

sent by: USDA Forest Service;

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Service cannot operate safely with the large fuels that litter the forest following the storm. Clearing roadways will allow firefighters a first line of defense.

- Priority 2. Remove dead, down, and leaning trees in and within 300-500 feet of all RCW active clusters, replacement, and recruitment stands [see recommendations from USFWS and U.S. Forest Service (USFS) researchers, *attachments D, E, & J*]. This action is needed to reduce further damage to this endangered species habitat from bark beetle attack and intense wildfire, plus provide opportunities for additional mitigation efforts prescribed by scientists familiar with RCW. Scientific studies conducted following Hurricane Hugo on the Francis Marion NF of South Carolina show a link between RCW population declines and the inability to conduct necessary prescribed burns due to heavy accumulations of dead and down timber that was not removed following the hurricane (*see attachment H*). Lack of prescribed burning for RCW in South Carolina has prevented resource managers from maintaining healthy RCW habitat.

This action must begin immediately and be completed by March 31, 1998 to avoid disturbance to the RCW during their breeding season.

Approximately 1,000 acres require this action.

- Priority 3. Reduce increased fuel loadings created by the mass of fallen trees and tops to avoid potential catastrophic fires. This action would be taken in areas that adjoin private property or where extensive damage has created a potential "blowup" fuel loading condition.

Fuel reduction efforts must begin immediately as the east Texas spring and summer fire season is rapidly approaching. Many private citizens have begun to burn storm debris and any escaped fires from debris burning pose a serious threat to other private property, RCW and bald eagle habitat, and firefighter safety.

Approximately 22,000 acres require this action.

- Priority 4. Reduce the risk of bark beetle attack on remaining live trees. Downed and damaged trees provide suitable host material for bark beetles, especially between April and October. The southern pine beetle (SPB) may attack leaning, root-sprung trees. The Sabine, Angelina, and Sam Houston NFs experienced an increase in SPB activity in 1997, and further population increases in 1998 have been predicted by entomologists in both the U.S. and Texas Forest Services (*see attachment K*). With the mild winter temperatures to date, many SPB should emerge within the next month, and the leaning, root-sprung trees could serve as focal points for the initiation of SPB spots. The storm damage therefore could lead to an increase in the

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number of infestations on public and private lands, threatening RCW and bald eagle habitat as well as other forest resource values. Downed and broken trees are subject to attack by pine engraver (Ips) beetles.

Action should be initiated by April 1, 1998.

Approximately 70,000 to 80,000 acres require this action.

TECHNIQUES AVAILABLE TO ACHIEVE THE EMERGENCY RESPONSE OBJECTIVES

There is only one reasonable emergency response available to the NFGT to meet the three emergency response objectives. This response requires physical removal of the majority of dead, down, and severely root-sprung trees. Immediate emergency response would concentrate on removing the larger tree boles followed by a variety of fuel reduction techniques to either physically remove or mechanically reduce tree tops, downed limbs and smaller fire fuels. A discussion of anticipated environmental effects is found as attachment C.

Tree bole removal techniques may include the following: aerial removal by helicopter in areas of highly saturated soils; ground removal by mechanized equipment capable of distributing low pound per square inch pressure on wet and sensitive soils; or ground removal by more conventional crawler tractor and/or rubber tired skidding equipment.

Reduction of finer fuels found in tree tops and limb debris would be accomplished by any number of techniques such as mechanically lopping and scattering, chipping, prescribed fire in areas properly secured to reduce the risk that fire would escape onto private property, and other environmentally sensitive techniques recommended by an Interdisciplinary Team (IDT) of resource management specialists.

None of the affected area is "roadless", and the NFGT would be exempt from the proposed agency suspension of road construction in roadless areas in the National Forest Service system because the NFGT RLRMP became effective June, 1996. Removing the large volume of downed trees will require some reconstruction of part of the extensive federal, state and local road network. However, removal techniques that will allow use of existing roads, and thus avoid new permanent road construction, will be utilized to the maximum extent possible. Significant maintenance of the existing roads in the three national forests will be required to accommodate the removal of these large numbers of trees. Relatively large tree storage areas (log decks) will be needed for trees removed by helicopter from areas with saturated soils.

PROPOSED ALTERNATIVE NEPA ARRANGEMENTS

The NFGT requests the CEQ to allow us alternative arrangements in accordance with 40 CFR 1506.11, as normal timeframes for NEPA compliance will not meet emergency response needs. The alternative arrangement would be limited to the four short-term (priority) actions needed to address emergency response objectives previously noted.

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In lieu of normal NEPA compliance, the NFGT proposes the following:

1. Limit the removal of trees to those already down, dead, or severely root-sprung such that mortality is highly probable. Avoid cutting of undamaged live trees except for instances of worker safety. Due to the large scale damage, it is imperative that living, undamaged trees be protected for RCW cavities and foraging and to meet reforestation needs (*see attachments N & O*).

