



August 21, 2015

*VIA ELECTRONIC MAIL*

J. Keith Gilles, Chair  
Board of Forestry and Fire Protection  
ATTN: Matt Dias  
PO Box 944246  
Sacramento, CA 94244-2460

**RE: Item 14, August 26, 2015: Draft Vegetation Treatment Program Programmatic Environmental Impact Report (VTPEIR)**

Dear Chairperson Gilles and Members of the Board:

Endangered Habitats League (EHL) appreciates the opportunity to provide written testimony on the revised draft VTP PEIR. As you know, the original draft PEIR underwent peer review by the California Fire Science Consortium, and deficiencies were noted in fire ecology, particularly for scrub systems. However, the peer review did not focus on the vegetation treatments themselves, or their efficacy. These aspects were reviewed by commenters, and deficiencies were also identified. In response, the Department has issued the revisions before us, and seeks your guidance and direction.

There has not been time to review in detail the current material during the period in which it has been available. However, courtesy of CAL FIRE, EHL did receive earlier drafts of some of these chapters, and EHL asked fire scientists to review them. A summary of concerns for this April 2015 version is enclosed. In brief, the chapters we reviewed showed improvement in fire ecology. While the vegetation treatment program itself remained flawed from our perspective, there were new methodologies that were *promising* in terms of adding additional specificity, increasing prioritization, enhancing efficacy, and improving mitigation. While the current August 2015 version clearly has more detail than that of April 2015, my impression is that we still have considerable additional progress to make. *But this progress is attainable.*

EHL believes that collaboration is the best way to resolve issues, and we strongly urge your Board to ensure additional collaboration and outside scientific vetting *prior* to release of a public review draft. *Scientific vetting should be the next step.* EHL offers to bring together scientists to meet with CAL FIRE. Or preferably, we suggest that your Board request assistance from the California Landscape Conservation Cooperative (CA LCC) <<http://www.californialcc.org>> for coordination and facilitation. The CA LCC is a respected, multi-agency scientific organization that provides support for natural resource managers facing complex tasks and developing decision-making tools. This is exactly the situation we collectively face. The Cooperative could help, for example, organize an expert workshop and provide funding.

The challenge of managing the expanding Wildland Urban Interface needs everyone pulling together. We appreciate the steps CAL FIRE has taken to work with us, but your direction is now needed to take this further. We are optimistic about success, as our goals are the same. By taking the steps suggested above, your Board can lead the way to an outcome that uses vegetation treatments to reduce fire hazard in an effective and environmentally responsible manner.

Thank you for considering our views.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", is centered on a light gray rectangular background.

Dan Silver, MD  
Executive Director

Enclosure

Summary of Concerns Regarding April 2015 VTP Revisions

## SUMMARY OF CONCERNS REGARDING APRIL 2015 VTP REVISIONS

### **The underlying science remains substandard.**

Ecological restoration is still falsely promulgated as an outcome of fuel treatments in shrubland ecosystems.

The objectives still include vague references to using vegetation treatments to “protect natural resources” and “enhance wildlife habitat,” and such objectives are inappropriately mixed with protecting human life and property. Rather, these very different types of objectives are almost always mutually exclusive. It should be clearly acknowledged that the treatments are a “resource sacrifice” for the benefit of public safety.

The effectiveness of treatments in providing safety benefits is *assumed*, absent objective analysis. Case studies are “cherry picked” and anecdotal, and fail to mention factors like wind condition. The document ignores the fact that fuel treatments in shrublands – already of low efficacy – are further reduced in value during high wind conditions, which is when virtually all homes are lost. Simply because a treatment has *some* chance of working under *some* set of circumstances is not a sufficient justification, especially when high environmental cost is involved.

