

Date: MAY 13 2015

DECISION MEMORANDUM FOR THOMAS L. TIDWELL, CHIEF

THROUGH: Leslie A. C. Weldon *Leslie A. C. Weldon*
Deputy Chief, National Forest System

FROM: Leanne M. Marten, Director, Ecosystem Management Coordination *Leanne M. Marten*
for Bryan C. Rice, Director, Forest Management *BKR*

SUBJECT: Emergency Situation Determination, Westside Fire Recovery Project, Klamath National Forest

FILE CODE: 1570

ISSUE:

The enclosed memo dated May 8, 2015, from Pacific Southwest Regional Forester Randy Moore, requests an emergency situation determination (ESD) pursuant to Title 36, Code of Federal Regulations, Part 218.21 (36 CFR 218.21) for the Westside Fire Recovery Project on the Klamath National Forest, along with four other projects. He considers all five projects emergency situations based on a need to address safety concerns, to protect forest resources, and to avoid a loss of commodity value that would jeopardize the Agency's ability to accomplish project objectives related to resource protection and restoration if the projects are delayed. See enclosed briefing paper titled *Region 5's ESD Requests* for a summary of the five projects.

BACKGROUND:

In 2014, the Pacific Southwest Region (Region 5) experienced 1,460 fires on Forest Service managed land, impacting 399,713 acres of national forests. Substantial impacts to human safety, recreation, wildlife habitat, watersheds, and general forest health were felt across the region. Many acres were left in a deforested condition. In response to these impacts, Region 5 received a great deal of interest from the public, counterparts within the Agency at the national level, and Congress asked how the region could work to restore these acres.

Regional Forester Moore is requesting five ESDs to cover specific actions within fire areas that cover 285,346 acres. Each project request includes a cover letter from the Forest Supervisor and a detailed document providing background information. He has also requested alternative arrangements from the Council on Environmental Quality (CEQ) for adjustments to the environmental impact statement (EIS) timelines for the two projects preparing EIS documents (King Fire Restoration on the Eldorado National Forest and Westside Fire Recovery on the Klamath National Forest). Consistent with these alternative arrangement requests, extensive public engagement plans have been implemented to ensure opportunities for public input and for the Forest Service to address stakeholder concerns.

According to Regional Forester Moore's cover letter requesting the ESDs,

While the project areas that would be covered by these emergency processes only cover a fraction of the acres affected by the fires experienced in the Pacific Southwest Region in 2014, the acres selected were carefully chosen based on an effort to reduce threats to human safety,



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wildlife, watersheds, soils, and to promote restoration and reforestation. The projects treat areas that are frequently used for recreation, by agency employees conducting administrative duties, or that are critical to fuels management objectives. While it is critical that the agency restore national forest land and mitigate harmful impacts as much as possible, it is also important that these decisions not unduly impact the remaining resources. We have attempted to strike that balance in the development of these projects.

We recognize the importance of the public involvement process for these projects and are aware that these expedited emergency processes impact the structure of that process. Recognizing that impact, we have made efforts to find ways to involve the public throughout the planning process and to ensure that public concerns are heard, considered, and that the responsible official is factoring that input into the final decision. Increased opportunity for public involvement has been a particularly important part of the two EIS projects, King and Westside, as we balance the need to move quickly with the importance of engaging and responding to the public.

SPECIFICS ON THE WESTSIDE FIRE RECOVERY PROJECT:

- Over 210,000 acres of public and private lands burned during the 2014 fire season on the Klamath National Forest. A subset (183,000 acres) of the total burned area includes the following fires: Beaver (contained August 30, 2014), Happy Camp Complex (contained October 23, 2014), and Whites (contained September 25, 2014). This subset of fires is cumulatively addressed as the “Westside Fire.” The Westside Fire Recovery Project has been identified as requiring critical treatments to address post-fire conditions. The West Fire burned approximately 183,127 acres, of which about 162,264 acres are National Forest System lands.
- The project involves hazard tree removal along 650 miles of roads, 6,800 acres of salvage harvesting of fire-affected trees, 18,800 acres of reforestation, and 22,900 acres of fuels treatments. The fuel treatments are focused in the Wildland-Urban Interface areas.
- The notice of intent (NOI) to do an EIS was published October 15, 2014, and the scoping letter was mailed the same day. Both the NOI and the scoping letter discussed the ESD request. A draft EIS went out for public comment on March 14, 2015. Details about their public involvement efforts are found on pages 9 –13 of *Relevant Background information for the Westside Fire Restoration Project*.
- An ESD allows for implementation of the King Fire Restoration Project immediately after the record of decision is signed, anticipated to be August 2, 2015.

OPTIONS:

- Approve the request for an ESD because this project meets at least one definition of an emergency situation, as defined in 36 CFR 218.21.
- Disapprove the request for an ESD because an examination of the relevant information does not support the conclusion that an emergency situation exists.

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RECOMMENDATION:

We recommend that the Chief approve the ESD on the basis that immediate implementation is necessary. With an ESD, the Forest would be able to accomplish a majority of the contracted work called for in the Westside Recovery Project in 2015, including:

- Removal of hazard trees from around local communities, key infrastructure, and 650 miles of roads, improving safety conditions and infrastructure protection, while providing fire managers improved options for effectively managing future wildfires.
- Salvage harvesting in order to promote ecosystem sustainability by reducing large-log fuel loads and increasing the likelihood and speed by which burned forested areas are reforested by opening areas up for safe planting.
- Providing for decreased risk of habitat loss and watershed damage from future fires.
- Completing site preparation necessary to safely and sustainably re-establish forest conditions.

Timing of hazard tree removal and salvage harvest is critical in achieving the purpose and need of the Westside Recovery Project.

With an ESD and alternative arrangements from CEQ (requested under separate cover), the Forest expects to complete the EIS process and make a decision on June 19, 2015. A key issue in considering the ESD is the health and safety of the public. An ESD allows for immediate post-decision implementation enabling the Forest to take action before substantial timber deterioration takes place, putting them in a better position to remove roadside hazards, restore the burned area and reduce the risk of no-bid timber sales.

The fire-affected timber is currently marketable, and prospective purchasers have expressed interest in proposed salvage and roadside hazard removal projects. Swift action is necessary due to the implications of further delay on human health and safety, natural resource protection, and loss of commodity value, which would jeopardize the Forest's ability to accomplish critical restoration objectives.

Without an ESD, timber sale and roadside hazard tree removal contracts would not be awarded until September 2015, potentially delaying much of project implementation until late spring in 2016. If operations are delayed until 2016, there would be a substantial loss of commodity value in the fire-killed trees. This delay would substantially reduce the commercial viability of the Westside Fire Recovery Project and increase the likelihood that no bids are received for the timber salvage and roadside hazard contract offerings. Service contracts using limited appropriated funds would be required to implement a greatly reduced project. Restoration objectives would not be met.

DECISION BY THE CHIEF

Approve Thomas L. Tidwell

Date 5/13/15

Disapprove _____

Discuss with me _____

Reviewed By: _____