Some live trees may need to be cut to allow low psi equipment to work safely within the damaged areas. Each live tree cutting must be in accordance with standards established by an interdisciplinary team (IDT) and approved by the Incident Commander.

Avoid tree removal from riparian areas unless removal is recommended by a fisheries biologist, soil scientist, and hydrologist. Trees will be removed from riparian areas only if needed to prevent damage to fisheries habitat, abate soil erosion, or is necessary to restore natural hydrologic regimes.

2. Conduct a public meeting in San Augustine, Texas to gather input about public concerns prior to initiating emergency response. Public concerns will be used to mitigate or alter the way in which tree removal is conducted. San Augustine is chosen because it is central to the most severe damage on the Sabine and Angelina NFs. This public meeting is scheduled for March 7, 1998 (*see attachment L*).
3. Develop a longer-term public involvement strategy that encourages input from a broad segment of the American public that can be used by an IDT as it evaluates tree removal technique options (*see attachment M*).

Periodically the NFGT will inform the public of progress and monitoring results of these actions.

4. Utilize an IDT of resource management specialists to prioritize tree removal areas and identify where various removal techniques would be employed. Removal techniques will consider degree of ground disturbances, soil types, soil saturation, worker safety, threatened and endangered species (TES) species, and other factors the IDT deems appropriate. The IDT will give special consideration to riparian areas, sensitive soils, RCW habitat management areas, unique plant communities, and any other special areas identified. All tree removal actions will be conducted in accordance with the standards and guidelines found in the RLRMP and additional mitigation deemed necessary by the IDT.
5. Consult with other federal and state agencies such as USFWS, Natural Resource Conservation Service, Texas Parks and Wildlife Department, Texas State Historic Preservation Officer (SHPO) (*see attachment P*), and State of Texas Forest Service to ensure tree removal is in accordance with various federal statutes, state

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best management practices, and generates the least environmental disturbance practicable.

The NFGT and the Texas SHPO had previously entered into a Memorandum of Understanding that addresses heritage resource inventory and antiquities law compliance resulting from catastrophic events such as this emergency. The USFWS and the NFGT have been in constant informal Endangered Species Act consultation since the second day of this emergency. An employee of the USFWS is located in the NFGT Forest Supervisor's Office and provides day-to-day inter-agency consultation. The Texas Forest Service and NFGT are coordinating joint agency responses to the rapidly increasing wildland fire danger. Texas Parks and Wildlife Department has assessed impacts to bald eagles and is assisting with RCW consultation.

Initiate formal Section 7 (Endangered Species Act) consultation with USFWS as requested by the USFWS letter of February 18 (*see attachment D*).

6. Maintain a project folder that documents the rationale that leads to tree removal priorities, removal technique selection, and mitigation measures in excess of RLRMP standards and guidelines. Periodically inform a broad segment of the public regarding decisions made to respond to this emergency.
7. Provide an on-site monitoring team of resource management specialists to ensure quality resource management, document environmental effects, and prevent significant adverse effects from occurring. Every effort will be made to include other agency personnel on the monitoring team. The monitoring team will review: (1) compliance with the removal technique decisions; (2) implementation of applicable RLRMP standards and guidelines; (3) implementation of additional mitigation measures required by the IDT and (4) promptly inform the NFGT Forest Supervisor of significant adverse environmental effects. The NFGT Forest Supervisor will take appropriate actions to reduce significant adverse effects, including termination of tree removal activities, to reduce or abate those significant adverse effects.
8. An environmental assessment in lieu of an environmental impact statement for approximately 70,000-80,000 acres for bark beetle risk reduction (Priority 4 areas). It is our intent to use a 7 day scoping period.
9. Provide continuous feedback to the CEQ on progress and status under any alternative arrangements provided.

In addition to these items that specifically address the four short-term actions, the NFGT will conduct the appropriate NEPA analysis process with full public participation to determine what actions will be taken to reforest and restore the acreage damaged by the windstorm. The NFGT would initiate the appropriate NEPA process by June 1, 1998.

