

Introduction

Over the past 2 years, administrative procedures and processes governing preparation of projects to reduce hazardous fuel and restore healthy ecological conditions on Federal land have undergone many changes. These changes have resulted from the Healthy Forests Initiative (HFI), launched in 2002 to reduce administrative process delays to implementation of such projects, and from the Healthy Forests Restoration Act (HFRA), passed in December 2003. The HFRA provides improved statutory processes for hazardous-fuel reduction projects (figure 1) on certain types of at-risk National Forest System (NFS) and Bureau of Land Management (BLM) lands and also provides other authorities and direction to help reduce hazardous fuel and restore healthy forest and rangeland conditions on lands of all ownerships.

Purpose of This Field Guide

This *Field Guide* is designed to help resource managers understand the changes in procedures and processes under the HFI and HFRA. It briefly summarizes the various HFI tools that have become available. The guide does not address all HFI tools directly. Its primary focus is on the expedited processes provided in Title I of the HFRA for hazardous-fuel treatment on NFS and BLM lands.

The new information is intended only to cover activities authorized by the HFRA. Previously issued guidance for other HFI authorities should be referred to when using those tools.



Figure 1—A wildland fire creeps up a treated hillside in southern Oregon during the peak of fire season. Forest restoration treatments funded by the National Fire Plan substantially reduced the threat of severe wildland fire in this area, while improving long-term forest health.

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The *Field Guide* should be used as a companion to the National Environmental Policy Act (NEPA) selection tool and other resources on the Healthy Forests Web sites at <http://frdev.ftcol.wo.fs.fed.us/hfra> and <http://www.doi.gov/initiatives/forest>. The guide will be updated periodically. Check the Web sites for the latest version.

This *Field Guide* does not provide guidance on conducting strategic assessments of fuel treatment and the need for ecosystem restoration. Such assessments, conducted at appropriate landscape scales, should set priorities for reducing the risk to social and ecological values caused by uncharacteristically dense vegetation. The assessments should evaluate the potential for vegetation treatments, such as mechanical treatments and prescribed fire, to reduce the risk. A tactical schedule of priority vegetation-treatment projects should result from these strategic assessments. This *Field Guide* assumes that such a strategic assessment and the companion tactical schedule of treatments have been prepared.

HFI and HFRA projects must operate within the established guidelines of resource management plans and other legally applicable guidance. This guide assumes that effective interdisciplinary processes will be used to identify landscape goals and to establish stand-treatment priorities and objectives within the context of those goals. Concepts such as the emulation of natural disturbances and the range of natural variability may be useful when setting landscape and stand goals and objectives.

This guide will help managers determine whether the HFI and HFRA authorities apply to planned hazardous-fuel reduction projects or whether other authorities should be used.

The four components of using the HFI and HFRA authorities to implement projects are:

- 1—On lands in or adjacent to the wildland-urban interfaces of at-risk communities and other at-risk Federal lands, work in collaboration with communities in setting priorities and, as appropriate, in developing Community Wildfire Protection Plans.
- 2—Develop the project information needed to determine whether proposed projects can use the improved HFI and HFRA authorities.
- 3—Use the NEPA process identified for HFI and HFRA projects.
- 4—Fund, implement, and monitor the HFI and HFRA projects.

In addition, this guide briefly summarizes the provisions of Titles II through VI of the HFRA and discusses the status of implementation actions under each title. Because this legislation was enacted in December 2003, implementation actions for several of these titles remain a work in progress.

Increased Risk of Catastrophic Fire

About 190 million acres of Federal forest and rangeland in the lower forty-eight States face high risk of large-scale insect or disease epidemics and catastrophic fire due to deteriorating ecosystem health and drought.

While the increased risk of catastrophic wildland fire is often blamed on long-term drought or expansion of the wildland-urban interface in the Western United States, the underlying cause is the buildup of forest fuel and changes in vegetation composition over the last century. Unnaturally dense stands competing for limited water and nutrients are at increased risk of unnaturally intense wildland fires and insect or disease epidemics.

The severity of this problem has been recognized by many observers, including the general public, the U.S. Congress, President Bush, the Western Governors Association, the National Association of State Foresters, the Intertribal Timber Council, the National Association of Counties, and others.

