



Nov. 13, 2015

Constance Cummins
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Fremont-Winema National Forest
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Submitted via email to comments-pacificnorthwest-winema-chiloquin@fs.fed.us

Dear Ms. Cummins:

WildEarth Guardians respectfully submits these comments to the U.S. Forest Service concerning the scope of analysis in the “Fremont-Winema National Forest; Chiloquin Ranger District; Oregon: Lobert Restoration Project Environmental Impact Statement” (EIS). 80 Fed. Reg. 62013 (Oct. 15, 2015). Based on the notice, the proposed Lobert Restoration Project would include logging, prescribed burning, road activities, and recreation opportunity improvements on the Chiloquin Ranger District of the Fremont-Winema National Forest in Klamath County, Oregon.

Guardians has a long history of promoting restoration and protection of wild places to reconnect habitats and support thriving ecosystems on our National Forests. We are very encouraged to see the Fremont-Winema National Forest considering ecosystem restoration on a large scale to address many of the factors that continue to degrade ecosystems. In general, Guardians supports ecosystem restoration. This is especially true for the plan components that address water quality and aquatic habitats, and improve watersheds and forest resiliency, by returning expensive and deteriorating forest roads to the wild.

We are aware of the many challenges the Forest Service faces with its oversized and under-maintained road system. Guardians has worked to help address some of these funding challenges. Given that the Lobert Restoration Project is considering changes to a large number of miles of roads, and given the large geographic scale of the project, this is precisely the type of project where the Forest Service must consider its travel analysis report for the Fremont-Winema National Forest and begin identifying a minimum road system. We urge the Forest Service to carefully evaluate the proposed Lobert Restoration Project and its alternatives through this lens. This type of large-scale project with the stated goals of restoration is a perfect opportunity to begin to make on-the-ground progress towards an economically and environmentally sustainable road network.

I. The Forest Service should clearly articulate the statement of purpose, and provide support for the claimed need.

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy (NEPA) explain that the statement of purpose and need “shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. § 1502.13. An accurate statement of purpose and need is central to crafting an adequate EIS because it will provide the guideposts for the analysis of the proposed action, alternatives, and effects. 40 C.F.R. § 1502.13.¹ Because the statement of purpose and need sets the stage for the range of alternatives an agency must examine, it must not be so narrow as to artificially limit the alternatives considered. *See, e.g., City of Carmel-by-the Sea v. U.S. Dep’t of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997).

Here, the Forest Service is proposing a broad expanse of activities across 97,500 acres under the title of the Lobert Restoration Project. We are concerned the Forest Service is using restoration as a ruse for logging as usual on the Fremont-Winema National Forest. The Forest Service also provides little support in the scoping notice for the stated needs. The notice explains that the Forest Service developed the purpose and need by comparing management objectives and desired conditions of the Winema Forest Plan to existing watershed and forest resiliency conditions and function, and where plan information was not explicit, the Forest Service relied on best available science and local research including the Klamath Tribes’ Management Plan. This information likely does support the need. But without the underlying information, it is difficult or impossible for the public to meaningfully comment.

In particular, the Forest Service states that the comparison indicated a need to restore forest structure, composition and density toward more resistance and resilient vegetative conditions given historic fire regime. The Forest Service intends to accomplish this by reducing horizontal and vertical connectivity and density of standing vegetation, surface fuels, and ladder fuels. The agency also plans to protect and release large and old trees from competition. It is unclear from the information in the notice whether these methods (removing “fuels”) are necessary or effective in accomplishing the purpose of restoring forest structure. The following questions are simply examples of the type of information that would be helpful in understanding the stated purpose and need of the Lobert Restoration Project:

- *Might competition among large and old trees promote more resistant and resilient forests?*
- *What is the historic fire regime that the Forest Service is comparing to?*

¹ *See also, e.g.,* CEQ, Letter to Secretary of Transportation Mineta (May, 2003) (stating that “[t]houghtful resolution of the purpose and need statement at the beginning of the process will contribute to a rational environmental review process and save considerable delay and frustration later in the decisionmaking process.”), available at <http://ceq.hss.doe.gov/nepa/regs/CEQPurpose2.pdf>.

