individual project.

These efforts to provide avenues for extensive public engagement for the Westside Fire Recovery project were designed to address, and compensate for, the shortening of the comment period on the draft EIS by 15 days, eliminating the 90-day waiting period between the notice of availability of the draft EIS and the ROD, and eliminating the 30-day waiting period now required between publication of the final EIS and issuance of the ROD. Our goal is to have an informed decision with thorough public engagement, but to achieve that as quickly as possible to allow for timely implementation of this very important and time-sensitive project.

Granting alternative arrangements would expedite the Forest's ability to address safety concerns and reduce hazardous fuels, capture the economic value of burned trees for effective and efficient project implementation, and accelerate the restoration of forested conditions on a severely burned landscape.

Thank you for your consideration of this request. If you have questions or desire additional information, please contact Barnie T. Gyant, Deputy Regional Forester for Resources at 707-562-9000.

R NDY MOORE
Regional Forester