

May 27, 2016

California Board of Forestry and Fire Protection
Attn: Edith Hannigan, Board Analyst
Email: VegetationTreatment@bof.ca.gov

Dear Ms. Hannigan and Members of the Board,

We, the undersigned, have found that the current draft Programmatic Environmental Impact Report (PEIR) for the state's proposed Vegetation Treatment Program contains many of the same errors (some with the exact wording), contradictions, and failures to identify environmental impacts pointed out in previous versions.

Potential impacts are dismissed without support, mitigations of impacts are unenforceable and unmeasurable, the treatment of northern chaparral is justified by non sequitur reasoning, and the research of several scientists continues to be misrepresented (despite corrections being submitted). The lack of transparency remains a significant issue – using a local newspaper to inform the public about projects is no longer adequate in the 21st century.

One of the most egregious examples of the PEIR's failure is the continued use of outdated and inadequate spatial data that provides the foundation for the entire Program. Although updated data is available from Cal Fire itself, **the PEIR ignores this rich resource** and depends instead on questionable information from decades ago.

As a consequence, the current PEIR fails to meet the requirements of the California Environmental Quality Act (CEQA).

The PEIR also reveals **a significant level of schizophrenia** as the authors initially reference current science to only qualify or ignore it later in order to support the Program's objectives. By using contradictory statements, undefined terms, and legally inadequate mitigation processes, the document is a testament in ambiguity. It appears to be a program in search of confirming data rather than one developed from examining the actual problem.

The most concerning issue, however, relates to the failure of the document to provide a key component of a programmatic EIR - providing a more exhaustive consideration of effects and cumulative impacts than could be accomplished at the project level (14 CCR § 15168).

Instead, the authors continually punctuate volumes of repetitive, rambling text with the unsupported claim that determining impacts is impossible, pushing it off to project managers with a checklist and standard project requirements that depend on subjective judgments.

How does the PEIR justify ignoring a thorough examination of impacts as required by CEQA? The PEIR vacillates between claiming the Program being too large and complex to analyze or the actual treatment areas being too small to make an impact.

As a consequence, the current PEIR

- fails to provide adequate support for concluding that the proposed program will not have a significant effect on the environment.
- fails to provide adequate guidance to prevent significant environmental harm.
- fails to adequately support Cal Fire's mission to protect life, property, and natural resources.

Briefly, the reasons for these failures include:

1. Circumventing CEQA

- impacts determined to be less than significant by the "Fallacy of Authority" (our conclusions are true because we say so – no evidence provided)
- lack of detail as required within a programmatic EIR
- passing on responsibility to determine potential impacts to project managers
- inadequate mitigation measures
- Significance Criteria to determine impact to biological resources dismissed without support

2. Incompetent Research

- misrepresenting cited scientific literature
- dependence on anecdotal evidence
- contradictory statements
- ignoring information in the record
- cited references missing, non sequiturs

3. Inadequate Data

- outdated fire hazard analysis model/data unsuitable for project level planning
- utilizing coarse-scale maps that cannot provide sufficient detail for competent analysis
- WUI assessments based on 26-year-old information
- dependence on vegetation maps that no longer reflect current conditions

Failure to properly address climate change. With the impacts of human-caused climate change accumulating much faster than even the most severe predictions, it is imperative that every policy we implement from here on out must honestly and exhaustively examine how such policy can facilitate the reduction of carbon in the atmosphere and the protection of what natural environment remains.

The current PEIR fails to do so.

Regarding carbon emissions, the PEIR uses the same response it does throughout to dodge examining significant impacts – it just states there won't be any because of unsupported assumptions.

While there is not a direct correlation between implementation of a vegetation treatment project and a proportionate reduction in numbers of fires or acres burned, it is reasonable to acknowledge that while the VTP program would result in emissions of GHGs as a result of prescribed fire, it would likely result in some reduction in the numbers of fires and/or burned acres from wildfires and, therefore, would avoid some emissions associated with those fires. The VTPs contribution to cumulative GHG emissions would not result in a considerable contribution to GHGs and would result in a less than significant impact.

The PEIR assumes all the projects will work out properly, and treated plant communities will not type convert to low carbon sequestering grasslands because of the Program's project requirements. We have shown these requirements to be legally inadequate and unenforceable.

