

June 28, 2007

**Name:** John Stavros

Resident of New Harmony, UT

**Title:** Application Developer in the private sector;

Testifying at the request of the US Forest Service

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### **I. Summary of witness credentials**

The following establishes my credibility as a witness. I bring the following experiences and circumstances to this hearing:

- I am not affiliated with any government agency. I am employed in the private sector as an application developer in a large financial services firm.
- I've lived in the West all my life. I grew up in Salt Lake City and moved to southern Utah 11 years ago.
- I share a border with the Dixie National Forest. The back fence of my 4-acre home is the Forest boundary.
- I was informed about a planned fuel break well in advance of the commencement of work and had reasonable opportunity to oppose it had I wanted to. (I did not oppose it and opted not to make contact.)
- I observed the crews as they completed the fuel break and had no problems with the way they conducted their work. It proceeded efficiently in a workman-like way.
- On June 27, 2005 a large forest fire came within 60 feet of my home giving me a frighteningly close view of the fire fighters' remarkable suppression efforts. I also witnessed the effects of the fuel break and the role it played in saving my home.
- I am president of the local cycling club and serve on the National Mountain Bike Patrol, a trained volunteer organization that functions much like the ski patrol does in ski resorts. These roles put me in frequent contact with local land managers.
- I have a running history of advocacy with local, state, and national land managers regarding recreation issues important to mountain bikers. I am proactive about being at the table during planning sessions and can rally local mountain bikers to volunteer in support of the mutual goals of land managers and cyclists.
- In 2004 and 2005, a dozen of my neighbors and I worked with the State Forestry people to reduce the fuel load on our properties. We cleared deadfall and cut the lower limbs from trees in an effort to hinder the progress of a fire. The neighbors provided the tools and labor and the State provided a big chipper to turn our huge slash piles into mulch.

## II. Photographs from the Blue Springs Fire of June 27, 2005

Figure 1: This is my house.



Figure 2: This is my house in a forest fire.



