



# Kettle Range

## CONSERVATION GROUP

Protecting the forests and wildlife of the Columbia Highlands since 1976

July 10, 2020

Forest Supervisor Rodney Smoldon  
Colville National Forest  
Objection Reviewing Officer  
Attn: Objections  
765 South Main  
Colville, Washington 99114

Submitted via email to: [objections-pnw-colville@fs.fed.us](mailto:objections-pnw-colville@fs.fed.us)

**Re: OBJECTION – Sanpoil Project EA and Draft Decision Notice**

Supervisor Smolden:

Kettle Range Conservation submits the submits the following objection to the U.S. Forest Service's Decision Notice (DN) selecting Alternative 2 for the Sanpoil Project and analyzed in the Environmental Assessment Statement (EA) with a Finding of No Significant Impact (FONSI). We believe the DN and FONSI were reached in error pursuant to the National Environmental Policy Act (NEPA) and Title IV of the Omnibus Public Lands Management Act of 2009. We also believe that the project violated both the National Environmental Policy Act (NEPA) and Administrative Procedures Act (APA) by implementing activities before the DN was signed.

As required by 36 C.F.R. § 218.8(d), the objector's name, address, and telephone number:

Timothy J Coleman, Lead Objector  
Kettle Range Conservation Group

[Redacted address information]

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PETITIONER

Kettle Range Conservation Group

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Pursuant to 36 CFR §214 and 36 CFR 218.8(d), the above objector, Kettle Range Conservation Group seeks the reversal of the *Sanpoil Project* Decision Notice (DN) and Finding of No Significant Impact (FONSI) —signed by District Ranger Travis Fletcher, Colville National Forest for the following reasons:

**STATEMENT OF REASONS**

Petitioners Kettle Range Conservation Group (KRCG) fully engaged with the Colville National Forest since 1976. We actively organized a wilderness campaign from 1976 to 1984 to protect two of the three IRAs in this project as Wilderness. We have participated in the Sanpoil Project development since its inception, attending field trips and filing detailed comments both as KRCG and individually as board member of Northeast Washington Forestry Coalition (NEWFC), Adaptive Management Committee. Despite extensive input into collaboration, written and verbal comments, the EA, DN & FONSI differ significantly from recommendations made by petitioners.

We fully incorporate the following into this objection:

- all comments appellants previously submitted regarding the *Sanpoil Project public scoping and Environmental Assessment* project since project inception
- all letters submitted to the CNF regarding the Sanpoil Project proposal by NEWFC and KRCG
- all documentation contained in project files including notes taken during Forest Service organized collaboration meetings held by the Republic Ranger District, Colville National Forest

The DN and FONSI are not in accordance with the legal requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and its implementing regulations, the National Forest Management Act (NFMA) 16 U.S.C. 1600 et seq., and its implementing regulations, the Administrative Procedures Act, (APA) 5 U.S.C. Sec. 706, the Collaborative Forest Landscape Restoration Program, (CFLRP), Omnibus Public Land

Management Act of 2009 16 U.S.C. 7303(d) Sec 4003 (d) as amended, and the current Forest Plan for the Colville National Forest (CNF).

As a result of the EA and DN, individuals and members of KRCG would be directly and significantly affected by significant loss of natural scenery, degradation of wildlife habitat and impacts to non-motorized recreation that will result from full implementation of Sanpoil Project. Appellants are conservationists working to ensure protection of biological diversity and ecosystem integrity in the Inland Northwest bioregion (including the CNF). The individuals and members of our groups use the project area for recreation, wildlife viewing, hunting, fishing and other forest related activities.

The selected alternative would further degrade water quality, wildlife & fish habitat, scenic views, solitude and recreation. Proposed logging, road construction and reconstruction in the preferred Alternative B and other project activities including those cumulative impacts in the Sanpoil watershed associated with the forest projects, if implemented, would adversely impact and irreparably harm the Very High and High scenic integrity of this watershed and surrounding area.