The need for the program (Section 1.1.1) is largely justified by citing literature about broad-scale (national, western US, California-wide) trends in fire patterns and overly simple interpretations of their implications, without recognizing differences among regions, vegetation types, or other important factors. For example, the justification appears to assume that a trend of increasing acreage of wildfire in California is necessarily a bad thing, when in fact increasing acreage of fire in some forested regions is actually a management goal in some regions and agencies. While we have not focused on forest systems, that section also contains simplified thinking.

USFS Fire Return Interval Departure should be incorporated.

### **Procedures for public participation are vague and do not show if and how public comment might actually influence decision-making.**

### **There is a lack of interagency coordination.**

Any projects funded with federal dollars should integrate all three official federal fire goals from The National Strategy – response (operations), fire-safe communities (structures, with a “house-out” approach), and resilient landscapes.

### **The April revisions fail to deliver an acceptable level of specificity and prioritization in potential fuel treatments. The draft VTP remains a “blank check,” authorizing a wide range of treatments across vast landscapes, limited only by available funding.**

The physical parameters of a fuel break or landscape treatment are not defined.

What makes a fuel break “strategic” is not defined. The graphic shows every ridgeline cleared.

The single illustration in the previous draft illustrating a landscape treatment within a shrubland ecosystem within the WUI has been removed. The project description remains hopelessly inadequate, particularly for what will occur within the enormous WUI, as defined.

While a good start, mitigation measure BIO-5 regarding fire cycles is so vague and has such large loopholes that it loses meaning. Specifically, if a treatment is simply “deemed” necessary to protect “critical infrastructure,” it is excluded. There are no criteria here to guide decision-making, and presumably virtually any community’s infrastructure could qualify, leading to distant treatments within or without the WUI. Promises to “take into account” and “consult” provide no assurance. No criteria are provided as to how to “design” a project to prevent type conversion or mitigate adverse ecological effects.

Figure 2-20 is also a good start for prioritization, but “close” is not defined or given metrics. There is also no requirement to stick with identified priorities.

The prioritization of treatments for larger communities as opposed to scattered residences – in effect narrowing the vast scope of the WUI – that was promised in our last conversation has not materialized.

**Alternatives are not designed to reduce environmental impacts but rather mix and match treatment categories.**

Consider a variation on Alternative C that limits treatments *within shrubland ecosystems* to the Very High Fire Hazard Severity Zone, thus overcoming objections to using this option in the forest ecosystems.

**While a good start, the decision tree lacks specificity.**

All new WUI treatments receive top priority, without attempting to identify those that have the most potential benefit and least ecological harm, and without considering factors like fire hazard severity zone.

All strategic fuel breaks receive lower priority despite much more of a consensus as to their value.

**The project scale analysis and environmental checklist for impacts to biological resources are overly simplified, antiquated in approach, and inadequate.**

The section discusses “burning large areas of mature chaparral vegetation” and “dense stands of chaparral” despite all the scientific evidence that this is usually unjustified and undesirable.

The evaluation process relies far too heavily on CNDDDB to identify potential sensitive species in a project area. Other sources, including published species range maps, modeled habitat value, and local biological expertise are available and often more reliable. Furthermore, no actual mitigation for habitat loss is proposed.

The section places undue emphasis on deer and other game species as representing “wildlife.” There is too much emphasis on game species – for example, potential disruption of “critical deer migration corridors or critical habitats of any game species” – when numerous other species are also reliant on movement corridors and are sensitive to habitat loss and fragmentation. Also, the contribution of non-oak hardwoods to wildlife habitat value should be recognized.

How is “critical habitat” defined or delineated for species? (“Critical habitat” has a particular definition under the Endangered Species Act.)

What are “undesired changes” in vegetation character? Who decides what is undesired, using what criteria?

What are the qualifications of a Project Coordinator, especially concerning identification of sensitive biological resources, ecological restoration, and habitat enhancement?

Who decides where and what sorts of vegetation should be planted “for wildlife”? There is no mention of whether planting is actually needed, whether the planted vegetation is native or potentially detrimental, or other critical decisions.