APPENDIX B

Public Comments

SIERRA CLUB
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Santa Fe Group - Rio Grande Chapter

621 Old Santa Fe Trail, Suite 10, Santa Fe, NM 87501 (505) 983-2703

Viveash Fire Timber Salvage Project
Pecos/Las Vegas Ranger District
USDA—Forest Service
P. O. Box 429
Pecos, NM 87552

Dear VFTSP:

Thank you for opportunity to comment on the Fire Salvage Project. Thank you as well for this month's public meeting and the project-area tour to help us understand the proposal.

The following comments reflect the position of the Santa Fe Group of the Sierra Club and its 2000+ members in Northern New Mexico.

A The DEIS is well-prepared and easy to read. There are, however, a few difficulties. Specifically, p 3.8 claims that soils of the Elk subwatershed developed from metamorphic rock and suffered less erosion than granitic soils, Figure 3.2 shows 85% of the subwatershed to be sedimentary rock; Table 3.4 shows that the Elk subwatershed lost three times as much soil per hectare as did granitic subwatersheds. (However, we do realize that, other things being equal, your granitic soils are the least stable.)

B We DO NOT accept the DEIS claim that operating heavy trucks and other machinery, opening roads, and creating skid trails would not appreciably increase soil erosion. Table 4.1's prediction of, at most, a 5% increase in erosion does not seem realistic in light of past experience on other burns. Likely that figure is for the project area as a whole, and since salvage is proposed for (at most) 19% of the project area, that would mean that (on average) the 19% of the acreage that is worked would suffer 26% increased erosion. That sounds more likely than 5%.

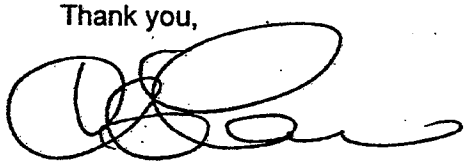
C Because loss of soil is the worst effect of fire, because a great deal has already been lost, and because ground-disturbance will cause more loss, we favor the No-Action alternative with regard to salvage operations. (This comment does not apply to the proposed road projects.)

D However, in the spirit of compromise and to produce something of value for the local economy, we would be comfortable with a non-commercial modification of Alternative 4. Make fuelwood, vigas, and house logs available to the public (1) within 200 feet of existing open roads and (2) within 200 feet of the closed logging roads that you proposed to open, but only so far as folks are willing to hand-carry products out those roads; THE ROADS SHOULD NOT BE OPEN TO VEHICLES. Off road vehicle travel during harvest should be prohibited.

E A 25% rather than 35% slope limit is recommended to avoid erosion. Where slopes are thin-soiled, such slopes should be excluded from harvest. Streamside management zones should be 200 feet on both sides of perennial streams and 50 to 100 feet on
F intermittent streams that have riparian vegetation.

G We have no objection to the long-overdue road changes that you have attached to this salvage project. We enthusiastically endorse quick closure of all roads that are not needed by the Forest Service.

Thank you,



Cliff Larsen
Conservation Chair
Santa Fe Group of the Sierra Club

TO:USFS Pecos Ranger District
FROM:Jacob Barba,Sr.
RE:Viveash Salvage Logging
DATE:Nov.6.2001

Dear sirs,

A§ With much certainty I support the Viveash Salvage logging. Much needed timber removal from this area will benefit consumers,vendors, forest floor,permit accounts and reduce forest fuel loads.

The collection of data relating to this area has been a huge undertaking. Now that the surveys are complete and under consideration let's move forward on this project without further delay.

The rural residents of this area have been deprived of renewable resources for the last decade.Cumbersome regulations, deliberate delays,special interest court injunctions based on emotionalism,propaganda and not based in scientific findings, have wrecked havoc upon the local culture.

Managed logging and firewood sells in the Viveash Burn area poses no imminent danger to the water shed or species. More serious damage was caused to private prop -erty,wildlife and habitat destroyed in this fire than could be done by 100 years of managed grazing and logging combined.

We human beings, an intelligent species, must work speedily to stock pile logs for milling,fencing and fuel wood supplies while we are on constant national security high alert.

In closing,once again,I support Viveash area salvage logging.
Thank you for your much appreciated time and consideration in this matter.
As always I remain,

Jacob Barba

Jacob Barba

November 30, 2001

Response to proposed alternatives 1 thru 4 as presented in the Draft Environmental Impact Statement in regards to salvage, green timber logging, opening of closed roads and construction of new roads in the Santa Fe National Forest – Pecos/Las Vegas Ranger District.

Concerns: Conversation, preservation, health, safety, liability, cost effectiveness and quiet enjoyment of the forest.

To summarize the forest department's proposed action, purpose and need, a plan to harvest approximately 6,700 acres of fire killed trees will be removed. However, to access these trees, approximately 43 miles of currently closed roads will be reopened to facilitate the operation. Also, new roads can be cut within ¼ mile of any existing road, as well as a relocation of 2.3 miles of FR86, supposedly to a better location for 'resource protection' and 'public safety'. Since a majority of the proposed actions in alternatives 2, 3 and 4 directly affect us and other property owners at Cow Creek, as well as visitors, I will limit the concerns voiced in this letter to these areas. First of all, the burned timber is virtually worthless for wood products and the Draft Statement admits that the salvage would probably be held up for an additional time as the result of probable lawsuits. The timber companies are certainly not interested in the burned timber. They are eyeing the old green timber, which will fall to their saws under the guise of reaching the burned timber and cutting the new section of FR86, as well as the reopening of 43 miles of currently closed roads.

The beginning of this newly relocated road would be just to the east of Cow Creek and cut up from there. The new road would cut thru unburned, old timber, in direct view from our home. Though it looks like thought and care has been given to protect foreground views up to ½ mile in camping areas, this proposed re-routed road will virtually destroy Cow Creek's view of the mountain side from FR 86 with it's proposed width of some 60' of base road plus allowing for the removal of trees "not to exceed 150' on either side of the road". The Draft Statement was vague as to whether this 150' on either side of the road would apply to all roads in connection with the proposed 'operations'. This would destroy the aesthetic value of a lot of forestland. Furthermore, this new 're-alignment' of FR86 goes thru an area of forest where there are

hawks, goshawks and Mexican owls living and hunting. Also, it's primarily north-slope grade would be so steep that year round access would be impossible. Since there have been plans made to control road drainage, including properly placed culverts, cross drains, water bars, dips, energy dissipaters, aprons, downspouts, gabions, and/or debris racks, and armoring of ditches and drain inlets and outlets in other areas, why can't the dispersal of runoff on the existing road be accomplished by rolling the grade, in-sloping, out-sloping, crowning, installation of water spreading ditches, contour trenching or oversized drain installation, etc. This would be a much more environmentally friendly and cost effective alternative than any of the actions proposed in alternatives 2, 3 or 4.

"Best management practices" for water quality protection, allows for a streamside management zone of approximately 100' to 200' wide on both sides of all perennial streams and only 25' to 50' on all intermittent streams. From personal experience, this would be inadequate to prevent excessive increase in erosion and potential sediment yield from upslope disturbances. We have a natural arroyo running thru our property from the west that never had 'running water' until the timber harvest occurred on private land over ½ mile away thru unburned forest. This last year, for the first time, we had a live stream running thru our yard during the summer rains, as a direct result of logging over ½ mile upslope. A mere 200' will NOT stop the flow of water caused by the logging operations.

Restoration Activities: In chapter 2, it is stated that only approximately 5000 acres of the burned area will be considered for planting. It also goes on to say that, in fact, "The majority of the burned area will not be replanted". Areas that are logged are to be replanted within 5 years, unless, at the discretion of the local forest office, it is deemed that natural re-growth is sufficient. This leaves it open for no restoration at all.

Air Quality: First of all, in chapter 3, this was one of the "Items of Concern Eliminated From Further Analysis" (Page 3-30). It was stated that the Pecos River air-shed has a NAAQ classification of Class II, which is said to be allowed to experience increased in air pollution above base line levels. It goes on to say, "However, no baseline levels have been established for this area". ? With a proposed operation of up to at least 16 logging trucks per day for a period of up to 5 years duration, it would be safe to say that there will be NO air quality the Cow Creek area for quite some time. This past year, with only a fraction of that number of daily logging trucks hauling off private properties, the dust was so bad that everyone up here began to experience breathing problems. With

the loss of over 27,000 acres of timber in the fire itself, plus the proposed loss of 1000's of additional acres of green timber in the logging operations proposed, our natural air filtration system and oxygen producing resources have been greatly taxed. Add to that the dust from the logging operation, including the work sites and trucks, and the air will be a health risk to those who visit and particularly those who live in the forest. (NOTE: also under the category 'Items of Concern Eliminated from Further Analysis' was the potential invasion of noxious weed species. As stated, the Viveash Fire converted thousands of acres of climax forests into habitat potentially suitable to the establishment of noxious weeds. Existing information from the USFS documented only small, scattered populations of noxious weeds in the Viveash Fire burn area and these weed populations were confined to existing roadways. The proposed logging and the opening of roads in the forest will create even more large areas of open and disturbed habitat that will be suitable for the establishment of the noxious weed species.

Traffic and Noise: Consideration has been given to the Village of Pecos in regard to traffic and noise. Travel thru the village will be restricted to the hours of 7am to 7pm. Truck braking is restricted to downshifting as well as using normal brakes to avoid the nuisance of loud Jake-braking, and low speed requirements will be maintained for all vehicles traveling along high recreation use areas and signs would be posted to 'warn' recreational visitors of logging efforts. This was done for the Village of Pecos and not required in the forest itself, at all. In fact, NO consideration has been given to residents in and visitors to the forest where for up to 5 years we will be subjected to all the things specifically prohibited in the village. This last year, during private logging operations in the forest, the log trucks ran day and night, ran fast, used the Jake-brakes excessively and ran down the center of the forest roads, un-escorted. This leads to the next consideration...

Safety and Liability: FR86 is an un-maintained joint responsibility of the San Miguel County and the Forest Department. The grades on the curves are haphazard, the shoulders unstable in many places and non-existent in others. The curves are sometimes blind and dangerous with a rock wall on one side and sheer drop offs on the other. Our experience this last year (as well as other's experiences) was that at least half of the logging truck drivers were not only discourteous drivers but dangerous drivers, claiming the center of the road as their own whether or not there was a safe place for regular vehicles to pull over to have them pass. More than a few residents and visitors were forced off the road by a log filled tractor-truck. The rate of speed they travel is

much greater than would allow them to slow down, much less stop, should they come around a curve to find someone perhaps stalled, stuck or broke-down in the road. And again, this was much less than the proposed 16 trips a day we are possibly looking at if alternatives 2, 3 or 4 are chosen. It was suggested that the trucks run with escorts, but this was never done. Instead, we were told to buy CB radios and basically hope for the best. Not only the driver of the truck, but the timber company, the Forest Service and the County would be liable in the event of a serious accident.

Cost Effectiveness: Table 4-6 in the DEIS shows the results of the economic efficiency analysis. Alternative 1 is $0. Alternative 2 is net revenue of MINUS $4,539,744.00 max, MINUS $4,539,744.00 min. Alternative 3 is net revenue of MINUS $3,189,858.00 max, MINUS $2,637,866.00 min. Alternative 4 is net revenue of MINUS #1,040,358.00 max, MINUS $1,004,246.00 min. Therefore, if any alternative other than Alternative One is chosen, at least over one million and up to over four and one half million dollars will have to be spent by the forest department. Even though no restoration is guaranteed, or even seriously considered, any option other than Option #1 would cost a great deal. To me, it would seem this high proposed cost could only possibly be somewhat justified if the forest itself were to be restored rather than further destroyed. As for the proposed full-time jobs created by alternatives 2, 3 or 4, it was never mentioned that these would only be for the duration of the salvage and not permanent. It never stated where the jobs would be created and the timber companies that would come in to cut and haul the trees would hire their own people, and they are NOT located in San Miguel County.

Environmental Consequences: The DEIS included a chapter on environmental consequences, in which it was determined that timber harvesting and it's associated activities WILL impact soil resources, by accelerating soil erosion, leading to reduced soil productivity and re-vegetation potential. Timber harvesting and its associated activities will ALSO impact water quality by increasing sediment delivery to streams and subsequent transport and disposition in the stream channel, affecting the stability of the stream channel. It sites roads as a major source of increased sediment yield in a managed watershed. I wish to make a note here that the area of FR86 proposed for re-alignment will not be closed for use except to the public. It will remain open as a private road for a property owner, his family and visitors. As for the reduced road density, that would be at least 5 years from the start date. Currently closed roads (some 43 miles worth +/-) would meanwhile be

reopened for the duration of the operations. These road openings and new road constructions would have potential for serious harmful effects on the fish and riparian ecosystems, as well as the forest as a whole. The DEIS states that "Visual effects resulting from open spaces created by logging activity would be short term, for 20 to 40 years, as over time this area would contain forest re-growth and eventually appear natural to most viewers. Actual logging would create the visual impact of logging trucks and equipment for the 5 year duration of the operation." And then there are the skid trails, tree stumps and landings. Up to 150' on either side of the road worth of tree stumps. Transportation was addressed. The DEIS states that access to the project area will continue to be at the traveler's peril, with rough roads, periodic flood washouts and poor directional signage unless alternatives 2, 3 or 4 were chosen. This was never an issue before the fire, when the roads were subject to the same issues.

Meanwhile, the alternatives 2, 3 or 4 would have up to 5,556 logging truck trips with an additional 6,667 small vehicle trips required to harvest the 'roadside salvage'. Again, the noise effect is said not to be long term, just up to 5 years. Like other residents in and visitors to the forest, we came here for the peace and tranquility it afforded. Our son is now 4 years old. Five years to a four year old is a lifetime, plus a year. Extensive soil erosion will cause irreversible damage that none of us will see repaired in our lifetimes.

We say, ALTERNATIVE ONE, NO ACTION, IS THE ONLY OPTION. Since we moved here, the forest department has rarely patrolled and never maintained the forest or it's roads. Never once have we seen someone with the NFS get out of their truck to pick up a beer can or whiskey bottle, which litter the roads worse than any ghetto. It is our sincere hope that Alternative #One is chosen, which is to take NO ACTION, not because we wish for nothing to be done, but because experience has shown us and the DEIS has indicated that nothing productive enough to outweigh the negative results will be done if Alternatives 2, 3 or 4 are chosen. If the local forest service department were truly concerned with the welfare of the forest, they would have already taken at least a little care of it.

Sincerely,

D Americanhorse - Resident of Cow Creek – Santa Fe National Forest

CC: Forest Guardians, Sierra Club, Audubon Society, Eleanor Towns - Regional Director NFS, Rob MacWhorten – Management Division – NFS – Washington, DC

December 8, 2001

Comments concerning the DEIS on the Viveash Fire Salvage

A Conclusion that Alternatives 2, 3 and 4 would be detrimental to the forest at it's current's stage of re-growth. Commercial logging, the reopening of miles and miles of roads and cutting out green timber for new roads would only destroy the forest's present stage of re-growth, B wildlife habitat and affect views in unburned areas, which the public needs and is an asset of the Cow Creek community. The detrimental C effects of Alternatives 2, 3 or 4 would also affect water quality drastically and it would also affect air quality with the logging trucks and heavy equipment emissions and the dust that they would produce. The erosion factor mentioned in the above mentioned study is grossly underestimated as was witnessed by the logging recently on private land. There is far more sediment in the streams and creeks during and after this action. It is therefore, the only reasonable conclusion, to leave D the forest alone to recover under Alternative 1, with the exception of benefiting the local people and business's of Pecos and San Miguel County by the Forest Service issuing individual permits to cut firewood and vigas in the least invasive areas. This would provide people with E jobs and businesses would benefit by providing goods to local people. It is a win-win situation for the forest re-growth, native wildlife habitats and wildlife, and the general public. Study after study has been done and it is a well-known fact that fire is a natural occurrence and nature is the best engineer on earth. If left alone, 8 to 10 years at it's current re-growth will result in a forest again.

Sincerely,

COLE AMERICANHORSE - resident of Cow Creek – Santa Fe National Forest, San Miguel County, New Mexico, USA

CC: Dan Crittenten – Pecos Ranger District
Pete Domenici – Senator
Eleanor Towns – Regional Director NFS
Tom Udall – Congressman
Audubon Society, Sierra Club and Forest Guardians and New Mexico Game and Fish

Viveash Fire Timber Sales Project
Pecos/Las Vegas Ranger District
Santa Fe National Forest
P.O. Box 429
Pecos, NM 87552

Herb G. Cohen
1907 Calle de Sebastian
Santa Fe, NM 87505

Subject: DEIS Comments from Herbert G. Cohen

Dear Santa Fe National Forest Service,

Thank you for the courtesies that you have afforded me during the process of dealing with the topic at hand. As you know, I am a property owner on the Cow Creek Watershed. Approximately 1 mile of Cow Creek runs through land that I have been caring for since 1978. The area is at 6500" and slopes gently southward as the river winds it's way to the Pecos River. The property is half way between the Project Area and the Pecos River. I, and some 150 people who are also property owners along the watershed, that I have personally communicated with about the Project, have experienced the many changes to the Cow Creek Watershed that have resulted from the Viveash Fire. We all generally share the comments that I am presenting to you at this time.

Description of Project Area (as stated in the DEIS) ..."Elevations within the project area range between7717' at the southern extent of Cow Creek to 11,661 at the summit of Elk Mt."

A My comment is that environmental considerations regarding the Cow Creek Watershed throughout the document are restricted to approximately one third of the watershed since two thirds of the watershed is below 7717'. The Cow Creek Watershed flows for 15 to 20 miles beyond the Project area to the Pecos River, which is at approximately 6000'. My property at 6500' is half way between the Project area and the Pecos and contains approximately 1 mile of watershed along Cow Creek. The cumulative negative effects of the fire that occur in the unstudied area of the watershed are very significant. It is my

B belief that the DEIS has neglected to study the cumulative post fire logging effects that have and will continue to occur along the southern two-thirds of the watershed area. My comments are based on personal observations, discussions with property owners, and research.

At the public meeting held in Pecos Nov 7, 2001, I asked Foster and Wheeler representatives of the USFS what they knew of the area south of the Project Area [where the majority of the watershed population lives along the river] why most of the watershed was not studied. Their response was, "we had to stop somewhere" and "no, we have not seen the area near your place". We discussed this and seemed to agree that knowing the downstream post-fire effects would be beneficial to all concerned. Cumulative effects with regard to erosion, fish habitat, flooding, turbidity, warming and other clean water related problems are affecting the more populated areas of the watershed. North San Ysidro, Lower Colonias, and villages at the confluence of the Pecos and Cow Creek are

effected areas. These populated areas and those on the Pecos River immediately south must be given proper consideration in determining the sensible alternative choice for the salvage project. Of the 160 property owners who responded to a resent mailing on this project, all but 2 favor Alt.#4. The other two favor Alt.#1.

1.3 Approximately 43 miles of currently closed roads will be opened to facilitate salvage operations for this alternative.