In 2001, the U.S. Congress funded the National Fire Plan to reduce hazardous fuel and restore forests and rangeland. In response, the Secretaries of Agriculture and the Interior, along with Western Governors and other interested parties, developed a 10-year strategy and implementation plan for protecting communities and the environment. This plan, coupled with the Federal Wildland Fire Management Policy (2001), forms a framework for Federal agencies, States, Tribes, local governments, and communities to reduce the threat of fire, improve the condition of the land, restore forest and rangeland health, and reduce risk to communities.

Delays Caused by Procedural and Administrative Processes

USDA Forest Service and U.S. Department of the Interior (DOI) BLM efforts to reduce the intensity and destructiveness of wildland fires have been hampered by administrative processes that have delayed critical fuel-reduction projects (figure 2). These delays not only put communities and homes at risk, they allow the condition of key watersheds to continue to degrade. Despite actions already taken and a 98-percent success rate

in suppressing fires while they are still small, wildland fires continue to damage far more land each year than Federal agencies are treating.

The Administration launched the HFI in 2002 to reduce barriers to the timely removal of hazardous fuel. Sixteen months later, Congress passed the HFRA to reduce delays and remove statutory barriers for projects (figures 3 and 4) that reduce hazardous fuel and improve forest health and vigor. Other provisions of the HFRA are designed to address forest and rangeland health on private lands.



Figure 2—The wildland-urban interface is a mosaic of communities, structures, and vegetation types. Fuel in this interface near Ruch, OR, was treated using a machine that ground unwanted vegetation into mulch, reducing the risk of catastrophic wildland fire on DOI BLM lands and adjacent private land.



Figure 3—Prescribed fire is one of the tools resource managers use to reduce fuel and improve forest and range conditions. This burn was conducted at the DOI BLM's Lower Snake River District in Idaho.

Healthy Forests Initiative

The HFI expedites administrative procedures for hazardous-fuel reduction and ecosystem-restoration projects on Federal land. The administrative actions undertaken through the HFI include:

NEPA Categorical Exclusions

New categorical exclusion categories allow certain fuel-treatment projects (such as mechanical thinning and prescribed fires) and rehabilitation projects after a fire (such as reseeding and tree planting) to proceed in full compliance with NEPA, but without lengthy environmental and sociological documentation. The new categorical exclusions require agencies to identify projects through a public process undertaken in collaboration

with State and local governments, Tribes, landowners, and other interested persons and community-based groups.

Guidance for Environmental Assessments of Forest Health Projects

The DOI and the USDA Forest Service continue to use new guidance from the Council on Environmental Quality to conduct environmental assessments for fuel reduction and to restore fire-adapted ecosystems. Fifteen pilot fuel-treatment projects were begun using this guidance. Additional direction and helpful hints to improve environmental assessments (EAs) will be available by the summer of 2004.



Figure 4—Mechanical harvests can successfully remove smaller biomass material while leaving larger trees.

USDA Forest Service Appeals Rule Amendments

The USDA amended the rules for project appeals to hasten the review of forest health projects. Early and meaningful public participation in the decisionmaking process benefits communities and makes the appeals process less cumbersome. Early public participation will result in timely project decisions and allow faster implementation.

DOI BLM Full Force and Effect Regulations

The DOI BLM added regulations so wildland fire management decisions can be effective immediately when:

- Vegetation, soil, or other resources on public lands are at substantial risk of wildland fire because of drought, fuel buildup, or for other reasons, or
- Public lands are at immediate risk of erosion or other damage because of wildland fire.

The regulations also expedite administrative review of those decisions. This rule supplements existing full force and effect regulations for forest management (43 CFR 5003).

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DOI Appeals Rules Amendments

The DOI Office of Hearings and Appeals amended rules in order to expedite its review of wildland fire management decisions. The rule changes allow the DOI BLM to place wildland fire management decisions in effect immediately in certain situations and require the appeals board to decide appeals on a strict time schedule. The rule changes also require those appealing a project to have raised the objection during the public comment period on the project.