- *Does that historic fire regime reflect patterns that will lead to a resilient forest?*
- *What indications exist to support the Forest Service's conclusion that the wildfire effects are uncharacteristic?*
- *What species of concern exist in this region of the forest, and are the protections for these species the same as that needed to protect mule deer?*
- *What federally listed species exist in this part of the forest?*

II. In analyzing the impacts of the Lobert Restoration Project, the Forest Service must consider a broad array of impacts related to forest roads.

Connected, Cumulative, or Similar Actions

CEQ's regulations require an agency to consider not only the project proposal itself, but also connected, cumulative, and similar actions that could contribute to cumulative effects. 40 C.F.R. § 1508.25. Connected actions are those that are closely related and should be discussed in the same EIS. *Id.* § 1508.25(a)(1). The regulations explain that connected actions: (1) automatically trigger other actions that may require an EIS; (2) cannot or will not proceed unless other actions are taken previously or simultaneously; (3) are interdependent parts of a larger action and depend on the larger action for their justification. *Id.* Cumulative actions are those "which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement." *Id.* § 1508.25(a)(2). Finally, "similar actions" are those "which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating the environmental consequences together, such as common timing or geography." *Id.* § 1508.25(a)(3). In assessing the impacts of the Lobert Restoration Project, the Forest Service should consider impacts from other connected, cumulative, or similar actions.

- *Are there timber harvests ongoing or planned for this region or nearby regions that may result in cumulative impacts that should be discussed in this environmental analysis?*
- *Is there road construction planned for this region or nearby regions that may result in cumulative impacts that should be discussed in this environmental analysis?*
- *Are there treatments to address invasive species planned for this region or nearby regions that may result in cumulative impacts that should be discussed in this environmental analysis?*
- *Are there gravel extraction activities for this region or nearby regions that may result in cumulative impacts that should be discussed in this environmental analysis?*

Direct, Indirect, and Cumulative Effects

The Forest Service must consider direct, indirect, and cumulative effects that will result from the Lobert Restoration Project. Direct effects are those caused by the action that occur at the same time and place. 40 C.F.R. § 1508.8(a). Indirect effects are those caused by the action that are later in time but are still reasonably foreseeable. *Id.* §

1508.8(b). These include growth inducing effects, i.e. increased economic demand, and other effects related to induced changes in land use, population density, and related effects on air and water and other natural systems. *Id.* Cumulative effects are the effect on the environment resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future projects. 40 C.F.R. § 1508.7.

Forest Roads

National Forests provide a range of significant environmental and societal benefits, including clean air and water, habitat for myriad wildlife species, and outdoor recreation opportunities for millions of visitors and local residents each year. *See* 66 Fed. Reg. 3244, 3245-47 (Jan. 12, 2001) (Preamble to Roadless Area Conservation Rule describing key ecosystem and other services of roadless National Forest lands). The Forest Service's extensive and decaying road system, however, poses a growing liability to the future ability of the National Forests to provide critical environmental, ecosystem, and recreation services. Collectively, the National Forest System contains over 370,000 miles of roads (not even counting the tens of thousands of additional miles of unclassified, non-system, temporary, and user-created roads). That is nearly eight times the length of the entire U.S. Interstate Highway System. The National Forest road system is primarily a byproduct of the big timber era. The system is often convoluted, unmanageable, and ineffective at meeting 21st century transportation needs. Much of the system is in serious disrepair: as of 2014, the National Forest road system had a 2.9 billion dollar maintenance backlog. USDA, Forest Service, National Forest System Statistics 2014.

Well-sited and maintained roads provide important services to society. But the adverse ecological and environmental impacts associated with the Forest Service's massive and deteriorating road system are well documented. Those adverse impacts are long-term, occur at multiple scales, and often extend far beyond the actual "footprint" of the road. The attached literature review (Appendix A) surveys the extensive and best available scientific literature—including the Forest Service's 2000 General Technical Report synthesizing the scientific information on forest roads—on a wide range of road-related impacts to ecosystem processes and integrity on National Forest lands. *See* Hermann Gucinski *et al.*, *Forest Roads: A Synthesis of Scientific Information*, Gen. Tech. Rep. PNW-GTR-509 (May 2001), available at <http://www.fs.fed.us.pnw/pubs/gtr509.pdf>.

