

#### **DECISION MEMORANDUM FOR THE CHIEF**

THROUGH:	Chris French Deputy Chief National Forest System	Date:
FROM:	Jennifer Eberlien Regional Forester Pacific Southwest Region (R5)	Date:
SUBJECT:	Proposed Emergency Response, R5 Giant Sequoia Groves Fuels Reduction and Restoration Projects – Sequoia and Sierra National Forests	
FILE CODE:	1950	

**ISSUE:** The Sequoia and Sierra National Forests in R5 are requesting Chief's approval for emergency response for compliance with the National Environmental Policy Act (NEPA) consistent with *Emergency Response* procedures at 36 CFR 220.4. Specifically, in order to reduce wildfire risk that threatens giant sequoia groves, the Forests seek permission to initiate fuels reduction treatments prior to completion of environmental analysis. Recent wildfires have burned or partially burned 32 of the 37 giant sequoia groves on National Forest System lands in California, killing an unprecedented number of giant monarchs. Granting approval for emergency response will allow immediate implementation of fuels reduction treatments to reduce the imminent threat from severe wildfire.

**BACKGROUND:** Under Forest Service NEPA implementing regulations at 36 CFR 220.4(b)(2), the Chief or Associate Chief may grant emergency response or alternative arrangements for NEPA compliance when the responsible official finds that the nature and scope of proposed emergency actions are such that they must be undertaken prior to preparing any NEPA analysis and documentation associated with a Categorical Exclusion or Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). This is not an alternative arrangement as defined by the Council on Environmental Quality in 40 CFR 1506.12.

An emergency response is requested for immediate implementation of specific fuels treatments encompassing **approximately 13,377 acres** to mitigate fire risk to **12** Giant Sequoia groves. The emergency fuels treatments would remove surface and ladder fuels which present the greatest risk from wildfire, and include hand cutting of small trees, with piling or lop-and-scatter of debris; mechanical removal of trees  $\leq 20$ " dbh; application of borate on green stumps; pulling duff away from the base of large Giant Sequoias; and prescribed burning. Standard design features outlined for the Castle Fire and Hume Basin Restoration projects will be applied.

Twenty percent of fire tolerant monarch Giant Sequoia trees have been killed by unprecedented high severity fires in the last two years. Prior to 2015, the last recorded evidence of extensive Giant Sequoia mortality occurred in 1297 A.D, over seven centuries ago. Fire exclusion over the last 150 years has led to extreme fuels accumulation in these Giant Sequoia groves that were accustomed to frequent low severity fires. Expansive tree mortality from the 2017 drought along

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with recent wildfires has left more dead and dying trees across the landscape. This has left the Giant Sequoia groves extremely vulnerable to high severity fire. Giant Sequoia trees are extremely fire tolerant and therefore were thought to survive all fires. In 2015, a few monarch Giant Sequoias were killed in a high severity wildfire, and in 2017, a few more were killed. Then in 2020, approximately 17 percent of all monarch Giant Sequoias were killed in the Castle Fire. At that time the agency began to understand what the extreme fuels build up and drought could do to these iconic Giant Sequoia trees and began environmental analysis to address the problem. Then in 2021, the Windy Fire and the KNP Complex burned another five percent of the monarch Giant Sequoias. The remaining unburned groves and unburned portions of burned groves are under severe threat to wildfire. Lightning strikes threaten the groves daily and immediate action is needed to remove fuels from around these trees to limit further mortality.

The identified actions are not likely to have significant environmental impacts based on preliminary analysis and experience implementing similar projects. Implementation of the emergency actions, starting with hand treatments in the three unburned groves at greatest risk of severe wildfire, would begin immediately. Fuels treatments within nine groves would be initiated this summer (2022) and work on the three additional groves could begin in fall 2022. Emergency response actions would accelerate treatment work by up to 9-12 months in most groves and up to several years for others.

The Giant Sequoia Working Group and Giant Sequoia Lands Coalition, representing a diverse group of landowners and scientists have been engaged in the management of Giant Sequoias. These groups are particularly concerned about the substantial impacts that severe wildfires could have on Giant Sequoia groves if the agency does not take immediate action to reduce the threat. Public scoping and tribal consultation have been initiated for the Castle Fire Restoration and Hume Basin Restoration projects. Tribal consultation has been initiated for Windy Fire Restoration Project. Public scoping and tribal engagement for the other projects will be initiated within 45 days of approved emergency actions. Public scoping and tribal engagement have indicated strong support for fuels reduction treatments in Giant Sequoia groves, though some have expressed concern with using mechanical equipment within the groves and removal of trees between 8 to 20 inches dbh. There is general support for handwork and prescribed burning.

## **RECOMMENDATION**

Approve the proposed emergency response for NEPA compliance under 36 CFR 220.4(b)(2) with associated conditions so that the Sequoia and Sierra National Forests can immediately implement fuels reduction treatments within 12 Giant Sequoia groves.

Proposed Emergency Response:

- 1. Grant authorization to begin the fuels reduction treatments on approximately 13,377 acres (displayed in attached maps) prior to completion of the documentation of the Categorical Exclusions (four) and Environmental Assessments and FONSIs (three).
- 2. For the four Categorical Exclusions, exclude the requirement at 36 CFR 220.6(e) to document a decision to proceed with an action in a decision memo for certain Categorical Exclusions.

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3. For the three Environmental Assessments and FONSIs, exclude the requirement at 36 CFR 220.7(c) to document a decision to proceed with an action in a Decision Notice if an EA and FONSI have been prepared.

Associated Conditions:

- 4. Ensure compliance with other laws, such as Endangered Species Act, National Historic Preservation Act, and Clean Water Act are in place before implementation of the fuels treatments.
- 5. Ensure all required consultations and permitting have been completed before implementation of the emergency fuels treatments. Emergency provisions may be employed where necessary, such as emergency consultation under ESA.
- 6. Stakeholders will be notified of the approved emergency response.
- 7. For those projects which have not initiated public or tribal involvement, initiate public scoping and tribal engagement within 45 days of approved emergency response actions. Continue engagement with the Giant Sequoia Working Group and Giant Sequoia Lands Coalition.
- 8. Monitor the effects of the actions subject to emergency response. Reconsult with my office through the Director of Ecosystem Management Coordination if monitoring reveals effects outside of those disclosed in the ongoing environmental analysis.
- 9. The intent is to complete the Emergency Response for Emergency Fuels Treatments by the end of 2023, however emergency fuels treatments may occur through 2024. The Pacific Southwest Region will provide regular implementation progress updates. An annual review will be conducted to re-evaluate the need for the emergency response.
- 10. All other proposed actions in the EAs and CEs which are not part of this emergency response will follow the normal 36 CFR 220 and 36 CFR 218 process.

# **DECISION BY THE CHIEF:**

Approval:	
Disapproved:	
Discuss with Me:	
Date:	
Enclosures (1)	

Background and Rationale for Emergency Response with Maps