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ATTACHMENTS

- A. Maps of the Sabine, Angelina, and Sam Houston NFs indicating areas of damage.
- B. Photos depicting actual conditions following the 2/10/98 windstorm.
- C. Environmental effects of the agency proposed action
- D. February 18 letter from USFWS to Forest Supervisor recommending immediate actions needed to protect RCW.
- E. Letter from RCW Damage Assessment Team to Forest Supervisor recommending actions needed to protect RCW.
- F. Letter from Texas Parks and Wildlife Department assessing damage to bald eagle nests and recommending action.
- G. Forest Health Evaluation of Storm Damage by Stephen Clarke and Nolan Hess.
- H. Information concerning the USFS experiences with RCW populations on the Francis Marion National Forest following Hurricane Hugo.
- I. Basic fire effects and risk analysis following Texas windstorm.
- J. Additional information from USFWS dated March 2.
- K. SPB predictions for this spring and summer.
- L. Public meeting notification.
- M. Scoping notice.
- N. Letter from Forest Supervisor to Incident Commanders
- O. Letter from Forest Supervisor to persons working on emergency response
- P. State Historic Preservation Officer concurrence

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EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

March 10, 1998

Mr. Robert C. Joslin
Deputy Chief, National Forest System
Forest Service
Auditors' Building, 3rd Floor
201 14th Street, S.W.
Washington, D.C. 20250

Dear Mr. Joslin:

I am writing in response to your request of March 4, 1998, requesting alternative arrangements for compliance with the National Environmental Policy Act (NEPA) in consultation with the Council on Environmental Quality (CEQ) under 40 C.F.R. §1506.11 for an emergency situation caused by a windstorm that swept through the National Forests and Grasslands in Texas (NFGT) on February 10th. The windstorm caused a considerable amount of damage on 103,000 acres of forested land on the NFGT, causing severe damage to the ecosystem, including destruction of habitat for red-cockaded woodpeckers and bald eagles. The volume of fallen timber resulting from the windstorm has also given rise to serious concern about high risk of high intensity wildland fires, with potential for further habitat destruction and risk to adjacent private property, and about possible bark beetle infestation.

The Forest Service notified CEQ in late February that it faced an emergency situation that it believed would warrant alternative arrangements for NEPA. At that time, Forest Service personnel were proceeding to remove fallen and hazardous trees from roadways and to implement actions associated directly with red-cockaded woodpecker active clusters, and replacement and recruitment stands. The latter activities were implemented in coordination with the U.S. Fish and Wildlife Service (USFWS) which, by letter dated February 18, 1998, notified the Forest Service that failure to take these actions could result in further adverse impacts to the red-cockaded woodpeckers in certain affected areas. In the Forest Service's estimation, none of these activities would normally require preparation of an environmental impact statement (EIS), and CEQ concurs with that conclusion.

In addition to the above activities and directly in response to the windstorm and its effect, the Forest Service also proposes to remove dead, down, and severely root-sprung trees where mortality is expected. No live trees are to be cut unless their removal has been determined to be necessary for worker safety, under standards established by an interdisciplinary team. Further, no trees are to be removed from riparian areas unless an interdisciplinary team recommends removal to prevent damage to aquatic habitat, abate soil erosion, or to restore natural hydrologic regimes.

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The Forest Service proposes to remove trees that meet the above criteria on about 22,000 acres of land in areas adjacent to private property or vulnerable to "blowup" fuel loading conditions as soon as possible and to initiate removal trees on a total of approximately 70,000 to 80,000 acres to reduce the risk of bark beetle shortly thereafter. It is for these actions that the Forest Service seeks approval of proposed alternative arrangements.

We have met with representatives of the Forest Service, including the Forest Supervisor, Ronnie Raum, and have reviewed a considerable amount of material you forwarded to us, including additional information requested by CEQ staff. We have also consulted directly with the U.S. Fish and Wildlife Service and the Environmental Protection Agency regarding the proposed actions, and have benefited from understanding the results of a public meeting held by the Forest Service in San Augustine, Texas, on the evening of March 7, 1998.

Based upon the above consultation and review, CEQ has concluded that the situation presented on the National Forests and Grasslands in Texas constitutes an emergency situation for purposes of compliance with the CEQ NEPA regulations and hereby approves the following alternative arrangements. These are essentially the arrangements proposed by the Forest Service in the scoping notice published by the NFGT on March 4, 1998, with some modifications taking into account events and discussions that have occurred since that date.

1. The Forest Service will prepare an environmental assessment (EA), in lieu of an environmental impact statement, for the proposed tree removal for bark beetle risk reduction, and include in the EA a discussion of the cumulative effects of the proposed tree removal for bark beetle risk reduction along with the removal of trees to reduce fuel loading concerns. The scoping process has already been initiated by the Forest Service, including the public meeting held on March 7th in Texas. The Forest Service has proposed providing for the normal thirty day comment period for a draft EA before issuing a Decision Notice.
2. The Forest Service will limit the removal of trees to those already down, dead, or severely root-sprung such that mortality is highly probable, and will avoid the cutting of undamaged live trees except for instances of worker safety as indicated earlier in this letter. Tree removal from riparian areas is to be avoided unless removal is recommended by the fisheries biologist, soil scientists, and hydrologist, who are members of the interdisciplinary team, for the purpose of preventing damage to fisheries habitat, abating soil erosion, or restoring natural hydrologic regimes. Live tree cuttings must be in accordance with standards established by an interdisciplinary team and approved by the Incident Commander.
3. The Forest Service will utilize an interdisciplinary team to prioritize tree removal areas and identify appropriate removal techniques. Choice of removal techniques will be informed by the degree of ground disturbances, soil types, soil saturation, worker safety, threatened and endangered species, and other factors the team considers appropriate. The team will give special consideration to riparian areas.

