
**THE EFFECTS OF THE HEALTHY FORESTS
INITIATIVE, CORRESPONDING ADMINISTRATIVE
REFORMS, AND THE HEALTHY FORESTS
RESTORATION ACT ON THE U.S. FOREST SERVICE'S
IMPLEMENTATION OF THE NATIONAL
ENVIRONMENTAL POLICY ACT: DOES IT SERVE THE
COMMON INTEREST?**

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ABSTRACT

This study investigates the effects of the Healthy Forests Initiative (HFI), corresponding administrative reforms, and the Healthy Forests Restoration Act (HFRA) on the implementation of the National Environmental Policy Act (NEPA) by the U.S. Forest Service (Forest Service). Specifically, the study investigates whether HFI and associated reforms have resulted in decisions that serve the common interest.



Fire Danger Sign at A-S National Forest

The units of analysis for this study are three Environmental Assessments (EA) and corresponding decisions that were conducted under HFI and HFRA to reduce fuel loads in the Apache Sitgreaves (A-S) National Forest in Arizona. Archival document review, in-person, and telephone interviews were conducted to examine whether the three case studies of HFRA implementation represent common interest solutions.

The analysis revealed that HFRA offers a savings in process time, a shift in focus to the WUI areas for treatment, and an increase in the number of proposed treatment acres with a completed environmental document. The analysis also revealed a concern for funding of “NEPA-ready” projects and concern that the pre-decisional appeals process under HFRA forces objectors to comment on a project before enough data are available to substantiate their concerns. The analysis revealed that the Apache County Community Wildfire Protection Plan (ACWPP) represents the common interest, as do two of the three EAs. The proposed action in one of the three EAs did not serve the common interest and fell short of addressing environmental concerns. This EA was objected under HFRA’s pre-decisional appeals process by environmentalists. The study also found that participation in the ACWPP process did not necessarily include participation by individuals affected by the site-specific EAs. Thus, their interests may not have been represented in the ACWPP process.

1.0 INTRODUCTION

The purpose of this study is to investigate whether the Healthy Forests Initiative (HFI), corresponding administrative reforms, and the Healthy Forests Restoration Act (HFRA) has streamlined U.S. Forest Service (Forest Service) decision-making processes to result in better common interest solutions. As proclaimed by President G.W. Bush in 2003, the HFRA addresses the so-called “analysis paralysis” that was perceived to hamper the Forest Service from protecting communities and the environment from the threat of wildfire (HFI website 2006; USDA 2002: p.21). Specifically, the way the Forest Service implements the National Environmental Policy Act (NEPA) process was seen as prohibiting better serving the communities in the wildland urban interface (WUI) who faced the greatest threat from catastrophic wildfire. Furthermore, the high rate of appeals and litigation of Forest Service NEPA decisions was perceived to delay action.

The HFRA altered NEPA decision-making and the new implementation guidelines expanded the definition and application of categorically excluded projects, placed new limits on who may file an appeal, created more stringent guidelines for commenting on proposed actions, and set new requirements for appeal content (USDA 2004). The environmental community was on-record expressing their opposition to these changes, stating that the alterations to the public involvement provisions would result in a give away to the timber industry at the expense of environmental values (Ryberg 2006a).

HFRA provisions, including the creation of Community Wildfire Protection Plans (CWPP), are meant to be broadly collaborative efforts that incorporate diverse interests to prioritize fuel reduction projects in the WUI. As such, environmentalists should have their say in these plans, thereby giving voice to their interests. What remains unclear is whether the decision-making changes in HFRA are serving the common interests of communities, environmentalists and the Forest Service. The *common interest* as defined by Brunner is “composed of interests widely shared by members of a community.... It would benefit the community as a whole and be supported by most community members” (2002: p.8). Figure 1 illustrates the conditions of CWPP and HFRA decision-making that may or may not serve the common interest.

Figure 1. The Relationship between Community Wildfire Protection Planning and the Forest Service Implementation of Healthy Forests Restoration Act NEPA Processes and Common Interest Outcomes

HFI/HFRA EA/EIS Documents	Planning	
	CWPP Sound	CWPP Flawed
EA/EIS USFS Planning Sound	Sound CWPP process and sound HFRA EA/EIS planning implementation process by the Forest Service. The common interest should be served under these conditions.	The HFRA EA/EIS planning and implementation process is sound, but the CWPP process was flawed. The common interest could be served under these conditions depending on how community preferences are taken into account.
EA/EIS USFS Planning Flawed	Optimal CWPP, but something has gone wrong in the HFRA EA/EIS planning or implementation phase. This equates to suboptimal policy and could lead to the common interest not being served.	Flawed CWPP and HFRA EA/EIS planning and implementation process. The common interest is likely not served under these conditions.

This study investigates whether HFRA decisions are serving the common interest by examining Forest Service fuel reduction projects that have gone through the “streamlined” NEPA process and the corresponding CWPP process, as directed by HFRA. An overview of Forest Service planning, NEPA, the Healthy Forests Initiative, corresponding administrative reforms, and HFRA, follows. This information provides the context for understanding the case studies of HFRA implementation, described in Section 3.0 of this Master’s Project. The process of analysis for this study is described in the methodology section of this report (Section 2.0). Potential areas for future research are discussed in Section 4.0. Section 5.0 provides recommendations for process improvements and the conclusions of the case study analysis.

1.1 US FOREST SERVICE PLANNING PROCESS BEFORE THE HEALTHY FORESTS INITIATIVE

The National Forest system was originally created by the Organic Administration Act (Organic Act) of 1897. The Organic Act explicitly set aside lands as National Forests to “improve and protect the forest...or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber” (16 U.S.C. 4). National Forest Management Act (NFMA) Forest Service planning was based on the Multiple-Use Sustained-Yield Act (MUSYA) of 1960, which expanded the purposes of the National Forests from those stipulated in the Organic Act to “...include the management of the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people...without resulting in impairment of the land” (USC 1960). However, the MUSYA considered each of the resources separately, sometimes at the exclusion of other resources (USDA 1990: vol 3, p.4).

Enactment of the NFMA in 1976 meant a shift in focus from planning for individual forest functions to planning for a “desired future condition of the forest,” and considering forest resources collectively (USDA 1990: vol 3, p.4-5). The NFMA calls for each national forest to prepare land and resource management plans (LRMP) in accordance with NEPA, and to focus on land suitability, inventorying renewable resources, and the goals of the forest’s management program (Parent 1992). Like NEPA, NFMA did not set specific target quantities or management activities and is open to a variety of interpretations as a result (Beaver et al. 2000). To meet the new planning mandate, interdisciplinary teams centralized in the Forest Supervisor’s office were called upon to conduct and inform the process. This posed a challenge to the traditional decentralized structure that empowered decision-making at the Ranger-level and often created problems with those charged with enacting the resulting plan on the ground (USDA 1990: vol 3, p.8).

The 1990s marked a decade of Forest Service emphasis on conservation of forest resources, a departure from the previous emphasis on consumption (GAO 1997: p.8). The G.W. Bush administration reversed this trend, rescinding the conservation push and focusing instead on the output of timber and the economic benefits from forest products. Because their multiple use mandate is open to interpretation, the Forest Service’s focus often shifts with changes in Presidential administrations (GAO 1997: p.9). As a result, the Forest Service has trouble meeting their goals and improving on a decision-making process when emphases shift often among competing uses.

1.1.1. *The National Environmental Policy Act*

The environmental movement of the 1960s spurred the enactment of NEPA. The scientific community and the public were becoming more aware of the degradation of the natural environment and its subsequent effects on the health and safety of the human environment. Events leading to this increased environmental awareness include marine biologist, Rachel Carson’s publication of Silent Spring

in 1962 that offered scientific evidence of the detrimental effects of toxic chemicals on human and natural environments. Other environmental headlines that same decade include the oil spill in the North Sea near Cornwall, United Kingdom (1967) from the Torrey Canyon oil tanker; Paul Ehrlich's publication of The Population Bomb (1968) that focused on the effects on the environment from an expanding world population and the UN Biosphere Conference in Paris, France (1968) which brought the scientific and political communities together to discuss global environmental issues (WWI 2005).

Lynton Caldwell, special assistant to the Senate from 1968-1970, first presented NEPA to Congress stressing the need for a national approach to management of the environment (Eccleston 1999: p.15-16). The Act was signed into law on New Year's Day 1970 by Richard M. Nixon. "The NEPA represented a 180-degree turn in the way the environment was treated by the courts....and catalyzed a shift from common law to statutory public law" (Lindstrom and Smith 2001: p.11).

The authors of NEPA intended the act to mandate an analysis of both the social and ecological impacts of all federal actions in a coordinated fashion to replace the ad-hoc, fragmented, status quo in policy formulation (Lindstrom and Smith 2001). Under NEPA, the environmental consequences of a proposed action must be considered by agencies, and the public must be informed of decision-making. Subsequent implementing regulations, adopted in 1973 and 1978 charged the Council on Environmental Quality (CEQ) with providing guidance to federal agencies (Poisner 1996).

NEPA does not enforce environmental regulations. Rather, it is umbrella legislation under which environmental laws such as the Endangered Species Act, the Clean Water Act, the NFMA, and the Clean Air Act operate. NEPA procedures attempt to quantify to the fullest extent possible the environmental implications of a proposed federal action, giving equal consideration to all reasonable and feasible alternatives to the action. The NEPA process is meant to allow a scientific approach to quantifying impacts while incorporating the concerns of the public early in the planning process.

The purposes of NEPA are:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Source: USC: Title 40, Chapter 5, Part 1501

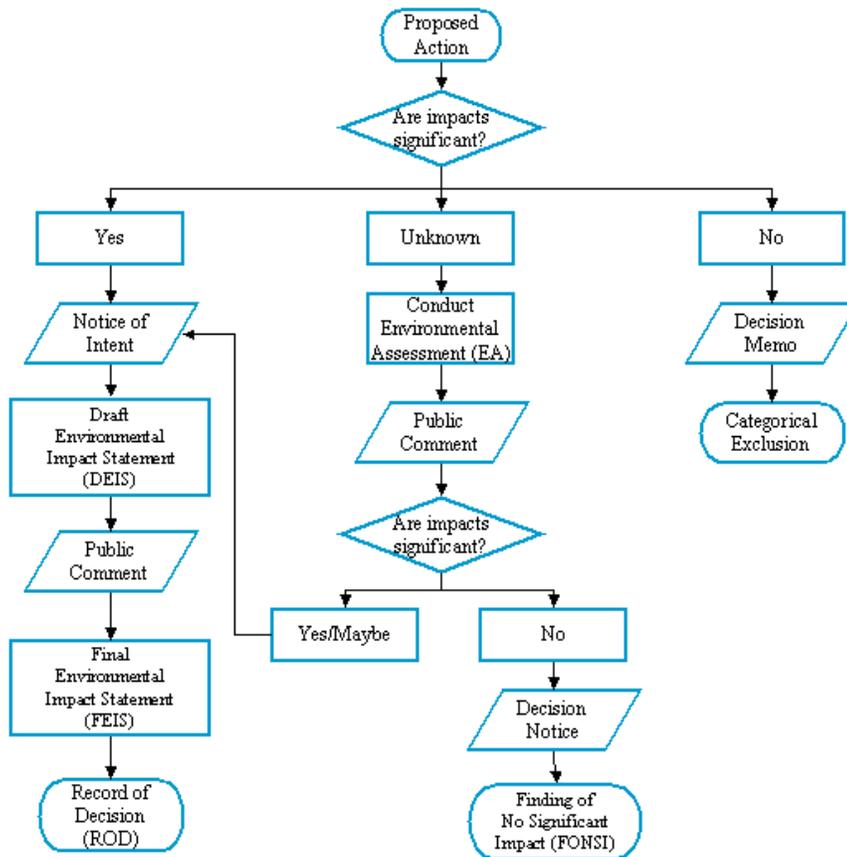
There are three types of NEPA documents. They are Categorical Exclusions (CE), Environmental Assessments (EA), and Environmental Impact Statements (EIS). Categorical Exclusions (CE) are granted in cases where the action will not have a significant effect on the environment nor do they involve a great deal of controversy. These are usually small projects or categories of projects such as "repetitive actions that do not individually or cumulatively have significant effects on the environment, those that generally require limited environmental review, and those that are noncontroversial" (CEQ 2003: p.60). Public involvement requirements are not explicitly stated in the NEPA for actions that are categorically excluded, rather, the Council on Environmental Quality (CEQ) "require[s] that agencies make diligent efforts to involve the public in preparing their NEPA procedures" (2003: p.62). However, in a report to the CEQ by the NEPA Task Force, researchers indicated most agencies limit their public

involvement activities for categorically excluded actions to the required publication of the notice and comment period in the Federal Register (2003: p.62).

Environmental Assessments (EA) are prepared when the impact on the environment is uncertain. The EA quantifies impacts of the proposed action and other reasonable and feasible alternatives to determine whether their implementation would result in a significant impact to the environment. If the lead agency finds that the action will not result in a significant impact to the environment, then a Finding of No Significant Impact (FONSI) is issued. The NEPA Task Force report to the CEQ on Modernizing NEPA Implementation found that the extent of public involvement activities for EAs vary depending on the agency. Activities ranged from no public involvement activities to a formal scoping process, and making the draft EAs and FONSI available to the public (2003: p.71).

The third type of NEPA document is an EIS. An EIS is required if the action is anticipated to cause significant impacts to the environment. The EIS quantifies impacts for each of the alternatives to the proposed action and includes a public involvement component to the process, whereby the public is invited to attend meetings and comment on the alternatives. Their comments are made part of the federal record and responses to comments are published in the document. A Preferred Alternative is then chosen and options are specified to mitigate for the environmental impacts. The final documentation of the EIS process is the Record of Decision issued by the decision-maker of the lead agency, which explains the reason for choosing an alternative. The Act itself does not dictate particular outcomes to environmental impacts; rather, NEPA leaves the substantive decisions for the agency to make (USDA 1990: vol 10, p.38). Figure 2 illustrates the NEPA decision-making process.

Figure 2. NEPA Process Flow Chart



Source: walter.arizona.edu

1.1.2 Public Involvement in the National Environmental Policy Act

According to Eccleston, “prior to NEPA, ... citizens often saw litigation as their only means of shaping [government] decisions....over economic, social, and environmental implications of government actions” (1999: p.59). All aspects of NEPA decision-making with respect to environmental effects are subject to public review, making NEPA a “sunshine act” (Eccleston 1999: p.69). The NEPA has been effective in influencing American policy and is widely emulated abroad (Eccleston 1999: p.12; Black 2004: p. A292; CEQ 1997: p. 5).



A-S National Forest Information Kiosk

Despite the Act’s procedural transparency, one criticism of NEPA is that it does not result in common interest solutions. It has often been argued that NEPA decision-making occurs outside of the public realm and public participation in NEPA is meant only as an informational tool to educate the public about the decision being made (Steelman 1999). Public involvement for the NEPA EIS process is limited in that the public has an opportunity to submit written

or oral comments at the beginning of the planning process during scoping and once the draft and final EISs are released to the Federal Register (Westman 1985; as qtd. in Koontz et al 2004: p.7). Public involvement activities also include (depending on the protocols of the implementing agency) periodic informational meetings for the public during the planning process and conclude with the project's public hearing. Many agencies develop NEPA alternatives in advance and then have citizens comment on the alternatives. This means that the preferred alternative has already been chosen and public involvement is merely a symbolic formality (Smith et al. 2001). A 1997 CEQ study of NEPA's effectiveness noted the timing of the NEPA process as a factor in the decision's effectiveness. The study found that alternatives and strategic choices had been conceived well before the environmental impact analysis had begun (p.11); effectively leaving the public out of the decision-making.

Often called a "Black Box," NEPA is an elite decision-making process whereby decision makers ask for public input but when it comes to evaluate this input and make a decision, the agency planners and the decision maker are on their own (Wondolleck 1985). In her 1969 article entitled, "A Ladder of Citizen Participation" Sherry Arnstein describes the "Consultation" level of citizen participation in government which echoes some of the criticisms of the NEPA process:

Inviting citizens' opinions, like informing them, can be a legitimate step toward their full participation. But if consulting them is not combined with other modes of participation, this rung of the ladder is still a sham since it offers no assurance that citizen concerns and ideas will be taken into account. When powerholders restrict the input of citizens' ideas solely to this level, participation remains just a window-dressing ritual. People are primarily perceived as statistical abstractions, and participation is measured by how many come to meetings, take brochures home, or answer a questionnaire. What citizens achieve in all this activity is that they have 'participated in participation.' And what powerholders achieve is the evidence that they have gone through the required motions of involving 'those people.' (p.217)

Public involvement by the Forest Service can include holding informational meetings, public hearings, and soliciting public comment through written comment sheets and at public meetings, depending on the nature of the proposed action. As a general rule, the more controversial actions require more public involvement activities (Buttrey 2006a). Brochures and newsletters offer a means to disseminate updates during the project planning process.

A 1990 Critique of Land Management Planning of the Forest Service's public participation process raised questions about the degree to which public participation weighed into Forest Service decisions (1990: vol 5. p.v). The surveys conducted for the Critique of Land Management Planning found that citizens wanted the Forest Service to listen to their concerns, keep them apprised of project progress, and integrate their concerns into decision-making through negotiation and participation in the process (1990: vol 5, p.7). Similarly, a study conducted by the Government Accountability Office (GAO) found that the Forest Service "does not adequately involve the public at the beginning of the decision-making process when problems are identified, data are gathered, and relationships are established... [The Forest Service also does not adequately] maintain their involvement throughout the process" (GAO 1997: p.7).

1.1.3 U.S. Forest Service Administrative Appeals Process

As managers of a public good with many, diverse stakeholders, conflict over management decisions made by the Forest Service is conceivable in any decision-making process. "Decisions about how to

distribute scarce resources involve political choices and trade-offs....Yet the Forest Service...is expected to address [these decisions] as if they were technical questions with technical solutions....While the Forest Service makes its decisions by evaluating all resources and in some analytical way optimizing their use, such a decision-making process is unlikely to result in a widely accepted resolution of the allocation issues, and may eventually lead to challenges in the decision” (Ackerman 1990: p.10).

The Forest Service and the Bureau of Land Management (BLM) provide a means to appeal EIS and EA decisions, rather than moving straight to litigation of decisions as is the case for other federal agencies (The Red Lodge Clearinghouse 2006). Forest Service decisions can be appealed by individual citizens or groups for the cost of a stamp, causing “judicial frustration and constraint, where you put [a public policy decision in] the hands of ... one judge or maybe a three-judge panel” and “the whole process comes to a halt” (Renzi 2003). The Forest Service appeals process together with NEPA and other land management and planning policies that have come about since the late 1960s have allowed the public ample opportunity to dispute Forest Service decisions and give their opinion. However, the appeals process has not given citizens a vehicle to expand their influence on decision-making.

The NEPAs complex procedural nature and the ease of filing an administrative appeal have often been exploited in an attempt to halt implementation of Forest Service management decisions instead of serving as a decision-making tool and a means of serving public concerns (Ackerman 1990). A 1997 GAO report on Forest Service Decision-Making indicates the Forest Service spends a substantial portion of its budget conducting planning activities, the result of which, when finalized, cannot be implemented because they are out of date with the current budget and environmental conditions (p.4). The Forest Service has estimated that over 40 percent of the total work at national forests goes toward planning and assessment activities; roughly \$250 million per year (The White House 2006). In addition to taking a substantial toll on the agency’s resources, the appeals process and high rate of litigation of NEPA decisions often result in detrimental impacts to the national forests that are in need of management actions (Ackerman 1990).

Depending on what action is being appealed, the regulations governing administrative appeals are contained in Title 36 of the Code of Federal Regulations. If an appeal is filed, the decision must be reviewed by personnel higher up the agency’s hierarchy. Typically, litigation would not occur until the appeals process is exhausted with respect to Forest Service resource decisions (USDA 2005).

The Forest Service has been subjected to substantial litigation and appeals of their NEPA decisions despite efforts to incorporate the diverse interests into the agency’s planning (Wondolleck 1985). A 2003 GAO study on Forest Service appeals and litigation of fuel reduction activities that occurred between 2001 and 2002 indicates 58 percent of the 818 fuel reduction decisions were appealed. These decisions involved 4.8 million acres of land and appeals affected nearly 1 million of those acres; or 1/5 of all decisions. Of these, 73 percent were implemented with no changes to the proposed action and 19 percent were not implemented at all. Three percent of all appeal-able fuel reduction decisions between 2001 and 2002 were litigated. The majority of appellants were interest groups; specifically, environmental interest groups (GAO 2003: p.4).

A similar study conducted by the CEQ in 2004 regarding litigation of NEPA decisions reported that NEPA cases filed against the USDA total over 50 percent of the total NEPA cases filed out of 11 federal agencies. Of those cases filed against the USDA, public interest groups were the primary plaintiff, making up over 56 percent of the cases, while individual citizens were plaintiffs in approximately 20 percent of the cases (CEQ 2004 NEPA Litigation Survey).