New Endangered Species Act Procedures

On January 7, 2004, joint Endangered Species Act (ESA) counterpart regulations of the Departments of the Interior, Agriculture, and Commerce became effective. The regulations make the consultation process more effective under Section 7 of the Endangered Species Act for projects within the scope of the National Fire Plan, while maintaining protection for threatened and endangered species. The new process provides an alternative to informal consultation with the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration (NOAA) Fisheries on actions determined “not likely to adversely affect” any listed species or designated critical habitat. It also enables the USFWS and NOAA Fisheries to focus their limited resources on consultations that are likely to have some adverse effects on endangered species. Implementation of counterpart regulations awaits development of an interagency agreement establishing training and experience criteria for managers in the action agencies who will be using the new process.

In addition to the joint counterpart regulations, the Director of the USFWS and the assistant administrator for fisheries at NOAA issued guidance to their regional offices on two aspects of consultation under Section 7 of the ESA. The first directive,

issued on October 11, 2002, stresses the need to work with the action agencies to make the Section 7 consultation process more effective. The second directive, issued on December 10, 2002, provides additional guidance to regional offices, requiring an evaluation of the net long-term benefit of hazardous-fuel treatment projects.

Stewardship Contracting

Congress has enacted legislation expanding stewardship contracting authority with communities, the private sector, and others, allowing the USDA Forest Service and DOI BLM to enter into long-term contracts (up to 10 years) to meet land-management objectives (for example, to reduce wildland fire risk and improve forest and rangeland health). Stewardship contracts focus on producing desirable results on the ground that improve forest and rangeland health and provide benefits to communities. Among other things, the new stewardship contracting authority allows forest products to be exchanged for ecological restoration services, which may include thinning and removing brush.

DOI Administrative NEPA Improvements

The DOI is incorporating administrative improvements and existing best practices into its NEPA processes Department-wide. These improvements, which can be applied under the HFI and the HFRA, are intended to reduce conflict and enhance public participation. The reforms cover a number of areas, including: consensus-based management, public participation, community-based training, use of integrated analysis, adaptive management, and tiered and transferred analysis. Each of these concepts is aimed at ensuring that the field staff has the tools to tailor their approach to the NEPA process to local needs and interests.

Healthy Forests Restoration Act

The Healthy Forests Restoration Act of 2003 (P.L. 108-148) contains a variety of provisions to expedite hazardous-fuel reduction and forest-restoration projects on specific types of Federal land that are at risk of wildland fire or insect and disease epidemics. The act helps rural communities, States, Tribes, and landowners restore healthy forest and rangeland conditions on State, Tribal, and private lands. It also:

- Encourages biomass removal from public and private lands
- Provides technical, educational, and financial assistance to improve water quality and address watershed issues on non-Federal lands
- Authorizes large-scale silvicultural research
- Authorizes acquisition of Healthy Forest Reserves on private land to promote recovery of threatened and endangered species, and improve biodiversity and carbon sequestration
- Directs the establishment of monitoring and early warning systems for insect or disease outbreaks

Title I provides authorities for expedited vegetation treatments on certain types of NFS and BLM lands that are at risk of wildland fire; have experienced wind throw, blowdown, or ice-storm damage; are currently experiencing disease or insect epidemics; or are at imminent risk of such epidemics because of conditions on adjacent land. This title:

- Provides expedited environmental analysis of HFRA projects

- Provides administrative review before decisions are issued on proposed HFRA projects on NFS lands
- Contains requirements governing the maintenance and restoration of old-growth forest stands when the USDA Forest Service and DOI BLM carry out HFRA projects in such stands
- Requires HFRA projects on NFS and BLM land to maximize retention of larger trees in areas other than old-growth stands, consistent with the objective of restoring fire-resilient stands and protecting at-risk communities and Federal lands
- Requires collaboration between Federal agencies and local communities, particularly when Community Wildfire Protection Plans are prepared
- Requires using at least 50 percent of the dollars allocated to HFRA projects to protect communities at risk of wildland fire
- Requires performance to be monitored when agencies conduct hazardous-fuel reduction projects and encourages multiparty monitoring that includes communities and other diverse stakeholders (including interested citizens and Tribes)
- Encourages courts to expedite judicial review of legal challenges to HFRA projects
- Directs courts that consider a request for an injunction on an HFRA-authorized project to balance the short- and long-term environmental effects of undertaking the project against the effects of taking no action

Environmental Analysis Requirements for HFI and HFRA Projects

The process for accomplishing hazardous-fuel reduction and vegetation-restoration projects on Federal lands can be improved, while maintaining appropriate environmental standards and collaborating with communities and interested publics. Agencies need to provide the time and opportunity for public collaboration. When undertaking projects, managers must focus on the ecological processes that provide healthy, resilient ecosystems and that support healthy human communities. Making some NEPA procedures more efficient does not reduce our obligation to complete appropriate environmental evaluation, nor must it shortchange the right of the public to understand agency proposals and provide their views to Federal agencies on matters affecting public lands.