In the subsequent sections of this objection, we address the following aspects of the DN that lead us to the above conclusion:

1. The project does not trend towards landscape resiliency and does not logically use or follow the landscape evaluation
2. We object to the proposed shaded fuel breaks in and adjacent to the IRA and recommended wilderness given their lack of proven efficacy, high cost, low social acceptance, lack of a link to the purpose and need, unnecessary environmental impacts, and the deleterious effects on the wilderness qualities in the Inventoried Roadless Areas (IRAs).
3. The project is not following the purpose and need, specifically to maintain and improve aquatic habitats. A LiDAR analysis identified sixty-seven miles of unauthorized roads, but the impacts of all these roads will not be field verified, and actions will only be taken if issues are discovered during implementation.
4. The project did not provide adequate public information to collaborate effectively. Issues associated with deficit public information include insufficient maps, inadequate response to comments, and unresponsive to the collaborative request for draft prescriptions.
5. The project is not maintaining scenic integrity near national scenic and recreation designated trails and within IRAs
6. The project does not effectively analyze wildlife viability as required in the new Forest Plan, and it is thus unknown whether the project is maintaining wildlife viability.

7. Last summer without a DN, EA or FONSI, 739 acres in the Sanpoil Project were hand thinned, and 385 acres were hand piled. To our knowledge, the contract is still active but approximately 300 acres have not been let.
8. Project area silvicultural prescriptions were not made available to the public prior to release of the EA and Draft DN
9. Range of Alternatives is limited to one action alternative and does not fairly -
10. Project impacted livestock grazing is not reasonably analyzed and impacts to TES species are not addressed, threatening species habitat viability.
11. The Environmental Assessment is woefully inadequate in taking a hard look at past, present and reasonably foreseeable environmental impacts that can only be remedied through a more thorough Environmental Impact Statement.

## STATEMENT OF OBJECTIONS and SUGGESTED REMEDIES

Since 2015, the San Poil project has gone through several changes and challenges. In 2015, the North Star fire burned a portion of what was the western side of the project, and subsequently, all areas to the west of Hwy 20 were dropped from the project. Additionally, there has been significant turnover on this project, including the District Ranger, the Environmental Coordinator, the Silviculturist, the Fisheries Biologist/Hydrologist, and the Fuels Specialist, all were key personnel in the development of the project. Lastly, the Forest Plan revision was finalized in 2019, and the project was updated in an attempt comply with the new plan. KRCG has been one of the few participants throughout the Sanpoil Project, and this insight can aide in making the project a high-quality ecological restoration project, which incorporates social concerns. We want to emphasize that we are in support of the many of the activities in the project as a whole and efforts for ecological restoration in the San Poil area.

We have provided seven categories of concerns, along with the desired solutions. We intend to work collaboratively to resolve our objection.

### ***1. Landscape Resiliency***

The project does not adequately trend towards landscape resiliency. The purpose and need in the Environmental Assessment (EA) of the San Poil project states that there is "a need to promote forest health and resiliency within the planning area" (EA p.4). Title IV of the Omnibus Public Land Management Act of 2009, as amended, the direction under which the Northeast Washington Forest Vision 2020 (Vision 2020) was created and funded, states its purpose "is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes...".

Restoring forest landscapes requires a multi-scale approach, in keeping with the most rigorous science and technical information, including Landscape Ecology, which is the study of reciprocal effects of spatial pattern on ecological processes (Pickett and Cadenasso 1995). For example, large-scale patterns of vegetation structure and composition drive the major ecological processes that restoration actions focus on (i.e., disturbance, habitat, aquatics, etc.) (Hessburg et al. 2015). Therefore, ensuring resilient forests, capable of accommodating and responding to a disturbance, involves restoring landscape spatial pattern to baseline or reference conditions.

Natural disturbances, such as fire or insects and disease, both create and respond to landscape patterns (Turner et al. 2001). Fire behavior, including the proportion of low, moderate, and high severity, is shaped by the pattern of vegetation structure and composition while simultaneously altering that structure and composition. If the spatial pattern of vegetation structure and composition is characteristic (i.e., within the normal range of variability for the plant association or structure class), the fire will behave

characteristically. When fires behave characteristically, landscapes can respond to fire characteristically and ecologically rebound.