As evidenced by the amount of litigation the Forest Service faces compared to other federal agencies, it is likely the administrative appeals process, the NFMA, and NEPA mandated planning processes have caused the Forest Service to answer to the public's concerns more than many federal agencies. Meanwhile, the public has been left frustrated with a decision-making process that asks for their concerns, but may not act on them. Public frustration leads to increases in appeals and litigation of Forest Service decisions. The courts often rule on administrative deficiencies sending the Forest Service back to conduct more comprehensive analyses with exhaustive methodologies. These conditions contribute to the "analysis paralysis" in the implementation of hazardous fuel reduction projects that can protect communities from the threat of wildfire.

1.2 THE HEALTHY FORESTS INITIATIVE, CORRESPONDING ADMINISTRATIVE REFORMS, AND THE HEALTHY FORESTS RESTORATION ACT

In 2002, President Bush established the Healthy Forests Initiative (HFI) which began with a series of administrative reforms that categorically exclude hazardous fuel reduction actions and the rehabilitation of resources and infrastructure damaged by wildfire from NEPA assessment (Federal Register, Vol 68, Number 108, June 5, 2003, page 33814). In addition, the reforms preclude these actions from the administrative appeal process (USDA 2004). The administrative reforms were meant to address the "analysis paralysis" faced by the Forest Service in hazardous fuels reduction and ecological restoration projects whose effectiveness is dependent on immediate implementation.



Hideaway Burn on A-S National Forest

In 2003, the Healthy Forests Restoration Act (HFRA) was signed into law. The HFRA codified many of the administrative provisions in the HFI. The purposes of the HFRA dealt with reducing wildfire damage to communities, municipal water supplies, and at-risk lands, and authorized \$760,000,000 for each fiscal year to carry out its activities; although there is no guarantee that Congress will appropriate these funds. At least 50 percent of the funds allocated by Congress must be used for fuel reduction projects within the WUI (United States, 108th Congress 2003).

The HFI and HFRA were enacted as a result of growing concern and increased damage to communities and the environment from wildfires (HFI website 2006). Wildfires are a natural phenomenon, periodically occurring to reduce forest vegetation. Forest ecosystems have evolved with fires occurring naturally every 5 to 25 years, depending on their location and vegetation. These ecosystems have adapted to fires that reduce undergrowth and burn at a low intensity, where most large trees survive. Today, forests have unnaturally high levels of biomass, which lead to catastrophic wildfires, among other things, when compared to historic (pre-settlement) conditions (Gorte 2003: p.75-82). To address the issue of wildfires, the Forest Service conducts fuels treatment projects to thin out stands of trees and remove the dense undergrowth and dead trees on the forest floor. Actions such as this are subject to NEPA. Those who do not support a particular Forest Service proposed action can appeal, then litigate to delay or stop implementation. The courts often find NEPA documentation to be deficient in its procedures and rule to supplement the documentation with further studies. As a result, the Forest Service attempts to "bullet proof" the NEPA documentation. In other words, the agency often provides procedural documentation to avoid an appeal rather than serve the intended purpose of the law, which is to consider the environmental impacts and alternatives of the proposed action. All of these strategies result in delays of on-the-ground implementation of management actions to deal with wildfire threats.

The HFRA has caused concern among some environmentalists, preservationists, and conservationists with its streamlined planning process. Opponents argue the HFI hinders public involvement, recommends severe prescriptions for thinning, and impacts habitat for wildlife (Ryberg 2006a). Opponents feel the HFRA's administrative reforms and the HFRA's pre-decisional appeals process and litigation stipulations are decidedly un-democratic (Manring 2004: p.235). The Forest Service, many citizens living within the WUI, and those in favor of "cutting bureaucratic red tape" support the HFRA (Hagengruber 2004). Proponents feel the HFRA has opened a much needed window for projects that were frozen in planning, appeals, and litigation. By categorically excluding certain projects from the NEPA, enactment of fuel reduction projects can get underway in much less time. In the wake of catastrophic wildfire seasons in the U.S. in 2000, 2002, and 2003, and as we continue to endure unseasonably dry conditions across the western United States, proponents feel changing the way the Forest Service implements the NEPA process for certain actions is a small price to pay for safer communities and less wildfire damage to the environment.

1.2.1 Changes in the Application of NEPA by the U.S. Forest Service

To fulfill NEPA requirements under HFRA, one of three documentation options is possible; an EIS, an EA, or a CE. Forest Service policies prior to HFRA would have required any of the three NEPA documents depending on the level of controversy and extent of predicted impacts (see Section 1.1.1 for further explanation of NEPA document types). The HFRA enacted legislation to create a new category of Forest Service management actions that can be excluded from NEPA. These exclusions apply to Forest Service land that:

(a) are at risk of wildland fire, (b) have experienced windthrow, blowdown, or ice-storm damage, (c) are currently experiencing disease or insect epidemics, or (d) are at imminent risk of such epidemics because of conditions on adjacent land (HFI website 2006).

For fuels reduction projects within the WUI, HFRA authorizes a more streamlined NEPA process. At-risk communities are identified in the Federal Register (Vol. 66, No. 160, Friday, August 17, 2001). A total of 11,376 communities are listed in the vicinity of lands managed by the Federal Government. The majority of the communities on the list are located near Federal lands (USDA or USDOJ lands), while 2,007 communities are located near lands managed by other Federal agencies (Federal Register, Vol. 66, No. 160, Friday, August 17, 2001). For communities that are not designated on the Federal list, the WUI is defined as extending ½ mile from the boundary of an at-risk community, or extending 1 ½ miles from the boundary when other criteria are met, or adjacent to an evacuation route (HFRA, Section 101(16)(B(ii))). To be eligible for funding under the HFRA and be excluded from a full NEPA analysis these communities must undergo a collaborative planning process including the creation of a Community Wildfire Protection Plan (CWPP). As part of the planning process, decision-makers are required to collaborate with Federal, State, and local governments, Tribes, community-based groups, landowners, and others for fuels reduction projects within the WUI (USDA 2004). The intent of the CWPP is to shift public involvement to the pre-planning stage and create an opportunity for more significant involvement in shaping fuel treatments and mitigation actions that a community may prefer.



Pre-settlement conditions on A-S National Forest

The minimum requirements for a CWPP as described in the HFRA are:

(1) Collaboration: A CWPP must be collaboratively developed by local and state government representatives, in consultation with federal agencies and other interested parties.

(2) Prioritized Fuel Reduction: A CWPP must identify and prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatment that will protect one or more at-risk communities and essential infrastructure.

(3) Treatment of Structural Ignitability: A CWPP must recommend measures that homeowners and communities can take to reduce the ignitability of structures throughout the area addressed by the plan.

Source: NASF 2004: p.3.

The NEPA requires that a full range of alternatives be studied in any action that warrants the preparation of an EA or an EIS. Section 104 of the HFRA limits the NEPA alternatives required for analysis. For projects within the WUI, a Proposed Agency Action and 1 Action Alternative are required to be analyzed. Section 104 further limits the alternatives under analysis by stipulating that if the fuel reduction project takes place no further than 1 ½ miles from the boundary of an at-risk community, only the Proposed Agency Action needs to be assessed. If a CWPP has been completed for the at-risk community, and the Proposed Agency Action does not comply with the recommendations in the CWPP, HFRA tasks the Secretary of Agriculture with evaluating the CWPP recommendations as an alternative to the Proposed Agency Action stipulated in the EA or EIS (U.S. 108th Congress 2003).

Acreage that has undergone fuels treatment under HFRA on Forest Service land in Arizona for fiscal year 2004 totaled 122,654 acres, with approximately 50.4 percent of treated land within the WUI. Fiscal year 2005 fuels treatment accomplishments are only slightly higher, totaling 135,764 acres of Forest Service land, and approximately 44 percent of those acres treated within the WUI. As of March 2006, approximately 61,460 acres of Federal land in Arizona have undergone fuels treatment in fiscal year 2006 by the Forest Service. Approximately 42 percent of the Forest Service acres that have been treated thus far in 2006 were within the WUI (NFP 2006).

Currently, the Apache Sitgreaves National Forest (Arizona) alone has 70,000- 100,000 acres of land that are “NEPA-ready;” meaning fuel reduction proposed projects have successfully gone through the NEPA process, but are currently waiting for funding to be implemented (Walker 2006; Campbell 2006).

1.2.2 Changes in the Application of Public Involvement by the U.S. Forest Service

Section 104 of the HFRA requires public notice, a public meeting, and public collaboration. The public collaboration component of HFRA is defined as,

collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan [for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002] (U.S. 108th Congress 2003).

Community Wildfire Protection Planning is meant to be a broadly collaborative process that effectively forces the alternatives analysis of the NEPA process to be conducted up front, prior to the NEPA analysis, and gives the public a seat at the decision-making table. While the HFRA stipulates that CWPP for at-risk communities is not part of the NEPA requirements, projects that include a CWPP are given priority for funding of WUI fuel reduction projects. Thus, local governments and state and federal agencies endorse the completion of CWPPs. In the case of the State of Arizona, the Arizona State Land Department, which also houses the State Forester, made it a priority to complete CWPPs for large geographic areas so that they would be eligible, and looked favorably upon, for federal funding under HFRA (Remington and Bagnoli 2006). Furthermore, the State of Arizona wanted to ensure buy-in of the CWPPs from diverse stakeholders; typically pitted against one another on Forest Service decisions; to impress upon Washington their commitment to honoring the spirit and the intent of HFRA (Remington and Bagnoli 2006; Campbell 2006).

1.2.3 Pre-Decisional Appeals Process and Changes in Judicial Review under HFRA

Section 104 of the HFRA limits the types of projects that can be reviewed under the administrative appeals process. Instead of addressing project objections in the administrative appeals process, Section 105(a) of the HFRA replaces the administrative appeals process with a pre-decisional review for fuel reduction projects that have been analyzed in an EA or a final EIS. The pre-decisional review procedures limit involvement to those who have submitted written project comments within 30 days of the scoping letter/notice of intent that is published at the start of the public involvement process for an EA or EIS. The agency reviewing officer is not required to hold a meeting to address the concerns raised by the public, nor is (s)he responsible for answering the public comment in its entirety (USDA 2004).

Judicial review of hazardous fuels reduction projects was also limited with the enactment of the HFRA. Section 106 of the HFRA limits preliminary injunctions and stays to 60 days. The pre-decisional appeals process must be exhausted before a civil action against a hazardous fuels reduction project can be filed. (USDA 2004).

1.3 APPLICATION OF THE COMMON INTEREST

The common interest is defined as a decision that procedurally and pragmatically serves the valid and appropriate interests (Brunner et al. 2002). The interests that comprised this case study include the Forest Service agents, other state and federal environmental agencies, the public, environmentalists, WUI communities, and representatives from the timber industry. Three tests, realized through interview questions, were conducted to determine whether the decision serves the common interest (see Table 1). They include the procedural test, the substantive test, and the pragmatic test (Brunner et al. 2002; p.12-14). The procedural test determines whether the participants in the process were representative of the community as a whole and whether the participants can be held accountable for the consequences of their decisions. The substantive test determines the validity and appropriateness of concerns held by stakeholders. Expectations held by stakeholders can either be reasonable or unreasonable when considered within the broad community of concerns. If unreasonable or not supported by existing empirical evidence, then the concern and interest can be discounted as not serving the common interest. The pragmatic test looks to the experience that follows application of the policy to determine whether the beliefs of the community identified during policy formulation met their expectations once the policy was applied. Table 1 lists the final interview questions that were used to discern whether the common interest was served according to all three tests (Brunner et al. 2002).

Table 1. Interview Questions to Determine Whether the Common Interest is Served

No.	Question	Test*
1.	What are your interests in the process (for each project)?	Substantive
2.	What is it you want to get from the project? (i.e. What are your values?)	
3.	What are your concerns with the project?	
4.	What information did you rely on to base your opinions?	
5.	Do you think the Forest Service’s decision-making process was inclusive?	Procedural
6.	If not, what specifically about the process was lacking?	
7.	Who was included in the process?	
8.	Why do you think they were included?	
9.	Who was not included who should have been included? Or was someone not included that should have been?	
10.	What interaction have you had with other stakeholders, and government agency representatives?	
11.	Do you think it was a good decision-making process?	Pragmatic
12.	What makes a decision-making process poor?	
13.	What criteria do you think apply to making “good” decisions?	
14.	How do you measure the success or failure of Forest Service decisions at a site specific level?	
15.	Have the projects been completed to date? What do you consider to be “complete”?	
16.	Have you participated in other Forest Service planning processes? Was this process better or worse than others?	
17.	In your experience with Forest Service projects, how has HFI/HFRA changed the way the Forest Service makes decisions? How has it changed the way you do business?	
18.	Will the project work?	
19.	Related to project’s purpose and need, will the project serve the multiple interests included in the process?	
20.	Will it accomplish its goals?	
<p>Note: The term “<i>Process</i>” in the interview questions refers to the Forest Service’s implementation of the Environmental Assessment processes for Greer, Nutrioso, and Eagar South Wildland Urban Interface (WUI) fuel reduction projects, and the Apache County Community Wildfire Protection Planning (ACWPP) process.</p>		

*Adapted from: Brunner et al. 2002

Brunner’s tests of the common interests were used to analyze whether the common interests was served in the three case studies (2002: p.12-14). Procedurally and substantively the case studies were analyzed by assessing the participants, their relationship to the process, and their interpretation of valid and appropriate interests. Analyzing the case studies pragmatically was more difficult as none of the proposed actions have been implemented to date. Instead of analyzing whether the application of the proposed action corroborates the expectations of community members, the pragmatic aspects of the

decision-making process for the three case studies were analyzed. Table 2 provides a summary of the changes to the NEPA process, public involvement activities, the pre-decisional appeals process, and changes in judicial review under HFRA in terms of the three tests of the common interest (Brunner et al. 2002).

Table 2. Changes in Forest Service Decision-Making Pre- and Post- HFRA

	Pre- HFRA	HFRA
Procedural	<p>Decisions were not representative of the common interest. Interested stakeholders were invited to participate, but public involvement was an information-sharing activity rather than giving participants an opportunity to affect the decision.</p> <p>Decisions were stifled by the appeals process. Environmentalists were the main appellants (GAO 2003). Property owners and residents were left out of decision-making; evidenced by the limited number of cases brought forth by them (CEQ 2004).</p> <p>No one could be held accountable for the “analysis paralysis” that plagued Forest Service decisions. Decisions were simply “stuck” in the court system and in analysis, and limited fuel reduction was taking place.</p>	<p>Mandated collaborative (CWPP) process helps property owners, residents, timber industry representatives, some environmentalists, as well as agencies influence decision-making; thus, representation is better with HFRA.</p> <p>Pre-decisional appeals process (36 CFR 218) replaces the appeals process (36 CFR 215). Pre-decisional appeals process requires appellants to have participated in project scoping and limits review and stay duration; thereby creating some accountability for process participants.</p>
Substantive	<p>Valid and appropriate interests include the Forest Service and other state and federal agencies, property owners, residents, environmental interests, and representatives of the timber industry affected by Forest Service decisions. However, zero-tolerance demands by environmentalists froze agency actions in appeals and litigation. Thus, valid concerns were not addressed precluding the ability to meet other valid and appropriate interests.</p>	<p>The mandated collaborative (CWPP) process helps to determine common interests and preclude zero-tolerance demands.</p> <p>Likewise, the pre-decisional appeals process precludes uninformed appeals late in the process.</p>
Pragmatic	<p>Expectations were not met with pre-HFRA Forest Service decisions because decisions were frozen in the court system or continuously being analyzed.</p> <p>Limited action was taking place on-the-ground to address or disregard expectations. In Region 3 (includes AZ and NM) alone, 38% of appealed fuel reduction decisions were not able to proceed with the proposed action (GAO 2003).</p>	<p>HFRA is meant to facilitate implementation of fuels treatment on-the-ground with new categories of categorical exclusions, a streamlined NEPA process, and the pre-decisional appeals process.</p> <p>Expectations to implement fuels treatment would be met. Zero-tolerance expectations would not be met with HFRA.</p>

Prior to enactment of the HFI and HFRA, Forest Service NEPA decisions were not representative of the common interest, as evidenced by the high rate of appeals and litigation. The HFRA was proposed to address the lack of common interest in Forest Service decision-making in an effort to get fuel reduction projects out of the courts and on-the-ground. Substantively, interests of zero-tolerance environmentalists were served by the pre-HFRA NEPA process because no action was taking place to thin the forests and no logging was occurring. The interests of valid and appropriate interests, such as the WUI communities, the agencies, and the timber industry, were not served with the inaction that resulted from the pre-HFRA NEPA process. The mandated collaborative (CWPP) process, enacted under HFRA, is meant to organize valid and appropriate interests and precludes zero-tolerance demands. Similarly, HFRA's requirement to participate in the scoping process in order to be eligible to file an objection prevents uninformed and tardy appeals; seemingly invalid interests.

Procedurally, the pre-HFRA NEPA public involvement activities did not offer the WUI communities and the timber industry a vehicle to expand their influence on the decision-making process. Environmentalists were better served because they utilized the political and judicial (appeals and litigation) arenas to influence decision-making rather successfully. However, their influence did not constitute responsible participation as they represented special interests over the common interest. The pre-HFRA NEPA process also lacked accountability. Decisions were neither being implemented or revised to meet the common interest because they were frozen in the judicial system; not serving anyone. The mandated collaborative process of community wildfire protection planning for WUI communities is a multi-party, multi-interest process that speaks to Brunner's procedural test of the common interest. The HFRA's pre-decisional appeals process (36 CFR 218) creates some accountability for process participants by requiring appellants to have participated in project scoping and by limiting review and stay duration.

From a pragmatic standpoint, the pre-HFRA NEPA decision-making did not meet the expectations of participants; evidenced by the high rate of appeals and litigation of Forest Service decisions and the lack of implemented fuel reduction projects. The HFRA has increased the number of "NEPA-ready" acres waiting for funding to undergo fuels treatment, with limited objections and litigation thus far. Therefore, expectations to implement fuels treatment would be met with HFRA while zero-tolerance expectations would not be met.

2.0 METHODOLOGY

Case studies of HFRA implementation in Arizona were investigated to determine whether the common interest was being served. According to the Forest Service, a total of eight EAs had been conducted under HFI in the U.S. at the time this study began in September 2005 (Rowland 2005). No EISs had been completed at that time (Rowland 2005). Appendix A lists all of the Forest Service EAs that had been completed¹ under HFI and HFRA. The project type, name, locations, and other pertinent project information are detailed in Appendix A. Of the eight EAs that had been completed under HFRA, five were in Arizona within the Apache-Sitgreaves National Forest.

This study focuses on three fuel reduction projects within the Apache-Sitgreaves National Forest; the Greer WUI fuel reduction project, the Nutrioso WUI fuel reduction project, and the Eagar South WUI

¹ This list was a comprehensive list of all HFI/HFRA projects completed as of the date of this step in the research project (September/October 2005). Lists of proposed Forest Service projects are continuously updated as each National Forest publishes a Schedule of Proposed Actions (SOPA) at least 4 times a year and projects can also be initiated outside of the SOPA.

Fuel Reduction project. Figure 1.1 of the Apache Community Wildfire Protection Plan illustrates the general location of the project study area. Figure 2.1 of the Apache Community Wildfire Protection Plan depicts the communities of Greer, Nutrioso, and Eagar and the WUI boundary. The three EAs have been analyzed as case studies and compared. The study also focuses on the Apache County Community Wildfire Protection Planning (ACWPP) process that was conducted as the mandated collaborative under HFRA. Archival records of the EA and CWPP processes were collected and interviews with project stakeholders were conducted to create the Arizona case studies.

Of the population of EAs completed to date under HFI/HFRA, five of them involved the Apache-Sitgreaves National Forest. The distribution of HFI/HFRA projects in this national forest was thought to be peculiar and thus, further investigation warranted. Three WUI fuel reduction EAs in the Apache-Sitgreaves National Forest were chosen as case studies for several reasons. First, geographically, these three projects were located in proximity to one another and within the same national forest. Second, the communities of Greer, Nutrioso, and Eagar all were included in the ACWPP (see Figure 2.1 of the Apache Community Wildfire Protection Plan). This provided some degree of control given the existing forest conditions in the area and the threat to all three areas from wildfire. Finally, they involved some key issues such as threatened and endangered species and the cutting of trees over 16" dbh; which means they were probably not without controversy and involved environmental groups.

The methods for this research were completed as follows:

1. Literature review of the history of NEPA and its context within the Forest Service, as well as the history of Forest Service decision-making involving natural resources, the HFI, corresponding administrative reforms, and the HFRA. The literature review included investigating the nature of litigation and appeals of Forest Service NEPA decisions and extent and effectiveness of existing public involvement activities in securing common interest solutions.
2. Identification of cases where the HFRA has been implemented (EAs). Identification of three processes to be used as case studies, and interviews conducted with stakeholders who participated in these processes. Interview transcripts were created and verified by interviewees.
3. Qualitative analysis of data gathered by using Brunner's three tests of the common interest to determine whether the common interest is served for each process.
4. Consider successes and/or failures of reforms in case studies and propose alternatives.
5. Determine implementation suggestions within the NEPA framework and areas of potential future research.