The PEIR fails to account for the loss of underground carbon storage with the concomitant loss of above ground shrub cover in shrublands, an important carbon sink (Jenerette and Chatterjee 2012, Luo 2007). The PEIR also fails to address the research that has shown vegetation treatments often release more carbon than wildfires (Mitchell 2015, Law et al. 2013, Meigs et al. 2009).

By using assumptions based on past experience and focusing on the short term (such as how to reduce flame lengths, remove dead trees, or increase the number of clearance projects), the PEIR will likely exacerbate climate impacts, increase the loss of habitat, and fail to adequately accomplish its primary goal – protecting life and property from wildfire loss.

Suggested PEIR Improvements

Detail impacts. Examine possible direct and cumulative impacts and develop legally adequate mitigations for those impacts as required by CEQA.

Recognize all chaparral as potentially threatened. Chaparral in the northern part of the state will likely be threatened by higher fire frequencies as the climate continues to change. There is no ecological rationale for fuel treatments in shrub dominated ecosystems in northern or southern California.

Define terms. Define all terms utilized in the text needed to ensure consistency in use such as old growth chaparral, critical infrastructure, forest health, etc.

Redefine WUI. Establish a reasonable distance for the WUI by using science rather than anecdotal information.

Use most current Cal Fire Fire hazard data. It is inadequate to utilize the fire hazard analysis done in 2000-2003 using a wildland urban interface (WUI) model based on the 1990 U.S. Census. The PEIR needs to base the Program on current, scientifically verified information available from Cal Fire.

Research support for conclusions. Conclusions in a PEIR need to be supported by research, not by employing the Fallacy of Authority. Sweeping generalizations like the one below have no place in a science-based document.

“Landscape constraints, Standard Project Requirements, and Project Specific Requirements developed as a result of the Project Scale Analysis will, in the aggregate, reduce cumulative impacts to less than significant.”

Maintain consistency and research quality. Eliminate contradictions, errors in citations, and inconsistencies throughout the document.

Consultation on chaparral treatments. All projects involving chaparral should be developed in consultation with the California Native Plant Society.

Real alternatives. Create at least one new alternative that focuses on a program that emphasizes the reduction of fire risk by using “from the house out” approach, incorporating community retrofits.

Proper account of carbon sequestration. Recalculate the loss of carbon to account for the loss of below ground carbon sequestration in healthy chaparral communities.

Account for biodiversity in chaparral. Incorporate into the cumulative impact analysis how biodiversity may be impacted by the Program. See Halsey and Keeley 2016.

Increase transparency. Develop a web-based public notification process for projects similar to the US Forest Service SOPA website. For example:
<http://www.fs.fed.us/sopa/forest-level.php?110502>

Plan for the future. Base project need, selection, and treatment approach, on projected climate change scenarios, not past, anecdotal experiences.

As we have in the past, we urge the Board of Forestry and Cal Fire to produce a document that starts by responding to the following question, “**How do we protect lives and property from wildfire?**” instead of “How do we manage fuel?” These are two different questions resulting in two different answers.

Such a powerful approach will challenge everyone to leverage their own experiences, be willing to consider new paradigms, and honestly collaborate with others, especially with those who have different perspectives. Less rigor will continue practices that have

brought us to this point – increased loss of homes, increased loss of habitat, and increasing levels of carbon in our atmosphere.

We owe it to ourselves and future generations to get it right this time, especially because the changing climate will not be forgiving if we squander the opportunity.

Sincerely,

Richard W. Halsey
Director
The California Chaparral Institute

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Citations

Jenerette, G.D. and A. Chatterjee. 2012. Soil metabolic pulses: water, substrate, and biological regulation. *Ecology* 93 (5): 959-966.

[Luo, H. 2007. Mature semiarid chaparral ecosystems can be a significant sink for atmospheric carbon dioxide. *Global Change Biology* 13: 386-396.](#)

Meigs, G.W., D.C. Donato, J.L. Campbell, J.G. Martin, and B.E. Law. 2009. Forest fire impacts on carbon uptake, storage, and emission: the role of burn severity in the Eastern Cascades, Oregon. *Ecosystems* 12: 1246-1267.

Mitchell, S. 2015. Carbon dynamics of mixed- and high-severity wildfires: pyrogenic CO₂ emissions, postfire carbon balance, and succession. In D.A. DellaSalla and C.T. Hansen (eds), *The Ecological Importance of Mixed-Severity Fires, Nature's Phoenix*. Elsevier Press. Pgs. 290-309.