My comment on the opening of these roads is that they are old, overgrown roads that are barely visible, are primarily along stream areas and involve numerous steam crossings as stated in the DEIS. Heavy equipment will be necessary to open these roads and this earth moving will add to erosion that will settle downstream and slow the potential for recovery by adding to turbidity as well as the granite accumulation that has already dramatically changed the character of the downstream watershed in my area. There is no detail as to what process will be required to open these roads. Just to continually suggest that BMP will be used does not satisfy me, even though I believe that USFS is well intended regarding BMP. In my opinion, after viewing some of the roads that are scheduled to be re-opened, there is little difference between re- opening work and building a new road. The watershed damage from this construction is discounted in the DEIS. Other road projects that are planned will also cause further damage to the watershed and these actions are also discounted. Studies of Post-Fire Logging that I have reviewed confirm my belief. The DEIS states that the decisions will include all the mitigation measures and monitoring actions that would be required regarding these road actions, but these actions are without parameters that I am able to ascertain from the DEIS.

2.2.2 The DEIS states that the necessary actions required on this project could delay the recovery of fisheries in Cow Creek.

My comment is that this is an absolute certainty and that recovery delays will occur in the entirety of the watershed area that is south of the Project study. In the central areas of the watershed the pre-fire Brown trout population was at it's highest in years. In the past 20 years there have been fewer cattle, sheep, goats or other herd animals (other than a small contingent of horses) in the area between Lower Colonias and North San Ysidro. The result is that the Browns have done very nicely as have the fishermen. As the DEIS states, "Cow Creek is a designated cold water fishery. The DEIS mentions only cutthroat trout. Has there been any studies dealing with Browns?

3.11.3 Here the DEIS states that "inventories for fish habitat, and opportunities for fish habitat will take place in summer of 2001". Was this done, and if so when and where, and were there downstream considerations? I am quite sure nothing was surveyed in my area. It is a fact that there are no fish left in the area between Lower Colonias and North San Ysidro and that granite soils from the Project Area have created sand bars which previously where holes for fish habitat pre-fire. These sand bars may eventually wash out but that process will take much longer if logging occurs under any of the alternatives.

2.6.1.7 BMP Monitoring

My Comment is who are the contractor candidates for the logging? What degree of contractual control will be made with the contractor? I believe in good intentions but what and how will these be enforced? What about the post fire affects that will result from logging that has already occurred on private lands? Why is there no mention of this cumulative effect? This appears to be a major oversight in the DEIS considering that what has occurred on private lands thus far would not likely fall into the "best management" classification. In general, it seems from my admittedly non-professional point of view, that BMP is a very poorly described and too open-ended.

Table2-3 Predicted erosion increase is calculated to be 5% under alt #2.
My comment is that this calculation made by a computer modeling technique is very low when one begins to observe other studies of post fire logging, and one must consider the cumulative effects that are occurring in the two-thirds of the watershed that have not been adequately studied. As the DEIS clearly states, granite soils in the lower watershed erode more easily and it is this substance that we are seeing in the central watershed area that is not only reshaping the riverbed but it is also increasing stream temperatures and in general leading to water quality degradation. [Table3-4]. Compare the 5% to other studies of Post Fire Logging such as your own publication PNW-GTR-486 Jan 2000. Here, Swank and others estimate that erosion owing to salvage timber harvesting was 7 times that of undisturbed areas. This does not take into consideration the road openings, which add a major factor into the equation. Why is there such a discrepancy? The 5% figure does not seem even close to being probable.

Table2-3 also addresses full time jobs created will be 336-341 under Alt.#2.
My comment is that it is likely that over 1 million bf have already been logged off of the private land contracts in the Viveash area. It is probable that the same contractor would be the prime contractor for the USFS and from what I have been told few if any jobs have thus far been created for the local economy. Why would this change to any noticeable degree? This appears to be a very exaggerated figure and one might also state the same for other economic projections in the DEIS. From my visits to the Project area it appears that saw timber yields will be less than originally projected due to the size of the trees and the deterioration that has already taken place. It is likely that Alt.#4 will provide more financial possibilities for the San Miguel County population than the other alternatives. My discussions with many of the people in the area are part of the basis for this observation.

3.3.9 Flooding Problems are discussed in a way that explains why and what has, and continues to, happen in the Project Area. Again, there are statements like" **The results of the Viveash Fire have already dramatically increased peak flows and total water yields throughout the project area."** A statement follows this that "no additional water quantity (flooding) is expected as a result of proposed alternatives, therefore, this resourse will not be further evaluated in this EIS." I ask, have you any studies on what has or will happen in the two-thirds of the watershed not in the Project area? I believe that if you proceed with alternative 2 or 3 there will be more erosion and possibly flooding that results from new road, old road openings, skid trails and flushing of disturbed soils into the creek beds that will end up in unstudied areas below

7716' Furthermore, you state that further increases in sediment could result in a loss of pool volumes and depths and consequent impact to beneficial uses. This is exactly what will happen downstream. Anything that causes a potential for endangerment of life, as does flooding like we will continue to experience, is not worth a single 2x4 much less the deficit of $4 million tax dollars that is estimated in the DEIS. The summer of 2001 was a below normal year for heavy mountain rains, yet floods were common. What will happen when there are major events that are normal to the area and will be even more dangerous post-fire? My neighbors have experienced near misses with their young children being surprised by the unusually quick rising floodwaters. **With all this, the DEIS states that no additional damage is expected.** I challenge that belief. Skidders dragging logs for ¼ mile to newly opened roads may break up hydrophobic soils but they will also cause considerable problems that show up when they form new arroyo type drainages that pass sediment into the stream beds.

4.2.1.2Water Quality The DEIS states that "the direct and indirect effects of Alt.2 on the water quality in the Project area would have a low probability of generating noticeable or measurable changes" that would effect compliance with the Clean Water Act. Since the cumulative effects of turbidity **that will not be caused naturally** (they will be a result of salvage logging) that have and will occur in my area have not been considered. I can state that I disagree and you cannot at this time provide information showing that I am wrong.

2.2.2.2 **The DEIS addresses economic issues with the theme "There is a concern about the potential loss of opportunity to provide valuable products and jobs to the local economy."**

This is a good place to sum up by stating that when the public hears that this project will be in the red millions of dollars their reaction is "then why are they (USFS) doing it?" " What about the cost to taxpayers, and there are concerns about property values?" There is little public support once it is pointed out that these expected losses are stated in the DEIS.

The cost to the environment on private as well as public lands has to be considered first and foremost. I believe strongly that to delay the recovery process of the watershed in any fashion is not justifiable. This is a project that seems to have little merit, especially when viewed from downstream.

Thank you for this process and your attention to my comments.

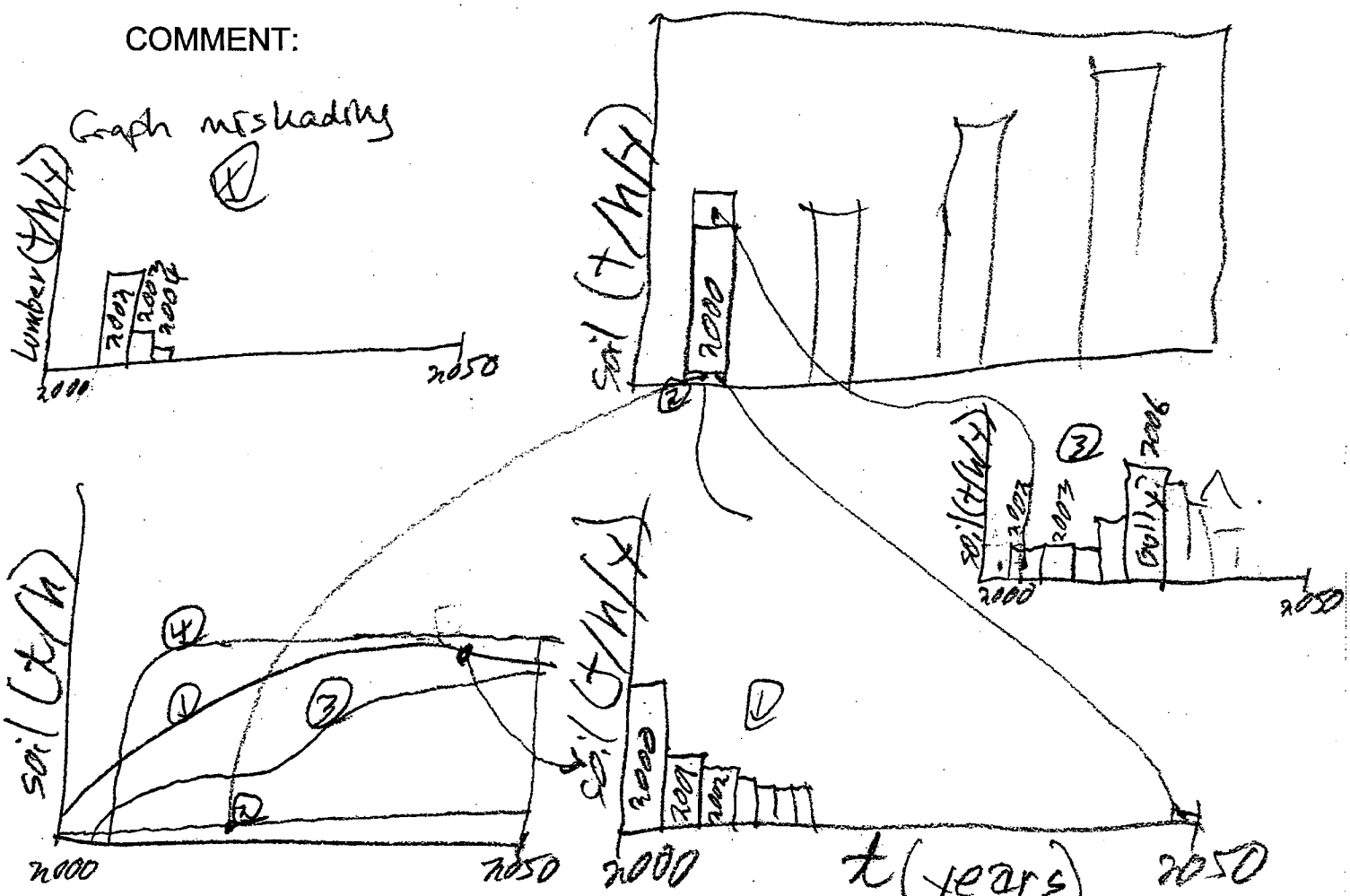
Sincerely,

Herb Cohen

DRAFT EIS MEETING COMMENT FORM

We value your input on the Viveash Fire Salvage Project. Please provide your comments regarding the Draft EIS on this form and either place it in the comment box or fold it over and mail it by December 10th, 2001. THANK YOU!

COMMENT:



May we contact you about your input? YES NO

Name: Walter Matuska

Phone or E-mail: (505)-667-3924 work
(505)-672-9212 home
wmj@lanl.gov

For more information, visit our Website at www.fs.fed.us/r3/sfe or contact Chris Napp at (505) 757-6121, cnapp@fs.fed.us.

(home) 530 Rover
Los Alamos, NM
87544

A how much soil removed by erosion?

B how much soil removed by taking out trees?

Dec. 3rd - 2001
Pecos, N.M.

U.S. Dept. of Agriculture
Santa Fe National Forest
Pecos, Las Vegas Ranger District

R.E.& Draft Enviromental Impact Statement for the Vivash Fire Timber Salvage Project.

Sirs

A I urge you to choose Alternative 1 - No Action. My reasons for this are two fold. Reason one is that former Forest Road B 86 is unfit for heavy Commerical vechiles such as logging trucks. As a year round resident along former FR 86 with family I have seen numerous accidents caused by logging trucks hauling from private lands in the burn area. The road is poorly constructed with hair pin turns, no pull-offs, no barriers on steep

hills and no line of sight considerations. In addition the logging trucks are frequently overloaded and thus unable to evade obstacles. Local Forest Service employees have had many near "misses" here also. I believe the Foster Wheeler company's Analysis of this road and cost to C bring it into compliance was what led this road section to be abandoned. I think traffic deaths are unavoidable on this section of road

My second reason for urging No D Action on this project is lack of planning of erosion control throughout the burn area. You haven't fixed the damage that was caused after the fire and you wouldn't fix it after the logging starts. This E is detrimental to the local

cut-throat trout population which is making a come back and is about to be listed by the U.S. Fish and Wildlife Service as an endangered species.

Again I urge you to take this action - and not to fob the local people off with half-truths and empty promises.

Yours

William Montagne
HC 70 Box 430
Pecos, N.M. 87552

December 10, 2001

Viveash Fire Salvage Project
Santa Fe National Forest Service
P.O. Box 429
Pecos NM 87552

RE: P.E.I.S. Comments, Damages to My Property and Surrounding Property Caused by the Viveash Fire

We own property, including a home, which is located approximately two (2) miles south of Lower Colonias. Our property straddles the Bull Creek/Cow Creek River. We rely on the river for, not only recreational activities such as swimming and fishing, but we also use water to irrigate and for general household use as well.

Since the fire, we are unable to use the river or its water. In addition, every time it rains at the fire location, the river rises up to eight (8) feet and without warning and destroying everything in its path. This is very dangerous for those that might be in or close to the river, especially small children.

NFW
C We feel very strongly that our property values have been drastically reduced due to the fire and that we deserve compensation.

A We consider the Forest Service's plans to open up the fire area to commercial logging as a slap in the face in that this would exacerbate the damages mentioned above. We are therefore opposed to any commercial logging. If any logging is to be allowed, it should be limited to small logging operations in the Pecos area and strictly for the benefit of the local residents.
B

Ben J Ruiz

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Record of Communication with Julie Larson

Date: 11-30-01

Time: 1:30 pm

Name: ~~Julie Larson~~ Jack Sturgeon

Phone Number: 972 - 985 - 7668

SUBJECT: Viveash

Discussion:

1. Has property on upper Bull Creek.
2. Received flyer from Herb Cohen, and thinks they have a personal agenda.
3. Thought that the flyer was for Gallinas.
4. Doesn't have a preferred alternative for Gallinas; he is supportive of the project.
5. Doesn't understand why people in Lower Colonias are fussing about Viveash. Doesn't think that sediment would reach the creek.
6. I sent him a copy of the DEIS.

A

Viveash Fire Timber Salvage Project

Daniel Crittenden, District Ranger
USDA-Forrest Service Pecos/Las Vegas R.D.
PO Box 429
Pecos, NM 87552

Dear Mr. Crittenden:

Subject; Comments on the DEIS for the Viveash Fire Timber Salvage Project.

The following comments are arranged by page and article.

PAGE	ARTICLE	COMMENTS:
1-4	1.3	Relocation of 2.3 miles of forest Road 86 involves traversing the Bustamante property. There has been no definite proposal from the Forest Service for doing this.
2-4	2.2.2.1	The use and operation of heavy logging equipment will not increase soil compaction, if anything it would break up the hydrophobic layer. Also, slash from the timber as well as the timber itself could be used to control and minimize erosion. This is evident from the logging just completed at the Bustamante and Martin ranches. Ditto, for the construction of new and old roads.
2-5	2.2.2.2	This would be a good economic stimulus to the county by the creation of jobs, although short lived, it is better than what exists now. I don't understand the statement; "there is concern about potential loss of an opportunity to provide valuable products and jobs to the local economy." What loss? A short opportunity is better than no opportunity at all. What are the ecological concerns? The environment has been devastated by the fire as well as some of the organisms. If these environmental groups are so concerned about the environment, where were they after the fire? They should have been there helping the reseeding and putting up barriers to control erosion. Are they going to help now with reforestation?
2-6, 2-9	2.4.2.2.4.3	According to the DEIS alternatives 2 & 3 of the planned 6,700, 4,900 acres respectively, to be harvested are hydrophobic, this would help to control and minimize erosion (see comments above article 2.2.2.1).
2-11	2.5.1	Downed wood material, snags, etc. should be used to mitigate erosion along with water barriers for road and skid trails.

2.15	2.6.1.1	E Approximately 5,000 acres of burned forest are planned for re-forestation, does it include private land? Specifically, the Bustamante Ranch, since the forest that was burned was **intentionally** back burned. including, the forest land that drains into the ranch's ditches and meadows.
2-15	2.6.1.3	F Is there a timetable for the re-introduction of the Rio Grande cutthroat trout?
2-16	2.6.1.4	G Will noxious weeds be treated in private land? Specifically the Bustamante Ranch.
2-17	2.6.1.6	H Is there a present existing plan for channel restoration, riparian restoration, and seeding?
3-12	3.1.1.4	I Have inventories for fish distribution, habitat, and opportunities for fish habitat enhancement taken place? Also, was this done for private property?
3-25	3.2.3	J Not all ROWs have been acquired, Bustamante's have not.
3-31	3.3.2	K Off-road vehicles (ORV) seasonal restrictions should be implemented, not only is there damage to the landscape, but also speeding occurs on FR 92, that endangers other travelers on the road. Also, dust from the ORV's is a problem L
3-34	3.3.6	M The Forest Service should monitor the establishment of noxious weeds, specifically in the riparian areas of the lower Cow Creek.
3-41	3.3.9	see C4 2.5.1 Although flooding will continue for several years, it can be minimized in the areas of steep slopes (no harvesting) by the felling of burned trees and using them to build erosion barriers. Also, in the drainage arroyos, dams could be constructed to minimize the water flow.
4-1	4.2.1.1	Does w/ B ?? Does the water erosion computer model include breakup of the hydrophobic soil by timber harvesting? As stated earlier, timber harvesting does not accelerate soil erosion, in fact, the opposite is true. This is evidenced by recent loggings in the Cow Creek area.
4-21	Table 4-6	N Do not understand the numbers for the economic efficiency analysis in this table. Why are the expenses higher than the revenue? Since most of the logging expenses are paid by the contractor, is there a breakdown of expenses?

4-35 4.6.1.1 The opposite is true. Logging operations would decrease soil erosion since the topsoil, which is hydrophobic, would be disturbed and broken up.

That concludes the specific comments. In order to quantitatively evaluate the four alternatives in the DEIS a table was constructed and is shown below.

TABLE FOR RATING ALTERNATIVES

Environmental Consequences	Alternatives 1	2	3	4
• Soil	2*	3	4	5
• Water Quality	2**	4	4	4
• Fish Habitat	1***	5	5	5
• Socioeconomic	1	5	4	3
• Terrestrial Wildlife	3	5	4	3
• Scenic Resources	2	4	3	3
• Transportation	1****	3	4	3
• Forest Vegetation	3	3	3	3
TOTAL	**15**	**32**	**31**	**29**

Rating Numbers
1——————5
Poor Good

*No break up of hydrophobic soil
**No road realignment or culverts, bridges, etc. There is no decommissioning of roads.
***Fish mortality from sediment into streams if no mitigation undertaken of road relocation.
****Limited road maintenance, no road alignment, no new bridges.

The results of the table show that alternatives 2, 3 and 4 are rated high, and are close together, while alternative 1 is very low. Definitely alternatives 2 and 3 are the ones for proposed action.

Based on the review of the DEIS, timber harvesting should be implemented with alternative 2 as the preferred, and alternative 3 as the alternate. There is definitely a need for action to harvest a portion of the fire-killed trees. This is a **win/win** situation for everyone.

Sincerely,

Albino C. Bustamante
3224 Rhode Island St. NE
Albuquerque, NM 87110
505-296-6360 - e-mail: alato65@spinn.net

P.O. Box 15
Llano, NM 87543

Re: Ulvesh Fire Salvage DEIS – comments

Nov. 1, 2001

Dan Cattenden – District Ranger
Pecos District
PO Box 429
Pecos, NM 87552

On behalf of Carson Forest Watch, the following are our comments on the Ulvesh DEIS:

A 1) We have enclosed copies of SWFA guidelines on restoration & W.U.I. projects which we support & urge the Forest Service to use these as guidelines for this project.