The research proposal for this project was presented to the NCSU Institutional Review Board (IRB) for the Use of Human Subjects in Research in December 2005 and was approved. Each participant in this study signed a consent form indicating their approval to participate in the study despite outlined risks. Copies of the IRB paperwork and consent forms are included as Appendix B of this report.

A total of 19 people were interviewed for this study. In-person interviews were conducted with 15 of the interviewees. The remaining four interviews were conducted by telephone. All interviews were taped and transcribed. All interviewees had an opportunity to verify the transcripts although some elected not to. Table 3 lists the participants, their affiliation with the projects, and which processes they

participated in. Table 4 depicts the breakdown of participation of interviewees. Appendix C contains copies of the interview transcripts.

Table 3. Interviewee Information

Interviewee	Affiliation with the projects	Process in which they participated (Apache County CWPP, Greer WUI Fuel Reduction EA, Nutrioso WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA)
Chris Bagnoli	Habitat specialist with AGFD in the Pinetop region. Represent AGFD in the CWPP process and to make sure wildlife interests are represented in the working plans as much as possible.	Apache County CWPP, Eagar South WUI Fuel Reduction EA, Nutrioso WUI Fuel Reduction EA
Bruce Buttrey	Integrated resource specialist with A-S National Forest, Springerville Ranger District, District NEPA coordinator.	Greer WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA
Steve Campbell	University of Arizona Cooperative Extension, Director, Navajo County Extension Service.	Apache County CWPP, Greer WUI Fuel Reduction EA, Nutrioso WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA
Howard Carlson	Eagar Fire Chief. Participant in the Apache Community Wildfire Protection Planning process. Retired Forest Service Fuel Management Officer (FMO).	Apache County CWPP
Jim Copeland	Wildlife staff, district roads manager, Inter-Disciplinary Team (IDT) leader on Nutrioso WUI Fuel Reduction EA, Alpine Ranger District, A-S National Forest.	Nutrioso WUI Fuel Reduction EA
David Denali	Runs an outdoor program for at-risk youth, which has “Search and Rescue” as its vehicle. Resident of Nutrioso.	Nutrioso WUI Fuel Reduction EA
Laura Denali	Early intervention specialist. Nutrioso resident.	Nutrioso WUI Fuel Reduction EA
Don Hoffman	Executive Director of the Arizona Wilderness Coalition, and retired Forest Service Wilderness Resource Specialist.	Apache County CWPP, Nutrioso WUI Fuel Reduction EA

Interviewee	Affiliation with the projects	Process in which they participated (Apache County CWPP, Greer WUI Fuel Reduction EA, Nutrioso WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA)
Dr. Billie Hughes	Works part-time for the Maricopa Community Colleges in Phoenix, and telecommute work with faculty in technology. Part-time resident in Nutrioso.	Nutrioso WUI Fuel Reduction EA
Byron James	Arizona Department of Environmental Quality. Community liaison for northeastern Arizona.	Apache County CWPP
Milton Ollerton	Planning and Zoning Director for Apache County	Apache County CWPP
Vicente Ordonez	Staff wildlife biologist with the Springerville Ranger District, A-S National Forest. Also serves on the Eagar Town Council and as a representative for the town in the CWPP process.	Greer WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA, Apache County CWPP
Judy Palmer	Assistant FMO, Springerville Ranger District, A-S National Forest.	Apache County CWPP, Greer WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA
Richard Remington	Senior projects manager with Logan Simpson Design, Inc. which is a natural resources planning/consulting firm contracted through three counties and the two incorporated communities to draft CWPPs. Wildlife biologist who spent 28 years with Arizona Game and Fish Department (AGFD).	Apache County CWPP
Erik Ryberg	Staff attorney for The Center for Biological Diversity.	Nutrioso WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA, Greer WUI Fuel Reduction EA

Interviewee	Affiliation with the projects	Process in which they participated (Apache County CWPP, Greer WUI Fuel Reduction EA, Nutrioso WUI Fuel Reduction EA, Eagar South WUI Fuel Reduction EA)
Len Schlesinger	Member of the board of supervisors of the Apache County Natural Resource Conservation District (NRCD) in Springerville. Also a member of the board of directors of the Little Colorado River Plateau RC&D, and a member of the White Mountain Stewardship Project Multiparty Monitoring Board.	Apache County CWPP, Eagar South WUI Fuel Reduction EA, Nutrioso WUI Fuel Reduction EA
Ray Stanley	Acting President of the Greer Coalition, Inc. (Started up 3 years ago when a land exchange adjacent to the community of Greer was proposed by the FS).	Greer WUI Fuel Reduction EA
Dwayne Walker	Part-owner of Future Forests LLC, the timber company contracted by the Forest Service for the White Mountain Stewardship Contract.	Eagar South WUI Fuel Reduction EA
Dr. Russell Winn	Director of the MPA program at New Mexico State University. Part-time resident in Nutrioso.	Nutrioso WUI Fuel Reduction EA

Table 4. Interviewee Process Participation Breakdown

Process	Greer WUI Fuel Reduction Project	Nutrioso WUI Fuel Reduction Project	Eagar South WUI Fuel Reduction Project	Apache County CWPP Process
Number of Interviewees who participated in each process	6	10	8	10
Percent of total number of interviewees (n=19)	31.6%	52.6%	42.1%	52.6%

A snowball sample was generated by asking each interviewee for their recommendations of others to talk with regarding the four case studies. Table 5 lists the participant's suggested interviewees. All suggested interviewees that were mentioned at least two times were interviewed if it was determined that they had directly participated in any of the four case studies. The following people were mentioned at least two times by the original list of interviewees:

- Billie and Barbara Marks (Ranching family in Blue, AZ)
- Sue Sitko (The Nature Conservancy (TNC))
- Dwayne Walker (Future Forests LLC, representing timber interests)
- Judy Palmer (USFS, Assistant FMO, Springerville Ranger District)
- Bill Greenwood (Town of Eagar)
- Steve Campbell (University of Arizona Cooperative Extension)
- Bill Jackson (USFS, FMO A-S NF)

Of those listed above, two were not able to be contacted, three were interviewed via telephone, and two did not directly participate in any of the processes under study.

Table 5. Snowball Sample Results

Interviewee	Who else do you recommend we talk to about these projects?
Russ Winn	Greg Cross (Nutrioso.org), Paul Mohr (Nutrioso.org)
Billie Hughes	Chip Chipman (fly fishing training at Greer lodge)
David Denali	Tom Hollander, Barbara Marks (ranching family), Doc Case, Igor Ivanoff (Forest Service staff, lives in Nutrioso)
Laura Denali	Don Hoffman (Arizona Wilderness Coalition), Mike Rising (Forest Service staff with ranching background)
Richard Remington	Fire chiefs, Stuart Bishop, Jack Ingram, chief in Heber Overgaard, Dwayne Walker (Future Forests, LLC- timber industry), Sue Sitko (TNC), Jimmy Jane (Navajo County), Joel Weeks (in Show Low), Lloyd Wilmes (Sitgreaves Plan administrator)
Chris Bagnoli	No recommendations
Byron James	Steve Campbell (University of Arizona Cooperative Extension), Bill Greenwood (town of Eagar), Elaine Zieroth (A-S Forest Supervisor)
Milton Ollerton	Marty Moore (Planning and Zoning Director for Apache County before Milton took the job)
Howard Carlson	Bill Greenwood (Eagar), Reedhead (timber industry), Lillian Chavez in St. Johns (emergency management), Judy Palmer (Forest Service assistant FMO in Springerville), Jim Aylor (Forest Service FMO in Alpine), Bill Jackson (FMO for A-S National Forest)
Bruce Buttrey	Judy Palmer (Forest Service), Dwayne Walker (Future Forests, LLC- timber industry)
Vicente Ordonez	Bill Greenwood (Eagar)
Len Schlesinger	Sue Sitko (TNC), Steve Campbell (University of Arizona Cooperative Extension)
Don Hoffman	Billy and Barbara Marks (ranching family), Jim Copeland (Forest Service Alpine district), Bill Jackson (FMO for A-S National Forest)
Jim Copeland	No recommendations
Erik Ryberg	No recommendations
Ray Stanley	No recommendations

3.0 FINDINGS AND ANALYSIS

A summary of the three case studies and the ACWPP process is provided in Section 3.1 of this report. A timeline of events in the three case studies is illustrated in Table 6. The findings give an overview of the three EA planning processes and the ACWPP process to provide context for the analysis. The analysis of interview data follows in Section 3.2 of this report.

Table 6. Timeline of Events in Greer, Nutrioso, and Eagar South WUI Fuel Reduction Projects

Milestones	Greer WUI Fuel Reduction	Nutrioso WUI Fuel Reduction	Eagar South WUI Fuel Reduction
Project appears in SOPA	January 2004	1998	July 2004
Scoping Report sent out (# of people sent to)	March 2004 (mailed to 244 groups, organizations, and individuals)	January 2005 (mailed to 446 groups, organizations, and individuals)	April 2005 (mailed to 184 groups, organizations, and individuals)
Public Meeting(s)	April 2004, field trip July 2004	August 2004 (FS participation in Nutrioso community meeting), December 2004, February 2005	March 2005
Comments (# of respondents)	52	83	11
EA Completed	September 2004	June 2005	November 2005
Decision document/FONSI completed	November 2004	Pending	Objected

3.1 FINDINGS

3.1.1 *Apache County Community Wildfire Protection Plan*

Title I of HFRA allows expedited fuels treatment of land in WUI areas provided the people of the communities jointly with the Forest Service, agency officials, local officials, fire departments, and the State Forester (Arizona State Lands Department) participate in a mandated collaborative process called Community Wildfire Protection Planning (CWPP). The process is meant to help prioritize fuels treatment areas, define prescriptions, and identify strategies for improving forest health, while considering the local economic impacts, and fire fighting response capabilities (Logan Simpson Design Inc. 2004).



Nutrioso Valley

The State of Arizona and the A-S National Forest were one of the first in the nation to create CWPPs and implement HFRA projects. The existence of previous collaboratives and the proximity of the area to the devastating Rodeo-Chedeski Fire in 2002 which burned nearly 470,000 acres in the vicinity, and the Three Forks Fire of 2004 that burned to within 12 miles of Eagar, aided Arizona in

being “first out of the gates” to begin implementing HFRA when the legislation passed in 2003 (Remington and Bagnoli 2006). One local collaborative that still exists today is the White Mountains Natural Resources Working Group (NRWG). The NRWG has a mission along the same lines of what HFRA seeks to accomplish. The NRWG mission statement, completed in 1997, is:

to allow for innovative approaches to achieving vegetative management strategies through the use of prescribed fire and through mechanical treatments while providing for improved water quality and quantity, accelerating riparian restoration, mitigating impacts of catastrophic fire associated with forest and rangeland ecosystem health for biodiversity, and promoting quality effective partnerships (Logan Simpson Design Inc. 2004).

The NRWG is made up of a group of environmental professionals and community leaders, some of whom were originally partnered as part of another multi-party, multi-stakeholder process to deal with a resource allocation conflict between the management of elk and cows on the landscape in 1994 and 1995 (Campbell 2006). Resource challenges due to endangered species and the economic impacts of a dwindling timber products industry prompted these initial collaborative efforts (Campbell 2006).

A subgroup of the NRWG was formed after the 2003 fire season to discuss the needs of the area surrounding the A-S National Forest and determined that developing a CWPP would help to secure funding through HFRA for community wildfire protection (Logan Simpson Design Inc. 2004). Prior to the Apache County Community Wildfire Protection Plan (ACWPP), the Sitgreaves side of the forest completed a CWPP that included some portions of Apache County. Thus, some of the same players who participated in the Sitgreaves CWPP later participated in the ACWPP, further institutionalizing collaboration in environmental decision-making (Campbell 2006).

The ACWPP encompassed the at-risk communities of Hideaways, Greer, South Fork, Eagar, Springerville, Nutrioso, and Alpine. The communities of Greer, South Fork, Eagar, Springerville, Nutrioso, and Alpine were bounded by a single, all-encompassing WUI. Figure 2.1 of the Apache Community Wildfire Protection Plan illustrates the WUI boundary for these communities. The large WUI area was determined to be necessary to protect the extensive watershed as well as the communities from wildland fire. The purpose of the ACWPP is to “increase preparedness, reduce natural fuels, and increase communications with local, county, state, and federal emergency response personnel by determining areas of high risk, developing mitigation measures to reduce risk, improving emergency response, and reducing structural ignitability throughout the WUI” (Logan Simpson Design Inc. 2004).

The ACWPP gives an assessment of the existing conditions within the WUIs including fire regime and condition class, fuels hazards, risk of ignition and wildfire occurrence, and an assessment of risk for the communities. A mitigation plan is also established in the ACWPP that prioritizes treatment areas and methodology for treatment. Figure 4.2 and Table 4.2 in the Apache Community Wildfire Protection Plan show the treatment recommendations from the ACWPP. The priority action recommendations for fiscal year 2004/2005 included treating land in (in order) Eagar (federal land in pinion juniper country), Greer (federal and private lands west of the community), and Nutrioso (private land within the community of Nutrioso and federal lands to the west and south). The plan indicated the communities within the ACWPP also have a responsibility to implement public outreach and education programs for residents and visitors to heighten awareness and understanding of wildland fire (Logan Simpson Design Inc. 2004).

The ACWPP also addresses old-growth stands and compliance with Section 102(e) and 102(f) of HFRA. The plan states that,

“There are no designated Old-Growth Management Areas located in the WUI. However, the HFRA fuel reduction treatments are designed to enhance old-growth forest conditions and will be compliant with standards and guidelines established in the Apache-Sitgreaves National Forests Plan. Additionally, to ensure compliance with Section 102(f) of HFRA, the ACWPP focuses on treatment and thinning of small-diameter trees to create defensible space, fuel breaks, and acceptable forest Condition Classes for community protection from catastrophic wildland fire....Large trees (>16 inches diameter at breast height dbh) are not considered in fuel reduction/modification prescriptions unless they are diseased, dying, or dead trees on private property or diseased, dying, or dead trees on federal land and exceed standards for standing snags delineated in the Apache-Sitgreaves National Forests Plan, except within 0.5 mile of private land or within designated fuel breaks. In these areas, all snags may be removed. In addition, some live trees over 16 inches dbh may be removed if necessary to achieve comparably fire-resilient stands, as stated in the HFRA. Downed logs in excess of 16 inches dbh will be removed or piled and burned only in excess of Apache-Sitgreaves National Forests Plan standards unless they are within designated fuel break treatment areas, in which case all dead and down material may be removed” (Logan Simpson Design Inc. 2004: p.43-47).

The ACWPP recommends an intergovernmental agreement between the towns of Eagar and Springerville to create a commission that will be charged with implementing the ACWPP. The commission could then create a “zone administrator” position within the county government who would be responsible for managing the implementation of the plan. The zone administrator would be responsible for an annual report, and making recommendations to the signatories. A Forest Management Commission will be established to help implement the plan (Logan Simpson Design Inc. 2004).

3.1.2 Greer Wildland Urban Interface Fuel Reduction Project

Greer is primarily an amenity economy, generating the majority of its residents from outside of the area or out of state, with an economy based on their location in the White Mountains of Arizona (Campbell 2006). The Arizona Department of Commerce estimates roughly 200,000 people visit the Greer area from July through September (Arizona Department of Commerce 2006), while full-time residents number roughly less than 200 (Stanley 2006).



Private development in Greer

The need for the Greer WUI was identified in 2000. The project was listed in the Apache Sitgreaves National Forest (A-S NF) Schedule of Proposed Actions (SOPA) in 2004, and the project planning documentation began in January 2004. The Greer WUI encompasses approximately 29,568 acres of federal land within the Springerville Ranger District of the A-S NF that abuts private lands and subdivisions of the communities of Greer and South Fork. The purpose of and need for this project purport to:

Reduce the fire hazard potential in and around the communities of Greer and South Fork. The intent is to increase the likelihood that fire behavior will result in flame lengths less than 4 feet and minimize crown fire potential. The intent is to create a condition that provides for homeowner and firefighter safety while allowing for direct attack and a high probability of success (USDA, Forest Service, Springerville Ranger District, A-S NF 2004a).

An EA was completed in September 2004 to document the consideration of alternatives, public involvement, and the impact analyses of the proposed project. As directed under Section 104(d) of HFRA, the EA considered a “No Action” Alternative and a “Proposed Action” Alternative. The No Action Alternative is intended as a basis for comparison in a NEPA analysis and may not meet the

project's purpose and need. The agency action alternative was taken from the associated CWPP for the area, and was considered the "Proposed Action." (Note: the ACWPP was in draft form at the time of the Greer WUI Fuels Reduction Project. The Proposed Action complied with the draft ACWPP).

The Forest Supervisor, after review of the EA, decided in November 2004 in the Finding of No Significant Impact (FONSI) to implement the Proposed Action (Alternative 2), which required amending the current forest plan for the A-S NF. A general summary of the Proposed Action follows:

- Thin trees less than 16" diameter breast height (dbh), and treat slash by removing from the site on 17,271 acres of the analysis area.
- Thin trees less than 9" dbh, and treat slash by removing from the site on 2,358 acres.
- Broadcast burn in treated areas following thinning.
- Remove trees encroaching established meadows, and broadcast burn the grasslands.
- Some existing roads will be re-opened for treatments, and then closed after use.
- Designated old growth will be managed on 4,463 acres. Thinning, slash treatments, and broadcast burning will be conducted in designated old growth stands, with the exception of some stands to meet Mexican spotted owl (MSO) nest site and restricted habitat requirements (USDA, Forest Service, Springerville Ranger District, A-S NF 2004a).

The Proposed Action included more specific treatment prescriptions depending on the slopes, vegetation type, and habitat protection requirements for the areas within ½ mile of private land and outside the ½ mile buffer of private land. Generally, the prescriptions are more aggressive immediately surrounding private land than treatments outside of the ½ mile buffer. The Proposed Action also includes mitigation measures to minimize impacts to resources. Figures 1.A.-1.C. in the WUI Fuel Reduction Environmental Assessment Figures illustrates the Proposed Action (USDA, Forest Service, Springerville Ranger District, A-S NF 2004a).

A scoping report was mailed to interested parties on the Springerville Ranger District's electronic mailing list and federal and state agencies involved with the project on March 18, 2004. A public meeting was held on April 17, 2004, and a field-trip to visit other project sites where fuel reduction had been implemented was facilitated by the Forest Service on July 22, 2004. A public notice of the project and opportunity for objection was published in the White Mountain Independent, a local newspaper, on October 8, 2004 (USDA, Forest Service, Springerville Ranger District, A-S NF 2004a).

Twenty-Three respondents (28 signatures) wrote to the Forest Service to express support for the project, typically suggesting rushing the implementation schedule. Public concerns for the project, as expressed in written and oral communications with the Forest Service included the following (FOIA Request 2006):

- Concern for opening access to old logging roads and potential ramifications for wildlife, water quality, and increased fire hazard.
- Concern for retaining trees simply based on their size instead of the overall forest health. Need a healthy mix of ages of trees.
- Concern for density-dependent species and the need for interlocking crowns and high basal areas within the treated areas to support these species.
- Concern for adequate time for grasslands to recover from broadcast burning before permitted livestock grazing is allowed back on the land.

- Concerns for retaining certain vegetative species (eg. aspen trees) over other and protecting them from burning.
- Concerns that the scoping document was not clear on certain matters (eg. project's snag and down-log retention objectives, treatment area maps confusing).
- Concern for treatments on slopes that are "too steep."
- Concern for visual quality of treatment area.
- Concern for the safety of pile burning.
- Concern that the project is meant to benefit the logging industry.
- Request for an additional public meeting (respondent missed the project's public meeting).
- Concern for level of professionalism and accuracy of logging crews.
- Concern for habitat loss for bird species and rodents.
- Request for additional information on the area's Northern Goshawk, Southwestern Willow Flycatcher and Mexican Spotted Owl populations, and concern that the prescriptions meet the habitat and nesting requirements of these species and other threatened and endangered species.
- Request for more meaningful input into the decision-making process by Greer homeowners, and not just a comment and answer format.
- Concern from Greer homeowners that fuel reduction projects are not target areas for future land exchanges.
- Request that the Forest Service lead an effort to educate private property owners on the need for fuel reduction on private property concurrently with fuel reduction on public lands. These efforts should be coordinated with Apache County.

The majority of respondents were likely private land owners in the area or abutting the forest. This is an assumption because private citizen information was redacted by the Forest Service in the FOIA request. Pacific Legal and White Mountains Conservation League were the only environmental groups that commented, and neither of their letters was specific to the Greer project. The Greer Coalition provided comments on the project emphasizing their agreement with the proposed action. They also felt the Forest Service needed to build trust with the Greer community and give them a say in decision-making. The Greer Fire District wrote in to express their support for the project. Two local businesses commented on the project; one ranch and one inn. Both expressed support for the project. The town of Springerville and the Hopi Tribe also commented on the project. The town wrote to express support and the Hopi asked to be kept informed of the cultural resources surveys that would occur in the project area, as they have a cultural affiliation with the Apache-Sitgreaves National Forest (FOIA Request 2006).