Figure 3



Figure 4





Figure 5: The next day

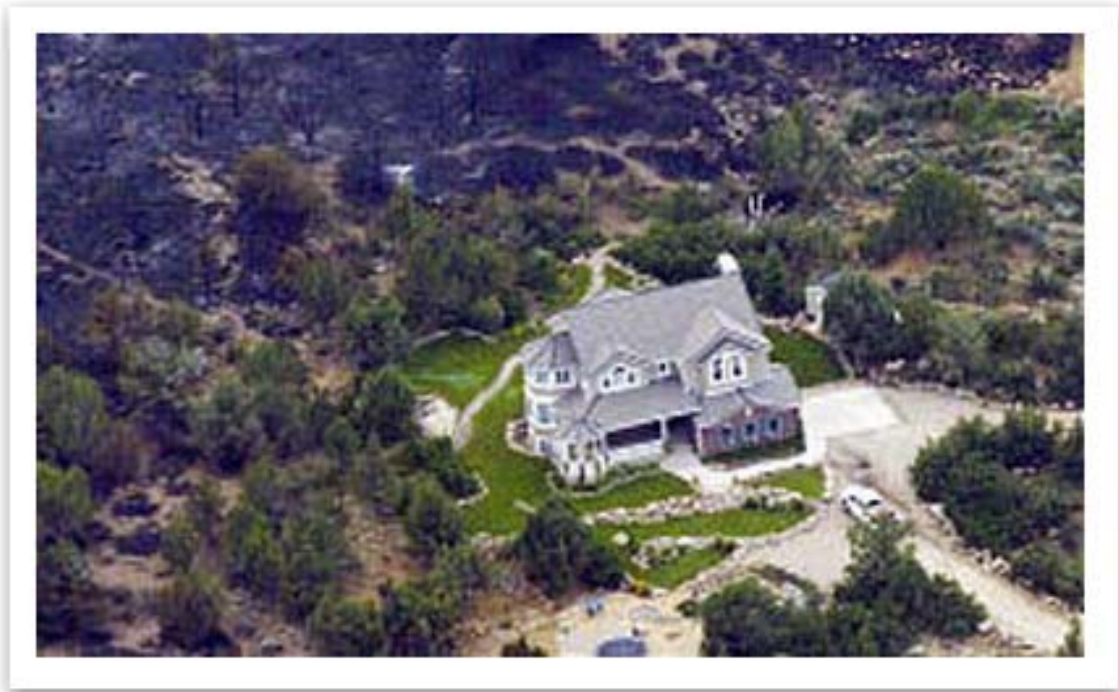


Figure 6





Figure 7: A Google Earth view of Harmony Heights

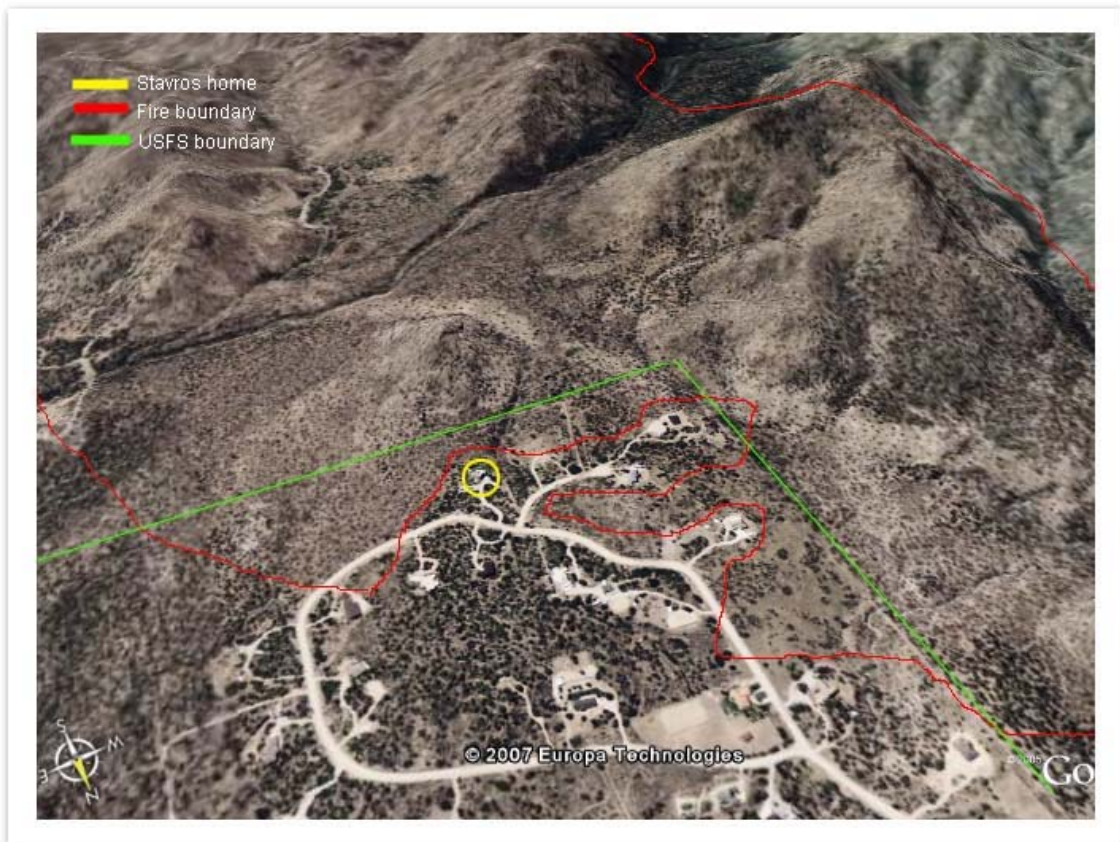




Figure 8: Before removal of ladder fuels. Note the thick undergrowth and the dry, dead branches choking the juniper tree.



Figure 9: After trimming and cleaning



### III. Letter to residents from the USFS regarding fuel break plans

June 12, 2003

Dear Interested Party:

Your input is being sought on an analysis for the New Harmony Fuels Treatment on the Dixie National Forest. This letter and the attached maps will provide you with information on the background of the project, the Purpose & Need, the Proposed Action, the decision to be made, as well as a request for your comments.

If the analysis demonstrates there are no issues, the responsible official will document this in a Decision Memo. The responsible official for this project is the Pine Valley District Ranger of the Dixie National Forest.