B 2) We support no logging in any Mexican Spotted Owl PAC areas – including past areas as owls may re-occupy these areas in a few years – and encourage protecting habitat connectivity by retaining all riparian areas – including burned & not burned.

C 3) It is important for forest recovery to not allow any tree removal in riparian areas, both burned & un-burned.
Any disturbance here will only further damage fragile soils & watersheds.

HRD-4 [illegible] leave [illegible] of untreated trees within stands that are to be logged - to keep habitat connectivity for songbirds, owls, pine martens etc.

D 4) We support NO logging in any of the goshawk PFAs - In the Manzanares PFA - the Tapia proposal would impact goshawks - and restricting the season from March - Sept. is NOT adequate - we urge the FS to just avoid this area. Disturbance even past nesting & fledging season is harmful to goshawks - Besides - by October there is likely to be snow & the area will become inaccessable anyhow.

E 5) We support the alternative that gives greatest protection to soils, watersheds, & water quality. (alt. 4 closest)

F 6) We encourage the Forest Service to scale down both alt. 2 & 3 - & portions of alt. 4 - Need to have larger, more intact buffers adjacent to the Wilderness areas, & near Elk Mountain. This is critical for Wilderness values & wildlife - and to gradually increase the intensity of tree removal as the distance from Wilderness increases.

G 7) The DEIS does not mention Pine Marten & other FS Sensitive Species - major omission - minimizing of concerns & effects by alternative.

Aside Chris Napp

Thank You - Sincerely, Joanie Berde for Carson Watch

The Wildland-Urban Interface

How to Protect Communities from the Threat of Wildfire

In 2000, U.S Congress approved the National Fire Plan with over $400 million designated specifically for community protection from the threat of wildfire. The most effective and efficient way to utilize this opportunity is to protect individual houses and properties and to create a defensible space in the wildland-urban interface immediately adjacent to communities.

- **Protect houses** by treating the area within 20-60 meters (66-200 feet) of the house*:
  - Use fire-resistant materials in the construction of houses, especially roofs.
  - Prune lower limbs of trees adjacent to the house.
  - Remove flammable woody debris, and move firewood away from the house.
  - Thin trees from dense groups within 60 meters (200 feet) of the house.
  - Mow grasses, rake needle litter, and prune ornamental shrubs.
  - Clean roofs and gutters of dead branches, leaves and needles.
- **Protect communities** by creating a "defensible space" up to 200 meters (about 1/8 mile or 660 feet) into the forest immediately surrounding communities. Thin the canopy, remove ladder fuels, and reduce the fuel level. This area can serve as a fuelbreak and a potential fireline for firefighters.

Unfortunately, many Forest Service projects that are meant to provide community protection from the threat of forest fire ignore the above principles. Failing to follow these guidelines ***threatens the ecosystem and wildlife habitat*** in the surrounding forest; it can also result in projects that do not effectively use the National Fire Plan money and that ***ultimately do not provide effective community fire protection.***

*Guidelines are based on a variety of sources including:
U.S Forest Service, 2000, "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems"
Colorado State Forest Service, 1999, "Firewise Construction Design and Materials"
Cohen, 2000, "Preventing Disaster: Home Ignitability in the wildland-urban interface", J. of For. 98(3)
Flagstaff Fire Department, "Be Prepared"

For more information about forest thinning projects near your community, and how you can protect your community <u>and</u> the forest at the same time, please contact:

Southwest Forest Alliance
PO Box 1948 Flagstaff, Arizona 86002
928-774-6514 swfa@swfa.org www.swfa.org

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Post Office Box 649
Albuquerque, New Mexico 87103

IN REPLY REFER TO:

December 3, 2001

ER 01/966

Daniel Crittenden
Pecos/Las Vegas District Ranger
U.S. Department of Agriculture
Forest Service
P.O. Box 429
Pecos, New Mexico 87552

Dear Mr. Crittenden:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the Viveash Fire Timber Salvage Project, Pecos/Las Vegas Ranger District, Santa Fe National Forest, NM. In this regard, we have no comment. Thank you for the opportunity to review this document.

Sincerely,

Glenn B. Sekavec
Regional Environmental Officer

TOM UDALL
3D DISTRICT, NEW MEXICO

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RESOURCES
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION AND PUBLIC LANDS

November 16, 2001

Mr. Daniel Crittenden
District Ranger
USDA-Forest Service
Pecos/Las Vegas Ranger District
P.O. Box 429
Pecos, New Mexico 87552

Dear Mr. Crittenden:

Thank you for sending me a copy of Draft Environmental Impact Statement (DEIS) that you sent to members of the community for review and comment regarding the Viveash Fire Timber Salvage Project. I am glad you decided to keep me informed of your efforts on this issue.

If I may be of any further assistance to you on this or any other matter during the 107th Congress, please do not hesitate to contact me.

Sincerely yours,

Tom Udall
Member of Congress

TU/hdg

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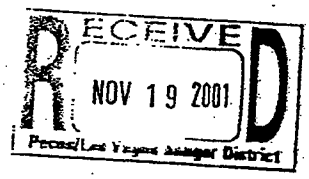
Sangre de Cristo Audubon Society

November 16, 2001

Daniel Crittenden District Ranger
Pecos Ranger District
USDA Forest Service
P. O. Drawer 429
Pecos, NM 87552



Dear Mr. Crittenden:

Thank you for sending me the notice of availability of the Draft Environmental Impact Statement (DEIS) for the Viveash Salvage Timber Sale. Sangre de Cristo Audubon Society has a continuing interest in issues of forest ecology and in particular in the restoration and conservation of Ponderosa Pine and mixed conifer ecosystems.

We have no a priori quarrel with salvaging burned timber. Indeed, if done properly, with appropriate attention to soil disturbance and other factors, it represents an opportunity to provide an economic resource to local communities. The key, of course, is to do such sales properly.

We therefore have several concerns.

A First, we are concerned that ground-disturbing activities occur only in winter, when the ground is thoroughly frozen to minimize disturbance of recovering root systems and topsoil. This is particularly important in areas of high burn severity where the soil structure is damaged. We would in particular like to see the use of tracked feller-buncher equipment with forwarders that have a lower impact on the soil structure. The encouragement of the use of this type of equipment would also serve the Forest well in that this type of equipment is particularly suitable for thinning operations—something that is needed throughout the Forest. The use of log-skidding techniques in areas of moderate to high burn severity is inappropriate.

BB We would also like to see substantial attention paid to felling smaller trees across the slope to retard erosion. In particular, experience on the Cerro Grande Fire area has shown that staking downed trees into the slope, so-called log erosion barriers, are particularly effective in retarding soil movement and in assisting in the revegetation of the area. Adding such action to the prescription does not greatly affect the profitability of the sale and does much to preserve the land.

CC Second, although it can be argued that in 29,000 acres of burned forest there are sufficient snags to keep many cavity nesting birds occupied for many years, at least 7-10 snags should be left on every acre of treated, burned ground for wildlife. Many of these will fall in 5-10 years, and if there is to be a remaining cadre of even 1 snag per acre, many more snags must be left in the initial years after the fire.

DD Further, we believe that in marking large trees for the sale, a conservative position should be take with respect to the possible survival of partially burned trees. It is well known that trees can survive even after having more than 80% of their crowns scorched, and we believe it would be inappropriate to cut these trees, even if it is judged likely that they will die. The release of nutrients and greater moisture availability following the death of many competing trees may make these trees more viable. If they survive, they demonstrate excellent genetic material as a seed source for the forest of the future. If they should die, they will make fine wildlife snags.

We also note that green trees may be cut along skid trails and landings. In areas of such substantial loss of living trees—high to moderate burn severity—the location of skid trails and landings should be accomplished by avoiding green trees. We have seen too many skid trails run directly to large trees in other sales to believe that this exception is "incidental." E

Third, we note that the first item mentioned in the scoping document is the analysis of the road system. While we support such an analysis, we do not support the improvement of roads specifically for this sale, i.e. those which are not otherwise required for access to other areas. In fact, given the effects of high and even moderate burn severity on soils, improvement of access to these areas is highly inappropriate. We fully support the closure and realignment of roads to reduce impacts on wildlife and to help preserve watersheds and wet meadows. Many roads have been constructed in inappropriate areas in the past and their closure is appropriate. F

Fourth, regeneration of Aspen is scarce on the Santa Fe National Forest, and we therefore request that efforts be made to protect Aspen sprouts from grazing, both by wild and domestic ungulates. We suggest that leaving large numbers of standing dead trees in potential Aspen regeneration areas is likely to discourage Elk use and may enhance the prospects that Aspen will be able to grow to a size that will allow them to survive Elk damage. G

We look forward to a greater recognition of wildlife habitat needs and to working with you to achieve healthy ecosystems and a viable local economy. Please keep us informed of further actions on this project.

Sincerely,

Thomas Jervis
60 Barranca Rd.
Los Alamos, NM 87544

December 10, 2001

Daniel Crittenden, District Ranger
USDA Forest Service, Santa Fe National Forest
Pecos/Las Vegas Ranger District
Pecos, New Mexico 87552

re: comments on Draft Environmental Impact Statement, Viveash Fire Salvage

Dear Dan:

The following are the comments of Wild Watershed and Forest Guardians to the Draft Environmental Impact Statement, Viveash Fire Salvage ("DEIS"). Wild Watershed is an alliance of citizens working to protect and restore aquatic ecosystems in the Southwest. Wild Watershed has actively participated in the protection and restoration of the Santa Fe Municipal watershed on the Santa Fe National Forest. Many of Wild Watershed members regularly use the Santa Fe National Forest and the Viveash analysis area for work, recreation, wildlife observation, scientific research, and other forest related activities. Forest Guardians is a non-profit group with offices in Santa Fe, New Mexico. Forest Guardians' mission of is to protect and restore the native biological diversity of forest, grasslands, deserts and rivers of the Southwest. Forest Guardians has over 3000 individual and business members throughout the U.S. Many of Forest Guardians business members, individual members and staff use and enjoy the Santa Fe National Forest lands being considered for salvage logging in the Viveash analysis area.

Summary

A The DEIS has multiple and severe defects in the analyses of the alternatives likely direct, indirect, and cumulative effects soils, watersheds, and other aquatic resources. These defects are so severe that the DEIS obscures, rather than discloses, the likely environmental impacts of the alternatives. Because of these flaws, DEIS does not comply with the B mandates of National Environmental Policy Act ("NEPA"). The DEIS also fails to adequately determine and disclose the alternatives compliance with state and federal laws C related to aquatic resources or the management objectives, standards, and guidelines D contained the Santa Fe National Forest Plan. In aggregate, these flaws render the DEIS E wholly defective for the purpose of disclosure of the effects of the alternatives or as a credible basis for making a reasoned selection among alternatives. Several of the action alternatives do not comply with the National Forest Management Act ("NFMA"), the Clean Water Act ("CWA") and the Endangered Species Act ("ESA") due to their effects on forests, soils, streams, water quality and the ESA-listed Mexican spotted owl. These F manifold flaws are so severe that the Forest Service must prepare a supplemental DEIS.

G 1. This Project Fails to provide for the diversity of plant and animal communities in the planning area or insure the maintenance of viable wildlife populations as required by the National Forest Management Act.

NFMA imparts on the Forest Service a substantive duty to provide for the diversity of plant and animal communities on national forests. 16 U.S.C. § 1604(g)(3). To achieve this goal, the regulations implementing NFMA specify that the agency ensure viable populations of native animals are maintained by monitoring the impacts of the Forest Plans, including specific management actions, on selected management indicator species.[1] 36 C.F.R. § 219.19 (a)(6). The monitoring regime called for by the implementing regulations are rigorous and comprehensive, mandating that hard quantitative population data be acquired and analyzed to determine the populations trends of management indicator species. 36 C.F.R. 219.26.[2] As embodied in the Forest Plan, these monitoring requirements continue throughout the Plan's existence and therefore apply to the Viveash salvage logging project.[3] See Sierra Club v. Martin 168 F. 3d 1 (11th Cir. 1999).

The substantive duty to acquire and evaluate on-the-ground population trend data has recently been affirmed in New Mexico. See Forest Guardians v. U.S. Forest Service, No. CV 00-714 JP/KPM-ACE. This case concerned the failure of the Cibola National Forest to acquire and evaluate the requisite population trend data for five management indicator species in the McGaffey timber sale area. In that incidence, as is the case with the Viveash salvage logging project, the Forest Service relied upon habitat information as a proxy for population inventories and as a means to extrapolate population trends. Such an approach is contrary to the plain language of NFMA's implementing regulations.[4]

H The Forest Service has failed to obtain the necessary data for management indicator species in this case and instead assumes that enough habitat will remain to maintain viable populations. This approach, which exclusively relies on habitat estimates, without checking

[1] A viable population is defined as one which has the estimated numbers and distribution of reproductive individuals to ensure its continued existence is well distributed in the planning area. Management indicator species are species which serve as surrogates for a broad range of other species that have similar needs.

[2] This duty to monitor is non-discretionary. "Population trends of management indicator species *will* be monitored." 36 C.F.R. 219.19(a)(6) (emphasis added).

[3] The NFMA regulation specify that "diversity shall be considered throughout the planning process." 36 C.F.R.219.26

[4] In addition to these legal obligations, conducting on-the-ground population surveys to determine a species' status, instead of estimating habitat conditions, is also consistent with accepted scientific methods. See generally Morrison et al, Wildlife-Habitat Relationships (1992) and Hal Caswell, Matrix Population Models (1989).

the actual populations, ensures that any changes in population will go undetected. It is substantively flawed for three reasons. First, the remaining habitat may lack geographic connectivity required to maintain metapopulations in fragmented environments.[5] Also, key habitats which provide source populations may be overlooked without on-the-ground surveys. Second, habitat models, when they are used, are often outdated and not calibrated for the particular project conditions. Professional judgment is even more suspect because it varies widely; at its worst professional judgment is little more than anecdotal guesswork. Third, population monitoring, when it does occur, is rarely scaled to slower, longer-term ecosystem processes which may affect viability (Moir and Block 2001).

The Mexican spotted owl is a management indicator species that is also listed as threatened under the Endangered Species Act. The owl population on the Santa Fe National Forest is part of the Southern Rocky Mountain Recovery Unit which contains the smallest population in the United States. The U.S. Fish and Wildlife Service notes that the Southern Rockies owl population is vulnerable, saying "Isolation of spotted owl pairs and small populations distributed over large areas of fragmented landscape prompt concern because if they are lost, the species disappears from the entire landscape it once inhabited." Despite this vulnerability, the Santa Fe National Forest has virtually abandoned its owl surveys. Of the 40 known owl territories on the Santa Fe National Forest, only three have been surveyed since 1995, all in the Jemez mountains (Forest Service 2001). The absence of on-going surveys to monitor owl population trends show that the Forest Service is failing in its duty to return the threatened owl population to viability.

In this case, the Forest Service assumes that the existing owls in the project area have abandoned their breeding territory following the Viveash fire. Surveys were not done to confirm this assumption. There is evidence, however, that owls do not abandon breeding territory following a fire. For example, owls in the San Mateo mountains on the Cibola National Forest did not abandon their territories following the Coffee Pot fire (personal communication, Dr. Peter Stacey). Therefore, the Forest Service is failing to meet NFMA's diversity and viability mandate.

2. <u>The U.S. Forest Service must reinitiate formal consultation because the assumptions used in finding that the proposed action would not jeopardize the Mexican Spotted Owl are no longer valid.</u>

Section 7 of the Endangered Species Act requires federal agencies to both act and refrain

[5] See generally Reed F. Noss, Some Principles of Conservation Biology as They Apply to Environmental Law, 69 Chicago-Kent Law Review 893, 897 (1994) and Denis A. Saunders et al., Biological Consequences of Ecosystem Fragmentation: A Review, Conservation Biology 18 (1991).

from acting for the benefit of listed species. On the positive side, Section 7(a)(1) mandates that all federal agencies work pro-actively toward the conservation of listed species. 16 U.S.C. § 1536(a)(1). In recognition of this important responsibility, the Forest Service signed a Memorandum of Understanding with the Fish and Wildlife Service on September 30, 1994 to conserve listed species by protecting their populations and the ecosystems upon which they depend. This affirmative duty to recover and conserve listed species has been upheld by the courts. See Sierra Club v. Glickman, 156 F.3d 606 (5th Cir. 1998).

In addition, Section 7(a)(2) prohibits federal actions which jeopardize listed species or degrade their habitats. 16 U.S.C. § 1536(a)(2). To avoid jeopardy, federal agencies have a duty to consult with the U.S. Fish and Wildlife Service whenever a listed species can be found within an area, such as the Viveash salvage logging area, that will be affected by an agency action. The U.S. Fish and Wildlife Service in turn must prepare a biological opinion and set forth reasonable and prudent alternatives if the proposed action is likely to jeopardize a listed species or degrade its habitat.

The Fish and Wildlife Service in 1996 completed two programmatic Biological Opinions evaluating, in part, the impacts of fuel abatement projects on the Mexican spotted owl pursuant to the Endangered Species Act. Both Biological Opinions were based on the assumption that the Forest Service would implement specific standards ensuring the owl's survival. The Forest Service in turn amended all its Forest Plans in the southwestern region, including the Santa Fe National Forest Plan, to include standards and guidelines to protect the Mexican spotted owl. However, five years later, the Forest Service is either not implementing or not meeting those standards. Therefore, the assumptions upon which these programmatic Biological Opinions were based are no longer valid and the Forest Service must immediately reinitiate formal consultation.

L 5 Specifically, the Forest Service has failed to monitor the owl population. The 1996 Biological Opinions and Forest Plan amendments both require that the Forest Service produce: 1) baseline imagery to monitor macrohabitat; 2) annual microhabitat monitoring reports; and 3) design and implement an owl population monitoring program. Each of these requirements was to be fulfilled by November 25, 1997. Yet four years later, the monitoring program is stalled and shows no sign of moving forward.

Taken together, the failure to monitor the overall owl population and the harm done to owl protected habitat represent a widespread failure to comply with the requirements of the above mentioned Biological Opinions and the Santa Fe Forest Plan. This failure shows overwhelmingly that the assumptions set forth in these Biological Opinions are no longer valid. Thus the Forest Service can no longer be reasonably assure that the required owl protection standards are actually being implemented. This failure constitutes new

information that was not previously considered in the programmatic consultations. Therefore, the Forest Service must reinitiate consultation to avoid jeopardy and fulfill its obligation to actively work toward the owl's recovery.

M

3. The Forest Service is violating Section 9 of the Endangered Species Act by failing to comply with the terms and conditions of the 1996 Biological Opinions.

Section 9 of the Endangered Species Act prohibits any person, including officials of the federal government, from doing harm to members of listed species. 16 U.S.C. § 1538(a), 1532(13). The courts have found that habitat destruction that results in population reduction of a listed species constitutes harm. See Palila v. Hawaii Dept. of Land & Natural Resources 649 F. Supp. 1070 (D. Haw. 9186), aff'd, F.2d 1106 (9th Cir. 1988). In 1982, Congress amended the Endangered Species Act to allow for the "incidental take" (i.e. harm) of listed species in connection with federal projects that meet the Section 7 no-jeopardy standard where such take is incidental to the carrying out of an otherwise lawful activity.