The Forest Service response to each of the comments did not identify any "significant issues." Their responses generally commiserated with respondents concerns, explained minimization and avoidance methods they would be using to implement the proposed action, and dismissed comments that were not applicable to the scope of this project (FOIA Request 2006).

3.1.3 Nutrioso Wildland Urban Interface Fuel Reduction Project

The community of Nutrioso is also considered an amenity economy, as many residents live in Nutrioso only a portion of the year and the local economy relies heavily on tourism (Campbell 2006). The resident population of Nutrioso is less than 300, according to the 2000 U.S. Census (Logan Simpson Design Inc. 2004). The WUI area for the Nutrioso WUI Fuel Reduction project was identified in 2000. The need for the project has been identified in the forest's SOPAs since 1998. The project analysis began in November 2004. A scoping report was sent out to affected citizens and interested parties on the

Alpine Ranger District's mailing list on January 21, 2005. Two public meetings were held on the project to solicit comment from the public on December 9, 2004 and February 12, 2005. In addition, Forest Service personnel attended a Nutrioso Community Association meeting on August 21, 2004 to update the community on the status of the project.

The purpose of and need for the project,

is to respond to the need for public and firefighter safety and protection of important wildlife species habitats by reducing the wildland fire potential in and around the at-risk community of Nutrioso and other adjacent private and state lands. The need for the action is to reduce the risk of serious threat to human life or property because of a large-scale wildland fire event, should one occur (USDA, Forest Service, Alpine Ranger District, A-S NF 2005).



Nutrioso Post Office

The EA for the Nutrioso WUI Fuel Reduction project was completed in June 2005. The project study area encompasses 41,758 acres of Forest Service land adjacent to the community of Nutrioso. The EA analyzed two alternatives, a “No Action” and the “Modified Proposed Action.” The No Action Alternative did not meet the purpose of and need for the project because it would not reduce the risk of a wildland fire event occurring. The Modified Proposed Action was the result of modifications to the Proposed Action Alternative (the alternative initially proposed by the Forest Service) that were identified during the public scoping process. The Modified Proposed Action prescribes treatments on 40,752 acres. Within a ½ mile of Nutrioso, 16,330 acres would be treated under the Modified Proposed Action. Beyond ½ mile of Nutrioso, 24,422 acres would be treated. The acres not being treated under the Modified Proposed Action but within the project study area are excluded because they are either undergoing watershed restoration or they are grasslands. The treatment prescriptions proposed in the Modified Proposed Action Alternative include:

- Cutting and removing boles from site, and leaving them in some cases
- Mechanical treatment and prescription burning
- Thinning
- Grassland restoration, restoration to pre-settlement conditions
- Mitigation measures
- Monitoring (USDA, Forest Service, Alpine Ranger District, A-S NF 2005).

The Modified Proposed Action included more specific treatment prescriptions depending on the slopes, vegetation type, and habitat protection requirements for the areas within ½ mile of private land, and then for areas outside the ½ mile buffer of private land. Generally, the prescriptions are more aggressive immediately surrounding private land than treatments outside of the ½ mile buffer. Figure 2.0 in the WUI Fuel Reduction Environmental Assessment Figures illustrates the Modified Proposed Action (USDA, Forest Service, Alpine Ranger District, A-S NF 2005).

As of the date of this report, the Forest Service had not issued a decision on the Nutrioso WUI fuel reduction project as to which alternative would be implemented. Implementation of the Modified Proposed Action would require a project-specific amendment to the forest plan. The departures from

specifications in the forest plan are considered necessary to meet the objectives of the project (USDA, Forest Service, Alpine Ranger District, A-S NF 2005).

The project scoping report was mailed to 446 groups, organizations, and individuals. The scoping report was also posted in conspicuous, public locations for information dissemination. A total of 83 respondents wrote to the Forest Service in response to the scoping report for the Nutrioso WUI Fuel Reduction project (USDA, Forest Service, Alpine Ranger District, A-S NF 2005). Many expressed concern for an overabundance of dead, dying, and overcrowded trees in the study area and immediately adjacent on private land, and gave their support of the fuel reduction project. Public concerns for the project, as expressed in written and oral communications with the Forest Service included the following (FOIA Request 2006):

- Lack of understanding of the scoping report and request for clarifications.
- Concern that the proposed action is “overkill” with regard to young, evergreen trees.
- Concern for impacts on wildlife.
- Request to make the thinned wood available to the public.
- Request to “stop closing roads and denying access.”
- Establish a local “burn pit” to facilitate disposal of thinned materials for residents treating their own property.
- Concern for targeting ponderosa pines under 16” dbh, as well as white fir, douglas fir, and spruce.
- Concern that a controlled burn on the Forest Service land could get out of hand.
- Identification that the south side of Gobbler Peak in Auger Canyon should be treated because of an infestation of mistletoe in the ponderosa pine in that area.
- Respondents have a breathing condition that is exacerbated by smoke. Request to put the money spent on controlled burning toward wood chippers instead.
- Respondents requested more information to make substantive comments.
- Request help from the Forest Service in educating local land owners in the Nutrioso area on how to treat their property.
- Request to be notified ahead of time of the burn schedule.
- Concern that the project would serve special-interests only, with logging of trees greater than 16” dbh.
- Request that no new roads are constructed as part of this project.
- Concern that too many trees will be removed.
- Concern that piles of slash will not be thoroughly removed, concern that specific tree-types would be targeted for removal resulting in a sterile forest, concern for the effect on biodiversity, concern for the creation of new roads and how the Forest Service would enforce “closed” roads, concern for datil soil erosion, concern for springs and wetlands, and concern for thinning on steep grades.
- Respondent suggested specific changes to the proposed vegetative treatments in order to address target crown spacing concerns.
- Concern that treating 40,000 acres is too severe.
- Concerns for treatment in the environmentally-sensitive Gobbler Peak area of Auger Canyon.



Nutrioso residents on their property adjacent to the A-S National Forest

- Concern that new policies shift the burden of protection from wildfires from the individual home owner to the government, concern for riparian areas surrounding the Hulsey Creek and Milk Creek drainages.
- Respondent suggested specific additions to the EA to reflect its compliance with the ACWPP and to connect it to the ACWPP process in terms of alternatives considered.
- Concern for meeting habitat requirements of miriams turkey and abert's squirrel, and other wildlife species inhabiting the area.
- Concern that instituting a diameter cap will not be effective in reducing the potential for wildfire, and would result in lack of tree age-diversity.
- Concern for protecting Colter Creek drainage area.

No key issues were identified in the comments received by the Forest Service. The Forest Service defines "key issue" as a point of disagreement, debate or dispute with a specified proposed action based on some anticipated effect. Three respondents expressed concern with the extremity of the proposed prescriptions. Eleven respondents expressed an opinion of how the resources should be managed that is not in conformance with current management practices. Several design issues were identified through project comments by twelve respondents. The town of Springerville wrote to the Forest Service to express their support for the proposed action. The Southwest Forest Alliance and the White Mountain Conservation League responded to the comment request. Their comments concerned administrative issues, such as correcting an address, and not on the project (FOIA Request 2006).

The Forest Service response to each of the comments did not identify any "key issues," but did identify several design considerations that were then incorporated into the Modified Proposed Action (Copeland 2006). Forest Service response to comments generally commiserated with respondents concerns, explained minimization and avoidance methods they would be using to implement the proposed action, explained when specific studies would be conducted to answer project concerns, and dismissed comments that were not applicable to the scope of this project (FOIA Request 2006).

3.1.4 Eagar South Wildland Urban Interface Fuel Reduction Project

The town of Eagar has a population of 4,033 residents according to the 2000 U.S. Census. The population of Springerville, the adjacent community, is half the size of Eagar with 1,972 residents (US Census 2000). The two towns are located within 1 mile of one another, and collectively known as Round Valley. Because of their location at the base of the White Mountains, Eagar and Springerville serve as a central access location to recreational opportunities in the area (Town of Eagar website 2005).

The Eagar South WUI Fuel Reduction project was initiated in September 2004. The project area was included in the Apache County CWPP (2004) as an at-risk community. The town of Eagar requested analysis and treatment of the area in March 2004. The project was listed in the SOPA in July 2004. A public meeting for the project was conducted on March 16, 2005. The purpose of and need for the action, as stated in the November 2005 EA are to:

Reduce the fire hazard potential in and around the communities of Eagar and Springerville. There is a need to reduce hazardous forest fuels on the analysis area, which will improve fire fighting response capabilities and protect watersheds near the communities from adverse effects of large-scale wildfire (USDA, Forest Service, Springerville Ranger District, A-S NF 2005).

The EA for the Eagar South WUI Fuels Reduction project was completed in November 2005. Two alternatives were considered in the EA. The No Action Alternative does not meet the purpose of and need for the project. The Proposed Action encompasses approximately 21,779 acres within the A-S National Forest. Treatments are prescribed on 21,129 acres (including a 48-acre parcel of private land). Thinning would occur on 17,896 acres. Prescribed burning only would occur on 3,233 acres. No treatments are proposed on 650 acres within the project area. Implementation of the Proposed Action would require a project-specific amendment to the forest plan. The departures from specifications in the forest plan are considered necessary to meet the objectives of the project (USDA, Forest Service, Springerville Ranger District, A-S NF 2005).

The treatment prescriptions in the Proposed Action Alternative include:

- Treatment of live trees, snags, existing and pre-existing slash and herbaceous vegetation.
- Thinning and treatment of existing and created slash in forest and grassland areas.
- Prescribed burning (including re-occurring maintenance burns).
- Treatments in riparian areas (Water canyon, and springs and seeps)
- Grassland restoration
- Mitigation measures
- Monitoring (USDA, Forest Service, Springerville Ranger District, A-S NF 2005).



Private development in Eagar

The Proposed Action included more specific treatment prescriptions depending on the slopes, vegetation type, and habitat protection requirements for the areas within ½ mile of private land, and then for areas outside the ½ mile buffer of private land. Generally, the prescriptions are more aggressive immediately surrounding private land than treatments outside of the ½ mile buffer. Figure 3.0 in the WUI Fuel Reduction Environmental Assessment Figures illustrates the Proposed Action (USDA, Forest Service, Springerville Ranger District, A-S NF 2005).

The project scoping report was mailed to 184 groups, organizations, and individuals in April 2005. The scoping report was also posted in conspicuous, public locations for information dissemination. A total of 11 respondents wrote to the Forest Service in response to the scoping report for the Eagar South WUI Fuel Reduction project (USDA, Forest Service, Springerville Ranger District, A-S NF 2005). Some expressed their support for the project. Public concerns for the project, as expressed in written and oral communications with the Forest Service included the following (FOIA Request 2006):

- Disagree with “desired conditions” specified in the EA, Concern for impacts to goshawk post fledgling areas (PFAs), and concern for meeting forest plan standards.
- Request to include the ACWPP treatment recommendations as the preferred treatment alternative in the EA.
- Request for a description of the potential beneficial uses for the trees and other woody material to be removed as part of the project.
- Concern for removal of large diameter size class trees (>16”dbh).

- Request for the Forest Service to consider a Citizen's Alternative, slow down and consider a full range of alternatives and not just those that the agency has generated itself.
- Request for a diameter cap for tree removal, request less severe prescriptions and "manipulation of vegetation."
- Request to provide maps depicting the categories of actions for the Eagar South WUI.
- Concern for old growth provisions of the HFRA as well as the forest plan.
- Request to disclose the number of trees in each diameter class to be cut.
- Request that the Forest Service provide documentation on compliance with NEPA. Analysis should not rely on "habitat by proxy" for species viability and should include monitoring.
- Request that the Forest Service include information regarding MIS species that utilize smaller diameter class stands.
- Request that the Forest Service disclose and analyze how fuel breaks proposed will be maintained and the impacts of maintaining those fuel breaks.
- Request that the Forest Service utilize a specific fire model to predict crown fire risk and behavior.
- Request that the Forest Service disclose beneficial effects of the proposed action.
- Request that the Forest Service explain how the proposed project relates to federal wildland fire policy.
- Request that the Forest Service disclose the dangers of fire suppression during extreme fire weather conditions.
- Request that the Forest Service provide site specific quantitative data on fuel load accumulations and analyze fuel lands according to various size classes.
- Request that the Forest Service define hazardous fuels.
- Request that the Forest Service disclose the dangers of untreated or ineffectively treated logging slash.
- Request that the Forest Service discuss funding and source of funding for the project.
- Concern that the cumulative effects section of the EA did not include a comprehensive list of specific projects that may result in cumulative impacts within the project area.
- Concern that the Forest Service is not implementing or meeting the standards for Mexican spotted owl requirements specified in the Programmatic Biological Opinion.
- Concern for the negative impacts of spring burning on soils, vegetation, and wildlife.
- Concern for the accumulation of fuels in the project area.
- Request by the town of Eagar for the Forest Service to expand the ½ mile treatment zone to include the municipal watershed.

The Center for Biological Diversity and the Forest Guardians both provided extensive comments on this project. The Center for Biological Diversity focused on whether the proposal met the requirements of the forest plan, contains appropriate mitigation, and considers cumulative effects. The Forest Guardians expressed their concern with the degree of public involvement, the range of alternatives considered, the nature of prescriptions, the quality of information provided in the scoping letter, disclosure of fuelbreak maintenance and the corresponding impacts, compatibility of the proposed action with threatened and endangered species habitat requirements, disclosure of other project information, and compliance with the forest plan. A representative of the timber industry (AerRock, LLC) provided a letter of their support for the project and expressed an interest in proposing on fuel reduction projects to better the local economy. The Eastern Arizona Counties Organization requested that the ACWPP

treatment recommendations be included as a preferred treatment alternative in the environmental analysis. The town of Eagar wrote to request the Forest Service amend the study area to include protection of the municipal watershed. The Arizona Department of Environmental Quality (ADEQ) acknowledged the project, but had no concerns. The BLM provided two specific concerns with the EA: 1) desired conditions were not clearly described, and 2) the need for an emphasis indicating large-diameter trees (greater than 16" dbh) would not be removed and why. The Arizona Game and Fish Department (AGFD) provided specific input on treatment types and their effects on wildlife (FOIA Request 2006).

The Forest Service did not identify any key issues in the scoping responses. Their responses included discussion of a specific forest plan amendment, agreement to add certain descriptions where requested, explanation that the basic methods of treatment from the ACWPP were incorporated into the proposed action, explanations of the analysis process, general commiseration with respondents concerns, explanation of minimization and avoidance methods they would be using to implement the proposed action, and dismissed comments that were not applicable to the scope of this project (FOIA Request 2006).

The Forest Service has not issued a decision on the Eagar South WUI fuel reduction project as to which alternative would be implemented as of the date of this report because the project has been objected under HFRA's pre-decisional appeals process (36 CFR 218). The Center for Biological Diversity objected to the Eagar South WUI Fuel Reduction project in a letter to the Forest Service Southwest Regional Office dated December 22, 2005, for the following reasons:

- The project violates the NFMA, with respect to:
 - Meeting NFMA wildlife provisions, compliance with the Record of Decision (ROD) for Amendment of Forest Plans, requirements for species viability, water quality protection requirements, and soil productivity requirements.
- The project violates NEPA, with respect to:
 - Failure to take a hard look and failure to disclose, lack of analysis of the affected environment of the project area, lack of cumulative effects analysis, and disagreement with "significance" of impacts (should require an EIS be conducted).
- The project violates the HFRA, with respect to:
 - Does not comply with Section 102(a) regarding the location of project activities and lack of explanation that the project meets the requirements for "authorized projects," nor 102(g) of HFRA regarding old growth stand requirements (Center for Biological Diversity 2005).

The Center for Biological Diversity indicated in a letter to Mr. Bruce Buttrey of the Springerville Ranger District that the objection would be withdrawn and litigation would not occur if the Forest Service adopted a 16" diameter cap, and no other substantial changes to the project were made (Center for Biological Diversity no date).

The Southwestern Regional Office of the Forest Service has responded to The Center for Biological Diversity's objection in a letter dated January 20, 2006, by requiring the Springerville Ranger District to revise the EA and project record to include:

- “[The addition of] a cumulative effects analysis of the combined effects of past, present, and reasonably foreseeable projects, especially Nutrioso and Greer WUI treatments, for other resources besides watershed.
- [The addition of] a Forest-level Management Indicator Species (MIS) analysis to the project record.
- [Conduct] a species-by-species analysis for MIS of the effects of the project.
- [The addition of] documentation that demonstrates how the project is consistent with the A-S LRMP wildlife standards.
- [The addition of] analysis in the effects analysis for old growth at multiple scales to satisfy the 1996 Plan amendment guidelines” (USDA, Forest Service Southwest Regional Office 2006).

3.2 ANALYSIS

The analysis was created with the transcripts from the interviews described in Section 2.0 of this report and archival data collected on the three case studies and the ACWPP process. Interviews were conducted with stakeholders of the ACWPP, the Greer WUI Fuel Reduction EA, the Nutrioso WUI Fuel Reduction EA, and the Eagar South WUI Fuel Reduction EA. The highest rate of participation (52.6%) among interviewees included those who participated in the Nutrioso WUI Fuel Reduction EA and the ACWPP process. Eagar South WUI Fuel Reduction EA participants who were interviewed made up nearly 42 percent of the total number of interviewees. The Greer WUI Fuel Reduction EA participation rate was roughly 32 percent of interviewees. Table 4 in Section 2.0 of this report illustrates the breakdown of interviewee participation (see page 18).

A summary matrix of interviewee answers illustrating the three tests of the common interest was created to facilitate analysis. Table 7 describes the interviewees’ responses to interview questions organized by the three tests of the common interest. Each case study has a row with more positive (+) answers and another row with less positive (-) answers. The positive (+) and less positive (-) responses were differentiated to highlight policy concerns in each of the case studies.

3.2.1 *Procedural Test of the Common Interest*

Questions asked of interviewees that determine whether interests reflect the common interest procedurally, investigate the inclusiveness of the Forest Service decision-making process, and the types of interactions that have occurred among those involved in the processes.

3.2.1.1 APACHE COMMUNITY WILDFIRE PROTECTION PLAN

All ten interviewees felt the ACWPP was an inclusive process. However, one interviewee pointed out that there was not much participation by individual citizens (Carlson 2006). Another interviewee noted the real estate industry did not engage in the ACWPP process, despite the invitation (Campbell 2006). One interviewee hypothesized that the ACWPP process was such a large-scale planning effort that it warranted more exclusive participation (Palmer 2006). In other words, the participants held positions in local, state, or federal government, but were also community members representing individual interests. The same interviewee surmised a planning effort of the scale of the ACWPP would have lost effectiveness had it been facilitated in “town meeting” format (Palmer 2006).

The Center for Biological Diversity has a staff member who typically participates in the CWPPs, however, they did not attend the ACWPP (Ryberg 2006a). The Center for Biological Diversity feels that

educating the communities on wildland fire threats and getting them together to determine their interests and needs in the ACWPP is commendable (Ryberg 2006a). The White Mountains Conservation League, the Grand Canyon Wildlands Council, the Sky Island Alliance, the Sierra Club, the White Mountain Chapter of the Audubon Society, the Defenders of Wildlife, and the Nature Conservancy are all environmental organizations that are active in the county and many of whom participated fastidiously in other CWPP processes (Hoffman 2006). Environmental groups who participate in the CWPP processes typically disseminated information to the environmental community (Hoffman 2006).

Other collaborative efforts dealing with wildfire issues and involving federal land management, environmental interests, and affected individuals have occurred in the project area over the past 10 years. One interviewee explained that HFRA was a response to the way things were happening on the landscape (Campbell 2006). Other interviewees corroborated that the Healthy Forests Initiative had been gaining momentum in the White Mountains of Arizona because of the amount of impact the communities have suffered from wildfires prior to enactment of HFRA (Remington and Bagnoli 2006; James 2006). The existence of previous and ongoing collaborative efforts related to wildfire concerns have helped the ACWPP process (Campbell 2006). Interviewees seemed to understand the process and the importance of their participation.

Interviewees who participated in the ACWPP process were not typically involved in all of the meetings that occurred. Interviewees indicated they participated in “a few” or “several” of the meetings depending on schedule availability. Individual citizens who were interviewed explained they did not participate in the ACWPP process, but knew someone who did, or did not have the time to devote to community wildfire protection planning because of other volunteer obligations (Winn and Hughes 2006; Denali and Denali 2006; Hoffman 2006). While the ACWPP was not a Forest Service process, the district’s Fire Management Officers (FMO) were typically involved to some degree with the meetings. Participants who repeatedly attended meetings include the local fire departments, county emergency management officials, and county planning officials (Carlson 2006; Ollerton 2006; Remington and Bagnoli 2006).