**Background.** The rapidly growing community of New Harmony has expanded along the National Forest boundary where structures have been built in the existing dense vegetation. Recently, large wildland fires like the Sequoia (8,100 acres) in 2002 and the Harmon Creek (493 acres) in 2000, and numerous small wildland fires, have burned around New Harmony. New Harmony is listed in the Federal Register as a “Community at Risk” to wildland fire. It is also an Interagency Urban Interface Focus Area. As such, the BLM and Utah Forestry, Fire, & State Lands Department are currently planning and executing different fuel treatments to make wildland fires easier to contain and extinguish.

**Purpose.** The purpose for this project is to modify fire behavior around New Harmony by reducing fire rate of spread and intensity, and by creating conditions that support desirable fire behavior. This project strives to have residences and community infrastructure adjacent to Forest Service land less susceptible to impacts from wildland fires. Fire behavior conditions associated with thick, continuous stands of brush and trees can fuel intense wildland fires in many areas along the National Forest/private land boundary. These conditions limit suppression effectiveness, and compromise the safety of initial response firefighting resources that are called on to protect these structures.

**Need.** To help protect New Harmony from future wildland fires, fuel modification is needed along the National Forest boundary. The modification should result in fire behavior (specifically, flame lengths) that is low enough so firefighters can be effective if suppression action is necessary.

**Proposed Action.** Construct a shaded Fuelbreak 4.9 miles long and 240 ft. wide by mechanical treatment and pile burning. The proposed action treats 145 acres to a fuel loading that produces flame lengths less than 4 ft. on all but the worst 10 percent of the weather days.

The shaded fuelbreaks (see attached map) will consist of new construction (240 ft wide) and widening of existing fuelbreaks that are 50 ft. wide to 240 ft. The fuelbreak



will reduce dead and down fuel loading to less than 5 tons an acre. The brush and shrubs would be cut to approximately 6 inches or less in height. Pinyon and Juniper trees less than 8 feet tall would be cut, piled and burned. Pinyon and Juniper trees over 8 feet tall would be retained at a minimum crown spacing of 15 feet to a maximum crown spacing of 60 feet. A minimum of 1 snag per acre would be retained. Fuel wood gathering would not be possible because of limited vehicle access.

Comparison of Existing condition and Proposed Action Fuels Profile

	<b>Fuel Heights</b>	<b>Fuel Spacing</b>	<b>Fuel Loads</b>
<b>Existing Fuel Condition</b>	> 6 feet	0-2 feet	11-13 tons/acre
<b>Proposed Action Fuel Condition</b>	0-3 feet	> 15 feet	< 5 tons/acre

Existing Fuel Condition



Desired Fuel Condition



Proposed action for new fuelbreak construction.

- A total of 2.6 miles of new fuel break will be constructed to a width of 240 ft (92 acres). Of this, 2.1 miles 240 ft wide (76 acres) will be accomplished by chainsaw cutting and subsequent pile burning. Pile burning will occur during winter months. The remaining 0.5 mile, 240 ft. wide (15 acres) of new line construction will be accomplished using a mechanical brush mower in a previously treated area that contains a lower level of Pinyon and Juniper fuels that may be accomplished with this type of equipment.

Proposed action for widening existing fuelbreak.

- The existing fuelbreak was constructed under a wildland fire emergency action in 2002. The existing fuelbreak is 2.3 miles long and 50 ft. wide, the proposed action will widened it to 240 ft. (53 acres). This widening

will be accomplished by chainsaw cutting and subsequent pile burning. Pile burning will occur during winter months.

***Proposed Action Maintenance and Implementation Design***

- The fuelbreak will be maintained by using goats to reduce encroaching grass and shrub vegetation at regular intervals (1-3 years) based on vegetation height ( $\geq$  to 3 ft in height). The goats will be utilized only within the fuelbreak area (145 acres), and be controlled with movable electric fence and consistently monitored by a herder. If goats are unavailable, maintenance will be accomplished by the use of chain saws and/or brush cutters with subsequent pile burning in fuels are in excess of prescription parameters. The area that is initially treated by mowing may be maintained by mowing when vegetation parameters are met ( $\geq$ 3 ft in height).
- Seeding of the constructed fuelbreaks would occur to reduce the relative amount of fine fuel produced by cheatgrass. This seed would be a mixture of non-native seed.
- The proposed action has been designed to limit access by ATVs. This would be accomplished by not removing existing vegetation barriers where there is potential for ATV access. Other areas of potential access will employ physical barriers (i.e. large rocks) to prevent access.