The 1996 Biological Opinion anticipated an incidental take of 10 percent of the owl protected activity centers resulting from a variety of treatments to reduce fuel accumulation and abate fire hazard. Because of the considerable uncertainty over the impacts of these activities to the owl population and its habitat, the Biological Opinions required monitoring to ensure that this authorized level of take would not be exceeded. The Forest Service, however, has ignored its duty to monitor these hazardous fuels reduction projects. In particular, the Forest Service has not monitored the initial projects to ensure that there are no "negative impacts". The 1996 Biological Opinions only allows the hazardous fuels reduction program to proceed in increments if the initial projects can demonstrate that harm had not occurred (Fish and Wildlife Service 1996).

Thus the Forest Service is not in compliance with the terms and conditions of the incidental take statements in the 1996 Biological Opinions and is therefore in violation of Section 9 of the Endangered Species Act. Before the Viveash salvage logging project can proceed, the Forest Service must ensure that its past and on-going actions are not exceeding the authorized level of incidental take and must not take unauthorized action that harms the owl.

N

4. The DEIS fails to disclose the impacts of livestock grazing on soils, watershed condition and aquatic species.

It is extremely well documented that grazing adversely affects soils, riparian vegetation,

water quality, fish habitat, and trout populations (e.g., Platts, 1991; Rhodes et al., 1994; Fleischner, 1994; Belsky et al., 1999; USFS, 2000a). The Forest Service's own assessments acknowledge these impacts (USFS and USBLM, 1997a; b; c). USFS and USBLM (1997c) noted that grazing elimination would have greater benefits for aquatic resources than any other grazing management change. Grazing significantly increases soil erosion and sediment delivery via several mechanisms (Platts, 1991; Rhodes et al., 1994). These increases in erosion and sediment delivery contribute to elevated turbidity, downstream sedimentation. Increases in downstream sedimentation contribute to loss of pool volume and frequency (Lisle and Hilton, 1992; McIntosh, 2000). Grazing also greatly affects soil productivity (USFS and USBLM, 1997a), which strongly affects the rate and success of reforestation efforts. Grazing also strongly impacts riparian vegetation, channel banks, stream shading, and sediment delivery. Grazing elevates water temperatures by decreasing stream shading and widening channels (Platts, 1991). Grazing contributes to pool loss via increased sediment delivery and loss of bank stability (McIntosh, 2000). Elevated sedimentation also increases channel width-depth ratio (Richards, 1982). Grazing strongly affects these channel attributes (Platts, 1991; Fleischner, 1994; Rhodes et al., 1994; Belsky et al., 2000).

Grazing management must be part of the decisions to be made. However, the DEIS dismiss the impacts of livestock grazing despite the fact that the fire recovery area contains five grazing allotments (DEIS p. 3-30). The impacts of livestock grazing are completely ignored in the cumulative impacts analysis on watershed condition and water quality. Given the well documented impacts of grazing on aquatic resources, soils and wildlife habitat, such actions are scientifically unwarranted. Therefore, a supplemental DEIS should be issued that include at least one alternative that eliminates grazing within the project area.

5. <u>The DEIS fails to adequately describe the locations, character, and extent of land-disturbing activities planned under each of the alternatives</u>.

The DEIS fails to adequately describe the locations, character, and extent of all land-disturbing activities that are intrinsic parts of each alternative. In so doing, the DEIS fails to properly differentiate among the alternatives, in violation of NEPA. This fatal flaw completely undermines the adequacy of the DEIS's purported analysis of the direct and cumulative effects of the alternatives on aquatic resources. Similarly, this defect also prevents any meaningful analysis of the various alternatives' likely compliance with federal and state laws related to aquatic resources and consistency with the Santa Fe Forest Plan.

Regarding the effects of the various alternatives on aquatic resources, a critical element is to

fully describe the magnitude, character, and location of activities under each alternative that will disturb soils, vegetation, and riparian areas. Notably, the Forest Service emphasizes this sort of watershed analysis as one of the four components of its approach to protecting riparian areas and resources (USFS et al.1993).

Q The DEIS fails to describe the number of miles of roads and the number of stream crossings that will be subjected to increased traffic from log haul. It is well documented that road use for log haul significantly increases erosion and sediment delivery to streams, (Reid and Dunne, 1984; Potyondy et al., 1991), especially when stream crossings are involved. The amount of log haul and miles of road and stream crossings used for log haul will vary significantly by alternative, since the amount timber harvest and fuel treatments vary considerably. The DEIS must be revised to correct these flaws in the description of the alternatives.

R The DEIS also fails to disclose the location, number and type of constructed and re-used landings by alternative within watersheds. Generally, landings have as great an effect on site and watershed hydrology and sediment delivery as roads. It is well documented that landings cause severe soil damage, retard revegetation, compact soils and increase erosion, sediment delivery and surface runoff. All of these on-site effects contribute to cumulative watershed effects on flooding/peakflows, stream baseflow, water quality degradation, turbidity and sedimentation. These latter impacts affect downstream water supplies via increased turbidity and decreased reservoir capacity. The construction, reconstruction, and re-use of landings also causes severe and persistent losses of soil productively. None of these impacts are addressed in the DEIS. Therefore, the DEIS fails to adequately describe a major aspect of the alternatives that will affect aquatic resources.

S The DEIS also fails to disclose the number and location of all landings by alternative that will be near enough to streams to affect sediment delivery or large woody debris (LWD) recruitment to streams. Sediment delivery from landings can easily travel several hundred feet to streams. LWD recruitment occurs within one tree height of streams. To rectify these defects, the DEIS must disclose the number, type, and location of all landings by watershed that will be within 300 feet of all streams under each alternative. This is necessary to disclose the nature of the alternatives and differentiate among them.

T 6. <u>The DEIS fails to adequately analyze and disclose the existing levels of watershed disturbance within the project area.</u>

The DEIS provides only overly general descriptions of the existing levels and types of anthropogenic watershed disturbance in watersheds within the project area. This thwarts credible analysis of the existing and likely future cumulative effects on aquatic resources. It also thoroughly undermines the DEIS's analysis of existing compliance with the Santa Fe

Forest Plan and federal and state regulations.

Assessment of likely effects of an action on aquatic resources requires four critical steps. First, the condition of the resource likely to be affected must be determined. In the case of the project, this would require determining or estimating the conditions of streamflow, water quality, channel attributes (including substrate, channel morphology, bank stability), riparian areas, and soils, for all affected watersheds. Second, the type and magnitude of existing watershed and land-use conditions currently affecting those attributes must be determined, as well as their current effects. Third, the magnitude, location, and character of proposed activities at the watershed scale must be analyzed. Fourth, the indirect and direct effects must be determined, including interactions with existing watershed conditions and land-use. Finally, the total effects on resources should be determined, and the resulting status of each aquatic resource should be estimated. Each of these steps is integral to the credible evaluation and disclosure of likely cumulative effects. Omission of any one of the steps completely undermines cumulative effects analysis. The DEIS fails to take these critical steps in its analysis of the current conditions in the project area.

The DEIS fails in several ways to properly disclose the existing level of road impacts within the project area. For instance, the DEIS fails to disclose the number of existing stream crossings within the project area and by watershed. This is a critical consideration, because stream crossings significantly disrupt aquatic resources in several ways and greatly elevate sedimentation. This is also critical because it provides an essential context for assessing the significance of various road treatments under the alternatives (e.g. what fraction of road crossings will be treated). Such analysis and disclosure is certainly tractable. Other Forest Service EIS's have provided estimates of the number of existing stream crossings (USFS, 1999; 2000a). The DEIS must be revised to disclose total stream crossings within the project area and on a watershed basis.

It also appears that DEIS only provides information on inventoried roads. On the Santa Fe National Forest there is a significant amount of uninventoried roads. Surveys in other areas indicate that uninventoried roads typically comprise more than 25-50% of the inventoried road network. Therefore, it is likely that there are more actual roads and higher road densities than disclosed in the DEIS. Uninventoried roads contribute significantly to adverse cumulative effects on soils, runoff, peakflows and sedimentation. The lack of maintenance on uninventoried roads typically increases the severity of adverse direct and cumulative impacts on aquatic resources caused by these roads (USFS, 2000a; b). The DEIS appears to only discuss and disclose road mileage and watershed scale road densities for inventoried roads. The Forest Service must include uninventoried roads in its disclosure of road miles and road density within the project area and the watershed scale.

7. The DEIS fails to disclose the amount of road in areas with soils with moderate to severe high erosion hazard. The miles of roads in such areas should be disclosed for both the project area and at the watershed scale.

The DEIS also fails to disclose the number, location, and type of landings within the watersheds and at project scale. As previously discussed, landings have a number of negative direct and cumulative impacts on soils and water quality, especially when they are within 300' of streams. Therefore, the DEIS must be revised to disclose the number, area and location of landings within the project area and at the watershed scale. The DEIS should also be revised to disclose the number, area and location of existing landings in areas with soils with moderate to severe erosion hazards.

The DEIS also fails to disclose the amount and locations of bulldozed firelines and handlines within the project area that were constructed to fight the Viveash fire. This is a significant failing because firelines greatly elevated erosion and sediment delivery. Soil erosion is greatly increased by firelines, because they remove all vegetation and cover. This effect is especially severe and persistent on bulldozed lines, due to the extent and intensity of soil and vegetation disturbance. Firelines also compact soils. Firelines usually have far steeper slopes than roads. These attributes render firelines especially prone to intense and persistent surface erosion and gullying. Where firelines have significant slope, mitigation measures provide only exceedingly minor reductions in short- and long-term elevated erosion and sediment delivery from such firelines; they do not come close to eliminating the persistent and severe increases in erosion and sediment delivery. Firelines are often constructed in close proximity to streams or through riparian areas, greatly increasing the efficiency of the delivery of eroded sediment to streams, as well as decreasing the effectiveness of post-construction mitigation. An additional factor that increases the erosion-related damage caused by bulldozed firelines is their width, which can greatly exceed that of roads. While a standard road is typically about 20 feet in width, firelines are often up to about 50 feet in width, more than twice that of a standard road.

Firelines within riparian areas cause long-term losses in LWD recruitment and contribute to water temperature elevation. Firelines cause long-term losses in soil productivity by compacting soils, increasing erosion and removing organic matter. For these reasons, firelines are an extremely significant impact.

The DEIS completely fails to disclose the amount, location and type of these firelines within the project area and on a watershed basis. These are severe flaws that must be corrected. The DEIS must be revised to disclose the amount, type, setting and location of all firelines constructed to suppress the Viveash fire.

8. The DEIS does not adequately disclose the effect of existing watershed disturbances on soils and relationship to the Santa Fe Forest Plan standards and NFMA provisions.

The DEIS completely fails to disclose the amount of existing cumulative soil compaction caused by all land management activities within the project area and at the watershed scale. The DEIS also fails to disclose the existing effects of all land management activities on soil productivity in the project area.

Soil compaction and soil productivity issues are a serious concern within the analysis area (USFS and USBLM, 1997a). Soil compaction persists at least 50-80 years, if there is adequate organic matter input and freeze thaw cycles (USFS and USBLM, 1997a). In a similar vein, Beschta et al. (1995) stated: "Soil and soil productivity are irreplaceable in human timescales; therefore, post-burn management activities that accelerate erosion or create soil compaction must be prohibited." This, too, is not disclosed in the DEIS.

Soil compaction reduces infiltration and porosity. This contributes to elevated peakflows, increased erosion and sediment delivery, reduced soil productivity and reduced soil moisture storage for plant growth. These are all obvious concerns within the project area. Yet, the DEIS never provides any estimate of the cumulative soil compaction within project area caused by logging, grazing, firelines, landings and roads. This is a significant defect that must be corrected by revising the DEIS to include an estimate of the area within the project area and the watershed scale that has been significantly compacted by these activities. The DEIS must use this information to disclose the likely existing effects on peakflows, erosion and sediment delivery and reduced soil productivity and resulting effects on water quality and invasive weeds.

The DEIS also fails to provide any estimate of the existing area with soil productivity losses and degree of soil productivity losses within these areas. In addition, the DEIS fails to adequately disclose that elevated topsoil erosion, loss of organic matter and compaction all cumulatively reduce soil productivity significantly (USFS and USBLM, 1997a; b). The DEIS also fails to note that existing soil productivity losses caused by topsoil loss are essentially permanent (Beschta et al., 1995; USFS and USBLM, 1997a). Vegetation removal and logging innately reduce soil productivity in a persistent fashion by reducing organic matter (USFS and USBLM, 1997a; b). Therefore, it is clear that firelines, landings, grazing, roads and logging have reduced soil productivity significantly and persistently over the project area. However, the DEIS fails to disclose the extent and intensity of soil productivity loss caused by the cumulative impact of these activities. This must be corrected by revising the DEIS to include a disclosure of the extent and intensity of soil productivity losses caused by all activities causing compaction, accelerated topsoil loss,

at the cumulative effect of all activities on soils, vegetation, snow accumulation, snowmelt, rain-on-snow, runoff and resultant peakflows.

10. Best management practices cannot be relied upon to mitigate impacts to aquatic resources.

DD The DEIS erroneously asserts that "best management practices" (BMPs) reduce sediment delivery to ecologically insignificant levels. These assertions are without any scientific bases. They are also demonstrably false. Notably, the DEIS is devoid of a single reference for any scientific studies that indicate that BMPs can reduce sediment delivery to ecologically insignificant levels. Most of the BMPs aimed at reducing sediment delivery have not been rigorously tested, especially in a post-fire environment. Therefore, the DEIS has no basis for its assertions regarding their effectiveness.

BMPs do not eliminate damage from land-disturbance, nor do they assure that aquatic resources are adequately protected consistent with state and federal laws and applicable standards and guidelines. BMPs are not nearly as effective in protecting aquatic resources as avoiding actions that cause damage.

There is no reliable empirical evidence that the application of BMPs can reduce the impacts of logging, grazing and road construction at the watershed scale to an ecologically insignificant level (Rhodes et al., 1994; Ziemer and Lisle, 1993; ISG, 1996; Espinosa et al., 1997). It has also been noted that BMP effectiveness is a matter of conjecture because the evaluations of BMP effectiveness are typically poorly executed (Stanford and Ward, 1992).

Kattelmann (1996) concluded that BMPs do not eliminate the aquatic impacts of stream crossings. Megahan et al., (1992) and USFS and USBLM (1997c) stated that it was not possible to conduct logging activities without generating sediment to streams, no matter how carefully the activities where implemented. Therefore, the assumption that the existing effects on sediment delivery and attendant effects on aquatic resources can be reduced to ecologically insignificant levels is not supported by the best available science.

There is good evidence that BMPs fail to protect aquatic resources from sediment delivery from land disturbance. Espinosa et al. (1997) concluded that BMPs actually increase habitat damage because they have been blindly relied upon instead of avoiding the implementation of damaging watershed actions. Studies have repeatedly shown that habitat damage increases as the amount of disturbance from logging and road construction increases, even when BMPs are applied. Such habitat damage includes elevated turbidity, suspended sediment and sedimentation (Rhodes et al., 1994; Espinosa et al., 1997).

Due to their extent, settings and positions, non-perennial streams exert a strong control on

compaction, and/or reductions in organic matter.

BB The DEIS also distorts existing soil and soil productivity conditions by failing to use the best available science which clearly indicates that the cumulative effects of management activities have had a greater effect on soils than fires. The Forest Service is well aware that compaction and erosion have greater effects on ecosystem functions than bare soils (USFS and USBLM 1997b). Fire may reduce soil productivity but typically not as much as soil compaction and whole tree removal. Although fire can affect soil productivity and hydrologic properties, the effects of compaction on these soil properties are usually more severe and more persistent than fire impacts (USFS and USBLM, 1997b). The DEIS must be revised to clearly disclose this information.

CC 9. <u>The DEIS does not adequately disclose the effect of existing conditions on peakflows and affected downstream resources.</u>

Peakflows are plainly a major environmental concern within the project area, as recent flooding and flood damage attests. Yet, the DEIS fails to adequately discuss and disclose the effect of existing conditions on peakflows and flooding.

Soil compaction and soil loss both contribute to elevated peakflows via a number of mechanisms. Both impacts reduce infiltration rates and the ability of soil to store moisture (USFS and USBLM, 1997a; Rhodes and Purser, 1998). All activities that compact soils, elevate soil erosion, and/or remove vegetation, contribute to increasing peakflows and downstream damage from flooding. Such activities include firelines, grazing, roads, landings and logging. Soil compaction and loss are cumulative. Yet, the DEIS fails to even take a hard look at how these activities have cumulatively increased peakflows and flood damage.

Roads also increase peakflows by acting as an extension of the channel network (Wemple et al., 1996). In surveys on the Clearwater National Forest, a significant fraction of the road network acted as extensions of the channel network, greatly elevating drainage density and contributing to elevated peakflows (Rhodes and Huntington 2000).

Tree removal also increases peakflows by increasing snow accumulation, snowmelt and rain-on-snow runoff. Tree removal in areas with hydrology dominated by snowmelt increases peakflows (Rhodes and Purser, 1998). Therefore, existing logging, roads, and firelines have increased peakflows and downstream flooding damage, although the DEIS fails to adequately disclose and discuss these effects and their likely magnitude.

For these reasons, the DEIS fails to adequately analyze and disclose the current effects of existing conditions on peakflows. These defects must be corrected by taking a hard look

conditions in perennial streams and fish habitat (Rhodes et al., 1994; Erman, 1996; USFS and USBLM, 1997a). Based on these considerations, Erman et al. (1996) recommended that protected riparian widths on non-perennial streams should be adjusted based on slope. The minimum width was 150 feet on each of the side of the stream, ranging upwards of 500 feet on each side of non-perennial stream with steep sideslopes. USFS and USBLM (1997a) came to similar conclusions regarding the widths needed to protect headwater streams from damage from sediment delivery from upslope disturbance. It concluded that smaller streams, including ephemeral reaches, required widths expanded on the basis of adjacent hillslope steepness to protect aquatic resources. In many settings, smaller perennial and ephemeral streams would receive larger widths than larger streams (USFS and USBLM, 1997a). The expanded widths were needed because smaller streams have increased vulnerability to degradation, are more sensitive to the effects of upslope land use due to steeper valley walls and these streams comprised the vast majority of the channel networks and damage to them translated downstream (USFS and USBLM, 1997a). The DEIS is completely devoid of this information.

NN

11. <u>The DEIS does not adequately disclose the alternatives' effects on soil productivity.</u>

OO

EE

The DEIS fails to disclose that elevated erosion from logging will probably be greatest in areas with high severity burns. It also fails to note that these impacts will cumulatively reduce soil productivity in these areas. The DEIS does not disclose that logging will also elevate surface erosion via increased peakflow and runoff. The DEIS also fails to adequately disclose the amount of compaction and soil disruption caused under each alternative and the total amount of compacted soils throughout the project area and at the watershed scale likely under each alternative. These are severe omissions because soil productivity is a key issue within the project area. Soil productivity has a strong effect on the rate of post-fire vegetation recovery and risk of invasive weed spread.

PP

QQ

Because logging always causes soil compaction and long-term loss of soil productivity, Beschta et al. (1995) concluded: "...post-burn management activities that accelerate erosion or create soil compaction must be prohibited." For these same reasons, another consensus conclusion in Beschta et al. (1995) was: "Salvage logging by any method must be prohibited on sensitive sites, including in severely burned areas (areas with litter destruction), on erosive sites, on fragile soils, in roadless areas, in riparian areas, on steep slopes, or any site where accelerated erosion is possible, [and] in watersheds with existing serious sedimentation problems." Beschta et al. (1995) concluded that even for areas determined suitable for salvage logging (excluding the areas mentioned above), "Because of soil compaction and erosion concerns, conventional types of ground-based yarding systems (tractors and skidders) should generally be prohibited." These conflicts are never identified nor discussed in the DEIS.