A review of sign-in sheets from the ACWPP meetings revealed that local government attendance ranged from 30 to 50 percent, and federal government attendance ranged from 17 percent to 33 percent of the total number of participants at each meeting. State government attendance at the ACWPP meetings ranged from 5 percent to 17 percent, and individual citizens’ attendance ranged from 3 percent to 33 percent of the total number of participants at each meeting. Environmental interest groups were not in attendance at the ACWPP meetings, according to the sign in sheets.

Overall the ACWPP process was procedurally thorough in addressing the common interest. The process had inclusive and responsible participation, although individual citizens and environmental interest groups did not have strong attendance at meetings. Many of the participants were public officials; thus they were effective participants, representative of the community as a whole (Brunner et al. 2002: p.13). Environmental interests showed their participation in other CWPP processes that had occurred in nearby areas and sometimes in overlapping geographic areas (Hoffman 2006). The participants- both officials and non-officials- had an interest in protecting their communities from wildfire.

3.2.1.2 EAGAR SOUTH WUI FUEL REDUCTION EA

All eight interviewees who participated in the Eagar South WUI Fuel Reduction EA process felt it was inclusive. Participants in the Eagar South EA were primarily those who owned property adjacent to

the project (Palmer 2006). One interviewee felt that while the Forest Service did not keep anyone out of the process, they were not good about disseminating information about the project (Ryberg 2006a). Another interviewee expressed concerns that the process should have brought the public into the decision-making more (Ordonez 2006). One interviewee explained the Forest Service had difficulty accepting others into the decision-making process at first (Schlesinger 2006). Of the three EAs investigated in this study, the Eagar South project was the most inclusive, according to one interviewee (Remington and Bagnoli 2006).

According to the interviewees, participants in the Eagar South project included Arizona Game and Fish Department (AGFD), state and federal agencies, individual citizens, cattle growers, timber industry representatives, the Natural Resources Conservation District (NRCD), resource specialists, and local business representatives. In addition to environmental interest groups such as The Center for Biological Diversity, the aforementioned list of participants is representative of the community as a whole. Government employees can be held accountable for the consequences of their decisions, as can interest groups and local business representatives.

Procedurally, the Eagar South WUI Fuel Reduction EA process was inclusive and participants were responsible, in the sense that they were representative of the community. Thus, Eagar South is representative of the common interest procedurally. While the list of participants is representative of the community as a whole, their ability to affect decision-making was lacking according to two interviewees (Schlesinger 2006; Ordonez 2006).

3.2.1.3 NUTRIOSO WUI FUEL REDUCTION EA

Six of the 10 interviewees who participated in the Nutrioso WUI Fuel Reduction EA felt the process was inclusive. Four of the interviewees felt the inclusiveness of the process was not obvious to participants; which could be attributed to the high number of one-on-one interactions the Forest Service conducted with individual citizens who were not able to attend the project's public meetings. One interviewee felt the Nutrioso project was more inclusive than the Greer project and less inclusive than Eagar South (Remington and Bagnoli 2006). The Alpine Ranger District of the A-S National Forest indicated a high level of interaction among participants in the process and between individuals and the Forest Service agents (Copeland 2006). However, several environmental organizations did not participate in the process; namely The Center for Biological Diversity and Forest Guardians (Copeland 2006). According to the Forest Service, these environmental groups were invited, but elected not to participate (Copeland 2006).

Nutrioso has a community organization that got involved in the EA process by hosting Forest Service agents at their community meetings to talk with people about their concerns (Denali and Denali 2006). In addition, individual citizens in Nutrioso, affected by the project, talked with their neighbors and engaged in public involvement activities offered by the Forest Service (Denali and Denali 2006; Winn and Hughes 2006). They also requested private meetings with Forest Service agents on their property to talk about site-specific issues (Winn and Hughes 2006).

Several interviewees had affiliations with the Forest Service, environmental interest groups, or other collaboratives dealing with wildfire issues. They disseminated information about the project through their affiliations (Schlesinger 2006; Campbell 2006; Winn and Hughes 2006).

While not all invitees participated in the Nutrioso WUI Fuel Reduction EA process, the process appears to have been inclusive with agency members, community members, and individuals with affiliations with environmental organizations as participants. Participants were responsible and accountable to the community for their decisions. Many participants served dual roles; contributing as residents of the community and through their professional associations (Denali and Denali 2006; Winn and Hughes 2006). Interviewee uncertainty about the inclusiveness of the process could be attributed to the one-on-one interactions of community members and individual Forest Service staff, outside of the public meetings. Environmentalists elected not to participate in this process; perhaps because their needs were met with the Modified Proposed Action. For all of these reasons, procedurally, the Nutrioso project served the common interest.

3.2.1.4 GREER WUI FUEL REDUCTION EA

Four of the six interviewees who participated in the Greer WUI Fuel Reduction EA process felt the process was inclusive. However, we had difficulty finding potential interviewees for this project more so than any of the other projects investigated in this study. Likely, the lack of available interviewees could be attributed to the lack of full-time residents in Greer, or the lack of controversy over this project (Stanley 2006). One potential interviewee indicated he did not think favorably of the Forest Service or the EA process. He did not offer an explanation for his opinion and he declined to be interviewed. One interviewee indicated the Greer project had more community participation when compared to Eagar South and Nutrioso (Ordonez 2006). A Greer Coalition (Greer community organization) member felt the Forest Service could have done a better job of notifying the public of the project meetings (Stanley 2006).

According to one interviewee, the community of Greer feels that fuel reduction is necessary in the forest adjacent to the community; thus, there is little controversy over the decision. The community of Greer is currently engaged in a dispute with the Forest Service over a land exchange (Black River Land Exchange) that is a contested and polarized issue between the community and the Forest Service. Prior to the proposed land exchange, the community of Greer had little interaction with the Forest Service. The land exchange led to repeated interactions between the Forest Service and the community of Greer, establishing a relationship. The existing relationship between the Forest Service and the community of Greer from the land exchange likely facilitated the Greer EA; a much less controversial issue, according to one interviewee (Stanley 2006).

Procedurally, the Greer WUI Fuel Reduction EA process was inclusive, according to participants. Another noteworthy detail is the lack of controversy in this project, likely contributing to the lack of interested stakeholders. Responsible and effective participation by individuals who represent the community as a whole was evident in this process. From a procedural standpoint, the Greer project represented the common interest.

3.2.2 *Substantive Test of the Common Interest*

The substantive test of the common interest helps to determine whether participants in the processes expressed valid and appropriate interests. Interviewees were asked about their interests in the processes, values, concerns with the processes, and sources of intelligence or information used to base opinions in order to judge the substantive aspect of the common interest. This information was used to determine whether their interests in the project were shared among process participants, whether these value demands were congruent with the larger goals of the community, and whether the evidence available corroborated their expectations of the project (Brunner et al. 2002: p.9).

3.2.2.1 APACHE COMMUNITY WILDFIRE PROTECTION PLAN

Interviewees had interests in the ACWPP for several different reasons. Several interviewees were retired Forest Service or state agency staff. In their retirement, they followed the same professional path, but on the private sector side or as a representative of another public agency or organization. Thus, their interests in the processes were two-fold: as a retired agency staff member who understands forest policy and as a representative of their new organization working with the Forest Service (Hoffman 2006; Remington and Bagnoli 2006; Carlson 2006). One interviewee served the dual role of Forest Service agent and town representative, as a liaison between the two organizations (Ordonez 2006). All interviewees had an interest in protecting communities from catastrophic wildfire by supporting and endorsing the plan.

Interviewees expressed concern with the health of the forest, air quality issues associated with wildfire, water quality issues associated with wildfire, protecting biodiversity, wildlife habitat, and primitive areas, economic impact of wildfire and fuel reduction work, finding industry to handle the forest products and a market for the product, public safety, monitoring of the CWPP, waste disposal problems associated with wildfire, and ensuring a democratic decision-making process (Remington and Bagnoli 2006; Carlson 2006; Ollerton 2006; James 2006; Hoffman 2006; Ordonez 2006; Palmer 2006; Campbell 2006; Schlesinger 2006). Financing of projects and the generic nature of the prescriptions in the ACWPP were other concerns that surfaced during the interviews (Carlson 2006).

Individual opinions of interviewees were based on personal experience with the recent Rodeo-Chedeski Fire and other fires in the area, site-specific information gained as a local or as a resource specialist, research and publications of scientific data from various sources, HFRA and HFI, case law, the NFMA, the NEPA, the LRMP, fire modeling, and ground proofing.

Substantively, interests seem valid and appropriate. Expectations of interviewees were warranted by the evidence available, and their value demands were reasonable and compatible with community goals (Brunner et al. 2002: p.13). Thus, the ACWPP substantively served the common interest.

3.2.2.2 EAGAR SOUTH WUI FUEL REDUCTION EA

Interviewee interests in the Eagar South WUI Fuel Reduction EA included professional interests, community interests, and personal interests. Professionally, Forest Service agents and state agency representatives who were interviewed wanted to protect the resources their agency is charged with managing (Remington and Bagnoli 2006; Buttrey 2006a; Ordonez 2006; Palmer 2006). Similarly, the environmentalist who was interviewed expressed interest in the process as an advocate with a focus on forest issues (Ryberg 2006a). Another interviewee, representing the timber industry and as an Eagar resident, participated in the process as a steward for both interests (Walker 2006).

Interviewees relied on information from HFI, HFRA, sound science, fire modeling and ground proofing, professional experience, case law, the NFMA, the NEPA, and the LRMP, public input, research compiled by the Forest Service and other sources, experience with the Rodeo-Chedeski Fire and experience with other fires in the area to base their opinions.

The environmentalist who was interviewed condemned the document because it was lacking administratively (Ryberg 2006a). He was also concerned specifically with the lack of adherence to wildlife provisions, compliance with the Record of Decision (ROD) for Amendment of Forest Plans,

requirements for species viability, water quality protection requirements, and soil productivity requirements in the Land and Resource Management Plan (LRMP) for the forest (Center for Biological Diversity 2005). The representative from the timber industry was concerned with how thinning would be conducted and how product would be housed for the pinion pine and juniper vegetative community on the forest (Walker 2006). He also expressed concern for funding of HFRA projects (Walker 2006). Other interviewees expressed concern with respect to the implementation of the policy since the legislation is fairly new (Palmer 2006; Ordonez 2006). All interviewees understood the Eagar South area to be sensitive environmentally because of steep drainages, complex soils, and threatened and endangered species known to inhabit the area. All interviewees felt a generalized prescription would be difficult to implement in the Eagar South project area, and a more site-specific and detailed approach would best serve the interests of those involved.

The objection to Eagar South caused concern among all interviewees because they knew it would either prohibit implementation of the project or delay the schedule for implementation. One interviewee felt the objection was simply a request for conversation among affected parties to work out a better solution that all could live with (Campbell 2006). The environmentalist who filed the objection specifically stated in a cover letter to the district office that he would consider withdrawing the objection if the Forest Service would address his concerns (Center for Biological Diversity no date). As of the date of this report, no informal coordination between the Forest Service and The Center for Biological Diversity has occurred; meaning there was no attempt on the part of the Forest Service or The Center for Biological Diversity to try to resolve the conflict outside of the pre-decisional appeals process (Ryberg 2006b). As the environmentalist indicated in his interview, this lack of interaction is likely to force the issue into the courts if all of his demands are not met on paper (Ryberg 2006a).

While interviewees agreed that Eagar South can be characterized as a challenging and sensitive ecological area for fuels treatment, the interest that effectively “stopped” the process with his objection, presented a zero-tolerance demand. In his letter to the Springerville Ranger District Office, the environmentalist indicated that precluding trees over 16” dbh outside of the WUI from fuels treatments would end his objection (Center for Biological Diversity no date; Ryberg 2006b). Environmental interest groups such as The Center for Biological Diversity worry about the cutting of “old growth” trees, as well as habitat for federally threatened and endangered species. According to The Center for Biological Diversity, the 16” cap on tree size for cutting is a rough way to protect both old growth and habitat (Ryberg 2006b). As a general rule of thumb, if the forest will comply with a cap on tree size removal, The Center for Biological Diversity will overlook the general administrative shortcomings in the environmental documentation, barring any gross errors or omissions on the part of the Forest Service (Ryberg 2006b). However, the Forest Service argues in certain instances the health of the forest necessitates cutting large diameter trees if they were diseased, dead, and/or growing in clusters (Copeland 2006). Moreover, the comprehensive goals of HFRA and the ACWPP allow for cutting of trees over 16” dbh in select situations, congruent with the Proposed Action for Eagar South.

According to Brunner, zero-tolerance demands are inappropriate if taken literally and at the expense of other community values (Brunner et al. 2002: p.13). A subsequent conversation with The Center for Biological Diversity revealed that they are willing to endorse the project if the Forest Service can provide evidence within the project area where cutting trees over 16” dbh is warranted (Ryberg 2006b). In other words, the environmentalists are willing to concede to other community values as long as the Forest Service can prove it is necessary. As indicated above, this informal coordination has not occurred between the Forest Service and The Center for Biological Diversity. While the initial demand to prohibit cutting of trees over 16” dbh on Eagar South appears to be a zero-tolerance demand, the underlying implications of the cap reveal the demand could be substantively valid. Furthermore, other interviewees

corroborated the environmentalists' concerns for application of prescriptions in sensitive resource areas, although they did not make zero-tolerance demands nor did they object to the project (Palmer 2006; Ordonez 2006; Walker 2006).

While the majority of participants signed off on the proposed policy (Eagar South WUI Fuel Reduction) by not objecting to the project, the objection from the environmentalist effectively stopped the process with what appeared on the surface to be a zero-tolerance demand, precluding substantive validity.

3.2.2.3 NUTRIOSO WUI FUEL REDUCTION EA

Several local residents of Nutrioso were interviewed for this project. They felt in addition to the responsibility the Forest Service has to treat the abutting forest, they had a personal responsibility to treat their land to be more fire resilient (Winn and Hughes 2006). Local residents interviewed also felt they had a personal responsibility to protect the environment that they enjoy recreationally (Denali and Denali 2006). Agency representation, expressing the values of their respective agencies, included the Arizona Game and Fish Department (AGFD), Apache County NRCO, and the Forest Service, among others. Environmental interests expressed that this project *should* have been objected based on lack of 16" dbh cap on tree size removal, however, this one "fell through the cracks" and an objection was not pursued (Ryberg 2006a).

Interviewees explained they are concerned with who benefits from the thinning project, the effect on wildlife, scars on the landscape, and the severity of the prescriptions (Winn and Hughes 2006; Denali and Denali 2006; Hoffman 2006; Ryberg 2006a). Two interviewees expressed concern that the project goals do not match the prescriptions because they were lacking site-specific data (Denali and Denali 2006). Four interviewees expressed aesthetic concerns with the prescriptions (Denali and Denali 2006; Winn and Hughes 2006). One interviewee expressed a broad policy concern when discussing the Nutrioso project. He felt that all of the HFRA funding should be directed to the WUIs and no treatments under HFRA should occur outside of the WUI. His reasoning was that you cannot be aggressive with prescribed fire on the landscape until you create conditions to safeguard communities (Hoffman 2006).

Interviewees relied on federal and state guidelines for implementing HFRA, fuel guidelines, professional experience, case law, the NFMA, the NEPA, and the LRMP, public input, research compiled by the Forest Service and other sources, experience with the Rodeo-Chedeski Fire and experience with other fires in the area to base their opinions.

Substantively, interviewee expectations are warranted by the evidence available (Brunner et al. 2002: p.13). For example, past forest policy on logging has led to cutting of forests, and evidence of past logging activities can still be seen today in the forests; corroborating aesthetic concerns. Likewise, the desire to direct all HFRA funding toward treatments within the WUI (Hoffman 2006) is validated by the recent catastrophic wildfires suffered in this area and the subsequent passage of HFRA; which is meant to prioritize fuel treatments within the WUI. Furthermore, these demands are compatible with both HFRA and the ACWPP, and participants have signed off on the policy by not objecting to the project, indicating the Nutrioso project serves the common interest substantively.

3.2.2.4 GREER WUI FUEL REDUCTION EA

The Greer WUI Fuel Reduction EA was a concern for many because of the populations of threatened and endangered species known to inhabit the area (Ordonez 2006; Remington and Bagnoli 2006). Interviewees expressed concern for protecting these species, while treating the forest to be more fire resilient (Ordonez 2006; Remington and Bagnoli 2006). Interviewees explained their interests in the process were as Forest Service agents, representing AGFD, as residents of the area, and as environmental advocates (Palmer 2006; Ordonez 2006; Remington and Bagnoli 2006; Ryberg 2006a).

Greer was not objected by the environmental community because of the cap on tree size removal that was instituted as part of the proposed action (Ryberg 2006a). Thus, environmental interests were satisfied with the project prescription. Moreover, the cap on tree size removal did not hinder the ability of the Forest Service to conduct fuels reduction in this area (Buttrey 2006b). One interviewee expressed his concern for wildlife and watershed interests. He values complying with the Endangered Species Act (ESA) as part of his role as a Forest Service agent (Ordonez 2006). One local resident that was interviewed indicated he was a proponent of the Greer project. He expressed fear of a catastrophic wildfire sweeping through his community before the Forest Service has an opportunity to implement the prescriptions (Stanley 2006).

Information used as a basis for the opinions of those interviewed includes review of the project EA, federal and state guidelines for implementing HFRA, fuel guidelines, professional experience, case law, the NFMA, the NEPA, and the LRMP, public input, research compiled by the Forest Service and other sources, experience with the Rodeo-Chedeski Fire and experience with other fires in the area.

The expectations of interviewees are warranted by available evidence such as their experience with the Rodeo-Chedeski fire (2002) and the Three Forks fire (2004), and the EA for the project. Their value demands are compatible with HFRA and the ACWPP, and the participants have signed off on the policy by not objecting (Brunner et al. 2002: p.13). For these reasons, the Greer WUI Fuel Reduction EA process was substantively valid.

3.2.3 *Pragmatic Test of the Common Interest*

The pragmatic test of the common interest addresses whether stakeholders' experience with the policy is congruent with their expectations of the policy (Brunner et al. 2002). Because none of the case studies have been implemented to date to determine whether stakeholder's experience with the policy corroborates their expectations, this test was instead focused on the decision-making process. This test also helps to identify areas where representation of stakeholders in the policy process can be improved, which interests can be discounted as no longer valid and appropriate, and which interests should be solicited for future policy processes (Brunner et al. 2002: p.14).

3.2.3.1 APACHE COMMUNITY WILDFIRE PROTECTION PLAN

All of the ACWPP interviewees felt that this process was a good decision-making process that served multiple interests. One interviewee warned that HFRA could encourage projects that do not focus on multiple interests; and instead focus on single interests if the policy is not carefully applied (Campbell 2006). He warned that timber interests could be served if the ACWPP is not facilitated as a multi-party, multi-stakeholder process where all participants can have their interests heard (Campbell 2006). Another interviewee indicated a lack of equity, in that the ACWPP served general community interests more than it served environmental interests (James 2006).

“Good” decision-making was defined by interviewees as serving multiple interests, providing an opportunity for everyone to participate, and applying sound science to come up with realistic treatments that are feasible legally and economically (Remington and Bagnoli 2006; Ollerton 2006; Carlson 2006).

Two interviewees defined successful decision-making as completion of a majority of prescribed treatments on the land (Ollerton 2006; Carlson 2006). Other interviewees described successful decision-making as accounting for timing, the results of the prescription, monitoring after the project was implemented, and requiring private property owners to maintain their property (Remington and Bagnoli 2006; Campbell 2006; James 2006).

The ACWPP decision-making process has thus far met the expectations of participants listed above. Expectations of monitoring would be met with HFRAs monitoring requirements for stewardship contracts. Participants corroborated the inclusiveness of the ACWPP process, despite low participation rates for individual citizens. Implementation of the prescriptions remains to be seen and some questions remain with respect to funding for implementation. Thus, pragmatically, the ACWPP process serves the common interest in terms of the decision-making process, but may require reassessment of the common interest if and when implementation occurs.

3.2.3.2 EAGAR SOUTH WUI FUEL REDUCTION EA

Seven of the eight interviewees felt that Eagar South WUI Fuel Reduction EA was a good decision-making process that served multiple interests. However, one environmentalist interviewed did not feel it was a good decision-making process because the proposed action did not follow the forest’s LRMP and Goshawk management requirements, among other reasons (Ryberg 2006a). Another interviewee remarked that the decision-making process got better with time; Eagar South being the last of the three EAs to be completed (Remington and Bagnoli 2006). “Good” decision-making was defined by interviewees as addressing agency concerns, involving the public, based on sound science, considering the timing of implementation, finding a home for forest products, using Best Management Practices (BMPs) in mitigating for impacts, and funding availability (Remington and Bagnoli 2006; Walker 2006; Buttrey 2006a; Palmer 2006; Campbell 2006; Ordonez 2006).