Collaboration with communities and the public is the cornerstone of *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Comprehensive Strategy Implementation Plan* (May 2002). While some procedural requirements have been expedited, all existing environmental statutes remain in place.

Healthy Forests Initiative

On August 22, 2002, President Bush established the Healthy Forests Initiative, directing the Departments of Agriculture and the Interior, and the Council on Environmental Quality, to improve regulatory processes to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildland fires. On June 5, 2003, the Departments of Agriculture and the Interior adopted two new categorical exclusions from documentation in an EA or environmental impact statement (EIS): an exclusion for hazardous-fuel reduction and another for rehabilitation of resources and infrastructure damaged by wildfire (68 FR 33814).

Categorically Excluding Hazardous-Fuel-Reduction Actions

To be categorically excluded from documentation in an EA or EIS, a proposed hazardous-fuel-reduction action must meet the following requirements:

- Hazardous-fuel-reduction activities using prescribed fire can be categorically excluded if they do not include more than 4,500 acres. Activities using mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing can be categorically excluded if they do not include more than 1,000 acres. Such activities:

- Shall be limited to areas in the wildland-urban interface or to areas in Condition Classes 2 or 3 in Fire Regime Groups I, II, or III outside the wildland-urban interface.
- Shall be identified through a collaborative framework as described in *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Comprehensive Strategy Implementation Plan*.
- Shall be consistent with agency and departmental procedures and applicable resource management plans.
- Shall not be in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness.
- Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure, but may include the sale of vegetative material if the primary purpose of the activity is to reduce hazardous fuel.

- Rehabilitation activities after wildland fires can be categorically excluded if they are less than 4,200 acres. These activities are to repair or improve lands unlikely to recover to a management-approved condition after being damaged by a wildland fire, or to repair or replace minor facilities damaged by fire. Such activities include planting trees, replacing fences, restoring habitat, restoring heritage sites, repairing roads and trails, and repairing damage to minor facilities, such as campgrounds. These activities:

- Shall be consistent with agency and departmental procedures and applicable resource management plans
- Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure
- Shall be completed within 3 years after a wildland fire

Before a proposed action that meets these criteria can be categorically excluded, the proposal must be reviewed sufficiently to determine that no extraordinary circumstances (USDA Forest Service) or exceptions (DOI BLM) exist. Direction for USDA Forest Service extraordinary circumstances is found in FSH 1909.15 Section 30.3. DOI BLM direction for exceptions is found in 516 DM 2 appendix 2.

Categorically excluded USDA Forest Service actions are not subject to administrative appeal (36 CFR 215.4). Categorically excluded DOI BLM actions are subject to notification, protest, and administrative appeal (43 CFR part 4, as modified by 43 CFR 5003.1 and 43 CFR 4190.1).

More information on categorical exclusion of hazardous-fuel-reduction projects is available at: <http://www.fs.fed.us/emc/hfi> or <http://elips.doi.gov/elips/release/3511.htm>.

Categorical exclusions for some vegetation management actions may be available under other authorities. While the projects eligible for such categorical exclusions are designed primarily for objectives other than treatment of hazardous fuel, fuel reduction may be an important secondary benefit. Review the appropriate agency guidance to determine whether such exclusions apply to specific projects. Additional information on USDA Forest Service categorical exclusions is available at: <http://frdev.ftcol.wo.fs.fed.us/hfra>.