RR

-Brad

These defects in the DEIS are significant because it is well known that that the prevention of soil damage and loss of soil productivity is easier and more effective than attempts to restore productivity after it has been lost (USFS and USBLM, 1997a). One of the primary approaches to restoring soil productivity is to restore organic matter and coarse woody debris levels by leaving areas undisturbed until organic matter levels have recovered (USFS and USBLM, p. 206, 1997a). The DEIS must be revised disclose this information.

SS

Sexton (1998) documented that post-fire salvage logging reduced regrowth of ponderosa pine and other species relative to adjacent burned but unlogged areas. Naturally regenerating groundcover in unlogged areas also had greater survival and growth than plantings on areas that had been salvaged logged after fire. The DEIS must be revised to make these disclosures.

As previously discussed, the DEIS also fails to credibly discuss the severity and persistence of soil productivity loss from the construction of landings and roads. Road construction, including temporary roads, causes severe loss of soil productivity via acute compaction, complete removal of all vegetation and organic matter and vast increases in erosion. The latter effect is prolonged by the loss of soil productivity, which severely retards revegetation. Despite these well-known effects of landings and roads on soil productivity (USFS and USBLM, 1997a) and the acknowledged importance of soil productivity in the area, the DEIS fails to reasonably disclose the persistence and severity of the soil productivity caused by the construction of landings and temporary roads. The DEIS must be revised to correct these significant errors. The DEIS must also disclose the area of long-term intense loss of soil productivity from landing and road construction and landing re-use for all alternatives on a watershed basis.

TT

In addition, the DEIS must be revised to disclose the total area of watersheds cumulatively compacted by all past, present and likely future activities for all of the alternatives. These impacts should include all logging, grazing, roads, road construction, landings, landing construction and firelines. The nature of soil compaction require such a cumulative assessment.

FF

The DEIS must disclose the total area of soil productivity loss caused by cumulative effects of compaction, soil displacement, wood and vegetation removal and elevated soil erosion under each alternative over the project area and affected watersheds. This information must also be used to assess the degree of compliance among the alternatives with NFMA requirements for soil protection.

UU

Logging over snow does not obviate soil compaction and soil damage. Field reviews of over snow logging consistently indicate that it often causes severe soil damage for a variety

of reasons, including unfrozen soils, thin snow and/or snow with little bearing capacity. Unfortunately, such damage tends to occur in ecologically important wetlands where soils remain unfrozen and snowpacks are usually thin and lacking in bearing strength. Therefore, the DEIS cannot merely assume that damage will be minimal. It must disclose the typical rates of soil compaction and disruption associated with these logging methods.

GG

For these combined reasons, the DEIS has grossly failed to accurately convey the likely direct and cumulative impacts of the alternatives on soil cover, soil productivity and erosion. Based on available information, the DEIS's conclusions with respect to soil productivity are in obvious error. All the alternatives but no action will severely and persistently reduce soil productivity in all treated areas.

VV

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12. The DEIS fails to adequately disclose the alternatives' effects on peakflows and affected downstream resources.

HH

All the action alternatives will contribute significantly to elevated peakflows, although this is inadequately disclosed in the DEIS. The removal of tress, even dead ones, increases snow accumulation by reducing interception and consequent water losses from interception. Peakflows are primarily generated by snowmelt. Logging increases snowmelt by removing shade provided by dead trees and increasing convective heat transfer. Logging also increases peakflows via compaction and soil loss. The DEIS fails to disclose these impacts from logging. It also fails to disclose that these impacts will combine with impacts on private lands to increase flood flows and downstream damage during flood events. These defects must be corrected by revising the DEIS

II

13. The DEIS does not adequately disclose the effects of the alternatives on erosion, sediment delivery and sedimentation.

The DEIS fails to reveal likely levels of sediment delivery under each alternative in each watershed. The DEIS obscures the impact of the alternatives by failing to disclose the magnitude of short-term increases in sediment delivery. The DEIS's use of qualitative assessment of sediment delivery purposely obscures, rather than discloses, the effects of the alternative on sediment delivery and sedimentation. This obfuscatory approach must be scrapped. The DEIS must be revised to include cumulative estimates of anthropogenic sediment delivery from all sources under each alternative at the watershed scale.

WW

The DEIS's assessments of sediment delivery impacts are based on the incorrect and arbitrary assertions that BMPs will reduce sediment delivery to insignificant levels. These defects must be corrected by revising the DEIS.

JJ The DEIS fails to disclose that increased traffic under the several alternatives will significantly increase sediment delivery. Several of the alternatives will greatly increase traffic on roads, which will increase sediment delivery. The extent, intensity and longevity of this effect vary considerably among the alternatives. However, the DEIS fails to adequately differentiate among the alternatives with respect to increased sedimentation from increased traffic. These defects must be rectified by revising the DEIS to disclose the total number of road miles affected on a watershed basis and within the project area. The DEIS must also credibly disclose the duration and magnitude of increased sediment delivery caused by increased truck traffic.

XX

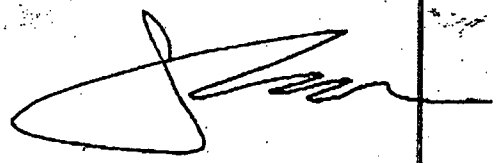
KK The DEIS also fails to examine the effects of cumulative increases in sediment delivery under the alternatives and effects on turbidity and water quality standards. The DEIS contains no attempt to relate cumulative sediment delivery under the alternatives to turbidity, suspended sediment and effects on downstream resources, including domestic water supply. The DEIS also fails to take a hard look at sediment delivery effects and in-stream compliance with state water quality standards under the alternatives. These flaws must be corrected by revising the DEIS to disclose the duration, intensity and extent of these likely impacts within the project area and at the watershed scale.

LL In addition, the DEIS fails to disclose that short-term increases in sediment delivery have persistent long-term effects on stream channels. Increased sediment delivery increases fine sediment levels in channel substrate in an immediate and persistent fashion. This relationship is, unfortunately, not elastic. Subsequent decreases in sediment delivery often do not result in rapid improvement of substrate conditions, especially in streams with high sediment delivery. Although this aspect of sediment delivery effects on substrate conditions has been well documented in field and laboratory settings, the DEIS incorrectly conveys the opposite impression. The DEIS must be revised to correctly disclose the persistence of adverse substrate effects from short-term increases in sediment delivery and the limited benefits of longer term sediment delivery reductions for substrate conditions.

YY

Please send us the supplemental DEIS when completed. Thank you for the opportunity to provide substantive comments.

Respectfully submitted



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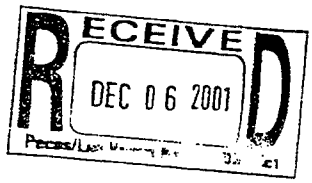
November 19, 2001



Daniel Crittenden
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Dear Mr.Crittenden:

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT: VIVEASH FIRE SALVAGE, PECOS/LAS VEGAS RANGER DISTRICT, SANTA FE NATIONAL FOREST (OCTOBER 2001)

This transmits New Mexico Environment Department (NMED) comments concerning the above-referenced Draft Environmental Impact Statement (DEIS).

WATER QUALITY

The DEIS considers four alternatives, as follows:

1. No Action. This alternative would not impact water quality.
2. Proposed Action. This alternative assumes maximum activity.
3. The third option is similar to the Proposed Action, except that activities are lessened in response to issues such as soil erosion, water quality and fish habitat.
4. Roadside salvage is the fourth option. This alternative is limited to salvaging wood materials only from existing roads, which would be primarily used for firewood.

The second alternative would open approximately 6,700 acres for wood product harvesting. Impacts to the environment would include potential erosion from re-opening 43 miles of currently closed roads. Heavy equipment for timber harvest would be utilized which may result in further degradation of soils. Depending on the degree of adherence to "best management practices", this may or may not result in significant watershed impacts and negatively affect wildlife as well as water quality.

The third alternative is more sensitive to key issues of soil erosion, water quality, and fish habitat. The harvesting would be limited to approximately 2,900 acres in areas where erosion is less likely to be a factor, such as those with gradients below 35% and minimal contact with hydrophobic soils. This option, however, would open twenty miles of decommissioned roads within a ¼ mile of existing roads.

The fourth alternative focuses on harvesting fuel wood products without reopening of roads or use of heavy equipment. This alternative earmarks 2,600 acres for roadside salvage.

The salvage area includes Cow Creek and its tributaries and, to a lesser degree, Bull Creek and Willow Creek. These three creeks are tributaries to the Pecos River. The "*State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC*" (October 2000) designates this section of the Pecos River and its tributaries for uses of domestic water supply, fish culture, high quality coldwater fishery, irrigation, livestock watering, wildlife habitat, and secondary contact. Due to the fire, Cow Creek and some of its tributaries have stopped meeting standards, especially in turbidity. As the vegetation continues recovering, and soil is anchored on the watershed slopes, this matter should diminish in importance; however, the opening of new roads and improper use of heavy equipment, could augment again the transport of sediment.

A Assuming strict adherence to best management practices, alternative three should be able to best address economic concerns and minimize water quality impacts. We recommend that the final document
B provide a clearer description of the planned remediation steps to be taken by the Forest Service/contractor after project work is conducted. We also recommend that the work be scheduled
C outside of the rainy season to minimize potentially significant environmental impacts

D It is important to mention the requirement to apply for a Federal Clean Water Act *§404* permit, and possibly a *§401* certification, in the case of roads crossing streams that will need to be upgraded.

AIR QUALITY

The project area, as stated in the DEIS, is currently considered to be in attainment with all state and national ambient air quality standards (NAAQS).

E Although ambient air quality impacts should be minimal as a result of this project, dust control measures should be taken to minimize the release of particulates during implementation of the proposed plan. Areas disturbed by activities related to road building and timber salvage within and adjacent to the project area should be reclaimed to the extent possible to avoid long-term problems with erosion and fugitive dust. Preventative measures taken to control dust will also ensure that air emissions from the project will not affect visibility at the nearby Pecos Wilderness, a Class I area.

F Please note that contractors supplying asphalt or concrete for the project must have a current air quality permit.

We appreciate the opportunity to comment on this document. Please let us know if you have any questions.

Sincerely,

Peter Maggiore
Secretary

NMED File No. 1529ER

December 10, 2001

Chris Napp, Project Manager
USDA Forest Service
Santa Fe National Forest, Pecos/Las Vegas Ranger District
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Pecos, NM 87522

RE: Comments on Viveash Fire Timber Salvage

Dear Mr. Napp:

Forest Guardians is a non-profit group with offices in Santa Fe, New Mexico. Our mission is to protect and restore the native biological diversity of forests, grasslands, deserts and rivers of the Southwest. A primary goal is to protect our public lands, including those of the Santa Fe National Forest. Forest Guardians has over 2200 individual and business members throughout the U.S. Many of our members use and enjoy the Santa fe National Forest for recreational, aesthetic and scientific activities.

The following are comments to the October 12, 2001 Draft EIS for the Vibeash Timber Salvage Project.

A 1. **Population survey data needed to determine the maintenance of minimum viable populations of wildlife is not disclosed.**

The Forest Service is required by 36 C.F.R. Sections 219.19 and 219.26 of the regulations implementing the National Forest Management Act to collect population data for Management Indicator Species (MIS) (as required by section 219.19) and for all affected species (as required by section 219.26).

Section 219.26 creates a general obligation that the Forest Service gather and keep quantitative data to ensure species diversity in the planning area. It states in relevant part:

> *Forest Planning shall provide for the diversity of plant and animal communities and tree species consistent with the overall multiple use objectives of the planning areas. Such diversity shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition.*

Section 219.19 specifically requires that the Forest Service monitor the populations of Management Indicator Species, stating:

> *Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area . . . (1) In order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species . . . (6) Population trends of the management indicator species will be monitored and relationships to habitat changes determined.*

As these regulations make abundantly clear, the Forest Service has an affirmative obligation to gather and maintain quantitative wildlife population data.

B In this case, the DEIS fails to state whether quantitative data has been obtained and, if so, what are trends for MIS species based on empirical survey data. Instead this DEIS presents as fact the opinion that early seral habitat is beneficial to Northern Goshawk and numerous other species without quantitative or qualitative research support.

C We suggest that these data (or lack of data) be disclosed to the public and decisionmakers early in the process so that comments and informed decisions can be made.

D **2. Landscape level analysis is required to maintain viable population of native wildlife and dependent ecosystems.**

In the past two decades the science of conservation biology has emerged to specifically address the maintenance of viable populations of native wildlife and the preservation and restoration of ecosystems on which they depend. The Forest Service has the same goals under the requirements of the National Forest Management Act and the Endangered Species Act. There is a unique opportunity in this case to meet the agency's legal obligations within the context of one of the most complete applications of the principles of conservation biology yet drafted for a North American bioregion.

The Viveash Timber Sale is located within the San Juan/Sangre de Cristo Bioregion, a globally significant 15 million acre center of biological diversity. A wildlands recovery strategy drafted for this magnificent bioregion proposes an interconnected systems of reserves and habitat connectors necessary to protect and restore native species (Talberth 1999). Known as the San Juan/Samgre de Cristo Conservation Plan, successful implementation requires the participation of the Forest Service, other federal and state agencies, private land owners and conservation and community groups.

E We recommend that management activities be consistent with the recommendations of the San Juan/Sangre de Cristo Plan to ensure that well-disturbed, viable populations of all native species are provided for.

F **3. An economic analysis for the Viveash Project must be prepared that provides the public with a full and fair accounting of the net economic benefits.**

The economic analysis must include the economic value of all existing uses and all the externalized economic costs. This includes any economic value such as recreation, flood control, pest control, carbon sequestering and many other ecosystem services In addition, a wide range of costs must be considered including those costs incurred through loss of ecosystem services that such as increased flooding, increased risk of death, injury and property damage from logging operations and increased fire risk.

G **4. A non-commercial restoration alternative must be analyzed.**

The Forest Service is required to analyze a non-commercial restoration alternative that implements prescribed burning, road obliteration, grazing reductions alone without commercial timber harvest (see FSM 2432.22c). There is ample evidence in the literature to suggest that such an alternative would achieve the restoration goals of the project in a cost efficient manner without creating any of the ecological and economic damage of treatments that include commercial logging. The Forest Service in this case cannot claim that logging will improve forest health without taking a hard look at prescribed fire, road obliteration, erosion control, cutbacks in livestock grazing and other non-commercial means to improve forest health. The Forest Service is required to analyze such an alternative under NEPA (see 40 CFR 1502.22). We see no such analysis.

5. The Proposed Project Violates the Clean Water Act's and New Mexico's Anti-Degradation Policy

The purpose of the §404(b)(1) Guidelines is to "restore and maintain the chemical, physical, and biological integrity of waters of the United States through the control of discharges of dredged or fill material." 40 C.F.R. §230 [hereinafter "Guidelines"], 40 C.F.R. §230.1(a). Moreover, the Guidelines are intended to be consistent with policies of the Clean Water Act. 40 C.F.R. §230.1(b). As will be demonstrated below, the Forest Service's proposed Viveash timber salvage project does not comply with the Guidelines and therefore violates New Mexico water quality standards.

a. New Mexico's Antidegradation Policies Prohibit the Proposed Project in Water Quality Limited Waters

The definition of a water quality standard includes beneficial uses to be supported, numeric and narrative criteria, and an antidegradation policy. PUD No. 1 of Jefferson County v. Washington Department of Ecology 114 S. Ct. 1900, 1905 (1994). The federal regulations establish the minimum acceptable antidegradation policy. 40 C.F.R. §131.12(a). For all waters, this policy requires that "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." 40 C.F.R. §131.12(a)(1). This level of protection is considered the absolute floor of water quality. Questions and Answers on: Antidegradation, EPA Office of Water Regulations and Standards, August 1985, at 4. Existing uses are those uses that have occurred on or after November 28, 1975; they may or may not be included as designated uses in state water quality standards. 40 C.F.R. §131.3(e). New Mexico's antidegradation policy mirrors this language, requiring the protection of "all existing beneficial uses" from "point and nonpoint sources of pollution."

Pollution is broadly defined as "contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature * * * or such radioactive or other substance into any waters of the state which either by itself or in connection with any other substance present, will or can reasonably be expected to * * * render such waters harmful, detrimental, or injurious to * * * wildlife, fish or other aquatic life, or the habitat thereof."

New Mexico's current numeric criteria have been developed, with extremely few exceptions, to assess the "safe" level of pollutants to certain beneficial uses on a pollutant-by-pollutant basis. Nonetheless, these pollutants have additive and possibly synergistic effects on those uses. In addition, the "safe" level has been determined on the basis of what an ordinary population of a target species can tolerate. However, the populations of threatened and endangered, as well as candidate, species are not ordinary; they are severely depressed. As such they cannot be exposed to the same level of risk from pollutants, individually or collectively, as ordinary non-depressed populations. To do otherwise, in addition to violating the fundamental definition of water quality standards, is to violate the antidegradation policy which, above all, requires protection of existing uses. Existing uses are those uses that existed in 1975; to cause or contribute to the extinction of those uses is to eliminate them contrary to the requirements of the Clean Water Act and its implementing regulations. Further, the Best Management Practices discussed in the DEIS fail to take into consideration that streams within the project area are already severely degraded and thus will not be protected by the application of generic BMP's.

Conclusion

We strongly support leaving this forest ecosystem alone so that it can recreate itself absent the perhaps, well-meaning, but misguided intentions of the U.S. Firest Service.

Sincerely,

Lars Ortegren
Forest Protection Program

LO:RW:SH

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December 10, 2001

RE: Comments on the Viveash Fire Salvage DEIS.

Dear Mr. Crittenden,

Forest Conservation Council ("FCC") and the National Forest Protection Alliance ("NFPA") are tax-exempt, public interest organizations with individual and business members throughout the United States and New Mexico. The Western regional office of FCC is in Santa Fe; please send all NEPA materials to that address. We have been participating in the timber sale program of the Santa Fe National Forest for over a decade.

Thank you for the opportunity to comment on this significant logging and road-building project and for holding the public open houses. We will do our best to provide site-specific and informed comments. However, it must be noted that these comments are necessarily more general than FCC would prefer because the Santa Fe National Forest has refused to provide any of the analysis documents requested from the project record. In particular, the Roads Analysis, Watershed Analysis, and Socioeconomic Technical Report cited in the Chapter 5. DEIS at 5-2.

Introduction

A The Viveash Fire Salvage DEIS is unacceptably vague, conjectural and unsubstantive.

B The proposed action is not carefully explained anywhere in the DEIS and it is thus very difficult for the public to understand exactly what the Forest Service is proposing other than general salvage logging of 40-80 percent of standing fire killed trees across 5,600 acres, roadside salvage on 1,100, plus reopening 43 miles of decommissioned roadway. DEIS 2-6 and 2-7. From this explanation and the snag retention standards provided, it is

C difficult to determine if only dead trees will be cut or if dying trees will be cut as well.

D Further, there is very limited quantitative information in the DEIS and thus most of the conclusions and determination are purely conjectural.