Erosion, compaction, and other alterations in forest geomorphology and hydrology associated with roads seriously impair water quality and aquatic species viability. *See* Literature Review on the Impacts of Roads, attached at 2-4. Roads disturb and fragment wildlife habitat, altering species distribution, interfering with critical life functions such as feeding, breeding, and nesting, and resulting in loss of biodiversity. *See id.* at 4-6. Roads also facilitate increased human intrusion into sensitive areas, resulting in poaching of rare plants and animals, human-ignited wildfires, introduction of exotic species, and damage to archaeological resources. *See id.* at 6, 9, & Att. 1. Roads are also major vectors for spreading weeds.

Climate Change and Forest Roads

A robust analysis under NEPA of the forest road system and its environmental and social impacts is especially critical in the context of climate change. As the CEQ's recent draft guidance on addressing climate change in NEPA analyses recognizes, "[c]limate change can increase the vulnerability of a resource, ecosystem, human community, or structure, which would then be more susceptible to climate change and other effects and result in a proposed action's effects being more environmentally damaging." CEQ, *Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts* (Dec. 18, 2014), page 22 (attached as Appendix B). The draft CEQ guidance makes clear that "[s]uch considerations are squarely within the realm of NEPA, informing decisions on whether to proceed with and how to design the proposed action so as to minimize impacts on the environment, as well as informing possible adaptation measures to address these impacts, ultimately enabling the selection of smarter, more resilient actions."

Climate change intensifies the adverse impacts associated with roads. For example, as the warming climate alters species distribution and forces wildlife migration, landscape connectivity becomes even more critical to species survival and ecosystem resilience. *See id.* at 9-14. *See also* USDA, Forest Service, *National Roadmap for Responding to Climate Change* at 26 (2011), available at <http://www.fs.fed.us/climatechange/pdf/Roadmapfinal.pdf> (recognizing importance of reducing fragmentation and increasing connectivity to facilitate climate change adaptation). Climate change is also expected to lead to more extreme weather events, resulting in increased flood severity, more frequent landslides, altered hydrographs, and changes in erosion and sedimentation rates and delivery processes. Many National Forest roads, however, were poorly located and designed to be temporarily on the landscape, making them particularly vulnerable to these climate alterations. And even those designed for storms and water flows typical of past decades may fail under future weather scenarios, further exacerbating adverse ecological impacts, public safety concerns, and maintenance needs. The Forest Service should analyze in detail the impact of climate change on forest roads and forest resources.

The President's Executive Order 13,653 (Nov. 2013) provides direction on "Preparing the United States for the Impacts of Climate Change." The Order recognizes that "[t]he impacts of climate change – including an increase in prolonged periods of excessively high temperatures, more heavy downpours, an increase in wildfires, [and] more severe droughts . . . – are already affecting communities, natural resources, ecosystems, economies, and public health across the Nation," and that "managing th[o]se risks requires deliberate preparation, close cooperation, and coordinated planning . . . to improve climate preparedness and resilience; help safeguard our economy, infrastructure, environment, and natural resources; and provide for the continuity of . . . agency operations, services, and programs." Exec. Order 13,653, § 1. To that end, the Order requires agencies to take various actions aimed at making "watersheds, natural resources, and ecosystems, and the communities and economies that depend on them, more resilient in the face of a changing climate." *Id.* § 3. For example, "recognizing the many benefits the Nation's natural infrastructure provides, agencies shall, where possible, focus on program and policy

adjustments that promote the dual goals of greater climate resilience and carbon sequestration.” *Id.* Agencies also must develop and implement adaptation plans that “evaluate the most significant climate change related risks to, and vulnerabilities in, agency operations and missions in both the short and long term, and outline actions . . . to manage these risks and vulnerabilities.” *Id.* § 5(a).

The Forest Service’s 2014 adaptation plan recognizes that the wide range of environmental and societal benefits provided by our national forests “are connected and sustained through the integrity of the ecosystems on these lands.” *See* USDA Forest Service, *Climate Change Adaptation Plan*, page 58 (2014) (attached as Appendix C). The plan highlights USDA’s 2010-2015 Strategic Plan Goal 2 of “[e]nsur[ing] our national forests . . . are conserved, restored, and made more resilient to climate change, while enhancing our water resources.” *Id.* at 58. And consistent with section 5(a) of Executive Order 13,653, the plan identifies numerous climate change risks – including increased wildfire, invasive species, water temperatures, extreme weather events, and fluctuating precipitation and temperature – that “pose challenges to sustaining forests and grasslands and the supply of goods and services upon which society depends, such as clean drinking water, forest products, outdoor recreation opportunities, and habitat.” *Id.* at 60-64. With respect to transportation infrastructure specifically, the adaptation plan recognizes that, “[w]ith increasing heavy rain events, the extensive road system on NFS lands will require increased maintenance and/or modification of infrastructure (e.g. larger culverts or replacement of culverts with bridges).” *Id.* at 62.