Environmental Assessments

The Council on Environmental Quality provided new guidance for the preparation of EAs for fuel reduction and fire-adapted ecosystem-restoration projects in December 2002. The guidance included a general outline and made the following major points:

- The EA should be “a concise public document,” no longer than 10 to 15 pages, that addresses four elements: need for the proposed action, description of alternatives, description of the environmental impacts of the proposed action and the alternatives, and a list of the agencies and persons consulted.
- The EA should reference any supporting data, inventories, and other documents that were relied on in its presentation.
- Interested agencies and the public must be involved in EA preparation to the extent practicable.
- When a Finding of No Significant Impact is prepared, the EA should be attached and incorporated by reference.
- When the EA and Finding of No Significant Impact are ready, reasonable public notice of their availability must be provided.
- If an EIS is needed, a Notice of Intent must be published describing the proposed action and alternatives, the scoping process, and the name of the agency contact.

Healthy Forests Restoration Act

Section 104 of the HFRA establishes special procedures when agencies prepare EAs or EISs for authorized hazardous-fuel-reduction projects. Categorical exclusions cannot be used for projects authorized under Title I of the HFRA. Except for the

act’s authorization to analyze fewer NEPA alternatives (Sections 104(c) and (d)), most of the requirements of Section 104 are consistent with normal NEPA practices.

Section 104(e) of the HFRA requires agencies to provide notice of the project and conduct a public meeting when preparing authorized hazardous-fuel-reduction projects.

Section 104(f) encourages meaningful public participation during preparation of authorized hazardous-fuel-reduction projects. The USDA Forest Service and DOI BLM shall facilitate collaboration when they are preparing authorized hazardous-fuel-reduction projects. As appropriate, collaboration should include representatives from Tribes, local representatives from Federal and State agencies, local governments, landowners, other interested persons, community-based groups, and other nongovernmental organizations. Local involvement is critical when planning projects, setting project priorities, and allocating resources at the local level. Agencies need to plan ahead to provide adequate time for collaboration.

For all EAs completed under the HFRA, USDA Forest Service and DOI BLM offices must use the *Guidance for Environmental Assessments for Forest Health Projects* provided in a December 9, 2002, memorandum from the Council on Environmental Quality, available for review at: http://www.fire.blm.gov/ea_sites/guidance/g_CEQmemo.pdf.

Developing the Proposed Action and Alternatives

Authorized hazardous-fuel-treatment projects under the HFRA cannot take place in any of the following:

- Wilderness areas
- Wilderness study areas
- Areas where the removal of vegetation is prohibited by an act of Congress or Presidential proclamation (including prohibitions in the area’s implementation plan)

All proposed HFRA actions must be consistent with the applicable resource management plans and they must be on lands managed by the USDA Forest Service or DOI BLM. This means that any proposed action that would not be consistent with a resource management plan must be: modified to make it consistent with the plan, or be covered by a plan amendment or project-specific amendment.

For areas inside the wildland-urban interface and within 1½ miles of the boundary of an at-risk community, the USDA Forest Service and DOI BLM are not required to analyze any alternative to the proposed action, with one exception:

Environmental Analysis Requirements for HFI and HFRA Projects

If the at-risk community has adopted a Community Wildfire Protection Plan and the proposed action does **not** implement the recommendations in the plan regarding the general location and basic method of treatments, agencies are required to analyze the recommendations in the plan as an alternative to the proposed action (Sections 104(d)(2) and (3)).

Agencies are not expected to develop a full no-action alternative. However, they should evaluate the effects of failing to implement the project. This information will be useful if courts consider requests for an injunction and must balance the short- and long-term effects of taking or failing to take an action. See the *Judicial Review* section for more detailed guidance.

For areas within the wildland-urban interface, but farther than 1½ miles from the boundary of an at-risk community, the USDA Forest Service and DOI BLM are not required to analyze more than the proposed agency action and one additional action alternative (Section 104(d)(1)). Agencies are expected to analyze the effects of failing to take action.

For authorized HFRA projects in all other areas, analyses must describe the proposed action, a no-action alternative, and an additional action alternative, if one is proposed during scoping or the collaborative process. If more than one additional alternative is proposed, the agency will select one and provide a written record describing the reasons for its selection (Section 104(c)).

Decision Diagrams

Several diagrams on the following pages have been prepared to help managers use the HFI and HFRA authorities. These diagrams summarize the requirements of the laws, but do not substitute for a careful review of the laws themselves.