The Viveash Fire Salvage DEIS is based substantively on Best management Practices ("BMPs"), mitigation measures and the concept of adaptive management. Unfortunately,

E the over dependence on these concepts significantly weakens the DEIS and fails to meet the concrete requirements of the National Environmental Policy Act ("NEPA"), the National Forest Management Act ("NFMA"), and the directives which guide on-the ground planning ("FSM" and "FSH"). Adaptive management is simply a theoretical concept and rarely if ever carried out on the ground. The DEIS unfairly falls back on this concept from its inception. DEIS at 2-13. The concept of adaptive management has been F seriously called into question by the agency's own scientists and is not arguably applicable to a salvage logging project.[1]

G We are especially concerned with the adverse economic effects of the national forest logging program, and the Forest Service's failure to quantify such effects at the project level or for the program as a whole. The logging program increases costs of water purification and filtration, decreases the value of private timberlands, unfairly competes against alternative fiber and building material businesses, increases wildfire risk, increases repair and maintenance costs for highways and public roads, and decreases the number of jobs in recreation, tourism, fisheries, and alternative forest products. All of these impacts are clearly at issue in the Viveash project area.

H The socioeconomic analysis produced by Foster Wheeler Environmental Corp. does not meet the letter or intent of the law and borders on primitive. This is unacceptable considering that the stated purpose and need as well as the number two issue identified by Foster Wheeler is "Economics." Incredibly, Foster Wheeler identifies two simplistic "aspects" related to the issue of economics: jobs and the availability of wood products to the local community. DEIS at 2-5. The section on socioeconomics in the Viveash Fire I Salvage Sale DEIS fails entirely to account for any existing socioeconomic benefits of the fire area, instead we are offered a subjective assessment of jobs and income related only to logging. Further, many of the so-called jobs created are actually already in existence in the Española mill and as such would not actually be created nor benefit the local community. Such archaic perspectives on public forestlands do the local community and the American taxpayer a great injustice and do not assist the decision maker in determining if net public benefits are being met.

J Planning a high-volume (~10 and 30 MMBF) salvage timber sale with extensive road reconstruction while attempting to couch it in economic stimulus without considering any of the other socioeconomic benefits of the project area borders on fraud. There is simply K no concrete evidence provided that the direct, indirect and cumulative impacts of the proposed salvage will not be significant. The Viveash Fire Salvage is the perfect example of why the American public has lost all faith in the management capabilities of the US Forest Service. Our organizations generally support the scientifically justified components of the project such as, road decommissioning and replanting. However, the agency has not presented any alternative that would accomplish these important tasks, L provide the tradition personal use products of the local community without the damaging impacts of commercial salvage sales and road reconstruction.

[1] See Moir and Block 2001 attached.

Foster Wheeler completely ignored FCC's significant, science-based concerns presented in our scoping letter. In particular our notification that there is dissenting science on the appropriateness of logging severely burned area such as the Viveash Fire Area (in fact, the science we raised is not even cited in the DEIS), that the DEIS must comply with all applicable laws pertaining to the analysis of socioeconomics and consideration of values provided by the project area other than jobs in logging, that noxious weed infestations may result from the extensive logging and road reconstruction, and that the project must comply with the 1996 Santa Fe Forest Plan Amendments.

Until an alternative is presented that would carry out ecosystem restoration activities and concentrate efforts on protecting structures in the wildland-urban interface ("WUI"), our organizations will continue to oppose this proposal. We do, however, support a "Conservation and Local Economy Alternative." Such an alternative would meet the following purpose and needs: 1. Provide for and aid natural recovery of the Viveash Fire Salvage; 2. Improve the protection of homes from wildfire; 3. Provide economic opportunities for San Miguel County; 4. Provide for clean water and healthy watersheds; 5. Reduction in nonnative weeds; 6. Restore wildfire into the forest ecology outside of the Wildland-Urban Interface; 7. Improve the scientific understanding of fire ecology; and 8. Improve the public's understanding of fire ecology and forest management. Activities acceptable in this alternative would include prescribed burning, road closure and decommissioning, noxious weed treatment program, planting of native trees and grasses, WUI fuels reductions, riparian restoration activities, reintroduction of native species (i.e. Rio Grande cutthroat), and a homeowner "firewise" education project. All of these activities would create longer-term, sustainable jobs in the local community. We expect that this alternative will be incorporated and analyzed fully and fairly in the final EIS.

Finally, the Viveash Fire Salvage will jeopardize the viability of species that thrive in naturally disturbed forests and aquatic ecosystems, intervene in natural disturbance processes that are vital to ecosystem sustainability, and degrade water quality and watershed condition. The analysis on which the Forest has relied is inadequate, flawed and biased in a number of ways, rendering any potential decision arbitrary and capricious.

Specific Concerns

1. Scientific Accuracy: Obligation under 40 C.F.R.§ § 1500.1(b) & 1502 to take a hard look and insure scientific integrity has been ignored in the Viveash Fire Salvage DEIS.

The Viveash Fire Salvage DEIS is woefully inadequate and does not even begin to meet the requirements of NEPA.[2]

[2] 40 CFR 1500.1(b)

"[I]nsure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. ***The information must be of high quality.*** Accurate scientific analysis, expert agency comments and public scrutiny are essential". 40 CFR 1500.1(b).

P Further, the Forest Service has failed entirely to meet the requirements of 40 C.F.R.§1502 regarding environmental assessments. Instead of the required "hard look," the agency and contractor, Foster Wheeler Corporation, have offered the public an unsubstantiated narrative that in no way meets the requirements of a DEIS. Several substantive assumptions are based purely on personal communications. The analysis on which the Forest has relied is inadequate, flawed and biased in a number of ways, rendering any potential decision arbitrary and capricious. 5 U.S.C. § 706. Very little substantive, site-specific information is offered anywhere in the DEIS. The Viveash Fire Salvage DEIS is mostly a qualitative narrative of the Forest Service's predicted and conjectural environmental consequences.

Q The proposed actions are not supported by any scientific body of knowledge an in fact, many of the predicted impacts are contrary to the best available science. The Forest Service is required by NEPA to provide scientific support for its assumptions and predictions. Such empirical support is lacking entirely in the Viveash Fire Salvage DEIS. The best available science supports a very different scenario for recovery of the Viveash Fire Area. The US Forest Service must rely on this science and not on its professional opinion. Several conclusions can be made based on the best available science:

O³ ▪ The large majority of Viveash Fire Area will recover naturally without any significant intervention (Beschta, et. al., 1995; Mclver and Starr, PNW-GTR-486, 2000; Stickney, 1990).

P³ ▪ Sites that were damaged before the fire from roads, timber harvest, grazing, and other developments are most likely to require intervention to aid natural recovery. (Beschta et. al., 1995; Lyon, GTR-INT-184, 1976).

Q³ ▪ The likelihood that a home will ignite from wildfire is almost entirely determined by the landscape within 40 meters of the building and by the materials and design of the building. (Cohen, Preventing Disaster, 2000; Cohen, Reducing the Wildfire Fire Threat to Homes: Where and How Much , 2000; Cohen, Why Los Alamos Burned , 2000).

R³ ▪ Management activity, including fuel reduction, beyond 40 meters away from a home has little effect on the likelihood that a home will ignite during a wildfire. (Cohen, Preventing Disaster, 2000; Cohen, Reducing the Wildfire Fire Threat to Homes: Where and How Much , 2000; Cohen, Why Los Alamos Burned , 2000).

S³ ▪ Salvage logging usually does significant damage, significantly changes the plant and animal succession, and has no ecological benefit. (Beschta, et. al., 1995; Robichaud, et. al., PNW-GTR-486, 2000).

- Stand replacing fires are a natural occurrence to which the forest is adapted with the exception of some lower elevation forest types. (Beschta, et. al., 1995; Interior Columbia Basin EIS, 2000).
- Even ponderosa pine forests have been found to have originated in stand replacing fire events. (Arno et al. 1995)
- Drought and other climatic factors are the primary causes of large-scale fires, which occur regardless of fuel conditions. (Schmoldt, Daniel L. , et. al., , PNW-GTR-455, USFS, 1999).
- Fire suppression, logging, and grazing are the primary causes of unnatural fuel conditions. (Beschta, et. al., 1995; McIver and Starr, PNW-GTR-486, 2000; Schmoldt, Daniel L. , et. al., PNW-GTR-455, USFS, 1999).

Until this information is incorporated into the DEIS the document cannot meet the standards of NEPA or the directives found in the Forest Service Manual and Handbook.

Examples of the unbased assumptions and conclusions in the Viveash Fire Salvage DEIS are rampant. For instance, the DEIS makes the customary "reburn" claim; that the standing dead trees will eventually fall to the ground and contribute to future catastrophic fires. DEIS at 3-29. However, this archaic theory has been abandoned by the agency's own scientists:

- "We found no studies documenting a reduction in fire intensity in a stand that had previously burned and then been logged." (Environmental Effects of Postfire Logging, USDA Forest Service, 2000).
- "We are aware of no evidence supporting the contention that leaving large dead wood material significantly increases the probability of reburn." (Wildfire and Salvage Logging, Beschta, et al., 1995).
- "The removal of large, merchantable trees from forests does not reduce fire risk and may, in fact, increase such risk." (Depts. of Agriculture and Interior, Report to the President, September 2000).

The entire watershed impacts analysis is based almost entirely on the overall reduction of road density over the lifetime of the project. The DEIS fails miserably to take a hard look at several critical contributors to soil compaction and sediment delivery; namely reconstruction of 43 miles of decommissioned roads and extensive private land salvage logging in the project area. For example, the only discussion of the impacts from reopening 43 miles of roadway are presented in a brief narrative on page 4-9,

> "Opening closed roads has the potential to generate increased sediment yield from the use of those roads...Reopening roads to vehicles would contribute to soil compaction along the roads, leading to short term increases in sediment production... Only

minimal amounts of increased sediment yield would be expected from reopening existing roads." DEIS at 4-9.

Such a brief treatment of a potential significant contributor of sediment to a stressed aquatic system is unacceptable. No where in the DEIS is any attempt made to quantify this soil compaction and sediment delivery resulting from reopening 43 miles of nearly recovered roads nor any attempt made to review empirical research or literature pertaining to the issue. In fact table 4-1, disclosing the quantified information pertinent to the issue of soil, water quality and fish habitat does not even disclose the reopening of 43 miles of closed roads, it simply discloses the overall net reduction in road density after the life of the project, ignoring critical information.

Central to NEPA's diverse procedural requirements is the mandate that a federal agency take a 'hard look' at the environmental consequences of its proposed action.[3] Taking a proper hard look prohibits "general statements about 'possible' effects,'"[4] and in fact requires the Forest Service to reference material in support of or in opposition to its conclusions. Such reference must be made in the EA.[5]

Again, despite the disclosure of extensive private land salvage logging in the project area, confirmed by commentor's project area visits, the DEIS wholly fails to quantify the acreage of private land logging or its potential contribution to the significant issues. For example the DEIS states,

> "Many of the private landowners in the Project Area have logged most of the dead trees on their land." DEIS at 2-17. and,
>
> "The Office of the New Mexico State Forester speculates that other landowners will likely continue to harvest trees for commercial purposes." DEIS at 2-18.

Yet, no attempt, that we are aware of, is made in the DEIS to quantify this information or take the required "hard look." Such a lackadaisical approach to NEPA is unacceptable and contrary to law as clarified by the federal courts. The impacts from extensive private land logging have been ignored and, by the DEIS's own admission, not included in any modeling of sediment production. DEIS at 4-2. The WEPP computer model referenced simply takes into account "large sale harvesting," thus all private land logging, roadside salvage, and reconstruction of 43 miles of roads are not accounted for in this model. Therefore the, 1-5% predicted change in sediment caused by harvest in each alternative is a significantly low estimate and ignores easily quantifiable contributors to sediment delivery. The bulk of the logging EIS's that have been reviewed by FCC generally use measures more inclusive to estimate sediment delivery such as Equivalent Roaded Area.

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[3] Oregon Natural Resources Council v. Lowe, 109 F.2d 714, 717 (9th Cir. 1998).

[4] Neighbors of Cuddy Mountain v. United States Forest Service, 137 F.3d 1372, 1380 (9th Cir. 1998).

[5] Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208 (9th Cir. 1998).

Additionally, in relation to the issue of road "reconstruction", the DEIS's claims that this action will not significantly increase soil erosion or sedimentation are unfounded. Once again, there is ample science demonstrating otherwise. For example, Amaranthus et. al (1985, *cited in Chapter 5*) concluded that soil erosion rates due to debris slides were many times higher on forests with roads, landings, and logging activity than on undisturbed forests. ***Roads were found to cause 60% of the erosion volume.*** Eaglin and Hubert (1993) concluded that the volume of fine sediment present in streams increased in direct proportion to logging in the watershed ***and stream crossings by roads.*** Corn and Bury (1989) found that a higher proportion of fine sediment occurred in streams flowing through forest stands with logging than streams flowing through unlogged forest stands.

Obviously, the road reconstruction and construction components of the Viveash Fire Salvage cannot be ignored or treated as a brief narrative and to do so is in direct violation of the statues and directives that shape the agency's compliance with NEPA. Nor can the DEIS rely simply on BMPs to account for significant effects as it does regularly.

Several resource issues are simply ignored based solely on BMPs and mitigation measures. For example noxious weeds, fire and fuels, hydrology, etc. Such reliance on BMPs and mitigation measures has been found to be inconsistent with NEPA by the federal court system. The Neighbors of Cuddy Mountain case provides clarification with respect to the Forest Service's duty to properly formulate and discuss mitigation measures:

> "The Forest Service's perfunctory description of mitigating measures is inconsistent with the "hard look" it is required to render under NEPA . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA."[6]

While the use of BMPs is to be encouraged in timber salvage projects, we note that the use of these measures is not in and of themselves sufficient to ensure compliance with the law.

> "The Forest Service's broad generalizations and vague references to mitigation measures in relation to the streams affected .... do not constitute the detail as to mitigation measures that would be undertaken, and their effectiveness, that the Forest Service is required to provide."[7]

2. Socioeconomic Benefits

USFS timber sales are the end result of inter-related planning decisions and analyses made at the national, forest, and project level. 36 C.F.R. § 219.4. At the national level,

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[6] 137 F.3d at 1380 (quoting Carmel-by-the-Sea v. U.S. Dep't of Transp., 123 F.3d 1142. 1154 (9th Cir. 1997 and Northwest Indian Cemetery Protective Ass'n v. Peterson, 795 F.2d 688, 697 (9th Cir. 1986), rev'd on other grounds, 485 U.S. 439 (1988).

[7] Id. at 1381.

the Forest Service prepares the Renewable Resources Program (RPA), which determines output levels for all national forest resources based upon a comprehensive environmental and economic assessment of present and anticipated demands for and supply of renewable resources from forests in all ownership. At the forest level, the Forest Service has prepared the Santa Fe National Forest Land and Resource Management Plan ("LRMP"), which is an "extension" of the RPA Program and which identifies lands that are suitable for timber sales, the amount of timber to be offered each year, and under what conditions timber sales will be offered. At the project level, the Forest Service makes decisions about the specific configuration of individual timber sales, including Viveash Fire Salvage. At each level, the Forest Service must engage in environmental and economic analyses of its decisions as required by the National Environmental Policy Act.

The Forest Service is required by law to manage national forest system lands and programs to maximize social and economic benefits for the American people. As with other projects planned on the National Forests of New Mexico and throughout Region 3 the Forest Service has failed to complete an economic analysis of the Viveash Fire Salvage that provides the public with a full and fair accounting of net economic benefits. Instead, the economic analysis is limited to net costs incurred by the Forest Service and project administrators and net revenue based on theoretical calculations.

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The DEIS and project record fail to place any economic value on existing uses and functions of the sale area, including recreation, flood control, pest control, carbon sequestering, and many other "ecosystem services." In addition, the economic analysis fails to consider a wide range of costs that will be incurred by the public through loss of these "ecosystem services" and other externalized costs such as increased flooding, increased risk of death, injury, and property damage from logging operations, and increased fire risk.[8] The DEIS fails to disclose the diversity of the economy in San Miguel County and discuss the important contributions of the non-timber sector.

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The DEIS fails entirely to account for jobs and income related to non-timber uses of the Santa Fe National Forest and in particular the Pecos-Las Vegas Ranger District. In New Mexico, economic activity related to "forest protection" sectors is approximately 14 times that of economic activity related to logging or wood.[9] The DEIS discusses only timber jobs, but ignores that effect for non-timber jobs that are already in existence and growing steadily. There are non-timber businesses that depend on uncut, healthy National Forest lands in the analysis area that may incur adverse effects on their employees and income. Yet, the USFS has chosen to entirely ignore this sector of the "National Forest economy" in the analysis area. The reality is that the no action alternative would provide a positive effect by securing existing, sustainable jobs as well as creating the opportunity

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[8] The DEIS fails to examine how both increased access and increased slash in the short term will create a window of time where fire risk will be increased above what currently exists now.

[9] Analysis of two industry "groups" in New Mexico: Group 1 includes all wood products related sectors, while Group 2 includes all employment related to recreation, tourism, fishing, ecological research, hunting, and environmental quality. Source: U.S. Department of Labor, Bureau of Labor Statistics, Covered Employment and Wages, (ES-202) program, prepared November, 1997.

for growth in the non-timber sector (i.e. outfitter guides, services, retailers of fishing and hunting supplies).

Forest Conservation Council has raised these economic issues in the context of numerous appeals in Region 3. We incorporate, by reference, these appeals for a more complete description of our issues on this subject.

3. Value of Unlogged Forest

EE The dollar value of undisturbed forest or standing timber should have been calculated and used in the analysis of economic costs associated with the Viveash Fire Salvage. The value of "ecosystem services" provided by standing forests has never been evaluated and compared with their value as lumber. Economic benefits of standing forests include but are not limited to clean air and water, balance of global geochemical cycles, and buffering of carbon emissions resulting from the burning of fossil fuels. It has been shown that the rate of carbon lost to that of accumulation is much greater during harvest, and there is a net transfer of carbon from biomass to atmospheric CO_2. Further, the carbon stored in forest regrowth is less than that in the original forest biomass.

4. Species Viability

FFF The Viveash Fire Salvage includes commercial salvage harvest, ground-disturbing activities associated with timber harvest and other vegetative manipulation. These activities are likely to jeopardize the viability of species that find optimal habitat in forests with well-developed structures, and forests naturally disturbed by fire, disease and insect pathogens. Included here are forests that are disturbed by fire and the natural insect infestations that follow fire in a functioning ecosystem. The structural attributes created by fire, particularly the abundance of snags, are of critical importance to the viability of many species including the Rio Grande cutthroat trout, Canada lynx, flammulated owl, northern goshawk, Mexican spotted owl, small mammals, bat species, several woodpecker species, and Neotropical migratory birds.

For many of these species the Forest Service has no up-to-date population data describing population numbers, locations, and trends, nor monitoring data on which the agency can rely to determine that the actions proposed in the context of Viveash Fire Salvage will maintain numbers and distribution of these species sufficient for insuring long term viability. The Viveash Fire Salvage DEIS states unequivocally,

> "The evaluation of effect [on terrestrial wildlife] uses a qualitative approach...[s]uitable habitat for these species and the way it is affected by the alternatives will be used as the qualitative evaluation criteria." DEIS at 4-22.

GG Quite obviously, the Forest Service has failed to obtain the necessary data for management indicator species in this case and instead assumes that enough habitat will remain to maintain viable populations. This approach, which exclusively relies on habitat

estimates, without checking the actual populations, ensures that any changes in population will go undetected and was unambiguously rejected recently in federal court.

