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Organization:

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Comments: 4/14/24

Mark Sando, Coyote District Ranger

HC 78, Box 1

Coyote, NM 87012-0001

Re: The Encino Vista Landscape Restoration Project

I, David Birnbaum, respectfully submit these comments regarding the U.S. Forest Service's proposed Encino Vista Landscape Restoration Project, an approximately 130,305-acre vegetation management project located on the Coyote and Cuba Ranger Districts of the Santa Fe National Forest. These comments are submitted in a timely manner. The responsible official is Mark Sando, District Ranger, Coyote Ranger District.

I live one half mile from The Santa Fe National Forest, and I value the National Forest and especially the trees, because my faith, and spiritual and ethical beliefs, which were instilled in me by my parents, require me to honor and protect nature. And furthermore, I know that the plants, and especially the trees, are sequestering carbon and enhancing the availability of oxygen, and are essential in their role as part of the ecosystem which nurtures, strengthens and sustains this planet, our one and only home.

Environmental Impact Statement (EIS)

An EIS is required when a project has significant impacts on the human environment or on forest resources. This requirement is clearly spelled out in Section 102, Paragraph C of NEPA, and NEPA is one of the most important and respected Acts of Congress, the purpose of which is clearly stated as "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment". More than ever before it is essential for this Act to give appropriate guidance, in this era when climate change is revealing the potential for massive worldwide environmental damage, reinforcing the need for any major project to be carefully considered according to the dictates of the Act.

This project clearly has significant impacts, and one of the most significant impacts, the possibility of an escaped intentional burn, is not even mentioned in the EA created for the Encino Vista Project. Just try telling the people whose homes and ancestral way of life were destroyed in the Hermits Peak Calf Canyon Fire in 2022 that intentional burns have no significant impact! We have here in our recent history a sad and undeniable example, which provides a clear mandate that we do not make the mistake of denying the significant impact to avoid the requirement of an EIS. The relatively minor enhancements that the Forest Service has put in place for intentional burns, such as increasing the number of personnel, checking the weather more frequently and narrowing the "windows" of acceptable weather are no match for the changes in the climate, particularly the increases in temperature and unpredictable strong winds. The likelihood of an escaped burn is no less than it was in 2022, and the impossibility of putting out a quickly expanding escaped burn without help from precipitation has been demonstrated by the catastrophic damage done by the Forest Service in 2022.

The benefits of an EIS over an EA are many, and an EIS must be produced for the Encino Vista Project! The law is on the side of the public in demanding it!

Lack of personnel and equipment

The Forest Service does not have the agency capacity to safely implement 8,000 acres of prescribed burns per year during the EVLRP, and also manage safely many thousands of acres of burns in the implementation of other Santa Fe National Forest projects.

During the past year, at meetings about planned intentional burns where the public had been invited, we heard again and again that the Forest Service is understaffed on many levels, and especially short of the trained personnel who implement intentional burns. These employees who are needed in large numbers for each burn, as many as thirty for a 640 acre burn in one case, are not just "warm bodies" like one might find looking for work at the Department of Labor. They have to be strong and healthy enough to be able to carry heavy loads of equipment up steep uneven ground for long distances, they have to be willing to be isolated from families, friends and stores, and willing and able to sleep on cots or on the ground in tents in all kinds of weather. And they have

to have been trained at training facilities to learn the skills and activities necessary and the health and safety routines required in a very dangerous work environment. So with the shortages of labor now prevalent in all kinds of different enterprises such as are being experienced in construction, sales, food service and many other trades, how does the Forest Service plan to find, entice, train and transport enough new employees to initiate the staggering number of burns of much larger size than ever? And to staff these extensive burns with inexperienced untried employees, and with insufficient numbers of supervisory team leaders, while dealing with heat, wind and dryness not previously encountered seems like a certain recipe for more disasters. At the same meetings, we heard about shortages of infrared sensing devices, drones, communication equipment and aircraft. Recently I learned that the Forest Service has only a very limited number of air tankers and pilots for the entire country, including Alaska and Hawaii. What is the point of undertaking another gigantic project at a time when the evidence points to the much-increased need for caution and safety? To be planning such an unnecessarily vast additional project at this time, when the Forest Service has admitted the shortages I am referring to, is madness! Recognition of the need for time to acquire the appropriate additional staff and equipment would clarify that there is also time to have an EIS in place prior to any further planning.

Project Notice and Environmental Justice

Public notice for the project has been insufficient. The notification of the scoping document was mailed to only 143 people. The agency issued no public news release, placed no legal notice in a newspaper, and contacted no news source to announce the project. This generated only 14 scoping comments. This is a clear violation of NEPA implementing regulations 40 CFR 1500.2(d.) And in 36 CFR 219.4 regarding public participation in land management planning, the Forest Service is required to be "proactive and use contemporary tools, such as the internet, to engage the public, and should share information in an open way with interested parties". These requirements are not optional, because they are spelled out clearly in the laws, and the omission of this notification and public involvement regarding the EILRP would justify reopening the Scoping processes and is another reason to include an EIS for this project in order to allow the appropriate involvement of the public. Notice for the Preliminary Environmental Assessment has also been insufficient. Two poorly advertised open houses resulted in only 9 attendees, other than USFS personnel. There were no meetings held in which an overview of the Preliminary Environmental Assessment was presented to the public; instead, the agency used an open house format for answering attendees' questions.

The Forest Service also has a responsibility under its regulation, "Requirements for Public Participation," to provide opportunities for engagement about projects and encourage participation by low income and minority populations.

The project area contains largely a low-income rural population, and in many cases, English is not the primary language. Therefore, the outreach by the Forest Service to the local population would be expected to be much more, not less than that for projects affecting areas of average demographic characteristics.

The evident lack of effort to appropriately involve and inform the public is so extreme that it amounts to deliberate secrecy, and this failure of the Forest Service to comply with the laws is not acceptable and would certainly be a justification for legal action to force compliance.

The public stands ready to participate as the law requires, and we will do whatever is necessary to be sure that the Forest Service respects our rights!

Thank you for considering these comments,
David Birnbaum,