

FEA 9

projectmail

From: David Fredley [dave@northwestbarricade.com]
Sent: Friday, August 25, 2006 2:53 PM
To: fireea
Cc: jbartlett@barricadegel.com; Biddle, Tim; onrodoug@efn.org
Subject: Fire Retardant Scoping Comments

Sirs:

Please consider the attached comments (also sent by fax) as you determine the appropriate course of action toward meeting the NEPA and District Court requirements for adequate analysis.

Dave Fredley

8/28/2006

FEA-9

David C. Fredley
3292 Scotia Road
Newport, WA 99156
August 24, 2006

USFS Fire Retardant EA
The Content Analysis Group
P.O. Box 2000
Bountiful, UT 84001-2000

Dear Sirs:

Please consider the following comments as you proceed with the environmental analysis process as mandated by the United States District Court Order CV 03-165-M-DWM.

1. Upon reading the Federal Register Notice of July 28, 2006, the Scoping Letter of July 25, 2006, and the Q&As (undated) provided by the USDA Forest Service Fire and Aviation Management, the scope of the analysis is confusing and misleading.

The Federal Register notice concerns "Fire Retardants," but does not specifically define the term. The last paragraph of the Notice mentions "Retardants and Foams." The Scoping Letter states that a retardant "is a liquid known to reduce or inhibit the flammability of combustible material." Further the Scoping letter states that a retardant slows a fire's rate of spread with inorganic salts - implying that the definition of "Retardants" must contain inorganic salts. The same confusion of definition appears in Q&A #7.

Because many other fluids besides those that contain inorganic salts can "reduce or inhibit the flammability of combustible material," – most notably the Water Enhancers on the Forest Service Qualified Products List – the Federal Register Notice should be reissued to clarify the materials that will be the subject of the environmental analysis.

2. The environmental analysis should be documented in an Environmental Impact Statement (EIS).

An EIS must be prepared for a federal action that has a significant effect upon the human environment. That effect can be either negative or positive. As the Federal Register Notice states, the Forest Service proposes to analyze on a nationwide scale the effects of aerial application of fire retardants. As Judge Molloy's decision states, as much as 40 million gallons are released per year. This differs from the impression given by the Q&A #15 that around 20 million gallons each year are released from 14,000 aerial drops. At any rate, the Forest Service decision to allow a release on that scale, nationwide, and to supply those retardants to other federal and state agencies must create either a significant

positive or negative effect upon the human environment. For the Forest Service to suggest that there is not a significant effect by proposing to document the analysis in an Environmental Assessment only is just not supportable.

3. The analysis must consider alternatives to the use of inorganic salt retardants.

The National Environmental Policy Act Section 102(2)(E) and 40 CFR 1508.9 require an analysis of the impacts of the proposed action and alternatives. If it is decided that "Water Enhancers" are not "Retardants" then the analysis must consider the alternative to use Water Enhancers and the impacts of that alternative. This analysis must be a "hard look." *Van Abbena v. Fornell*, 807 F. 2nd 633 (7th Cir 1986).

Water Enhancers have been placed on the Qualified Products List and have been used extensively by the California Department of Forestry as a retardant through aerial application. The USDI Bureau of Indian Affairs has also allowed the use of aerial application of Water Enhancers for wildfire control.

Executive Order 13148, April 21, 2000, requires each agency to reduce the release and use of toxic substances and to consider less harmful alternatives. To follow the letter and spirit of EO 13148, the environmental analysis process must consider the more environmentally favorable Water Enhancers in the alternatives analysis.

/s/ David C. Fredley
David C. Fredley
President
Northwest Barricade LLC