> "The Forest Service is obligated by the plain language of the National Forest Management Act's regulations to acquire and analyze hard population data for its selected management indicator species . . . Under this clear language, it may not rely solely on habitat trend data as a proxy for population data or to extrapolate population trends." Forest Guardians et al. v. United States Forest Service, No. CV 00-714 JP/KPM-ACE.

HH Nor has the Forest Service determined the "minimum number" of reproductive individuals that would constitute a viable population. The Forest Service is required by law to determine this minimum number of reproductive individuals before implementing activities that might impact those individuals or populations such as are planned in the Viveash Fire Salvage. The Forest Service cannot permit these activities without knowing the location and number of individuals of these species that would enable determination of whether habitat for each vertebrate is well distributed to facilitate interaction. Until such information is provided the Forest Service cannot know whether it is providing sufficient habitat to support the minimum number of reproductive individuals nor that the habitat is distributed in such a manner as to permit interaction.

II It seems from the DEIS that the only species that were even casually surveyed ("focused field survey") were the northern goshawk and Mexican spotted owl. Several comments and the general language of the DEIS support this assertion. For instance, the DEIS discussed species presence and absence only in terms of "potential" and "unlikely." DEIS at 3-17 to 3-22. Further, the DEIS cites only personal communication to support important assumptions of species presence and absence. In particular, the "low probability" of the presence of the peregrine falcon as well as the New Mexican jumping mouse is based entirely on a personal communication. DEIS at 3-19.

JJ Because the Forest Service has no such data for most species adversely affected by the proposed management activities, and because what data there is suggests that such species are declining and otherwise at risk, the Forest Service runs afoul of viability and diversity requirements set forth in forest planning regulations 36 C.F.R. § 219.19 and § 219.26. In addition, the any decision made on the Viveash Fire Salvage and associated

KK activities without the above-described information would be considered arbitrary and capricious and constitute agency action unlawfully withheld or unreasonably delayed in violation of the APA. (5 USC §§ 706[1] & 706[2]).

Mexican spotted owl

The Mexican spotted owl is a management indicator species that is also listed as threatened under the Endangered Species Act. The owl population on the Santa Fe National Forest is part of the Southern Rocky Mountain Recovery Unit, which contains the smallest population in the United States. The U.S. Fish and Wildlife Service notes

that the Southern Rockies owl population is vulnerable, saying "[i]solation of spotted owl pairs and small populations distributed over large areas of fragmented landscape prompt concern because if they are lost, the species disappears from the entire landscape it once inhabited." Despite this vulnerability, the Santa Fe National Forest has virtually abandoned its owl surveys. The absence of on-going surveys to monitor owl population trends show that the Forest Service is failing in its duty to return the threatened owl population to viability.

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There are four delineated spotted owl protected activity centers ("PAC") in the project area, one of which is occupied by a owl pair. DEIS at 3-17 to 3-19. Despite the presence of this threatened species in the project area, the DEIS fails to take a hard look at the impacts to its habitat from salvage logging the three unoccupied PACs and surrounding forests. Nor has the required US Fish and Wildlife Section 7 consultation been undertaken for a threatened species.

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The DEIS instead makes the specious assumption that the three PACs were "severely damaged by the catastrophic wildfire" and that there is "severe loss of suitable habitat caused by the wildland fire in the project area." DEIS at 3-19. Again, the DEIS states that "salvage logging would be modifying already unsuitable or marginal habitat created by the catastrophic wildfire." DEIS at 4-25. First off, if such an assumption were true, why was it that an owl pair was discovered using the post-fire project area? Further, there has been a confirmed breeding pair of Mexican spotted owl on the Corner Mountain Salvage area in the Gila National Forest. Second, such an assumption is simply not supported by the most current science, another blatant violation of the provisions in NEPA for a balanced scientific analysis.

Northern goshawk

The Viveash Fire Salvage project area likely supports goshawk. DEIS at 3-20. There are four northern goshawk post fledging areas ("PFA") in the project area and a unconfirmed detection in at least one of those PFAs. DEIS at 3-20. The DEIS cites Reynolds (1992) in defining the goshawks principal forest habitat as ponderosa pine, mixed conifer, and spruce fir. DEIS at 3-20. Nearly half the project area consists of spruce fir and all of 41% is spruce. And again, the DEIS seems to write off this species by stating that the "existing forest conditions provides mostly unsuitable habitat for the northern goshawk." DEIS at 4-24. Such an assumption, underlying the viability determination, is unfounded and contrary to the available science in violation, again of NEPA. The DEIS ignores the Forest Service's own scientists who have found that goshawks in Utah have been observed using forests even when there is "substantial insect-related mortality in the overstory...up to 80%."[10]

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The salvage of dead and dying trees, and road building planned in the context of the Viveash Fire Salvage will adversely affect goshawks by eliminating potential nest stands,

[10] Graham, R.T. et al. 1999. The northern goshawk in Utah: habitat assessment and management recommendations. USDA Forest Service RM Research Station. RMRS-GTR-22.

degrading post-family fledgling areas and foraging areas, fragmenting contiguous habitat, and creating habitat conditions that will place goshawks at a competitive disadvantage with species that thrive in openings and areas disturbed by human activities. The net result of these impacts will be to "displace" goshawks from the project area.

Three-toed and hairy woodpecker

PP The removal of dead and dying trees (future snags) and fragmentation of large tracts of unharvested areas will have significant affects on the three-toed and hairy woodpecker in the planning area. McIver and Starr (2000) reviewed several studies that documented that post-fire logging caused "significant changes in abundance and nest density of cavity-nesting birds…[m]ost cavity-nesters showed consistent patterns of decrease after logging, including the …hairy and three-toed woodpeckers."

The northern three-toed woodpecker occurs primarily in spruce-fir forests where it can be normally found in low population densities. Normal densities exist around 1 pair per 100 acres but during beetle outbreaks can increase to 1 pair per acre.[11] This woodpecker species requires clumped snags in spruce-fir forests and 99% of their winter diet is composed of insects, primarily spruce beetles.[12] In fact, Koplin and Baldwin (1970) found that three-toed woodpeckers consumed as much as 2-26% of the brood of an endemic population of *Dendroctonus obesus* and reduced brood survival of an epidemic population of spruce beetles by 70-79%.[13]

QQ Reducing snag density to 6 per acre in spruce-fir and 4 per acre in ponderosa pine and reducing the food source of this species will have a significant effect on its viability in the project area and forest wide.[14] In fact, the USFWS has suggested in a separate salvage situation that at least six to seven snags should be retained per acre.[15] Spruce mortality from epidemic beetle outbreaks serves a critical role in the balance of this ecosystem including providing abundant habitat and food for cavity nesters and insectivores such as the three-toed woodpecker and Neotropical migratory bird species. Commercially removing this material stops this process in its tracks and deprives many species of developing habitat and food sources. Despite these very real negative effects the Forest Service has treated the three-toed woodpecker, as with the hairy woodpecker, with a qualitative analysis in the DEIS, absolutely no quantitative information has been

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[11] Hoover, R.L. and D.L. Wills, ed. 1984 Managing Forested Lands for Wildlife, CO Div. Of Wildlife in cooperation with USDA Forest Service, Rocky Mountain Region, Denver, CO.
[12] Ibid.
[13] Koplin, J.R. and P.H. Baldwin. 1970. Woodpecker predation on an endemic population of Englemann spruce beetles. The Am. Midl. Nat. 83 (2): 510-515.
[14] There is a strong chance that the absolute numbers of snags per acres will be much lower and even zero on some acres because of the practice of averaging snags across 40-acre areas that may include entirely unharvested areas. DEIS at 2-11. The unharvested areas, in high burn severity cases are pure stands of snags, thus naturally the average across 40 acres would be significantly inflated.
[15] USDA Forest Service, 1998. BE of Sensitive Animal Species For the Modified Alternative Portion of the South SERP, Dixie National Forest, Cedar City Ranger District.

presented to support the claims of the Forest Service. In fact, the DEIS simply claims that the Hairy woodpecker would be favored by the project. DEIS at 4-27.

SS The Forest Service provided no population monitoring data or analysis of such data in the project record, which documents that the viability of the three-toed woodpecker or hairy woodpecker would be maintained in the planning area. This includes a lack of monitoring data from past projects which can be used to predict the woodpecker's response to activities planned in the Viveash Fire Salvage. As with other MIS, sensitive species, and TT T&E species, the FEIS and project record are devoid of any substantive determinations one way or the other regarding viability.

Neo-tropical migrant birds

As a class of species, neo-tropical migrant birds are sensitive to timber harvesting because many such species rely upon relatively unfragmented conifer and aspen stands with a high level of structural and compositional complexity. The Forest Service has extensive literature regarding the habitat requirements of neo-tropical migrants, and their sensitivity to logging and road building.[16] Many neo-tropical migrants find ideal habitat in older spruce stands within the project area. Such species include the red-naped sapsucker, Williamson's sapsucker, and flammulated owl.

UU There is no analysis of effects on Neotropical migratory birds ("NTB") in the DEIS. In fact, the only reference to NTBs that we could find was in the very last section of the DEIS where the Migratory Bird Treaty Act is casually referenced. DEIS at 4-36.

The U.S. Forest Service, in other regions, is consistently using NTBs as a sensitive class of species for which to manage. This is due to growing concerns with habitat fragmentation and population declines. The Viveash Fire Salvage will likely have a significant adverse effect on NTBs due to salvage of dead and dying trees. Despite this fact, the DEIS fails to address NTBs at all.

5. Cumulative Effects

The Forest Service Environmental Policy and Procedures Handbook sets the standard for analysis of cumulative effects:

> "Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions, when added together, may have collective or cumulative impacts, which are significant. Cumulative effects that occur must be considered and analyzed without regard to land ownership boundaries. Consideration must be given to the incremental effects of past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals."

[16] See for example, USDA Forest Service, 1992: Status and Management of Neo-tropical Migratory Birds, September 21-25, Estes Park, Colorado, Gen. Tech. Rpt. RM-229.

The minimum requirements for analysis and mitigation of cumulative impacts have been extensively described by the Council on Environmental Quality in its publication "Considering Cumulative Effects Under the National Environmental Policy Act (1997), by the CEQ regulations implementing NEPA (40 C.F.R. 1508.7; 1508.8), and by the Forest Service's Environmental Policy and Procedures Handbook (FSH 1909.15.15.1). Specific examples of quantitative information to be addressed by cumulative effects analyses are identified by these sources as well as other regulations or rules for specific resources, such as threatened, endangered, and sensitive wildlife. FSM 2620.3; 2620.44; 2621.3.

At minimum, an adequate cumulative effects analysis must:

(1) identify the past, present, and reasonably foreseeable actions of Forest Service and other parties affecting each particular aspect of the affected environment;
(2) must provide quantitative information regarding past changes in habitat quality and quantity, water quality, resource values, and other aspects of the affected environment that are likely to be altered by Forest Service actions;
(3) must estimate incremental changes in these conditions that will result from Forest Service actions in combination with actions of other parties, including synergistic effects;
(4) must identify any critical thresholds of environmental concern that may be exceeded by Forest Service actions in combination with actions of other parties, and;
(5) must identify specific mitigation measures that will be implemented to reduce or eliminate such effects.

Using these minimum criteria established by the CEQ, by regulations implementing NEPA, and by Forest Service rules and regulations as a guide, it is abundantly clear that the Forest Service and Foster Wheeler Corp. have not even attempted to complete a legally adequate cumulative effects analysis for any aspect of the environment affected by the proposed Viveash Fire Salvage.

Despite this clear direction, the Viveash Fire Salvage DEIS avoids the required analysis and ignores important contributors to cumulative effects. The cumulative effects sections in the Viveash Fire Salvage DEIS consist of nothing more than weak narrative statements of the Forest Service's opinion that are conveniently broken into separate geographic areas. The Forest Service avoids the required cumulative effects analysis by separating each analysis and ignoring the overall impacts of the proposed actions across the project area as a whole, and relying on BMPs. The DEIS assumes that water quality will be protected if BMPs and mitigation measures are implemented. However, while prevention of minimization of adverse impacts at the project site is indeed necessary, it is not sufficient to avoid cumulative effects (CEQ 1971).

Further, a recent USDA Office of the Inspector General Report concluded that reliance on speculative mitigation measures ... **significantly compromised environmental quality.**[17]

XX The Viveash Fire Salvage DEIS clearly fails to provide "quantified" or "detailed" information. Two areas in which this failure is most pronounced are: 1) The cumulative effects the salvage sale will have on sedimentation and erosion in conjunction with the severely damaging erosion and sedimentation which has already occurred; and 2) Failure to address the cumulative effects of the salvage sale in conjunction with the extensive private land logging in the project area.

YY Nowhere in the DEIS are the past, present or future projects that may contribute to cumulative impacts listed or even discussed in any greater detail than a casual reference. Nowhere is any attempt made to quantify the cumulative impacts, especially glaring is the omission of any quantified analysis of cumulative watershed impacts using such standard measures as sedimentation, turbidity, water temperature, etc. Cumulative C4 impacts are analyzed in context only of "large sale harvest area," no attention is provided to other factors such as reopening 43 miles of decommissioned roads, private land logging, increased OHV use, increased risk of fire ignition and catastrophic behavior (activity fuels increase), grazing, firewood poaching, noxious weed infestations, etc.

6. Salvage Logging

ZZ There are no legitimate ecological justifications for salvage logging. Erosion and sedimentation, and the accompanying loss of soil nutrients, are acknowledged to be major issues in salvage logging operations, especially post-fire operations (Klock 1975, Marton and Haire 1990, Minshall et al. 1994, Beschta et al. 1995). It has been strongly D4 recommended that salvage logging be prohibited in sensitive areas, including areas such as Viveash Fire Salvage, or in any site where accelerated erosion is possible (Beschta, 1995). Erosion and sedimentation is already taking place in the analysis area, yet no AAA attempts have been made to carefully quantify these variables or make scientific predictions for future increases or decreases.

E4 Further, research on post-fire logging on the Winema NF, showed that logged sites in '93 produced only about 38% of the understory biomass of that on the unlogged site; in '94 produced only about 27% of the understory biomass of that on the unlogged site. (Sexton 1998). Since the recovery of understory groundcover is the primary recovery mechanism for post fire recovery of erosion and runoff, and consequent downstream sediment-related effects, this indicates that post-fire logging seriously impedes recovery. A conclusion contrary to that made throughout the DEIS or simply ignored.

Sexton's work also indicates that the post-fire logging also reduced understory species richness by 13% in '93 and 30% in 94--logging reduced species richness, diversity and

[17] Office Of Inspector General, U.S. Dept' Of Agric., Evaluation Report No. 08801-10-At: Forest Service Timber Sale Environmental Analysis Requirements (1999).

altered species composition, and stunted the growth rates of naturally regenerating ponderosa pine and the survival of planted ponderosa pines relative to unlogged, burned sites. The area was logged using ground based equipment over >60cm of snow.

Sexton concluded that his study

> "...demonstrates that salvage logging retards the re-establishment early growth of [P. pondersa] and [P. tridentata], two important wildfire restoration priorities."

FF There simply is no scientific literature in support of salvage logging, but there is substantial literature explaining the negative impacts of such logging. For example, the Beschta report (1995) advances several recommendations, nearly all of which are in direct opposition to various aspects of the proposed Viveash Fire Salvage.

These recommendations include:

- No tractors and skidders in all salvage areas because of the exacerbated soil compaction and erosion problems they create on sensitive soils
- No road building
- Retention of at least 50% of all snags in all size classes
- Retention of all snags greater than 20 inches or older than 150 years
- Presumption against reseeding
- General recommendation to allow Viveash Fire Salvages to recover naturally rather than resorting to human intervention.

BBB 7. Compliance with the LRMP: The Viveash Fire Salvage is in violation of several standards and guidelines adopted in the Santa Fe National Forest Land and Resource Management Plan.

The Santa Fe National Forest completed a Land and Resource Management Plan (LRMP) for the lands it administers in 1987. The LRMP has subsequently been amended several times, most notably in 1996. These amendments consisted of standards and guidelines to be added to each forest plan for Mexican Spotted Owl habitat, Northern goshawk habitat, grazing utilization, and old growth designations. The Forest Service is required by both NFMA and its own implementing regulations to follow the standards and guidelines contained in the LRMP.

CCC One of the most important of these failures is the Forest Service's illegal attempt to log trees over 24 inches dbh in restricted mixed-conifer habitat. The amended Forest Plan's prohibition against logging trees larger than 24 inches in "mixed conifer" is based on guidelines contained in the MSO Recovery Plan. While the Forest Service may argue that S & G's should not be applied to burned areas, this argument is not valid until a NEPA process is actually completed to amend the Forest Plan and provide more specific S & G's. Until that time, the Santa Fe must abide by existing S & G's, which prohibit the logging of trees over 24 inches in mixed conifer habitat.

Additionally, direction has not been followed to "allocate no less than 20% of each forested ecosystem management area (EMA) to old growth;" and, to "use quantitative models at the appropriate scales when considering the importance of various factors" used in the old growth allocation (ROD, Appendix C, pp. 95).

The Pecos-Las Vegas Ranger District should have completed the EMA-wide old growth before planning was undertaken on the Viveash Fire Salvage to prevent the loss of potential old growth reserves. There is no evidence that the Viveash Fire Salvage will not impact these old growth ecosystem functions at any level of spatial analysis: forest, district, EMA, analysis area, or stand level. Until the required mapping and 20% allocation in the EMA is completed and quantitative methods used to determine the adequacy of such an allocation, the salvage sale cannot proceed.

Finally, there are four goshawk PFAs located in the analysis area, at least one of which was potentially occupied in 2001 *after the fire*. DEIS at 4-24. The Forest Service is required to designate six nest areas for each designated PFA. The nest areas are required to be approximately 30 acres in size and each PFA must contain a minimum of 180 acres of nest sites. These should be located at "known nest sites, old nest sites, areas where historical data indicates goshawks have nested there in the past, and where goshawks have been repeatedly sighted over a 2 year a greater time period but no nest sites have been located."[18] These sites are required to be delineated on a map.

> "Establish, and delineate on a map, a post-fledging family area that includes 6 nesting areas per pair of nesting goshawks for known nest sites, old nest sites, areas where historical data indicates goshawks have nested there in the past, and where goshawks have been repeatedly sighted over a 2 year or greater time period but no nest sites have been located."[19]

Furthermore, note that:

> "standards contain no discretionary elements."[20]

While the DEIS states that an occupied goshawk PFA exists in the area, there is no indication that the requisite number of nest sites have been designated, that the nest sites are the proper size, or that the minimum acreage of nest sites per PFA has been met.

8. Response to Comments: The forest service's response to comments is not adequate.

NEPA implementing regulations at § 1503.4 require all federal agencies to respond in writing to public comments submitted on a given project. This requirement forces

[18] ROD for amendment of forest plans, p.91-92
[19] ROD for Amendment of Forest Plans 1996, p.91, Goshawk Standards
[20] ROD for Amendment of Forest Plans 1996, p.87

agencies to consider public sentiment and knowledge with respect to the proposed action, and to respond to such comments or, if necessary, develop new alternatives or modify the proposed actions. The Santa Fe National Forest has failed to respond to many of the Center's comments during scoping, and failed to respond directly to any comments on the proposed project.

Substantive comments which Forest Conservation Council and NFPA raised in scoping which were not responded to include:

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- Failure to address or respond to the substantial body of literature, discussed in several places in this appeal, which demonstrates that fire salvage logging is detrimental to forest health and specifically detrimental to soils.
- Failure to address pertinent science related to tree morality after fires that contradict the science relied upon by the Forest Service.
- Failure to respond to concerns over Management Indicator Species (MIS) and baseline population trend data for these species.