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sensitive soils, red-cockaded woodpecker habitat management areas, unique plant communities, and any other special areas identified. All tree removal actions will be in accordance with the standards and guidelines set forth in the revised Land and Resource Management Plan, along with any additional mitigation deemed necessary by the team.

4. The Forest Service has already conducted a public meeting in San Augustine, Texas, regarding the proposed action and these alternative arrangements. The Forest Service will proceed to develop and implement a longer-term public involvement strategy that encourages input from the public and in keeps the public informed of progress in implementing the proposed actions.
5. The Forest Service has already consulted with a number of other federal and state agencies in the course of responding to the immediate needs for tree removal and actions needed to mitigate destruction in red-cockaded woodpecker areas. The U.S. Fish and Wildlife Service has temporarily assigned a staff person to the Forest for informal emergency consultation, and has initiated formal consultation under Section 7 of the Endangered Species Act (ESA). The Texas Parks and Wildlife Department has assessed impacts to bald eagles and is assisting with red-cockaded woodpecker consultation. The Forest Service will not proceed with the proposed actions prior to completion of that consultation under ESA.

The Forest Service is acting in accord with a Memorandum of Understanding (MOU) previously entered into between the NFGT and the Texas State Historic Preservation Office. The MOU addresses heritage resource inventory and antiquities law compliance resulting from catastrophic events.

The Texas Forest Service and the NFGT are coordinating joint agency response to the fire danger.

6. The Forest Service will maintain a record that documents the rationale that leads to tree removal priorities, removal technique selection, and mitigation measures that are in addition to the revised Land and Resource Management Plan standards and guidelines. The record be available for review by members of the public.
7. The Forest Service will establish an on-site monitoring team of resource management specialists to ensure quality resource management, document environmental effects and assist in preventing significant adverse effects from occurring. The monitoring team may include personnel from other agencies and will review: (1) compliance with the removal technique decisions; (2) implementation of applicable revised Land and Resource Management Plan standards and guidelines; (3) implementation of additional mitigation measures required by the interdisciplinary team, and (4) promptly inform the NFGT Forest Supervisor of any significant adverse environmental effects noted as the result of actions being taken under these arrangements. Upon notification under provision

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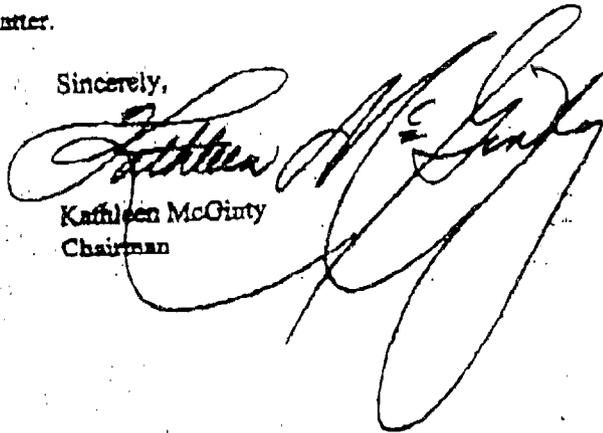
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(4), the NFGT Forest Supervisor will take appropriate actions to reduce significant adverse effects, including termination of tree removal activities, to reduce or abate those significant effects. The team will also develop recommendations for a longer-term monitoring plan.

- 8. The Forest Service will notify CEQ expeditiously should the need to modify any of the above arrangements arise, including changed circumstances on the NFGT and/or a determination that the removal actions are causing significant adverse environmental effect. The Forest Service will also provide CEQ with regular progress reports at critical points in the implementation of the actions, but in any event, no less frequently than every three months. The Forest Service will notify CEQ upon completion of the actions taken under these arrangements, and provide information regarding the effects of these actions as understood at that time and regarding the Forest Service's plan to commence the normal NEPA process for reforestation and other restoration activities.

I commend you and the involved regional and NFGT Forest Service personnel for their energy and creativity in responding to the February windstorm and hope that the steps outlined above will enable the Forest Service's response to be as effective as possible. Please do not hesitate to contact me or Dinah Bear, CEQ General Counsel, if we can be of further assistance in this matter.

Sincerely,



Kathleen McGinty
Chairman

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