Success of a Forest Service decision was defined differently by interviewees. One single interest perspective defined the success or failure of a Forest Service decision by the amount of ecological damage that occurs as a result of that decision (Ryberg 2006a). Another said that if the NEPA document was completed with no objections and monitoring reflects that the prescription works, then it was a successful decision (Palmer 2006). One interviewee felt that successful decision-making would mean the public changed the way they viewed thinning projects in terms of aesthetic appearance and the public would understand the importance of fire on the landscape (Remington and Bagnoli 2006). Two interviewees explained that successful decision-making would mean the majority of thinned material would be removed from the forest and the prescription works to make the forest more fire resilient (Campbell 2006; Walker 2006).

Likewise, interviewees had slightly different definitions of what a “completed” project entailed. Some felt that completion of the project meant implementation of the prescription, another felt that completion is when a majority of the prescriptions are implemented because funding often hinders implementation of 100 percent of the prescriptions (Ordonez 2006; Palmer 2006; Buttrey 2006a; Remington and Bagnoli 2006). One representative from the timber industry defined a completed project as spending all of the money allotted to a task order and treating all of the acres in the task order (Walker

2006). The environmentalist who was interviewed felt completion of the project was met when the Forest Service finished logging (Ryberg 2006a).

Several interviewees felt HFRA has resulted in more collaboration in decision-making and it has streamlined the planning process (Buttrey 2006a; Campbell 2006). The focus has shifted toward treatment within the WUI, communities, and fire behavior with HFRA (Campbell 2006). Others do not feel there is a substantial difference between the Forest Service planning process before HFI and HFRA and after (Ryberg 2006a; Palmer 2006). One environmentalist interviewed insisted there was no way to bring up ecological problems outside of taking legal action with the HFRA. He felt the pre-HFRA planning process was good because it provided the public with a full document to comment on. HFRA's limits on the number of alternatives analyzed and the pre-decisional appeals process leaves the public little to comment on (Ryberg 2006a). Another interviewee countered that there is plenty of time during the abbreviated planning process to come to the table to have your concerns heard (Campbell 2006).

The interviews revealed a dichotomy of participant expectations in the Eagar South WUI Fuel Reduction EA process. Ostensibly, the environmentalist who objected to the project articulated expectations that cannot be met unless the Forest Service caters to zero-tolerance demands. Furthermore, the environmentalists' confidence in the process outside of litigation is nearly nonexistent. Therefore, the environmentalist is prone to be litigious and to forgo participation in processes that are not litigable, such as the ACWPP. One recommendation to address environmentalists' concerns is to provide more substantive information during the scoping process or redact the requirement to have administratively participated in the scoping process in order to be eligible for the pre-decisional appeals process (Ryberg 2006a). Other participants were inclined to voice their expectations for appropriate prescriptions in light of the sensitive ecosystems in Eagar South at the ACWPP meetings, during the public involvement process with the Forest Service, or one-on-one with individual Forest Service staff from the Springerville Ranger District (Campbell 2006; Walker 2006; Schlesinger 2006; Ordonez 2006).

For the most part, participants associated "success" and "completion of the project" with implementation of the prescriptions. Pragmatically, the Eagar South may suffer from a failure to successfully define the common interest in the prescriptions. There is agreement among interviewees that the Eagar South area needs to be treated, but there appears to be disagreement over the specific prescriptions. Finally, the objection by The Center for Biological Diversity will stall or prevent the project from occurring on-the-ground; counter to the goals of HFRA and the ACWPP. Therefore, pragmatically, the Eagar South WUI Fuel Reduction EA decision-making process did not serve the common interest.

3.2.3.3 NUTRIOSO WUI FUEL REDUCTION EA

Five interviewees felt the Nutrioso WUI Fuel Reduction EA was a good decision-making process that served multiple interests (Remington and Bagnoli 2006; Schlesinger 2006; Hoffman 2006; Copeland 2006; Campbell 2006). Two interviewees felt it was not a good decision-making process (Winn and Hughes 2006; Ryberg 2006a).

"Good" decision-making included addressing agency concerns, appropriate timing of implementation, finding a home for forest products, use of BMPs as mitigation for impacts, funding, diverse participation and opportunities for everyone to participate, and the project applies sound science (Remington and Bagnoli 2006; Campbell 2006; Winn and Hughes 2006; Copeland 2006). Good decisions have a clear goal and multiple alternatives, are not affected by political pressure, and consider the unintended consequences of thinning (Denali and Denali 2006). Success in a decision-making

process was explained by interviewees as the implementation of a prescription that works, having the public understand the importance of fire on the landscape and be willing to accept a change in the way the forest looks, satisfying the resource specialists by addressing their concerns and mitigating for impacts, and implementation of the prescription in a timely manner (Palmer 2006; Remington and Bagnoli 2006; Hoffman 2006; Campbell 2006). Success could be measured by the amount of ecological damage suffered as a result of a prescription (Ryberg 2006a).

Interviewees had different views of what constituted a “completed” project. Four interviewees felt that fire should be returned as a natural occurrence on the landscape (Denali and Denali 2006; Winn and Hughes 2006). Some interviewees felt that any scarring of the landscape that occurs as a result of the project should be returned to normal before a project is considered completed (Ryberg 2006a; Denali and Denali 2006). Others felt that “completion” of a project was when it was implemented on the landscape (Palmer 2006; Campbell 2006; Copeland 2006).

HFI and HFRA have focused the attention to the WUI and the communities. This has resulted in the agencies having to view projects within the WUI and near communities with a different perspective. Interviewees indicated there has been a drop in resistance by the Forest Service to including other agency members in the decision-making since HFRA was first enacted (Schlesinger 2006). Others admitted they would not be involved in a Forest Service decision-making process were it not for HFRA (Hoffman 2006). Now, more acres of Forest Service land are “NEPA-ready” because of the streamlined process and the focus on the WUI when compared with pre-HFRA status (Campbell 2006). An environmentalist interviewed for this project expressed his frustration with the new processes’ lack of avenues to bring up ecological problems with prescriptions outside of objecting and then litigating (Ryberg 2006a). When asked why he does not choose to participate in the ACWPP to bring up those concerns, he explained that his organization typically participates, although they did not participate in the ACWPP, but that he personally feels the CWPPs cannot be litigated; therefore, they are not an avenue to affect change (Ryberg 2006b).

From a pragmatic standpoint, the decision-making process for Nutrioso WUI Fuel Reduction EA seemed to corroborate the expectation of participants to affect the decision, thereby serving the common interest. A Modified Proposed Action was the “preferred alternative” in the EA, which reflected stakeholder concerns and design changes from the original proposed action.

3.2.3.4 GREER WUI FUEL REDUCTION EA

All six interviewees indicated the Greer WUI Fuel Reduction EA process served multiple interests (Buttrey 2006a; Ordonez 2006; Stanley 2006; Campbell 2006; Remington and Bagnoli 2006). Five of the six felt it was a good decision-making process (Buttrey 2006a; Ordonez 2006; Stanley 2006; Campbell 2006). One of the six indicated the Greer EA process was not as good a decision-making process as the Nutrioso or Eagar South EA processes (Remington and Bagnoli 2006). A Greer resident who was interviewed for this study felt the process could have included more public involvement. However, he felt additional public involvement would not have changed the decision (Stanley 2006). An environmentalist interviewed for this study felt the Greer EA did not follow the LRMP and the Goshawk management requirements, thus, it was not a good decision-making process. The same individual was not interested in whether the process served multiple interests (Ryberg 2006a).

Interviewees defined “good” decision-making as a multi-disciplinary approach, with stakeholder involvement, where all interested parties have an opportunity to participate (Remington and Bagnoli

2006; Buttrey 2006a; Ordonez 2006; Stanley 2006; Palmer 2006; Campbell 2006). Good decision-making was also defined as following the LRMP and threatened and endangered species management requirements for the forest (Ryberg 2006a).

Success of the decision-making process was measured with timing of implementation, finding a home for the forest products, use of BMPs in mitigating impacts, future fire seasons compared to the 2002 fire season after implementation of prescriptions, consideration of the aesthetic effects of thinning and consideration of the importance of fire on the landscape, and the amount of ecological damage as a result of a prescription (Remington and Bagnoli 2006; Buttrey 2006a; Ordonez 2006; Stanley 2006; Palmer 2006; Campbell 2006; Ryberg 2006a).

Four interviewees indicated a “completed” project is one that has been implemented on the ground (Palmer 2006; Buttrey 2006a; Remington and Bagnoli 2006; Ordonez 2006). One interviewee felt that completion of the project meant completion of the planning document including any adjustments to the plan (Stanley 2006). Another interviewee felt that the project was completed only when logging activities had stopped (Ryberg 2006a).

Two interviewees felt that HFRA has focused the attention on the WUI area and collaborative efforts (Buttrey 2006a; Remington and Bagnoli 2006). Interviewees also commented that HFRA has made the Forest Service’s planning process more transparent and has streamlined the planning process (Stanley 2006; Palmer 2006). An environmentalist who was interviewed had determined that HFRA further limits any opportunity for discussion of the ecological impacts of a project, leaving no choice but to object or litigate. The environmentalist also specified that HFRA has limited the amount of substantive information given to the public (Ryberg 2006a). Another interviewee countered that the collaborative mandated by HFRA offers an opportunity to have your concerns addressed despite the streamlined NEPA process; however, you must be willing to participate (Campbell 2006).

Some concerns were raised by interviewees regarding public outreach in the Greer decision-making process; however, they did not feel altering the public involvement would have changed the decision (Stanley 2006). Overall, the expectations of participants seem to have been met in the decision-making process, and consequently, the decision was pragmatically valid.

Table 7. Tests of the Common Interest

Case Study		Inclusive and responsible participation in the decision process. Are the effective participants responsible, in the sense that they are willing and able to serve the community as a whole and can be held accountable for the consequences of their decisions?		Valid and appropriate interests of community members. Are a person's or group's expectations warranted by the evidence available? Is the value demand compatible with more comprehensive goals? Have the participants representative of the community as a whole signed off on the policy, indicating their expectation that the policy serves the common interest?		Depends on experience that corroborates the expectations of community members who approved the policy. Where are the remaining opportunities to make participation in the decision process more representative and more responsible to the community as a whole? What interests should be discounted as no longer valid and appropriate? What emerging or otherwise neglected interests should be integrated into the next community policy?	
		Procedurally		Substantively		Pragmatically	
		Apache County CWPP	Environmental Assessment	Apache County CWPP	Environmental Assessment	Apache County CWPP	Environmental Assessment
Eagar South WUI Fuel Reduction EA	+	<p>CB, LS, JP, SC: process was inclusive.</p> <p>JP: CWPP process included more of a landscape approach which meant participation from county and local town officials, less individual citizens worried how it will affect their property.</p> <p>JP: interactions at CWPP meetings, through grant writing for small communities, also interactions at other local collaboratives of similar subject matter.</p> <p>SC: interactions at CWPP meetings, NR Working Group, other collaboratives and boards.</p>	<p>BB, DW, JP, SC: process was inclusive.</p> <p>JP: EAs included more site specific individuals participating.</p> <p>JP, CB, BB: interactions at IDT meetings.</p> <p>SC: interactions at different meetings of collaboratives along the same subject.</p>	<p>CB: representing AGFD. The project helps the FS to achieve their goals, protects communities, helps to protect wildlife habitats and considers wildlife impacts.</p> <p>VO: Acting as liaison for the town of Eagar.</p> <p>LS: Community/economy interests.</p> <p>JP: interested in supporting thinning in communities as well as FS land, to understand community needs, promote awareness of wildfire dangers, help with community grants, etc.</p> <p>SC: Interested in the big picture of the process; making it better and democratically making decisions.</p> <p>JP: no concerns with the CWPP process.</p> <p>VO: Relied on site specific information, personal experience, research and publications out of Flagstaff, and experience with the Rodeo-Chedeski fire.</p> <p>LS: Base opinions on research done by UAZ, FS work, and anecdotal evidence.</p> <p>JP: information comes from district planner, reviewing the rules and regulations, fire modeling, data from specialists, ground proofing, and personal experience with Rodeo-Chedeski Fire.</p> <p>SC: base opinions on sound science.</p>	<p>CB: representing AGFD. Fire resiliency prescribed in different ways for each EA because different people were involved; different prescriptions benefit different ecological components.</p> <p>JP: interested in getting the plan completed so that implementation can begin.</p> <p>ER: interested in the process as an environmental advocate with a focus on forest issues.</p> <p>DW: Interested because Eagar resident and forest surrounds the borders of Eagar from the south.</p> <p>BB: interests are forest resource management. Recognize the need for fuel reduction and protection of communities, ecological benefits, and protection of the watershed (high priority in Eagar South).</p> <p>VO: Interested in Eagar South as a wildlife biologist and because of threatened and endangered species.</p> <p>SC: EAs are an integral part of the overall picture. Bring a big-picture perspective to the table.</p> <p>LS: The NRCD sits on IDT for WUI projects.</p> <p>CB, BB, VO, LS: Use federal and state guidelines for implementing HFI and HFRA, fuel guidelines, direction from national associations, public opinions, environmental groups, fire chiefs, FS reports, experience with Rodeo-Chedeski Fire, anecdotal evidence, and wildlife research.</p> <p>JP: information comes from district planner, reviewing the rules and regulations, fire modeling, data from specialists, ground proofing, and personal experience with Rodeo-Chedeski Fire.</p> <p>SC: base opinions on sound science.</p> <p>DW: Base opinions on local knowledge, understanding of fuel treatments.</p> <p>ER: Base opinions on case law, NFMA, NEPA, the LRMP.</p>	<p>CB, VO, LS, JP, SC: CWPP served multiple interests, and was a good decision-making process.</p> <p>SC: good process means everyone has an opportunity to participate, and apply sound science.</p> <p>CB, LS: Project completion was completion of the CWPP.</p> <p>VO, JP: Project completion means (majority of) treatment prescriptions have been implemented.</p> <p>SC: ACWPP was easier to get people to think collaboratively because other collaboratives had been in place before the ACWPP called for a collaborative process.</p>	<p>CB, BB, VO, LS, DW, JP, SC: The project serves multiple interests, and was a good decision-making process.</p> <p>CB, DW: Decision-making process "good" because agency concerns were addressed, also timing and implementation, finding a home for all of the product, implementation of BMPs, funding, finding a market for PJ (pinion pine and juniper) all important.</p> <p>BB: The decision-making process is good if it involves the public and is based on state-of-the-art research.</p> <p>JP: good decision-making includes a multi-disciplinary approach, with stakeholder involvement.</p> <p>SC: good process means everyone has an opportunity to participate, and apply sound science.</p> <p>DW: A successful project takes the majority of the thinned material out of the forest.</p> <p>SC: successful project- prescription that is implemented works.</p> <p>CB, BB, VO: Project completion is when it is implemented.</p> <p>JP: project completion is when a majority of the prescriptions are implemented.</p> <p>DW: A completed project is when the government's money is spent and all the acres are completed on the task.</p> <p>CB: HFRA has focused the attention to the WUI area and has resulted in a paradigm shift in the thinking of the AGFD.</p> <p>BB: HFRA has resulted in more collaboration on projects.</p> <p>JP: HFRA has streamlined projects more. Not sure if better or worse than other processes, because FS processes change so frequently. HFRA has focused me on fire behavior and the impacts on communities/more of the human aspects.</p> <p>SC: HFRA was a response to the way things were happening on the landscape. More projects are being moved through the planning process than before HFRA. Despite the alternatives analysis in the</p>

Case Study		Inclusive and responsible participation in the decision process. Are the effective participants responsible, in the sense that they are willing and able to serve the community as a whole and can be held accountable for the consequences of their decisions?		Valid and appropriate interests of community members. Are a person's or group's expectations warranted by the evidence available? Is the value demand compatible with more comprehensive goals? Have the participants representative of the community as a whole signed off on the policy, indicating their expectation that the policy serves the common interest?		Depends on experience that corroborates the expectations of community members who approved the policy. Where are the remaining opportunities to make participation in the decision process more representative and more responsible to the community as a whole? What interests should be discounted as no longer valid and appropriate? What emerging or otherwise neglected interests should be integrated into the next community policy?	
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							CWPP process separate from the individual EAs, if you're willing to come to the table, you can have your concerns addressed or heard.
Eagar South WUI Fuel Reduction EA	-	<p>VO: ideally, the process would have been more inclusive by bringing the public into the decision-making more.</p> <p>SC: perhaps the real estate industry was missing from the process; but they were invited. Communities did not weigh in as much as they should.</p>	<p>CB: EAs got more inclusive with time (from Greer, to Nutrioso, to Eagar South).</p> <p>LS: process was inclusive, but required a shift in thinking on the part of the FS to accept others into decision-making process.</p> <p>VO: ideally, the process would have been more inclusive by bringing the public into the decision-making more.</p> <p>ER: The FS did not keep anyone out of the process, but they are not good about disseminating information.</p>	<p>VO: Concerned with protecting the community.</p> <p>CB: Concerned with big changes in a short period of time.</p>	<p>ER: Eagar South EA is lacking an affected environment section, FS did not allocate old growth per the 96 LRMP, FS did not show they would improve VSS classes for the goshawk, FS did not show they would increase soil productivity per 96 LRMP.</p> <p>DW: Values are as the contractor for White Mountains Stewardship Contract and concerns with what to do with pinion and juniper thinning; finding a market for it. Concerned about drainages in Eagar South. Most are dry, complex in terms of soils, and steep; creates complications for treatment.</p> <p>JP: concerned whether or not the FS is implementing HFRA correctly? Must make sure FS is following the Forest Plan.</p> <p>SC: concerned that agency panics over an objection- no need to panic. Eagar South was a big-picture approach to a site-specific area- that is why it was objected.</p>		<p>CB: The FS decision-making process got better from Greer, to Nutrioso, to Eagar South.</p> <p>ER: Not a good decision-making process because does not follow LRMP and Goshawk management requirements. Not interested in whether it serves multiple interests.</p> <p>CB: Successful project means people have to change the way they view thinning projects in terms of how the forest should look, and the public must understand the importance of fire on the landscape. Important to look at the long-term maintenance of the treatments.</p> <p>ER: Success or failure of a FS decision can be measured by the amount of ecological damage to an area; looking at Rodeo-Chedeski as a case study. Project likely won't prevent fire. Fuel break component of the prescriptions will work.</p> <p>JP: successful project means the NEPA document is completed with no problems and monitoring shows we are doing the right thing.</p> <p>ER: Project is completed when the FS has finished logging.</p> <p>VO: Not a significant difference between the EA process before and after HFRA; maybe just in time period.</p> <p>ER: With HFRA, there is no way to bring up ecological problems outside of legal action. The pre-HFRA decision-making process was good; there needs to be a document for the public to comment on before precluding them from the appeals/objection process. HFRA made changes to the use of CEs, but that was overturned in court recently; CEs likely won't be used anymore. HFRA changed the CFR 218 projects- FS only give the public a proposed action, not a full EA to comment on. The scoping report is not specific enough to provide substantive comments; only option is to object.</p> <p>SC: HFRA will accomplish its goals but not in 5 years as planned by the Act; 15 maybe.</p>
		CB, LS, SC: process was inclusive. SC: interactions at CWPP meetings, NR	RW, BH, DD, LD, JC, SC: process was inclusive.	CB: representing AGFD. The project helps the FS to achieve their goals, protects communities, helps to	CB: representing AGFD. Fire resiliency prescribed in different ways for each EA because	CB, LS, DH, SC: CWPP good decision-making process, and served multiple	CB, LS, DH, JC, SC: Good decision-making process, serves multiple interests.