The scoping notice stated that the proposed action may also include amendments to the Winema National Forest Land and Resource Management Plan. The Forest Service’s Climate Change Adaptation Plan points to a number of actions to address the risks of climate change to our forests, and in particular to forest roads. For example, the plan highlights the 2012 Planning Rule as a mechanism to ensure that “National Forest System . . . land management planning policy and procedures include consideration of climate change.” Forest Service, *Climate Change Adaptation Plan* at 73. The final directives to the planning rule echo the importance of designing plan components “to sustain functional ecosystems based on a future viewpoint” and “to adapt to the effects of climate change.” FSH 1909.12, ch. 20, § 23.11. The adaptation plan also points to Forest Service Manual 2020, which provides “Ecological Restoration and Resilience” directives designed “to restore and maintain resilient ecosystems that will have greater capacity to withstand stressors and recover from disturbances, especially those under changing and uncertain environmental conditions, including climate change and extreme weather events.” Forest Service, *Climate Change Adaptation Plan* at 73.

Monitoring Impacts

The Lobert Restoration Project is a broad proposal that covers numerous specific projects, and is expected to occur over the course of many years. Monitoring of these specific projects will be necessary to assure design features and potential mitigation measures are implemented and effective. We suggest that (1) monitoring follow the new BMP’s proposed directives (USFS 2014), (2) the forest dedicate personnel to evaluate BMP

implementation and effectiveness and to sign off on specific projects (it is not enough to have a monitoring plan that simply uses project files or field observations as the compliance check), and (3) that this information be readily accessible to state and federal agencies, as well as interested stakeholders.

III. In its analysis of the Lobert Restoration Project, the Forest Service must consider the Travel Analysis Report for the Freemont-Winema National Forest and identify the minimum road system for this segment of the forest.

To address its sustainable and deteriorating road system, the Forest Service promulgated the Roads Rule (referred to as “subpart A”) in 2001. 66 Fed. Reg. 3206 (Jan. 12, 2001); 36 C.F.R. part 212, subpart A. The Roads Rule created two important obligations for the agency. One obligation is that the Forest Service must identify the minimum road system (MRS) needed for safe and efficient travel and for the protection, management, and use of National Forest system lands. 36 C.F.R. § 212.5(b)(1). The MRS is the road system, identified by the Forest Service, as needed to meet resource and management objectives, meet statutory and regulatory requirements, reflect long-term funding expectations, and minimize adverse environmental impacts. *Id.* Another obligation is to identify unneeded roads to prioritize for decommissioning or to be considered for other uses. *Id.* § 212.5(b)(2). In promulgating its rules, the Forest Service indicated that “[t]he requirement to identify roads for decommissioning is ‘[e]qually important’ as the overall identification of the minimum road system.” *Center for Sierra Nevada v. U.S. Forest Service*, 832 F. Supp. 2d 1138 (E.D. Cal. 2011) (quoting 66 Fed. Reg. at 3207).

The Forest Service Washington Office has issued a series of directive memoranda that outline how it expects forests to comply with subpart A.² The agency generally refers to this as the travel analysis process (TAP). Forest Service Manual (FSM) 7712 and Forest Service Handbook (FSH) 7709.55, Ch. 20, provide detailed guidance on how to conduct travel analysis. As a result of the TAP, each forest must develop a travel analysis report (TAR). FSM 7712.4(5) (directing forests to “[d]ocument travel analysis in a report in accordance with FSH 7709.55, section 21.6”). Each forest was required to submit a completed TAR by September 30, 2015. 2013 Weldon Memo. The goal is “to maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns.”³

The 2012 Washington Office memorandum directs forests to consider the factors listed for an MRS from 36 CFR § 212.5(b)(1) when analyzing site-specific projects under NEPA. 2012 Weldon Memo at 2 (directing forests to “analyze the proposed action and

² Memorandum from Joel Holtrop, U.S. Forest Service Washington Office, to Regional Foresters *et al.* (Nov. 10, 2010); Memorandum from Leslie Weldon, U.S. Forest Service Washington Office, to Regional Foresters *et al.* (Mar. 29, 2012) (hereafter, 2012 Weldon Memo) (replacing the 2010 Holtrop Memo); Memorandum from Leslie Weldon, U.S. Forest Service Washington Office, to Regional Foresters *et al.* (Dec. 17, 2013) (hereafter, 2013 Weldon Memo) (supplementing and reaffirming the 2012 Weldon Memo).