Landscapes that differ in structure and composition from baseline or reference conditions will behave uncharacteristically in the event of a disturbance. For example, fire within mesic forest types is generally infrequent with a higher proportion of moderate to high severity patches. In contrast, fire in dry forest types is typically frequent with a higher proportion of low severity patches. If managers do not consider the landscape spatial pattern, management activities risk creating unique or unusual conditions to which fire and other disturbances will respond in novel or unexpected ways that undermine habitat and other values. Simply put, it is not possible to address landscape resiliency from natural disturbances without patterning restoration work at the landscape level.

The silvicultural report describes a set of objectives to reach the purpose and need, but these objectives are all at the stand level (p. 11). We ask that these objectives and associated actions within the project area be modified to include landscape-level objectives such as mean patch size, patch density, connectivity, and fragmentation. Adjusting these goals will help restore forests by applying both the historical and future range of variability as the landscape analysis prescription and associated materials recommend.

The spatially explicit landscape evaluation found that the landscape was fragmented, with too small of patch sizes compared to the historical range of variability for most structure classes. Additionally, the Silvicultural report includes increasing patch size as one of its objectives (p. 11). However, the actions and treatments do not appear to demonstrate that the project trends towards large patch sizes. We ask that the project be modified to include larger units and/or show that the treatments create larger patch sizes.

At the patch or stand-level in fire-frequent forests, spatial patterns were complex mosaics of individual trees, clumps, and openings. This intra-stand (or intra-patch) variability influences "key aspects of resilience and ecosystem function such as disturbance behavior, regeneration, snow retention, and habitat quality in frequent-fire pine and mixed-conifer forests. There is a broad scientific consensus that restoration treatments should seek to restore this mosaic pattern to restore resilience and maintain ecosystem function." (Churchill et al. 2013). Indeed, the San Poil Silvicultural report's objectives include maintaining or creating these stand-level spatial patterns (p. 11). However, neither the EA nor the Silvicultural report identifies the process to achieve intra-stand variability. With the proven difficulties in other projects with effectively creating individuals, clumps, and openings (ICO or ICO methodology), we believe that the EA should contain specifics and assurances to achieve intra-stand variability. Given

the lack of any CNF direction on how to implement intra-stand variability effectively, this project would provide an excellent basis for the CNF to collaborate with NEWFC and other experts to create such a methodology.

### **Requested Resolution**

- Modify objectives, and associated actions within the project area to include landscape-level objectives such as mean patch size, patch density, connectivity, and fragmentation in collaboration with NEWFC
- Modify project actions by increasing unit size and/or show that the treatments create larger patch sizes of structure classes by assessing and/or connecting nearby patches.
- Develop a collaborative agreement with NEWFC defining how to implement intra-stand variability during implementation

### ***2. Shaded Fuel breaks adjacent to Inventoried Roadless Areas and Recommended Wilderness Areas***

The Bald-Snow Wilderness Management Area (WMA), Thirteenmile and Cougar IRAs are some of the most remote on the CNF and have outstanding wilderness characteristics. We have concerns that this project may not adequately maintain wilderness qualities within the IRA. The recreation report stated that “Fuel reduction and pile burning adjacent to forest roads and within the IRAs would likely result in five of the eight primary roadless area characteristics being altered in a negative manner on approximately 630 acres of IRA” (p.10) and that “proposed fuel reduction and pile burning activities may reduce the number of IRA acres that may be considered as recommended wilderness by the Forest Service during its next forest plan revision process which is expected to begin in approximately 15 years” (p.12). However, the EA concludes, “The project would maintain or improve the roadless character...” (p.5). This contradiction is troubling since “maintenance or improvement” of these important lands is the opposite of what’s stated in the specialists’ effects analysis.

In January of 2016, NEWFC expressed concerns regarding the use of shaded fuel breaks on Hall Creek Road between Bald Snow Recommended Wilderness Area and Thirteenmile Inventoried Roadless Area (IRA) and Road 2054 between Cougar Mountain IRA and Thirteenmile IRA. In July 2019, we attended a field trip with Forest Service personnel to discuss the shaded fuel breaks in further detail. In October 2019, several of our members also expressed concerns about their use. Moreover, in January 2020, we sent a letter stating that their inclusion in the project would result in a low level of support. We do not see where our repeated concerns have been incorporated or even addressed. We object to these particular shaded fuel breaks in the project given their lack of proven efficacy, high cost, social acceptance, lack of a link to the purpose and need, their environmental impacts, and potential adverse effects to wilderness qualities in the IRAs.