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Nutrioso WUI Fuel Reduction EA	+	Working Group, other collaboratives and boards.	ER: The FS did not keep anyone out of the process and they did not try to hide anything about the project. RW, BH, DD, LD: Interacted with FS agents, neighbors, and community association, local fire department (DD). JC: High level of interaction with other stakeholders. Interactions include answering questions from citizens regarding specific concerns they have about prescriptions in specific locations. SC: interactions at different meetings of collaboratives along the same subject.	protect wildlife habitats and considers wildlife impacts. SC: Interested in the big picture of the process; making it better and democratically making decisions. DH: interested as someone who lives on land surrounded by national forest, as a former FS agent, as an environmentalist, and interested in how communities protect themselves from wildfire. LS, DH: No concerns with the CWPP. LS: Base opinions on research done by UAZ, FS work, and anecdotal evidence. DH: Base opinions on readings, educational background in forestry, career experience, specialists reports, etc. SC: base opinions on sound science.	different people were involved; different prescriptions benefit different ecological components. RW, BH: Feel there is a degree of personal responsibility when living on the interface. DD, LD: Interested as a concerned citizen, live in the interface, and recreationally. Feel it is their responsibility to help protect the natural environment. SC: EAs are an integral part of the overall picture. Bring a big-picture perspective to the table. LS: The NRCDC is a cooperating agency with the FS, so we site on the IDT for all FS projects within our district. DH: interested as someone who lives on land surrounded by national forest, as a former FS agent, environmental interests, and interested in how communities protect themselves from wildfire. JC: Interested as the IDT leader on Nutrioso WUI and as a FS agent. Wanted to have a good process and a good project. LS: No concerns with individual EAs. CB, LS, JC: Use federal and state guidelines for implementing HFI and HFRA, fuel guidelines, direction from national associations, public opinions, environmental groups, fire chiefs, FS reports, experience with Rodeo-Chedeski Fire, anecdotal evidence, and wildlife research. SC: base opinions on sound science.	interests. LS: CWPP process was completed once the plan was finalized. DH: good decision-making process characterized by coming up with realistic treatments that are feasible, legally and economically. SC: good process means everyone has an opportunity to participate, and apply sound science. SC: ACWPP was easier to get people to think collaboratively because other collaboratives had been in place before the ACWPP called for a collaborative process.	CB: Decision-making process "good" because agency concerns were addressed, also timing and implementation, finding a home for all of the product, implementation of BMPs, funding, finding a market for PJ (pinion pine and juniper) all important. SC: good process means everyone has an opportunity to participate, and apply sound science. DH: Project could work; depends on funding and realistic prescriptions. SC: successful project- prescription that is implemented works. CB: Successful project means people have to change the way they view thinning projects in terms of how the forest should look, and the public must understand the importance of fire on the landscape. Important to look at the long-term maintenance of the treatments. JC: Success is determined if the resource specialists are satisfied that we addressed their concerns and mitigated for impacts, and did not ignore anyone's concerns. DH: A successful project would be implemented in a timely manner and would be effective in protecting the community. CB, DH, JC: Project completion is when it is implemented. CB: HFRA has focused the attention to the WUI area and has resulted in a paradigm shift in the thinking of the AGFD. LS: There has been a drop in resistance for the abbreviated process for NEPA under HFRA. DH: HFRA changed my involvement in this process; would not have been involved otherwise. JC: This project was just as good as other FS decision-making processes. HFRA has not changed the way the FS makes decisions substantially. SC: HFRA was a response to the way things were happening on the landscape. More projects are being moved through the planning process than before HFRA. Despite the alternatives analysis in the

Case Study		Inclusive and responsible participation in the decision process. Are the effective participants responsible, in the sense that they are willing and able to serve the community as a whole and can be held accountable for the consequences of their decisions?		Valid and appropriate interests of community members. Are a person's or group's expectations warranted by the evidence available? Is the value demand compatible with more comprehensive goals? Have the participants representative of the community as a whole signed off on the policy, indicating their expectation that the policy serves the common interest?		Depends on experience that corroborates the expectations of community members who approved the policy. Where are the remaining opportunities to make participation in the decision process more representative and more responsible to the community as a whole? What interests should be discounted as no longer valid and appropriate? What emerging or otherwise neglected interests should be integrated into the next community policy?	
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Nutrioso WUI Fuel Reduction EA	-	<p>DH: Not sure a lot of organizations were invited to the table. Kept other environmental organizations informed of the process. The county felt to have a chance at federal funding they needed buy-in from all stakeholders, so process was meant to be very inclusive. Interactions with other stakeholders include local ranching family because I had knowledge they could gain from, public meetings, social gatherings, writing comments and meetings with the county about the plan. SC: perhaps the real estate industry was missing from the process; but they were invited. Communities did not weigh in as much as they should.</p>	<p>CB: EAs got more inclusive with time (from Greer, to Nutrioso, to Eagar South). RW, BH, DD, LD: Inclusiveness of the process was not transparent. JC: some environmental interests did not participate, even though they were invited to participate. DH: Not sure a lot of organizations were invited to the table. ER: The Center for Biological Diversity does not trust the A-S NFs, because they are not good about disseminating information. LS: process was inclusive, but required a shift in thinking on the part of the FS. Some were not happy that NRDC was going to be part of the IDT. CB: Little interaction with other stakeholders. Have had some interaction with locals, and White Mountain Stewardship Monitoring Board. ER: Very little interaction on projects other than with the FS agents; occasionally work with other citizens representing environmental interests.</p>	<p>CB: Concerned with big changes in a short period of time. DH: Concerned with protecting the primitive areas, concerned the CWPPs are done on such a large scale geographically, need to think of realistic alternatives to logging roads. HFRA should focus entirely on WUIs; no treatments outside of WUIs.</p>	<p>ER: Staff attorney for The Center for Biological Diversity with a focus on forest issues and environmental advocacy. RW, BH: Concerned with effects on wildlife, scars on the landscape, and severity of thinning prescriptions. DD, LD: Concerned that goals do not match the prescription, lacking specific information. Concerned that new logging roads will open up areas, forest should not be made to look like a city park. DH: Environmental organizations are willing to accept a range of treatments within the WUI, beyond that, there are concerns for impacts. Concerns for maintaining roadless areas; limits treatment possibilities. HFRA should focus entirely on WUIs; no treatments outside of WUIs. Cannot be aggressive with fire treatments until you create conditions to safeguard communities. ER: Nutrioso was not objected to by CBD; but should have been. ER: Base opinions on case law, NFMA, NEPA, the LRMP.</p>	<p>DH: Serves multiple interests, but HFI can encourage projects that do not focus on multiple interests; instead focus on single interests.</p>	<p>CWPP process separate from the individual EAs, if you're willing to come to the table, you can have your concerns addressed or heard.</p> <p>CB: The FS decision-making process got better from Greer, to Nutrioso, to Eagar South. DD, LD: Feel it is too early to tell if it was a good decision-making process. RW, BH: not a good decision-making process. ER: Not a good decision-making process because does not follow LRMP and Goshawk management requirements. Not interested in whether it serves multiple interests. DH, DD, LD, RW, BH: HFI can encourage projects that do not focus on multiple interests; instead focus on single interests. RW, BH: "good" decision-making process would have had a clear goal and multiple alternatives. RW, BH, DD, LD: Decision-making should not be affected by political pressure. Need to look at unintended consequences of thinning. ER: Success or failure of a FS decision can be measured by the amount of ecological damage to an area; looking at Rodeo-Chedeski as a case study. Project likely won't prevent fire. Fuel break component of the prescriptions will work. DD, LD, RW, BH: Ultimately, fire should be returned as a natural occurrence on the landscape. DD, LD: A completed project would mean everything was returned to normal, including rehabilitation of scars from temporary logging roads. ER: Project is completed when the FS has finished logging. DD, LD: Compared to experience with other FS decision-making processes, not sure how things have changed with HFRA because District Rangers have changed too. ER: With HFRA, there is no way to bring up ecological problems outside of legal action. The pre-HFRA decision-making process was good; there needs to be a document for the public to comment on before precluding them from the appeals/objection process. HFRA made changes to the use of CEs, but that was overturned in court recently; CEs likely</p>

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							won't be used anymore. HFRA changed the CFR 218 projects- FS only give the public a proposed action, not a full EA to comment on. The scoping report is not specific enough to provide substantive comments; only option is to object.
Greer WUI Fuel Reduction EA	+	<p>CB, JP, SC: process was inclusive.</p> <p>VO: Interacted with stakeholders through council meetings on the status of the projects.</p> <p>JP: CWPP process included more of a landscape approach which meant participation from county and local town officials, less individual citizens worried how it will affect their property.</p> <p>JP: interactions at CWPP meetings, through grant writing for small communities, also interactions at other local collaboratives of similar subject matter.</p> <p>SC: interactions at CWPP meetings, NR Working Group, other collaboratives and boards.</p>	<p>BB, RS, JP, SC: process was inclusive.</p> <p>BB: Interactions include calls from local citizens, interactions at public meeting, and IDT meetings.</p> <p>SC: interactions at different meetings of collaboratives along the same subject.</p> <p>JP: interactions at IDT meetings.</p> <p>RS: Interactions with the county and others from the Greer Coalition for this project.</p> <p>ER: The FS did not keep anyone out of the process and they did not try to hide anything about the project.</p> <p>VO: Interactions with AGFD who understood the prioritization of these projects.</p> <p>JP: EAs included more site specific individuals participating.</p>	<p>CB: representing AGFD. The project helps the FS to achieve their goals, protects communities, helps to protect wildlife habitats and considers wildlife impacts.</p> <p>SC: Interested in the big picture of the process; making it better and democratically making decisions.</p> <p>VO: Acting as liaison for the town of Eagar, informing them of the processes that were going on, significance of them, and why community should participate and be concerned. Concerned with protecting the community.</p> <p>JP: interested in supporting thinning in communities as well as FS land, to understand community needs, promote awareness of wildfire dangers, help with community grants, etc.</p> <p>JP: no concerns with the CWPP process.</p> <p>VO: ACWPP captured details well with room to adapt the prescriptions to site specific EAs.</p> <p>VO: Relied on site specific information, personal experience, research and publications out of Flagstaff, and experience with the Rodeo-Chedeski fire.</p> <p>JP: information comes from district planner, reviewing the rules and regulations, fire modeling, data from specialists, ground proofing, and personal experience with Rodeo-Chedeski Fire.</p> <p>SC: base opinions on sound science.</p>	<p>CB: representing AGFD. Fire resiliency prescribed in different ways for each EA because different people were involved; different prescriptions benefit different ecological components.</p> <p>JP: interested in getting the plan completed so that implementation can begin.</p> <p>VO: Interested in Greer because of threatened and endangered species. It is important to restore the land to where it can withstand the impacts of wildfire.</p> <p>BB: Resource specialist on this project, interested in forest resource management, recognizes the need for fuel reduction and protection of communities, ecological benefits, and protection of the watershed.</p> <p>RS: Interested in Greer because we are very close to the forest and we are in a drought.</p> <p>SC: EAs are an integral part of the overall picture. Bring a big-picture perspective to the table.</p> <p>RS: We are concerned with having a forest that is cleaned up and not susceptible to fire. Concerns come from experience; the Rodeo-Chedeski fire came within 30 miles of Greer. We want to feel safe.</p> <p>BB, RS: No concerns with the process.</p> <p>CB, BB, VO: Use federal and state guidelines for implementing HFI and HFRA, fuel guidelines, direction from national associations, public opinions, environmental groups, fire chiefs, Forest Service documents, personal experience with the Rodeo-Chedeski Fire, and wildlife research.</p> <p>JP: information comes from district planner, reviewing the rules and regulations, fire modeling, data from specialists, ground proofing, and personal experience with Rodeo-Chedeski Fire.</p> <p>RS: Based our opinions on the EA that was sent to Greer Coalition.</p> <p>SC: base opinions on sound science.</p>	<p>CB, VO, JP, SC: CWPP was a good decision-making process that served multiple interests.</p> <p>VO, JP: Successful project means (majority of) treatments have been completed.</p> <p>SC: good process means everyone has an opportunity to participate, and apply sound science.</p> <p>SC: ACWPP was easier to get people to think collaboratively because other collaboratives had been in place before the ACWPP called for a collaborative process.</p>	<p>CB: The project serves multiple interests. BB, VO, RS, JP, SC: Good decision making process that serves multiple interests.</p> <p>SC: good process means everyone has an opportunity to participate, and apply sound science.</p> <p>JP: good decision-making includes a multi-disciplinary approach, with stakeholder involvement.</p> <p>CB: A successful project depends on timing and implementation, finding a home for all of the product, implementation of BMPs, funding, finding a market for PJ (pinion and juniper).</p> <p>RS: Success of a decision would be measured by the extent of forest fires over the 10 years following implementation; all could be measured against the 2002 fire season.</p> <p>SC: successful project- prescription that is implemented works.</p> <p>JP: project completion is when a majority of the prescriptions are implemented.</p> <p>CB, BB, VO: Project completion is when it is implemented.</p> <p>RS: A completed project is when the FS has completed the planning or they have completed adjustments to the plan.</p> <p>CB: HFRA has focused the attention to the WUI area and has resulted in a paradigm shift in the thinking of the AGFD.</p> <p>BB: The decision-making process is good if it involves the public and is based on state-of-the-art research.</p> <p>BB: A successful project would be implemented and result in fuel reduction.</p> <p>BB: HFRA has resulted in more collaboration on projects.</p> <p>RS: This project was better than other interactions with the FS; although it was not as contentious. HFRA has helped the</p>

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Greer WUI Fuel Reduction EA	+						<p>FS because people can see what they are doing and why it is necessary.</p> <p>JP: HFRA has streamlined projects more. Not sure if better or worse than other processes, because FS processes change so frequently. HFRA has focused me on fire behavior and the impacts on communities/more of the human aspects.</p> <p>VO: Eagar South was focused and so we were able to get through the EA process quickly when compared to pre-HFI projects.</p> <p>SC: HFRA was a response to the way things were happening on the landscape. More projects are being moved through the planning process than before HFRA. Despite the alternatives analysis in the CWPP process separate from the individual EAs, if you're willing to come to the table, you can have your concerns addressed or heard.</p>
Greer WUI Fuel Reduction EA	-	<p>VO: ideally, the process would have been more inclusive by bringing the public into the decision-making more.</p> <p>SC: perhaps the real estate industry was missing from the process; but they were invited. Communities did not weigh in as much as they should.</p>	<p>VO: ideally, the process would have been more inclusive by bringing the public into the decision-making more. Greer had more community participation compared to the other EAs.</p> <p>RS: The FS could have been better about notification of meetings.</p> <p>CB: EAs got more inclusive with time (from Greer, to Nutrioso, to Eagar South). CB: Little interaction with stakeholders. Have had some interaction with locals, and White Mountain Stewardship Monitoring Board.</p> <p>ER: The Center for Biological Diversity does not trust the A-S NFs, because they are not good about disseminating information.</p> <p>ER: Very little interaction on projects other than with the FS agents; occasionally work with other citizens representing interests.</p>	<p>CB: Concerned with big changes in a short period of time.</p>	<p>VO: Concerned with protecting wildlife, the watershed, and making sure FS complies with the ESA.</p> <p>ER: Staff attorney for The Center for Biological Diversity with a focus on forest issues, and environmental advocacy.</p> <p>ER: Greer was not objected to. Base opinions on case law, NFMA, NEPA, the LRMP.</p>	<p>CB: The FS decision-making process got better from Greer, to Nutrioso, to Eagar South.</p> <p>RS: The decision-making process could have included more public involvement; but it would not have changed anything.</p> <p>ER: Not a good decision-making process because does not follow LRMP and Goshawk management requirements. Not interested in whether it serves multiple interests.</p> <p>CB: Successful project means people have to change the way they view thinning projects in terms of how the forest should look, and the public must understand the importance of fire on the landscape. Important to look at the long-term maintenance of the treatments.</p> <p>ER: Success or failure of a FS decision can be measured by the amount of ecological damage to an area; looking at Rodeo-Chedeski as a case study. Project likely won't prevent fire. Fuel break component of the prescriptions will work.</p> <p>ER: Project is completed when the FS has finished logging.</p> <p>ER: With HFRA, there is no way to bring up ecological problems outside of legal action. The pre-HFRA decision-making process was good; there needs to be a document for the public to comment on before precluding them from the appeals/objection process. HFRA made changes to the use of CEs, but that was</p>	

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		Apache County CWPP	Environmental Assessment	Apache County CWPP	Environmental Assessment	Apache County CWPP	Environmental Assessment
							overturned in court recently; CEs likely won't be used anymore. HFRA changed the CFR 218 projects- FS only give the public a proposed action, not a full EA to comment on. The scoping report is not specific enough to provide substantive comments; only option is to object.
Apache County CWPP only	+	<p>RR, BJ, MO, HC: Process was inclusive. HC: not a lot of private citizens participated. BJ: Interacted with Richard Remington, attended meetings of local collaboratives that address wildfire issues.</p> <p>MO: Interactions include citizens asking questions of the county about next steps for the project. The county adopted the CWPP as part of their Comprehensive Plan which meant even more public involvement.</p> <p>HC: Interacted with other FS agents and community members during the CWPP meetings.</p>		<p>RR: Interested as a retired AGFD agent and as a private consultant who created the CWPP. HC: Interested in getting fuel reduction programs implemented by supporting/endorsing the plans, etc. and promoting the process. MO: Attended the CWPP meetings for the county. RR: Use federal and state guidelines for implementing HFI and HFRA, fuel guidelines, direction from national associations, public opinions, environmental groups, and fire chiefs. BJ: Attended a few meetings and read the CWPP for Apache County. HC: Based this on his experience as a FS agent previously and as the fire chief for Eagar. SC: base opinions on sound science.</p>		<p>RR, MO, HC: It was a good decision-making process that served multiple interests. BJ: The plan served general community interests. HC, BJ: good decision-making process because it captured the needs of a variety of interests. RR: A successful project would take into account timing, the results of the prescription, and successful monitoring after the project was implemented. MO: A successful project is when its implemented and private property owners maintain their property. MO, HC: A completed project is when the thinning work has been done. RR: Completion of the project was the completion of the CWPP. RR: FS collaborative processes have improved over time. The CWPP helped bring together interests having to do with the WUI, so the group was not too diverse. This process should help to facilitate future interactions between the public and the FS. RR: HFRA has changed FS decision-making in that it requires collaboration. BJ: HFRA has not changed the way AZ DEQ does business, but has increase awareness of the effects of catastrophic wildfire. MO: The county's involvement in the process is because of HFRA; normally, the county would not be involved in FS decision-making. HC: This process was not any different than other FS decision-making processes that he participated in the past. Interactions as the fire chief have not changed as a result of HFRA. The FS is able to accomplish some treatment on the ground as a result of HFRA.</p>	

Case Study		Inclusive and responsible participation in the decision process. Are the effective participants responsible, in the sense that they are willing and able to serve the community as a whole and can be held accountable for the consequences of their decisions?		Valid and appropriate interests of community members. Are a person's or group's expectations warranted by the evidence available? Is the value demand compatible with more comprehensive goals? Have the participants representative of the community as a whole signed off on the policy, indicating their expectation that the policy serves the common interest?		Depends on experience that corroborates the expectations of community members who approved the policy. Where are the remaining opportunities to make participation in the decision process more representative and more responsible to the community as a whole? What interests should be discounted as no longer valid and appropriate? What emerging or otherwise neglected interests should be integrated into the next community policy?	
		Procedurally		Substantively		Pragmatically	
		Apache County CWPP	Environmental Assessment	Apache County CWPP	Environmental Assessment	Apache County CWPP	Environmental Assessment
Apache County CWPP only	-			<p>HC: attended a few of the meetings.</p> <p>BJ: AZ DEQ concerned with the health of the forest, air quality issues associated with wildfire, water quality impacts, public safety (protecting communities), and waste disposal problems.</p> <p>RR: Concerned with wildfire protection for local communities, biodiversity, and watershed interests. Concerned with the monitoring of the CWPP.</p> <p>MO: Concerns for private property that neighbors much of the forest and sits within the county.</p> <p>Guidance and direction is needed to address protection from wildfires, need to protect the forest because it has economic importance for the area.</p> <p>HC: Concerned that some of the plan is too generic, and that the logging industry does not exist to handle what needs to be accomplished. Concern about financing the projects; need money to implement the plans.</p>		<p>RR: The projects will work although people generally don't like the way it looks at first.</p> <p>BJ: The process revealed the needs of the communities; not sure if it was successful.</p> <p>BJ: The CWPP is completed, but likely an iterative process adapting as conditions change on the landscape.</p>	

4.0 DISCUSSION

Table 8 provides a summary of the common interest in the three EA case studies and the ACWPP process.