J4

- Failure to account for non-market benefits in the project area that may be impacted by salvage logging and log truck traffic, and generally account for economics beyond jobs simply calculated from a volume figure.

K4

- Failure to address noxious weeds in a substantive manner

L4

- Failure to address compliance with the 1999 Forest Plan amendments

9. Noxious Weeds: The Viveash Fire Salvage DEIS does not adequately treat the threat of noxious weeds nor the contribution of this sale to an acknowledged problem on the Santa Fe National Forest.

GGG

In light of the present infestation on the Santa Fe National Forest, the acknowledgement in the DEIS of the presence or potential presence of at least 14 species of noxious weed, the acknowledgement in the DEIS that none of the vehicles used in the emergency rehabilitation of the Project Area were not washed and the reseeding operation failing to use a certified weed-free seed source, the well-documented contribution of logging activities to the spread of noxious weeds, the Forest Service should have focused on causative factors rather than mitigation. DEIS at 3-34.

The DEIS instead of an in-depth treatment, simply states that no impacts are expected due to the "implementation of mitigation measures" and would not be "evaluated further in this EIS." DEIS at 3-36. The agency cannot simply rely on BMPs and other reactive measures; rather it must begin to address the actions that cause the infestation such as road development and logging related vehicles.

M4

10. Scenic Resources: The Viveash Fire Salvage DEIS accounts only for the impacts on scenic resources from stump height and logging truck, trails, and landings and ignores road building and realignments.

HHH

Scenic resources in the DEIS are discussed only in extremely vague terms and only in relation to landscape values, i.e. scenery and naturalness. In fact, the only factors accounted for are stump height and impacts from logging truck, trails, and landings. DEIS at 4-28. Nowhere in the DEIS are the impacts from road construction (re-alignment) and reconstruction (up to 43 miles) addressed. Such a failure to meet the requirements of NEPA is unacceptable and must be corrected for the FEIS.

In particular, the realignment or construction of 2.3. miles of FR 86 from the junction of FR86/92 would have significant impacts on a relatively pristine and mature forest landscape. The results of this road construction in a currently pristine landscape would have very tangible impacts on the scenic integrity of the landscape especially as viewed from FR 92 and several private in holdings in the area. FR 92 is a well-traveled scenic corridor for recreational drivers, hikers, and hunters and fishers as well as full-time residents. The impacts to this scenic view shed should have been analyzed in detail.

III

Instead the DEIS ignores all impacts on scenic resources resulting from road construction, reconstruction and the deforestation of those travel routes.

JJJ

11. Mortality: The Viveash Fire Salvage DEIS is unclear as to which trees will be removed.

The proposed action is not carefully explained anywhere in the DEIS and it is thus very difficult for the public to understand exactly what the Forest Service is proposing other than general salvage logging of 40-80 percent of standing fire killed trees across 5,600 acres. From this explanation and the snag retention standards provided it is difficult to determine if only dead trees will be cut or if dying trees will be cut as well, no definition

KKK

of a standing fire killed tree is provided, let alone any standard or guideline. The agency must put in writing a standard to use based on proper science to ensure that only dead trees are taken. The E.A. simply assumes that most of trees within the harvest areas will not survive without any scientific information to support this assumption. The predictions of tree mortality are not based on any sound or current information.

While the E.A. assumes that most of trees within the burn will not survive, many scientific studies demonstrate, for example, even 50% scorch figure will not kill ponderosa pine, a highly fire resistant tree (Wyant, et al 1986, Harrington and

LLL

Hawksworth 1988). In addition, the EA does not address the issue of differing mortality level between small and large trees, despite the fact that larger diameter trees, especially fire resistant trees such as ponderosa pine, withstand proportionately greater stem and crown damage than smaller trees (McCulley 1950, Lynch 1959, Hare 1965, Martin 1965, Bevins 1980, Wyant et al. 1986, Harrington and Hawksworth 1988).

The Sequoia National Forest in California's Sierra Nevada has recently set an example that more accurately reflects the current science on the matter of predicting mortality of trees for salvage reasons. In general, no trees with less than 90% canopy scorch will be considered killed for salvage purposes, however factors such as species of tree, vigor of tree prior to fire, and the amount of cambium killed are also considered for a final determination where there is any question to the tree's dead or alive status.[21] If the Santa Fe National Forest intends to only remove "dead" trees, then it should make this clear in the FEIS and Record of Decision with a clear standard or guideline.

Please address all of these issues in your final environmental impact statement and Record of Decision. Thank you for your time and consideration.

Sincerely,

Bryan Bird
Forest Conservation Council
Western Regional Office
Member, NFPA Board of Directors

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"Chris Napp/R3/USDAFS" <cnapp@fs.fed.us>

12/11/01 11:07 AM

To: BPiehl@fwenc.com, apulley@fwenc.com
cc:
Subject: VIVEASH-DEIS

An e-mail comment.
----- Forwarded by Chris Napp/R3/USDAFS on 12/11/2001 11:06 AM -----

" Allan & Gloria Graham" <graham@plateautel.net>

11/28/2001 09:26 AM

To: <cnapp@fs.fed.us>
cc:
Subject: VIVEASH-DEIS

Dear Mr. Crittenden

I asked at the meeting "What was best for Cow Creek" - I did not get an answer. It appears to me that what is best for Cow Creeks recovery should come first. That seems to be leaving it in peace to recover as rapidly as possible. This , I would think would be of the greatest benefit to all. I do hope that the policy is of the best for the land and therefore the best to all (wildlife etc.) concerned.

Thank you
Allan & Gloria Graham

(we live on Cow Creek)

"Chris Napp/R3/USDAFS" <cnapp@fs.fed.us>
12/11/01 11:11 AM

To: BPiehl@fwenc.com, apulley@fwenc.com
cc:
Subject: Viveash DEIS Comments

An e-mail from one of Herb's friends
----- Forwarded by Chris Napp/R3/USDAFS on 12/11/2001 11:09 AM -----

blaukey@cybermesa.com
11/10/2001 07:32 AM

To: cnapp@fs.fed.us
cc: godaken@aol.com
Subject: Viveash DEIS Comments

I have the following comments and suggestions relative to the Viveash DEIS:

A I favor plan number four (4) for the following reasons:

1. Harvesting dead trees, even at slopes less than 35 degrees, will slow the regeneration of the forest. There will be more damage to the soil, floral and fauna, not less. There will be increased erosion and resultant sediment flow in the Cow Creek tributaries, the main stream and the Pecos, thus retarding natural regeneration.

B

2. Leaving the trees to fall and rot of their own accord -- even "force felling" some or all of them and leaving them in place -- will improve the forest at a faster pace than sheer removal. As one participant at the Nov. 7th meeting pointed out, and I paraphrase, "trees are soil standing up."

3. Allowing "locals" to harvest the wood under "4" is better all-around economics than allowing an outside timber firm to harvest, because the outside firm may "bring jobs to the region," but NOT to the Pecos-Glorieta-Rowe environs. To do otherwise is a specious and self-serving dodge. Is the FS going to distribute the profits to the locals, those who live here and have done so for so long?

I-69

4. Further in terms of the "economic impact," no mention was made of the overall effect on NM highway 50, the main corridor for trucks between Viveash and Espanola. The highway will be damaged by so many trucks of high tare weight, and they will present a traffic hazard along the two-lane route. Who is to pay for the wear and tear to the tarmac and roadbed? The Forest Service? The timber company? I think not. I think the taxpayers will have to pay for it, if and when the repairs are made; meantime, dollars, in the form of board feet, leave the immediate area.

C

D

E

F

At the meeting of the 7th, I suggested that sediment-laden stream flow be checked by coffer dams. I was "put in my place" by quick, "get back on your paper" responses designed to muzzle me. Even nutria and beavers took a hit! I did not believe the simplistic replies. It is simple laws of physics that when sediment-bearing water moving down-slope is slowed, any sediment present tends to fall and settle. If this were not the case, then why does the FS go to the trouble of placing logs and rocks in stream beds and along stream-trail crossings as a normal means in other areas where interference has caused this very problem? If nothing else, the simplest

solution is to place rocks in the tributaries at strategic locations.

By its own admission, FS "experts" failed to study in true fashion long-term effects on Cow Creek, and thus even the Pecos itself. The FS is so concerned with selling off board feet for dollars, that it is engaged in a game of bait and switch, wherein it pretends to listen to its constituents, "store-boughten" cookies and all, while knowing full well, tongue in cheek, that it has every intention of proceding with Plan Two (2).

The title of Plan Two is cleverly posed as "salvage" logging. "Salvage?" Why salvage? Were the now-burned trees destined for a furnitture factory? Bundled lumber at Home Depot? If there had been no fire, there would have been no logging. Now we need to "salvage." What of the economic value of the land? Salvaging should involve the land itself, not the economic value of trees, something Forest Service Rangers probably did not even dream of until now. Why is the FS so all-fired concerned about timber sales?

What's wrong with this picture?

Leave the dead trees to replenish the soil, plant seedlings, let the grasses come up, slow the tributaries, and let the local people harvest along the roads.

Thank you.

-R.M. Lienau
HC70 Box 19Z
Pecos, NM 87552
V&F:757.2907
C:577.0440

United States Department of the Interior

NATIONAL PARK SERVICE
Pecos National Historical Park
P.O. Box 418
Pecos, New Mexico 87552-0418

IN REPLY REFER TO:

H4217(PECO) 7 December 2001

Mr. Daniel Crittenden
District Ranger
U.S. Forest Service
Pecos/Las Vegas Ranger District
PO Box 429
Pecos, New Mexico 87552

Re: comments on Draft EIS for Viveash Fire Salvage

Dear Mr. Crittenden:

Thank you for soliciting our comments on the Draft Environmental Impact Statement (DEIS) for the Viveash Fire Salvage proposal. Staff at Pecos National Historical Park (NHP) have reviewed the document. Chris Napp also provided clarity to the proposal at an informal level. We have comments with regard to two areas of concern--protection of heritage resources and the quality of visitor recreation on federal land.

The only truck access in and out of the salvage project area is through Pigeon's Ranch Sub-Unit via NM 50 or the main Pecos Unit of the park via NM 63. Alongside each route are historic adobe buildings that are tour destinations for some of our 40,000 or so visitors we receive each year. The buildings are primary heritage resources under the park's enabling legislation. The ranger-guided tour we offer to those locations is the tour most frequently requested by our visitors.

There are several impacts to these primary resources and programs that we request be evaluated and included in the next draft Environmental Impact Statement for the Viveash Fire Salvage project. These are listed below:

1. The **vibratory effects** of the 5,000+ (maximum number in preferred alternative) and lesser number (for all other alternatives) of logging truck trips on Pigeon's Ranch Building and Kozlowski's Trading Post.

2. The **effects of engine exhaust** on the surface of the interior wall plaster at Pigeon's Ranch Building.

3. The **effects of noise** on the quality of the visitor experience while touring the battlefield site (i.e., Pigeon's Ranch) and union camp/headquarters (i.e., Kozlowski's Trading Post).

4. **Safety concerns** for staff and visitors while at Pigeon's Ranch and Kozlowski's Trading Post.

We believe that potential adverse affects on these resources from the four impacts listed above may be effectively avoided or mitigated once the extent of the effects are known. To better understand the extent of effects, perhaps a table comparing the maximum expected number of vehicles to pass by each structure full and empty, their weight, and vehicle type can be included in the next DEIS. I look forward to meeting you and working together to develop solutions for potential problems that could stem from the Viveash Fire Salvage project. Please contact me as needed. E7

Sincerely,

FOR Dennis Ditmanson
Superintendent

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH
PO Box 25112
Santa Fe, NM 87504

DIRECTOR AND SECRETARY
TO THE COMMISSION
Larry G. Bell

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December 10, 2001

Mr. Daniel Crittenden
District Ranger
Pecos/Las Vegas Ranger District
Santa Fe National Forest
P.O. Box 429
Pecos, NM 87552

Re: Vieveash Fire Salvage Draft Environmental Impact Statement
NMGF Doc. No. 7696

Dear Mr. Crittenden:

The Department of Game and Fish (Department) has reviewed the Viveash Fire Salvage Draft Environmental Impact Statement (DEIS). The 1999 Viveash Fire severely burned approximately 4,000 acres, moderately burned approximately 3,000 acres, and lightly burned approximately 12,000 acres in the Cow Creek Watershed. Alternative 2, the Proposed Action, proposes to salvage log up to 80% of standing fire-killed trees on approximately 5,600 acres in the high- and moderate-burn severity areas. Over a three- to five-year period, this alternative proposes to reopen approximately 43 miles of currently closed roads to salvage log 25 million board feet of sawtimber, vigas, latillas, and fuelwood.

A The Department is concerned primarily with the recovery of the Cow Creek Watershed for future native cutthroat trout recovery, while recognizing the need of local communities to harvest wood products such as sawtimber, vigas, latillas, and fuelwood. } A

The DEIS recognizes the impacts of increased erosion and sedimentation to the recovery of aquatic life in the watershed. Page 3-12 states "There could be impacts to aquatic species for a number of years as increased sediment continues to be delivered to the streams. Sediment can fill in gravel substrates that provide trout spawning gravel and macroinvertebrate habitat. These impacts are expected to continue until upland areas stabilize and sediment delivery to streams is reduced. Increases in sedimentation, turbidity, and mass movement are generally regarded as the most serious threat to water resources following wildfire."

The DEIS also recognizes that roads are primary contributors of sediments to streams in managed watersheds, and cites eleven peer-reviewed studies that support these findings. However, the DEIS does not analyze the short-term adverse impacts of reopening 43 miles of currently closed roads, while it does emphasize the beneficial long-term effects of ultimately "decommissioning" these roads. } B

The DEIS also contains contradictions that make it difficult for the reader to clearly interpret the potential impacts of the Proposed Alternative on the watershed. For example, page 4-16 states "Alternative 2 has the greatest potential for effects on fish and riparian ecosystems due to the higher level of timber harvest and the greater percentage of predicted increase in sediment delivery than other action alternatives." Page 4-33, however, states "Salvage timber harvest will not have any short- or long-term effects." } C

Cont from C

Also, page 3-42 states "None of the proposed actions would further increase peak flows or water yields because none of the proposed actions include harvesting of live trees or removal of the absorbent duff layer. Increased flooding or base flows are not expected as a result of the removal of dead trees." However, page 4-33 states "Salvage timber harvest is not anticipated to have potential impacts on post-fire forest communities because very few live trees would be harvested."

Alternative 3 would remove standing fire-killed trees on approximately 2,900 acres from areas of high- and moderate-burn severity in the Cow Creek Watershed. Over a 3- to 5-year period, the estimated output of wood products would be approximately 12 to 15 million board feet of sawtimber and specialty products, and 5,000 cords of firewood. Roadside salvage areas for this alternative would include 2,000 acres. Approximately 20 miles of currently closed roads would be opened to facilitate salvage (compared to 43 miles with Alternative 2).

Page 4-4 states "Alternative 3 proposes to decrease the level of management intensity in the Vivesh Fire area by spatially concentrating the harvesting in areas with lower soil erodibility and sediment delivery potential...This alternative would include several mitigation measures and would require slightly more restrictive limitations on logging than Alternative 2." Page 2-9 of the DEIS states "Alternative 3 was developed in response to the key issues of soil erosion, water quality, and fish habitat. Areas proposed for harvest in Alternative 3 were selected based upon the Watershed Analysis (Foster Wheeler Environmental 2001b) conducted for the Project Area. In the watershed analysis, subwatersheds were ranked by their relative susceptibility to disturbances. The most susceptible watersheds were eliminated from consideration of salvage activities. Salvage would occur in less sensitive subwatersheds that are generally in the northern portion of the Project Area." Page 4-11 states "...this alternative would not include large sale harvesting on sensitive landtypes."

D

Therefore, the Department recommends the implementation of Alternative 3, which will provide a substantial amount of sawtimber, vigas, latillas and fuelwood for local community needs, while reducing recovery time of aquatic systems in the Cow Creek watershed relative to Alternative 2.

We appreciate the opportunity to comment on this project. Should you have any questions regarding our comments, please contact Mark Watson, Habitat Specialist, of my staff at 476-8115.

Sincerely

Tod W. Stevenson

Tod W. Stevenson, Chief
Conservation Services Division

TWS/MLW

CC: Joy Nicholopoulos (Ecological Services Field Supervisor, USFWS)
Scott Brown (Assistant Director, NMGF)
Bill Hays (Conservation Services Asst. Div. Chief, NMGF)
Peter Wilkinson (Fisheries Assistant Division Chief, NMGF)
Nic Medley (Conservation Services Aquatic Habitat Specialist, NMGF)
Clint Henson (Northeast Area Habitat Specialist, NMGF)
Mark Watson (Conservation Services Habitat Specialist, NMGF)

DRAFT EIS MEETING COMMENT FORM

We value your input on the Viveash Fire Salvage Project. Please provide your comments regarding the Draft EIS on this form and either place it in the comment box or fold it over and mail it by December 10th, 2001. THANK YOU!

COMMENT:

Hello, My Name is Ted Gonzales. I live in North San Isidro Approx 25 miles away from the Viveash fire location beside Cow Creek. I believe the most beneficial approach is to allow not only the logging of these mtrls by a logging co. that is responsible and contientious about maintaining the enviroment in its natural state - But also by the citizens of San Miguel and all other surrounding Counties who wish to participate. Citizens Should be allowed to gather mtrl. to use personally or for resale/profit. The permits for these Mtrls should be sold at 50% Less than the regular price that is currently being Charged by the forest service on these types of products. By doing so this will encourage people to buy permits and gather these mtrls before they are no longer usable. Because of the rotting and negative effects of the wethear elements on them. Since these Trees are dead the will deteriorate at a much faster Rate

May we contact you about your input? (YES) NO

Name: Ted Gonzales

Phone or E-mail: (505) 421-2522

For more information, visit our Website at www.fs.fed.us/r3/sfe or contact Chris Napp at (505) 757-6121, cnapp@fs.fed.us.

505757 2737

Kerry & Larissa Lewis
Herring Ranch
Windtree Ranch
Cow Creek
NM

TO all it concerns:

After reading the DEIS statement, and after careful deliberation I must
A support Alternative 1, but I also do not understand why, if roads
B existant are severely damaged, existant roads can't be improved and made safe, logging or not? R. 86 from the Lower Colonias intersection up
C to 92 in Cow Creek is not safe for logging traffic, especially large trucks. who is financially and legally responsible
D on this road? I drive it too often, and it is not in decent condition for even minimal traffic.

E The actual logging activity planned is also destructive and unnecessary. Are the burned areas in the H Cerro Grande fire being logged? The areas here are environmentally I fragile - the erosion is already severe, the runoff has damaged the Osha & Cow Creeks. More machinery and destruction is very unacceptable.

Your Pecos office is supposed to be the deciding body in this salvage operation — there should F be a shared decision — this is too much like the fox guarding the chickens!

My family has suffered a severe financial loss of over $200,000 because of the damage of the fire to the Herring Ranch, some of the damage (the loss of 2 cabins, one very old, and both marked on your forest service maps) your office still has not officially reported. Your judgment about not closing this area for the Memorial Day holiday, even after the Cerro Grande and Green Canon fires, and considering the extreme fire danger due to the arid conditions was very poor - I do not trust your judgment in this matter either.

With great reservations and disappointment,

Lorraine Kelly