

Planning Barriers to Fuels Treatment Project Implementation

Background: Historically, fire has played a critical role in maintaining our ecosystems in Southern Utah. These ecosystems are fire dependent. Human intervention by suppression of wildfires, coupled with development in the wildland urban interface and invasive species has altered these landscapes. These landscapes are no longer properly functioning and are now at greater risk of catastrophic fire.

Currently much of the public population does not recognize the critical need for hazardous fuels treatments on private and public lands regardless of treatment type. These ecosystems ultimately require fire to remain healthy and sustainable. Currently many of these ecosystems would require other fuels reduction disturbances combined with fire to restore health and sustainability. Local land managers spend approximately seventy percent of fuels budgets treating the wildland urban interface, in many cases these communities do not recognize the benefits of these treatments in helping to reduce the risk of a wildfire impacting them. Private landowners and Land Management agencies dramatically need to increase the number of acres being treated annually.

Problem Statement: Public perception of the role and benefits of fire is low and tolerance for impacts resulting from fire is lacking. This often results in vocal group(s) of the public, often not even from the local area, voicing their dislike to elected officials, who then carry these concerns to the various land management agencies, resulting in delays to the planning and approval processes to begin implementation of projects. In some cases the public has stated that they are tired of being educated, yet their support for proposed treatments is still lacking. Many remark that they built their home in the woods for the view provided and they do not want that altered, even if it means their house is better protected from wildfire.

Many environmental/naturalist groups want natural disturbances to be the agent to maintain the environment, even though fire suppression, natural disturbances and other management activities have greatly altered the environment to successional points where natural disturbances may be detrimental to vegetative and human communities. Generations of populations have become accustomed to the full suppression and smoke free air and have low to no tolerance for breathing or seeing emissions from an economically feasible, environmentally sound method of restoring health to these fire dependent ecosystems. In many cases multiple varying treatments will be needed to restore resilience and sustainability to our landscapes and some of our landscapes will require being held in an unnatural state of succession to appease or provide for stakeholder support for key projects. Many of these groups that object/appeal/litigate or delay projects are outside entities without direct connection or tie to the local community and do not share the perceived or identified risks from fire or natural disturbances.

Land managers are currently constrained by agency planning requirements, environmental conditions, aged land management plans, and the objection/appeal/litigation process associated with the National Environmental Policy Act (NEPA). These constraints limit when and where treatments of various types (fire, logging, thinning, etc.) can be utilized as a tool, reducing the limited opportunities which in turn limit the amount of restoration our ecosystems receive. Land Managers need fewer implied constraints from elected officials and greater support in the form of recognition of the benefits in increasing their ability to implement treatments to meet resource objectives throughout the year.

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In order to help reduce these constraints on Federal lands, President Bush signed the [Healthy Forests Restoration Act of 2003 \(P.L. 108-148\)](#) in December 2003. **HFRA**, as it is known, contains a variety of provisions to speed up hazardous-fuel reduction and forest-restoration projects on specific types of Federal land that are at risk of wildland fire and/or of insect and disease epidemics. The HFRA helps States, Tribes, rural communities and landowners restore healthy forest and rangeland conditions on State, Tribal, and private lands that: (a) are at risk of wildland fire, (b) have experienced windthrow, blowdown, or ice-storm damage, (c) are currently experiencing disease or insect epidemics, or (d) are at imminent risk of such epidemics because of conditions on adjacent land. On lands meeting these specific criteria, it provides streamlined approaches to satisfy NEPA environmental analysis requirements for collaboratively selected fuels treatment projects through a special categorical exclusion (CE). HFRA passed Congress with large bi-partisan majorities in both the House of Representatives and the Senate. In it, Congress affirmed the need to reduce the risk of wildland fire to communities, municipal water supplies, forests, rangelands, and other important landscape components.

The CE authority specifically enabled by the HFRA to allow for expedited treatment of affected lands near communities at risk was rescinded in 2011 in response to a lawsuit filed by several environmental groups that cited a lack of public participation and consistency with the Appeals Reform Act. With this authority rescinded, those projects that were started under the HFRA CE authority and had not completed a “substantial” portion of implementation were halted and required to complete an additional environmental analysis before proceeding. Typical timelines for completing an Environmental Assessment (EA) vary by project, but most take nearly two years to complete from beginning to implementation. Environmental Impact Statement (EIS) level analyses often take two to three years to complete. These timeframes can also be lengthened substantially by appeals and litigation that may occur regarding the project and its proposed actions.

Recommendations: Restore the CE authority from the HFRA specifically for hazard fuels reduction projects in the WUI, but with some additional modifications to make it more public-input friendly. Adding what was the intent behind the collaborative process regarding the Community Wildfire Protection Plan (CWPP) inclusion in the 2003 HFRA would be beneficial to all parties. The original intent was that through the development of a CWPP, community members and those agencies that had lands adjacent to the community, a suite of collaborative treatments would be developed that would achieve the community protection goals. These treatments need to be developed that cross ownerships and treat the bigger landscape in order to be effective in achieving the overall goal of creating fire resilient communities.

Limit the ability of groups/individuals that have no local connection to a project to object/appeal/litigate or delay those projects, or at the least, their objections not carry as much weight in the resolution process as local parties. Local opinion of the need for treatments, and especially support for treatments should outweigh the opinion of entities located in other states that object to treatments because they include some form of commercial or non-commercial removal. These groups that appeal/object/litigate and/or delay projects that they have no direct connection to, should be held financially responsible for their actions. Taxpayers should not have to pay for their appeal or litigation proceedings to stop or

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delay implementation of projects designed to reduce risk and effects from catastrophic fire to communities and landscapes.

Finally, campaign for awareness of disturbance related to ecological processes. Develop a localized understanding of the natural landscape disturbance cycle and current departure from it. This understanding needs to be generated and utilized collaboratively by the Federal agencies, State agencies, County officials, and local landowners to design projects that reduce risk of catastrophic fire and create resilient landscapes and fire adapted communities. There needs to be a greater recognition that landscape conditions are no longer able to sustain “natural” disturbance regimes without some level of intervention, particularly in and adjacent to the WUI, where values at risk have changed dramatically since “natural” cycles were functioning properly. Collaboratively developed landscape plans with all affected entities should have greater support and “drive” for completion to achieve full implementation with the overall goals of creating resilient landscapes and fire adapted communities that ultimately will result in a reduction in fire suppression costs for taxpayers, reduction of detrimental effects to communities and infrastructure, a reduction in unwanted wildfire impacts to forested and non-forested ecosystems and provide for safe and efficient emergency responses.