**Location** The proposed action would be constructed south and west of the town of New Harmony (see map). The proposed action would be constructed in Sections 20, 27, 28 and 34 of Township 38S Range 13W and Section 2 of Township 39S Range 13W.

**Timeline.** Please respond to this letter with comments by **June 25, 2003** to

Bevan Killpack  
U.S. Forest Service  
Pine Valley Ranger District  
196 E. Tabernacle, Room 40  
St. George, UT 84770  
(435) 652-3100  
ATTN: New Harmony Fuelbreak

Thank you for your time and interest in your National Forest.

BEVAN KILLPACK  
DISTRICT RANGER

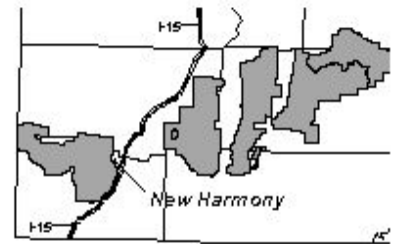


# New Harmony Fuelbreak Proposed Action

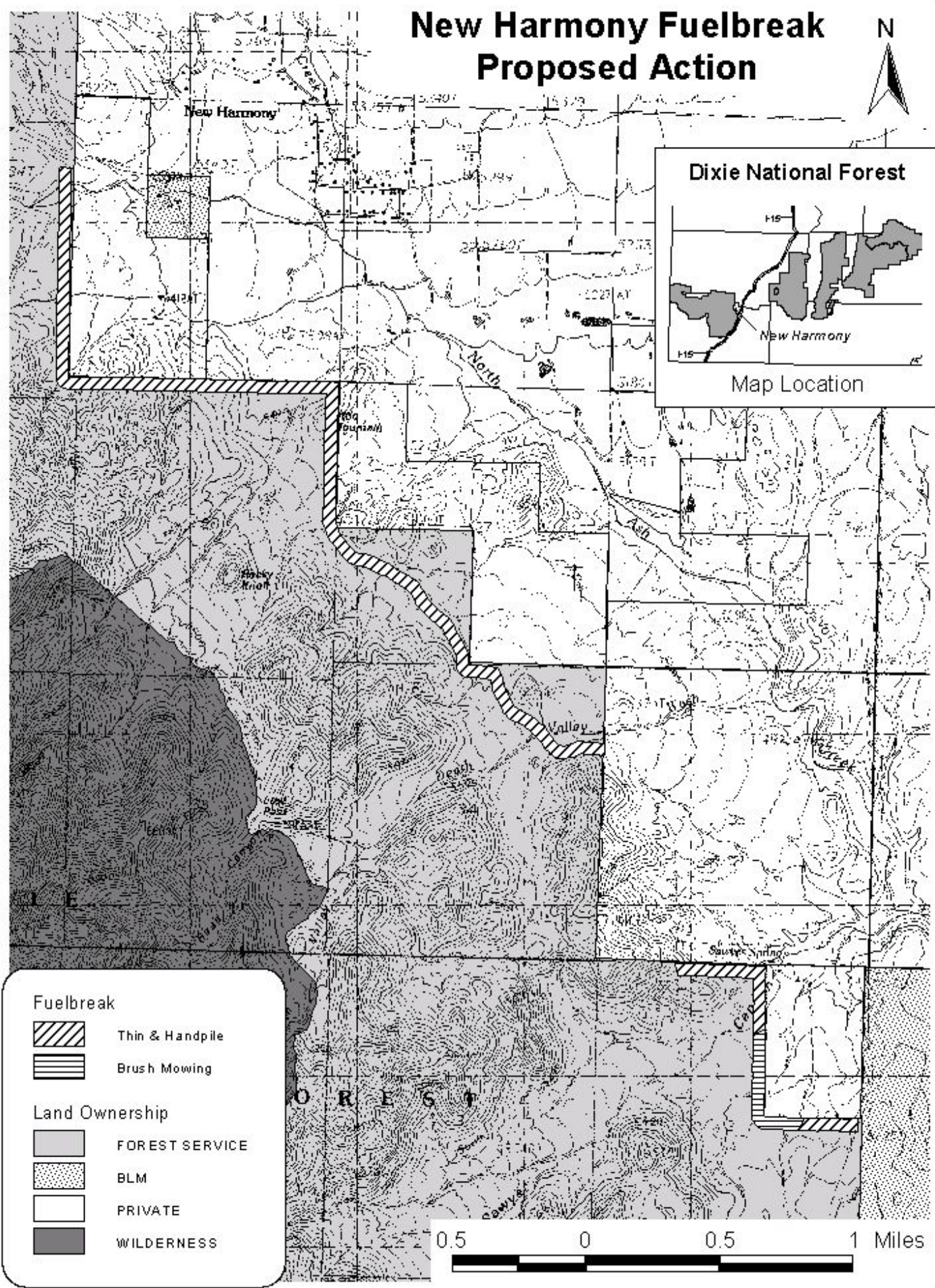
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## Dixie National Forest