### **Requested Resolution**

- Demonstrate that the project maintains wilderness qualities or modify the project as necessary to maintain wilderness qualities and how all stakeholder participation, comments and concerns will be addressed
- Remove shaded fuel breaks along Hall Creek Rd between Bald Snow WMA and Thirteenmile IRA and along FR 2054 between Cougar and Thirteenmile IRAs from this project.
- Limit fuel reduction treatments along FR 500 and FR 600 to hazard trees within one tree length from roads edge.

### **3. Aquatic Habitats**

We are concerned that the project does not follow the Purpose and Need to maintain and improve aquatic habitats. The EA identifies approximately 67 miles of non-systems roads using LiDAR, but these roads' condition and effects have not been validated by field surveys (EA p. 27). It is unclear to us how an effects analysis can be conducted adequately without knowing the actual and full effects of these roads. We ask that these roads be field reviewed, effects documented, and appropriate action is taken to mitigate hydrological issues and impacts on wilderness characteristics.

The transportation analysis process for the project identifies several miles of system roads that are a low benefit to the forest. However, the San Poil project only decommissions 2.6 miles (EA p.26) of system roads and none of the 67 miles of non-system roads. For example, the 2050180 road is rated as high risk and low benefit. The 2050180 is mentioned as being used as the proposed Nick's Loop Trail, but there is no proposal to address the risks.

While the Fisheries and Hydrology Report's list of Best Management Practices includes "Road-6 Road Storage and Decommissioning – Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources by storing closed roads not needed for at least 1 year (Intermittent Stored Service) and decommissioning unneeded roads in a hydrologically stable manner to eliminate hydrologic connectivity, restore natural flow patterns, and minimize erosion. (pp 115-117)" The proposal does not list any actions for the several other roads rated medium risk/low benefit and low risk/low benefit (p. 29).

### **Requested Resolution**

- Field verify all non-system roads and subsequently take action to repair/hydrologically stabilize the roads that need them.
- Modify the proposal to decommission or mitigate low benefit roads as address in the San Poil Transportation Analysis Process.
- Accurately assess environmental effects of reopening old closed roads as new construction



#### ***4. Failure to Provide Adequate Public Information***

We do not believe the project provided adequate public information to collaborate effectively. To instill trust and get meaningful collaborative input, the CNF needs to provide accurate and detailed public information. Title IV of the Omnibus Public Land Management Act of 2009 requires that projects within the CFLR area “be developed and implemented through a[n effective] collaborative process...”. NEWFC has identified several inadequacies in the public information that has precluded them from effectively collaborating, unreadable maps, no specific prescriptions of proposed commercial harvests, and no description of the application of the landscape prescriptions in the final EA. These details are especially important to give collaborative members the assurance that what happens on the ground will not only be supported but provides a clear picture of the treatments.

We have been extremely disappointed in the quality of the maps provided by this project. The small scale of the maps was inappropriate for the large project area and rendered them unreadable. Between the small scale and the lack of enough supporting information (i.e., roads), the commercial harvest map was especially impossible to read accurately. This type of geospatial information is essential for collaborators to provide input effectively.

In our Jan 2020 letter, we asked “that before the final record of decision for the San Poil project, we are provided with the necessary information to assess where and if the project deviates from our guidelines. This information can come in the form of silvicultural prescriptions, an implementation plan, or similar documents.” NEWFC had verbally requested example prescriptions before sending the letter, and NEWFC members had requested prescriptions in a letter from their individual organizations in October 2019. NEWFC received a small set of draft prescriptions only three business days before the final EA was released. We subsequently attended a field tour in late June 2020 to discuss the prescriptions. The tour highlighted the need for sample prescriptions, and in some units, it is still unclear what the forest treatments will be. In contrast, NEWFC has received draft silviculture prescriptions for other projects on other CNF districts before the release of the draft EA.