³ See 2012 Weldon Memo at 1 (“The national forest road system of the future must continue to provide needed access for recreation and resource management, as well as support watershed restoration and resource protection to sustain healthy ecosystems.”).

alternatives in terms of whether, per 36 CFR 212.5(b)(1), the resulting system is needed to . . . [m]eet resource and other management objectives[. . . m]eet applicable statutory and regulatory requirements[, r]eflect long-term funding expectations[, and e]nsure that the identified system minimizes adverse environmental impacts”). The type of project through which the Forest Service decides to implement the MRS is important because the factors required for consideration under 36 C.F.R. § 212.5(b)(1) only make sense on a large enough geographic scale.

The Forest Service has therefore instructed forests to focus on projects “at the scale of a 6th code subwatershed or larger.” *Id.* A sixth field hydrologic unit code (HUC), also referred to as a subwatershed, generally covers 10,000-40,000 acres. The next larger size is a fifth field HUC, or watershed, covering 40,000-250,000 acres. For example, the South Fork Inaha River is a subwatershed sixth field HUC, as compared to the Upper Inaha River, a fifth field HUC. By analyzing whether the project is consistent with the TAR and considering the factors under 36 CFR 212.5(b)(1), the Forest Service expects forests to identify the MRS for particular forest segments. *Id.* (“The resulting decision [in a site-specific project] identifies the MRS and unneeded roads for each subwatershed or larger scale”).

One of the stated purposes of this proposed action is to provide for a variety social and cultural values and opportunities in the project area, including a safe road system that moves toward current public access and resource management objectives. As part of the resource management objectives, the Forest Service must consider the Fremont-Winema TAR and identify the MRS when analyzing the Lobert Restoration Project pursuant to NEPA. *See* 2012 Weldon Memo at 2 (“Travel analysis should be used to inform the environmental analysis.”) The Fremont-Winema National Forest itself planned to incorporate its roads analysis on the project level.⁴ Contemplating the closure of approximately 13.2 miles of road and the decommission of approximately 162 miles of road over 97,500 acres, the Lobert Restoration Project is precisely the type of site-specific project the Forest Service envisioned for applying the TAR and identifying the MRS across this segment of the forest.

As explained above, the best available science shows that roads cause significant adverse impacts to National Forest resources. Road-related impacts are a significant concern to the Fremont-Winema. The environmental analysis of the Lobert Restoration Project must analyze the impacts of roads in detail.

Also detailed above, the National Forest road system is in a serious state of disrepair. The Fremont-Winema National Forest is no exception, with 12,877 miles of system roads, the required maintenance of which exceeds annual maintenance costs. *Id.* (“Current resources are inadequate to maintain all these miles to standard in the future.”).

⁴ *See* USDA Forest Service, *Roads Analysis: Winema Executive Summary* (Dec. 2006), available at <http://www.fs.usda.gov/detail/fremont-winema/landmanagement/planning/?cid=stelprdb5292927> (last accessed Nov. 13, 2015) (“Project-level roads analyses will be prepared as part of the environmental planning and analysis for proposed resource activities across the Forest.”).

This results in a significant backlog of deferred maintenance needs. As the forest's TAP and more recent assessment recognize, the existing road system is not reflective of current or long-term funding expectations and is not sustainable. The forest must identify its minimum road system and unneeded roads for decommissioning and implement those decisions as part of this Lobert Restoration Project to achieve compliance with subpart A. The existing road system is not reflect of current or long-term funding expectations and is not sustainable.