Map Location



### Fuelbreak

-  Thin & Handpile
-  Brush Mowing

### Land Ownership

-  FOREST SERVICE
-  BLM
-  PRIVATE
-  WILDERNESS





## IV. Decision memo

### Decision Memo

USDA Forest Service  
Dixie National Forest  
Pine Valley Ranger District

#### ***New Harmony Fuel break***

#### **LOCATION AND EXISTING CONDITION**

The project would create a fuel break in the dense brush on National Forest System lands south of the town of New Harmony, Washington County, Utah. Please see the attached map for the location.

Existing fuels consist of primarily curleaf mahogany, gambel oak, serviceberry and Utah juniper. There is a high content of dead and down fuels in the area. Edges would be "feathered" and islands of untouched vegetation would be left to provide visual softening and hiding cover for wildlife.

Biological Evaluations (BE) were performed for sensitive plant and animal species, and a Biological Assessment (BA) was completed for threatened, and endangered plant and animal (biological evaluations and assessments are included in the project file) The BE determined no effect to sensitive species. The BA also determined there would be no effect on threatened and endangered species, nor on their critical habitat.

#### **PURPOSE AND NEED FOR THE ACTION**

The purpose for the proposed project is to:

- Create a defensible space around private property adjacent to National Forest System lands in case of fire.
- Increase potential effectiveness of initial attack firefighter resources within New Harmony.

The fuel break is needed for two reasons:

- Completing the proposed project would provide firefighters a defensible space in which they could more effectively suppress fires approaching the town of New Harmony from the south.
- Increase potential effectiveness of initial attack firefighter resources from the Dixie National Forest and cooperators.

This project is the third in a series of actions designed to provide better fire protection for the private and public land in and around New Harmony. The first action was the cooperative completion of the fuel break on the adjacent BLM administered land and the second was the construction of the fuel break in conjunction with the Sequoia wildfire. This action will complete the fuel break between the BLM and the fuel break created in conjunction with the Sequoia wildfire.

## PROPOSED ACTION

Construct a shaded Fuelbreak 4.9 miles long and 240 ft. wide by mechanical treatment and pile burning. The proposed action treats 145 acres to a fuel loading that produces flame lengths less than 4 ft. on all but the worst 10 percent of the weather days.

The shaded fuelbreaks (see attached map) will consist of new construction (240 ft wide) and widening of existing fuelbreaks that are 50 ft. wide to 240 ft. The fuelbreak will reduce dead and down fuel loading to less than 5 tons an acre. The brush and shrubs would be cut to approximately 6 inches or less in height. Pinyon and juniper trees less than 8 feet tall would be cut, piled and burned. Pinyon and juniper trees over 8 feet tall would be retained at a minimum crown spacing of 15 feet to a maximum crown spacing of 60 feet. A minimum of 1 snag per acre would be retained. Fuel wood gathering would not be possible because of limited vehicle access.

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### Proposed action for widening existing fuelbreak.

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## *Proposed Action Maintenance and Implementation Design*

- The fuelbreak will be maintained by using goats to reduce encroaching grass and shrub vegetation at regular intervals (1-3 years) based on vegetation height ( $\geq$  to 3 ft in height). The goats will be utilized only within the fuelbreak area (145 acres), and be controlled with movable electric fence and consistently monitored by a herder. If goats are unavailable, maintenance will be accomplished by the use of chain saws and/or brush cutters with subsequent pile burning in fuels are in excess of prescription parameters. The area that is initially treated by mowing may be maintained by mowing when vegetation parameters are met ( $\geq$ 3 ft in height).
- Seeding of the constructed fuelbreaks would occur to reduce the relative amount of fine fuel produced by cheatgrass. This seed would be a mixture of non-native seed.