Table 8. Summary of Common Interest Tests

	Eagar South WUI Fuel Reduction EA	Nutriosos WUI Fuel Reduction EA	Greer WUI Fuel Reduction EA	Apache County CWPP
Procedural	<ul style="list-style-type: none"> ▪ Process was inclusive in participation ▪ Participants were representative of and responsible to the community 	<ul style="list-style-type: none"> ▪ Forest Service conducted multiple meetings and met with stakeholders one-on-one ▪ Participants included local community organization, as well as agency members ▪ Environmentalists were invited to participate but were not active in the project ▪ Community members had affiliations with environmental organizations and served dual roles representing both ▪ Participants were responsible to the community for the consequences of their decisions 	<ul style="list-style-type: none"> ▪ Previous controversy over a land exchange fostered relationship-building between the community and the Forest Service ▪ Participation was inclusive although some concern was raised with notification of upcoming public involvement activities ▪ Participants were representative of and responsible to the community 	<ul style="list-style-type: none"> ▪ Process had inclusive and responsible participation although environmental interests and individual citizens had limited participation ▪ Majority of participants were federal and local government officials representing the interests of local citizens and their respective agency missions

	Eagar South WUI Fuel Reduction EA	Nutriosos WUI Fuel Reduction EA	Greer WUI Fuel Reduction EA	Apache County CWPP
Substantive	<ul style="list-style-type: none"> ▪ Participant expectations include administrative comprehensiveness in documentation, the method of conducting thinning and the logistics of finding a home for the forest products, institution of a cap on tree size removal, project funding, protecting ecologically sensitive areas in Eagar South ▪ Evidence includes past Forest Service decisions, recent catastrophic wildfires, local knowledge and ecological studies conducted in the project area ▪ Participant's value demands were not all taken into account in the Proposed Action ▪ Project has been objected by environmentalists, thus they have not signed off on the policy 	<ul style="list-style-type: none"> ▪ Participants expectations include treating the forest to be more fire resilient, treat private land abutting the forest, protection of biodiversity and aesthetics of the forest, that the timber industry does not benefit from the policy at the expense of other values ▪ Evidence includes recent catastrophic wildfires, past Forest Service decisions, ecological studies conducted in the project area ▪ Participant's value demands were taken into account in the Modified Proposed Action and were compatible with the goals of HFRA and the ACWPP ▪ None of the participants have objected, indicating their acceptance of the project 	<ul style="list-style-type: none"> ▪ Participant expectations included protecting T&Es in the project area, their habitat, protecting old growth, and treating the land to be more fire resilient ▪ Evidence included their experiences with recent catastrophic wildfires, experience with other Forest Service decisions, and studies conducted for the project ▪ Participant's value demands were reasonable and compatible with the goals of HFRA and the ACWPP ▪ None of the participants objected to the decision, indicating their acceptance 	<ul style="list-style-type: none"> ▪ Participant concerns and expectations were warranted based on available evidence ▪ Evidence included their experiences with recent catastrophic wildfires, the existing ecosystem conditions in the county, and anticipated future threat of wildfire due to drought conditions ▪ Participant's value demands were reasonable and compatible with the goals of HFRA
Pragmatic	<ul style="list-style-type: none"> ▪ Pragmatically, Eagar South suffers from a failure to successfully define the common interest in the prescriptions 	<ul style="list-style-type: none"> ▪ From a pragmatic standpoint, the decision-making process for Nutriosos WUI Fuel Reduction EA corroborate the expectation of 	<ul style="list-style-type: none"> ▪ Pragmatically, the expectations of participants were addressed in the decision-making process, although a concern was 	<ul style="list-style-type: none"> ▪ All participants felt the decision-making process was good and served multiple

	Eagar South WUI Fuel Reduction EA	Nutriosos WUI Fuel Reduction EA	Greer WUI Fuel Reduction EA	Apache County CWPP
Pragmatic	<ul style="list-style-type: none"> ▪ The objection by The Center for Biological Diversity will stall or prevent the project from occurring on-the-ground; counter to the goals of HFRA and the ACWPP ▪ Single interests are prohibiting other interests from being served 	<p>participants to affect the decision</p> <ul style="list-style-type: none"> ▪ A Modified Proposed Action was the “preferred alternative” in the EA, which reflected stakeholder concerns and design changes from the original proposed action 	<p>raised about the public involvement in the Greer decision-making process</p>	<p>interests</p> <ul style="list-style-type: none"> ▪ The ACWPP decision-making process has met the expectations of participants

The common interest in the case of the ACWPP is to produce a CWPP that will get funding from Congress for treatment of the communities in the White Mountains. Interviewees felt that buy-in from all interests is necessary to ensure funding, and prescriptions that are detailed enough to be useful for the site-specific EAs must be developed (Remington and Bagnoli 2006; Campbell 2006). The common interest for the Greer, Nutriosos, and Eagar South WUI Fuel Reduction EAs is also to protect both the human and natural communities. The economies of Greer and Nutriosos rely heavily on the recreational amenities the forest brings them (Campbell 2006). The forest brings a boost to the economy of Eagar as well with hunting and grazing permits (Campbell 2006). Interviewees who participated in the three EAs understood the need to treat within and surrounding the WUI areas, but expressed concern with “extreme” prescriptions that could give the forest an urban park-like appearance (Denali and Denali 2006; Winn and Hughes 2006). They were also concerned with timing, funding of treatments, monitoring and accountability (Ordonez 2006; Walker 2006; Ollerton 2006; Hoffman 2006).

In the case of the ACWPP, interviewees indicated the process was procedurally valid. The process was inclusive, with participation from local fire chiefs, Forest Service personnel, the timber industry, county and town officials, and state environmental agencies. Environmentalists and individual citizens were missing or in limited number based on the sign-in sheets from the ACWPP meetings. Environmentalists interviewed indicated they participated in nearby CWPP efforts and they disseminated information about the process through the environmental community. Similarly, individual citizens may have felt their interests were represented, and therefore declined to come to the meetings (Ordonez 2006; Campbell 2006). Some hypothesized this could be attributed to the large scale of the planning effort (Palmer 2006). Substantively, all interviewees expressed a desire to help the communities and protect the environment. Many participants were environmental professionals who lived in the area and had been affected by previous wildfires (Remington and Bagnoli 2006; Carlson 2006; Ollerton 2006). Pragmatically, all participants interviewed believed the ACWPP was a good decision-making process that served multiple interests. Based on the three tests, the common interest was served in the ACWPP process. However, some concerns remain about the application of the prescriptions in the ACWPP to site-specific projects, and the disconnect between

the population who participated in the ACWPP and the population who participated in the site-specific EAs.

Procedurally, the Greer, Nutrioso, and Eagar South WUI Fuel Reduction EAs attracted more site-specific participation compared to the ACWPP, which represented a larger geographic area. Those who participated in the EAs did not necessarily participate in the ACWPP, which functions as the alternatives-development portion of the NEPA analysis. The participants in the EA processes did not rely on Forest Service public involvement activities exclusively; rather, they often called the district office to speak to Forest Service staff when they had a question about the project and relied on the scoping letter for project information (FOIA Request 2006). The three EAs and the ACWPP included participants, representative of the community as a whole, who were accountable for the consequences of their decisions.

The Greer EA was substantively valid in that participants agreed on the need for implementation of the prescriptions, the project was not controversial, and all valid and appropriate interests were considered in the process. In anticipation of environmentalists' demands, the Forest Service adopted a diameter cap on harvesting trees in the Greer area, which likely helped in avoiding objections from environmental groups (Buttrey 2006a). In fact, in a comment response letter to the file, the Forest Service responded that one reason for the diameter cap is to prevent objections to harvesting large-diameter trees that would delay implementation (FOIA Request 2006). Interviewees indicated their support of the project and the desire to rush implementation, consistent with the goals of HFRA and the ACWPP.

The Nutrioso EA included more in-depth public involvement activities and a modified proposed action that took into account the concerns of the public and resource specialists. Having experienced the Three Forks Fire in 2004 that nearly evacuated the community of Nutrioso, residents understood the need to treat the WUI; however, they were concerned with impacts to sensitive environmental resources (Denali and Denali 2006; Winn and Hughes 2006). Substantively, their value demands are compatible with the overall goals of HFRA and the ACWPP; thus, their interests are considered valid and appropriate.

Substantively, participants in the Eagar South EA had expectations that were warranted given their experiences with recent catastrophic wildfires, past Forest Service decisions, local knowledge, and environmental studies that have been conducted in the area. The substantive test of the common interest failed in the case of Eagar South because not all valid and appropriate interests signed off on the policy. In fact, the objection filed by The Center for Biological Diversity precluded the substantive validity of the other interests because it effectively stopped the decision-making process. Ostensibly, their objection listed administrative shortcomings while they really felt the Forest Service's adoption of a diameter cap on tree size removal would be sufficient to withdraw their objection (Center for Biological Diversity no date). A subsequent conversation with a representative of The Center for Biological Diversity revealed their "zero-tolerance" demand is not as it seems. The environmentalist indicated they would, in fact, welcome ecological discussions with the Forest Service about the proposed action (Ryberg 2006b). The environmentalist would endorse an informal dispute resolution where the Forest Service identifies locations in the project area where there is a need to cut trees over 16" dbh (Ryberg 2006b). Both the HFRA and the ACWPP allow cutting of trees over 16" dbh in certain situations.

Pragmatically, most interviewees felt the EAs for Greer, Nutrioso, and Eagar South were good decision-making processes that served multiple interests. Some interviewees felt the decision-making processes got better with time and experience (Remington and Bagnoli 2006). However, this would mean the "best" decision-making process of the three was objected. The Eagar South EA was an

exception where several interviewees felt the complex nature of the project area was not protected with the proposed action (Ordonez 2006; Campbell 2006; Ryberg 2006a; Walker 2006). Similar concerns were raised on the Nutrioso project (Denali and Denali 2006; Winn and Hughes 2006). The concerns on Nutrioso were negotiated or worked through during the Forest Service's public involvement activities, resulting in a Modified Proposed Action.

The Center for Biological Diversity explained that project scoping information does not provide enough detail on the proposed action for the public to provide substantive comments (Ryberg 2006a). While this is a valid concern, The Center for Biological Diversity cites any deviation from the forest's LRMP, NEPA process, and threatened and endangered species recovery plans to base their objections (Ryberg 2006a). Pragmatically, their objection stopped the decision-making process, impeding the value demands of other interests from factoring into the decision-making. The resolution to the objection is then solely between the Forest Service and the objector.

The decision-making for the Greer and Nutrioso WUI Fuel Reduction projects served the common interest pragmatically, substantively, and procedurally. Some concerns were raised with the Greer decision-making process about advertisement of public involvement activities; although the interviewee did not feel it would have affected the decision (Stanley 2006). On the Nutrioso project, the majority of concerns that were raised during the EA process were addressed with the Modified Proposed Action; a deviation from the initial Proposed Action. Interviewees expressed concern with the Eagar South WUI Fuel Reduction decision-making process pragmatically because of the need to implement prescriptions that reflect the complexity of the area's ecology (Campbell 2006; Ryberg 2006a; Ordonez 2006; Walker 2006). Likewise, the public commented on the Eagar South EA that the proposed action does not adequately protect the natural environment (FOIA Request 2006). Substantively there is evidence to support that concern for the sensitive nature of the Eagar South area is valid and appropriate. Environmentalist's demands to follow the forest's LRMP and protect federally threatened and endangered species known to inhabit the area and their habitat are compatible with HFRA and the ACWPP. However, the demand to institute a 16" dbh cap on tree size removal is not congruent with HFRA and the ACWPP, which allow some large tree removal if certain criteria are met. And substantively, the participants have not signed off on the policy because it was objected. Thus, the Eagar South EA does not represent the common interest because pragmatic and substantive criteria for the common interest were not met.

According to interviewees, the HFRA has resulted in an increase in the number of acres of treatment prescribed by the Forest Service going through the NEPA process (Campbell 2006; Walker 2006). Roughly 70,000 to 100,000 acres of land within the A-S National Forest is "NEPA-ready" and waiting for funding to be implemented (Walker 2006; Campbell 2006). However, this alone does not address the perceived "analysis paralysis" that has plagued the Forest Service. Furthermore, interviewees suggested the low likelihood that all of the acres in a proposed action would be treated during implementation because of funding shortages (Walker 2006; Palmer 2006). Therefore, while HFRA appears to have increased the number of acres that are addressed by NEPA and could be treated, it is unclear whether the actual implementation will take place; thus it is unclear whether expectations will be met pragmatically under HFRA.

According to interviewees, HFRA shifted the focus of the Forest Service NEPA planning from ecosystem management area analyses to conducting analyses within and near the WUI (Buttrey 2006a; Hoffman 2006). The ACWPP was a critical milestone for the Greer, Nutrioso, and Eagar South WUI Fuel Reduction projects because it allowed them to be planned under HFRA. In terms of the actual time process to complete the NEPA analysis, there is only a 30-day savings with HFRA

(15-day savings with the new pre-decisional appeals process, and 15 day savings during the resolution) when compared to the pre-HFRA NEPA planning process.

Opponents of HFRA argue that streamlining the NEPA process takes public involvement out of the decision-making (Ryberg 2006a). This study supports that there is a disassociation between those who participated in the ACWPP process and those who participated in the site-specific EAs. However, interviewees demonstrated that they seem willing, by not participating, to allow government and agency representatives to speak for their interests in the larger ACWPP process, whereas, on a site-specific level, interviewees tended to involve themselves in the decision-making process. Moreover, environmentalists did not attend the ACWPP meetings according to the sign-in sheets; a potential outlet to have their concerns heard.

One environmentalist interviewed for this project felt HFRA forced the public to comment on insufficient scoping information (Ryberg 2006a). He argued that the pre-HFRA NEPA planning process produced an EA documenting the impacts of the proposed action before they were required to appeal the decision (Ryberg 2006a). Forest Service personnel who were interviewed for this study corroborated that they often receive form letters from environmental organizations effectively “throwing their name in the hat” to ensure they can object once they have enough data to base their opinions (Copeland 2006; Buttrey 2006a). Another interviewee pointed out that the changes to public involvement under HFRA have been positive. He explained that HFRA has made collaboration a requirement, and organizations or individuals who are not willing to collaborate in the CWPP process will “lose out” (Campbell 2006). In other words, if they are not willing to come to the table with others to flesh out common interest prescriptions, then their values may or may not be reflected in the prescriptions, and you are left with objections and litigation (Campbell 2006).

5.0 CONCLUSIONS AND RECOMMENDATIONS

The research question posed in this study is whether the HFI, corresponding administrative reforms, and the HFRA has streamlined Forest Service decision-making processes to result in common interest solutions. Prior to HFRA, NEPA decisions were not representative of the common interest because they were flawed procedurally, substantively, and pragmatically.

Procedurally, pre-HFRA NEPA decisions did not involve the public in decision-making. The public involvement requirements in NEPA were used only as “information-sharing” opportunities rather than giving participants a vehicle to expand their influence on decision-making. The decision-making process was also stifled by appeals, and a lack of accountability when actions were frozen in the court system and nothing was being done on-the-ground to help protect communities from the threat of wildfire. Substantively, zero-tolerance demands of environmentalists were served over the common interest because of litigation and appeals of Forest Service decisions. Pragmatically, expectations of valid and appropriate interests were not met with pre-HFRA Forest Service decisions because no action was taking place on-the-ground.

HFRA changed NEPA procedurally with the mandated CWPP process to help stakeholders affect the decision-making process, and in creating accountability by requiring appellants in the pre-decisional appeals process to have participated in the decision-making from the project scoping phase. HFRA also addressed procedural problems with NEPA by limiting the review period and stay duration on decisions. Substantively, both the CWPP and the requirements under the pre-decisional appeals process for early process participation help to insure valid and appropriate interests are addressed, while those that do not fall within this category are discounted and do not

affect decision-making. Pragmatically, HFRA streamlined the NEPA process and results in implementation of fuels treatment to help protect communities from the threat of wildfire.

Figure 1 (page 1) illustrates the ideal combination of Community Wildfire Protection Planning and site specific EA planning processes, where the common interest is served in both. Figure 3 (below) demonstrates where the case studies fall within that combination. Empirical evidence from the case studies support that the ACWPP process was sound and addressed the common interest procedurally, substantively, and pragmatically. The case studies revealed a disconnect between participation in the ACWPP process and those who participated in the site specific EAs. However, one could argue that stakeholders felt their interests were represented effectively in the ACWPP process. Empirical evidence support that both Nutrioso and Greer WUI Fuel Reduction EA processes were sound planning processes that addressed the common interest. Under these conditions, the common interest is served by the project decisions. The Eagar South WUI Fuel Reduction EA was lacking substantively and pragmatically, thus its planning was flawed while the mandated collaborative process was sound. This combination equates to suboptimal policy and leads to the common interest not being served. In the case of Eagar South, decision-making under the HFRA was not improved.

Figure 3. The Relationship between the Apache County CWPP and the Case Studies of HFRA NEPA Implementation in Terms of Common Interest Outcomes

HFI/HFRA EA/EIS Documents	Planning	
	CWPP Sound	CWPP Flawed
EA/EIS USFS Planning Sound	<input checked="" type="checkbox"/> Greer WUI Fuel Reduction EA <input checked="" type="checkbox"/> Nutrioso WUI Fuel Reduction EA <input checked="" type="checkbox"/> Apache County CWPP	
EA/EIS USFS Planning Flawed	Eagar South WUI Fuel Reduction EA	

Given the empirical evidence presented above, recommendations to improve HFRA's decision-making process would need to address (1) a closer connection between the CWPP and the EA processes, (2) the pre-decisional appeals process, and (3) funding for implementation. One suggestion is to make participation in the CWPP process mandatory in order to be eligible as an appellant in the site specific EA decisions. One might argue that the ACWPP covered a geographic and demographic area that was too large and should be limited to a smaller area in order to ensure participant association with place. Thus, an additional suggestion would be to limit the size of the geographic and demographic area covered in a single CWPP.

The pre-decisional appeals process (36 CFR 218) does address, to some degree, the procedural and substantive flaws in the pre-HFRA NEPA process. However, as in the Eagar South WUI Fuel Reduction EA, the objected decision is now holding up implementation of the prescribed fuel reduction treatments. Under the current policy, these demands can stop progress with a pre-decisional appeal. An intermediate process, requiring an attempt at conflict resolution could be

established once an objection has surfaced and before litigation occurs. This type of conflict resolution in the case of Eagar South could have led to redaction of the objection if the Forest Service were able to show The Center for Biological Diversity where cutting trees over 16”dbh is necessary for the health of the forest.

Interviewees repeatedly described a lack of funding as a hindrance to the implementation of HFRA (Walker 2006; Campbell 2006; Palmer 2006). The HFRA authorizes \$760,000,000 for fuel reduction projects, although allocation of these funds is not guaranteed by Congress. The Apache Sitgreaves National Forest has funded the majority of HFRA projects they have completed out of their own budget (Walker 2006; Campbell 2006). As a result over 70,000 acres of forestland within the Apache Sitgreaves National Forest are “NEPA-ready” and waiting on funding for implementation (Campbell 2006; Walker 2006). In order for HFRA to achieve its goals of increasing the safety of communities from the threat of wildfire, projects must be implemented on-the-ground. While this study did not focus on funding of HFRA projects, the empirical evidence supports the need to establish a better funding mechanism for these projects.

Finally, this study supports the need for further analysis after more fuel reduction projects have been implemented under HFRA to determine whether the policy meets the expectations of all valid and appropriate interests. The HFRA includes a provision for reporting to Congress on the progress of the Act, five years after its passage. Likely, the progress report to Congress in 2008 will reveal a lack of implementation of fuel reduction treatments and continued concern for the safety of WUI communities. Given the constraints to implementation of fuel reduction treatments detailed above, the HFRA will require longer than five years to determine its effectiveness in protecting communities from the threat of wildfire. Furthermore, the current drought conditions suffered across the American west will influence the need to address HFRA’s shortcomings.

5.1 OTHER DEVELOPMENTS RELATING TO HFRA

Recent litigation of two Forest Service decisions under HFRA demonstrates the dynamic nature of the policy. One was decided in the eastern District Court of California (9th Circuit), the other in the District of Montana, Missoula Division.

In July of 2005, the eastern District Court of California (9th Circuit) ruled in favor of Earth Island Institute; a California non-profit, when they challenged the new appeals regulations in HFRA. Earth Island Institute argued that the Forest Service’s pre-decisional appeals process violates the Appeals Reform Act (ARA) of 1992 by improperly exempting certain projects from the appeals process. The Forest Service holds that Congress delegated the authority to determine which projects should be subject to the appeals process and which projects can be exempted from the appeals process. Specifically, the Forest Service stated that “...projects that are insignificant enough to not require an EA or EIS under NEPA should not be subject to the notice, comment, and appeal process” (USDC 2005). The court ruled that for decisions involving land and resource management plans, the notice and comment period detailed in the ARA applies to all projects, including those that are categorically excluded under HFRA. The court ruling applies to Forest Service projects and decisions post-dating the July 7, 2005, docketing of the July Order (USDC 2005). A motion to geographically limit the extent of this ruling to the eastern district of California was denied in September 2005 (USDC 2005).

In a similar law suit in April of 2006, the District of Montana, Missoula Division ruled in favor of the Wilderness Society, the American Wildlands Council, and the Pacific Rivers Council when they contested three regulations pertaining to HFRA’s pre-decisional appeals process: 36 CFR 215.20(b), 215.12(f), and 215.13(a) because they don’t conform to the ARA (Wilderness Society v. Rey). 36

CFR 215.20(b) and 215.12(f) had already been declared invalid in Earth Island Institute v. Ruthenbeck above. The District of Montana, Missoula Division ruled that 36 CFR 215.13(a) is also invalid because it is contrary to the ARA (USDC 2006).

The ramifications of these court rulings beyond severing them from Forest Service regulations are unknown at this time; however, environmentalists speculate that the Forest Service will discontinue categorically excluding projects altogether having to do with land and resource management planning, including fuel reduction projects, in an effort to avoid another court battle (Ryberg 2005). In October 2005, the Forest Service issued guidance to its regional foresters advising that actions previously categorically excluded under HFRA, are now subject to notice, comment, and appeal procedures. Proponents of HFRA's streamlined NEPA process argue that Earth Island Institute v. Ruthenbeck evinces overuse of CEs by the Forest Service; rather than applying the use of CEs to exceptional situations (Campbell 2006). Proponents feel HFRA will continue to evolve and situations such as Earth Island Institute v. Ruthenbeck and Wilderness Society v. Rey will cause the pendulum to swing back toward middle ground and result in policy that reflects the common interest (Campbell 2006).

The application of HFRA will continue to evolve. With a limited number of EAs and no EISs completed to date, the information available to analyze the results of implementation to make broad policy generalizations is insufficient. Future research that could answer the question of whether the HFI and HFRA have resulted in common interest decision-making could investigate the pre-decisional appeals process and litigation of HFRA decisions. As the number of HFRA decisions in our national forests increase, some will inevitably find their way into court.

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