The forest must ensure that actions proposed as part of the Lobert Restoration Project are consistent with and implement the forest's TAR, advance identification and implementation of the MRS and motorized route density standards, and are consistent with the requirements of subpart A. The forest has proposed to close approximately 13.2 miles of road after implementation of the project, decommission approximately 162 miles of road, and upgrade operational maintenance levels for 4.5 miles of road. The forest must assess these proposed actions in relation to the TAR as well as the factors for an MRS, with the goal of minimizing adverse environmental impacts. Routes identified for decommissioning through the TAP or other processes within the project area must be closed, decommissioned, and reclaimed to a stable and more natural condition during the life of the project.

The forest should prioritize road decommissioning proposed in this project to enhance landscape connectivity and ecological integrity based on:

- Effectiveness in reducing fragmentation, connecting un-roaded and lightly-roaded areas, and improving stream segments, with a focus on inventoried roadless areas, important watersheds, and other sensitive ecological and conservation areas and corridors;
- Benefit to species and habitats, including restoring aquatic and terrestrial habitats and habitat connections;
- Addressing impaired or at-risk watersheds;
- Achieving motorized route density standards; and
- Enhancement of visitor experiences.

The forest should use the National Best Management Practices for Water Quality Management on National Forest System Lands (Volume 1, April 2012) (attached as Appendix D) to guide road management in determining the MRS. The BMP program "was developed to improve agency performance and accountability in managing water quality consistent with the Federal Clean Water Act (CWA) and State water quality programs" and "[c]urrent Forest Service policy directs compliance with required CWA permits and State regulations and requires the use of BMPs to control nonpoint source pollution to meet applicable water quality standards and other CWA requirements." National Best Management Practices. It directs forests to:

- Design the transportation system to meet long-term land management plan desired conditions, goals, and objectives for access rather than to access individual sites.

- Limit roads to the minimum practicable number, width, and total length consistent with the purpose of specific operations, local topography, geology, and climate to achieve land management plan desired conditions, goals, and objectives for access and water quality management.

Id. at 104.

Guardians urges the Fremont-Winema National Forest to limit its road network to those that are necessary for access and management, and which can be adequately maintained within agency budgets and capabilities. We encourage road decommissioning and reductions in road density to improve watershed conditions and aquatic health in streams, as well as to protect and enhance wildlife habitat and connectivity. The Forest Service should continue working to reduce sediment delivery from roads, improve or remove road crossings, and close or decommission roads that cannot be adequately maintained.

IV. Range of Alternatives

The alternatives analysis is the “heart” of NEPA, and therefore “an agency must *on its own initiative* study all alternatives that appear reasonable and appropriate for study at the time, and must also look into other significant alternatives that are called to its attention by other agencies, or by the public during the comment period afforded for that purpose.” *Dubois v. Dep’t of Agriculture*, 102 F.3d 1273, 1291 (1st Cir. 1996), *quoting Seacoast Anti-Pollution League, v. Nuclear Reg. Comm’n*, 598 F.2d 1221, 1231 (1st Cir. 1979) (emphasis from *Dubois* court) (internal citations omitted). The alternatives analysis should present “impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options.” 40 C.F.R. § 1502.14. “Informed and meaningful consideration of alternatives . . . is thus an integral part of the statutory scheme” and “critical to the goals of NEPA even where a proposed action does not trigger the FEIS process.” *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228-29 (9th Cir. 1988) (citations omitted).

Subpart A defines the MRS as that “needed for safe and efficient travel[;] for administration, utilization, and protection of [forest] lands[; and] to meet resource and other management objectives adopted in the relevant . . . plan.” 36 C.F.R. § 212.5(b)(1). The analysis of alternatives to the Lobert Restoration Project must include address the forest’s TAR and the MRS, especially because the project covers such a substantial geographic area of the Fremont-Winema National Forest.

Conclusion

To comply with the plain language of subpart A of the Road Rule, the Forest Service must consider its TAR and identify the MRS in its analysis of the Lobert Restoration Project. Pursuant to NEPA, the Forest Service should assess the impacts and alternatives outlined above. The Forest Service may not ignore topics if the information is uncertain or unknown. In those instances, the Forest Service must make clear that the information is

lacking, the relevance of the information to the evaluation of foreseeable significant adverse effects, summarize the existing science, and provide its own evaluation based on theoretical approaches. 40 C.F.R. § 1502.22.

If you have questions, please me at mnelson@wildearthguardians.org or 651-434-7737.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marla Nelson', written in a cursive style.

Marla Nelson
Rewilding Attorney