The proposed action has been designed to limit access by ATVs. This would be accomplished by not removing existing vegetation barriers where there is potential for ATV access. Other areas of potential access will employ physical barriers (i.e. large rocks) to prevent access.

## DECISION

It is my decision to construct and maintain the project as described above.

## CATEGORY

The Proposed Action is categorically excluded from documentation in an environmental impact statement or an environmental assessment (Forest Service Handbook 1909.15 (31.2)).

A project file has been prepared and is located on the Pine Valley Ranger District. The Proposed Action is a routine activity as defined in FSH 1909.15 Section 31.2. It will not individually or cumulatively affect the human environment and will not have effects on procedures adopted by the Agency.

The Proposed Action falls within category 10, of Section 31.2:

“Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres”

#### **FINDING THAT NO EXTRAORDINARY CIRCUMSTANCES EXIST**

This analysis considered the extraordinary circumstances defined in FSH 1909.15, Section 30.3. It has been determined that no conditions exist which might cause the action to have significant effects on the human environment. The analysis also revealed that no extraordinary circumstances exist which may cause the Proposed Action to have significant effects. A summary evaluation is described below.

- a. Steep slopes or highly erosive soils:**  
The proposed action occurs on slopes and soils suitable for the project.
- b. Threatened and endangered species or their critical habitat:**  
A finding of "no effect" has been determined for all threatened and endangered plant and animal species.
- c. Flood plains, wetland and municipal watersheds:**  
The proposed action will not affect any flood plains or municipal watersheds.
- d. Congressional designated areas, such as wilderness, wilderness study areas, national recreation areas:**  
These designations do not occur within the project area.
- e. Inventoried roadless areas:**  
The treatment units do not occur within any inventoried roadless area.
- f. Native American religious or cultural sites, archeological sites, or historic properties or areas:**  
No known sites will be affected.
- g. Public health**  
Public health will not be affected.
- h. Federal, State or local laws or requirements imposed for environmental protection:**  
This proposal will comply with any laws or requirements imposed for the protection of the environment including the Endangered Species Act, Clean Air Act, and the National Historic Preservation Act.

#### **PUBLIC INVOLVEMENT AND SCOPING PROCESS**



Public input for this proposal was obtained by sending a scoping letter to members of the public who could be affected by, or have requested to be notified of similar proposals. Comments received were utilized in developing the proposed action. Scoping information is located in the project file.

#### **FINDINGS REQUIRED BY OTHER LAWS**

The National Forest Management Act and accompanying regulations (FSH 1909.15.30) require that several findings be documented at the project level. These findings are as follows:

##### **Forest Plan Consistency-**

This analysis is tiered to the Dixie National Forest Land and Resource Management Plan (DNF-LRMP). The Proposed Action addressed under this decision is consistent with management direction identified in the DNF-LRMP for the Management Area; 5A Big Game Winter Range (non-forest) and 4C Wildlife Habitat (Shrub Areas).

##### **Agency Road Rule**

This action does not fall within any suspension category as described in the Interim Road Rule; 36 CFR 212.

#### **IMPLEMENTATION**

Implementation may take place immediately.

#### **ADMINISTRATIVE REVIEW AND APPEAL OPPORTUNITIES**

Pursuant to 36 CFR 215.8 (a) (4), this decision is not subject to a higher level of review.

#### **CONTACT PERSON**

For additional information on this decision, please contact Brett Fay, Interdisciplinary Team Leader, Dixie National Forest Supervisors Office, 1789 N. Wedgewood Ln., Cedar City, UT; phone: (435) 865-3700.

## V. Oral Testimony Summary

My name is John Stavros. I grew up in Salt Lake City and moved to New Harmony 11 years ago. I live on 4 acres of national forest boundary land and share a fence with the Dixie National Forest. I'm an application developer for a large Boston-based financial services firm. My manager and work group are in Boston, and I am lucky enough to perform my big-city job from my home office in the middle of nowhere.

You've heard testimony regarding the planning and creation a fuel break near the town of New Harmony. You've seen the documents and given thought to the rules, regulations, and processes involved. Why am I here? I'm here to make it personal.

This is my house. We all see pictures like these on the news every summer as fires inevitably burn thousands of acres and destroy countless homes, and it's easy to become numb to the images. Let me tell you that when it's your house, it's a different set of emotions. As you look at the pictures in my written testimony, you can see that this was a very close call. The Blue Springs Fire roared into the community on the evening of June 27, 2005 (2 years ago yesterday). I included an image that shows the Forest boundary and the fire containment boundary relative to my home.

There are many reasons why my house still stands. We planned and built for these conditions. I created a green space around my home and built it of fire-safe materials. Also, my roof was thoroughly wet. Three built-in rooftop rain birds were soaking my house during all of this. And the heroics of the brave pilots and firefighters cannot be overstated.

In 2003 through 2005, two efforts were going on concurrently.

- First, the Forest Service informed the community in writing that they planned to cut a fuel break through the area just behind the community on Forest Service land. The thorough, 4-page document demonstrated how well thought-out the plan was and it offered a variety of contact methods if people had concerns. The first line of the letter is, "Your input is being sought...." My only concern was, would the work happen quickly enough to do any good.

Did the fuel break stop the fire in its tracks? No. Did it help? I believe it did. As I observed the fire from as close as you'd ever want to be, I believe that the fuel break bought precious minutes allowing the helicopter to make 1 or 2 additional drops. It gave the community a few extra minutes to evacuate when the fire abruptly blew up in the early evening.

- Second, the Utah State department of forestry in cooperation with the local fire department and the US Forest Service organized the neighbors in Harmony Heights to engage in work parties to reduce the fuel load, mitigate ladder fuels, and make the community as fire-safe as it could be. The neighbors contributed dozens of hours over many weekends using chain saws and hand tools while the State provided a chipper to shred the piles of useless slash.

My neighbors and I know that we have chosen to live in a higher-risk area. We do not expect the government to make us safe while we sit on the deck and sip lemonade. We grabbed on to the opportunity presented to us, got organized, and accomplished much. As you might guess, following the fire, we redoubled our efforts and worked even harder. This effort did not require that we clear-cut our beautiful properties. The federal and state forestry officials taught us the concept of ladder fuels, explained how to estimate flame wall height for different kinds of vegetation, and helped us retain the wild beauty while reducing the hazard. Pictures included in my written testimony show a typical area of the neighborhood before and after our work.

I understand that some people believe that the public was excluded from the planning of the fuel break and that the motivation to move so quickly was based, in part, on greed. Somehow the Forest Service was going to make a buck on the trees they pulled from the fuel break while everyone was caught napping. This is absurd. Junipers and scrub oak, the predominant foliage in the zone, are brushy, gnarled trees with little value beyond perhaps firewood.

The fuel break work was going on just one or two hundred feet behind my house, so we could see and hear the daily progress of the work crews. Each evening, my wife and I walked back into the cut zone to observe the results of the day's efforts. While we embraced the importance of the work, we expected to have our hearts broken by the site of denuded land and a chaotic job site. Instead, we saw that the crews took care to preserve the beauty of the zone and that they stacked the useless slash neatly into piles. When winter lowered the fire danger to zero, crews returned and burned the slash. What we saw matched exactly with the treatment prescribed in the decision memo that I included in my written testimony.

I am not a person who sits back and lets the government do as it wishes. When I moved out of the city, I quickly learned that in a sparsely populated region, a few engaged people can make a difference.

I am president of the local cycling club and serve on the National Mountain Bike Patrol, a trained volunteer organization similar to a ski patrol. I've participated in numerous planning meetings with local and federal land managers where the recreational interests of mountain bikers needed representation. I proactively organize volunteer groups to support the mutual goals of land managers and cyclists. In turn, the land managers call on me when they need at the table a rational, thinking representative of mountain biking.

It's a relationship born of trust and respect over the years. I believe that this history demonstrates that I am not passive when it comes to issues about which I am passionate. If I felt that the Forest Service had planned anything not in the public's and my best interest, I would have spoken up. I know how. I like to engage the process. That's why I came 2,000 miles to spend 5 minutes with you today. I see that those 5 minutes are about up. Thanks for your attention.