When the San Poil draft EA was released, the materials provided includes an explanation about the landscape assessment and how it was applied to the project proposal, but the final EA did not include these materials (Silviculture Report Appendix A). NEWFC would like to see the updated Silviculture Report Appendix A with the final EA and collaborative on the application of the landscape prescriptions to the stand prescriptions.

The failure to provide this information precludes meaningful public participation, and makes clear that the Colville National Forest is not meeting the twin goals (informed

decision-making and public participation) of NEPA. As such, the failure to provide this information violates NEPA. In particular, the failure to provide the prescriptions for the project area violates the clear obligation to conduct a site-specific analysis of effects. Indeed, without disclosing what prescriptions will be applied where, there is no way for the Forest Service to assert it reasonably took a hard look at the environmental impacts of the Sanpoil project, nor can the public meaningfully comment on the project. As one federal judge explained: "This approach puts the cart before the horse by prematurely asking for approval of the Project before the necessary baseline data and analysis are conducted." *Idaho Conservation League v. U.S. Forest Serv.*, Case No. 1:16-cv-25-EJL, 2016 WL 3814021, at \*10 (D. Idaho July 11, 2016).

### **Requested Resolution**

Halt the project and allow for adequate collaboration with the requested materials.

- Provide readable georeferenced maps available to the public
- Provide draft prescriptions and allow for collaboration on prescriptions
- Provide the updated Silviculture Report Appendix A and enable collaboration on applying the spatially explicit landscape evaluation to the stand-level prescriptions

### **5. Scenic Integrity Objectives are Not Met**

We are concerned that the project is not maintaining scenic integrity near trails including congressionally designated trails, within and near IRAs in the Sanpoil Project area. There is no value whatsoever in degrading the viewshed from some of the most valuable scenic trails and high peaks in the Kettle Range by prescribing shelterwood, shaded fuel breaks, and large openings created by logging in the upper San Poil watershed. The project area includes the viewshed from the Pacific NW National Scenic Trail, Kettle Crest National Recreation Trail, Edds Mt Trail, Snow Peak Trail and Snow Peak Cabin in the Kettle River Range. This is a wilderness-quality landscape that attracts recreationists who expect to have a view that is pristine and natural-looking.

The Scenic Integrity Objectives (SIO) for this area is Very High to High and defined in the Forest Plan is defined as: "Unaltered. Landscape is intact with only minor changes from the valued landscape character associated with significant scenic landscapes." This SIO is typically (but not exclusively) associated with specially designated areas such as Wilderness or other designations that imply the landscape is natural-appearing, and only ecological changes occur. A High SIO is defined as "Appears Unaltered. Management activities are unnoticed, and the landscape character appears unaltered." The Proposed Action meets neither of those objectives.

This project violates the Colville Forest Plan, specifically a) FW-GDL-SCE-01, (p 89, LRMP) "Treatment should not diminish the scenic quality more than the anticipated disturbance would have." and b) MA-GDL-RW-01, (p151, LRMP) The wilderness

characteristics (... undeveloped, natural....)of reach recommended wilderness should remain intact until a congressional decision on wilderness designation is made.”

The Colville Forest Plan, Chapter 3, Management Area Direction – lacks sufficient management direction IF the DN and FONSI authorize actions that negatively impact sights and sounds of the natural world embodied in Wilderness.

NEWFC participated in a field tour in late June 2020 and looked at unit 1, among others. The provided prescription proposed removing all Lodgepole pine under 16" DBH in a majority Lodgepole stand. This prescription would change the stand drastically and be visually unacceptable. The silviculturist was helpful and open to changes to the prescriptions, but we still are unclear on the specifics and how these units will affect scenic integrity. NEWFC is concerned about scenic integrity specifically near the roadless area abutting the 600 Road near commercial thin units 1, 116, 117, 118, 119, 123, 224.

### **Requested Resolution**

- Supply the mid- and background assessment materials for review in the collaborative process.
- Collaborate on viewshed SIO implementation and help design prescriptions that are not visually disrupting to natural appearing scenic integrity
- Expand SIO to natural watershed break points, particularly ridgelines
- “Feather” treatments in Very High and High SIO to include background vistas that are not arbitrarily assigned to a limited distance metric

### **6. Wildlife Viability**

The 2019 CNF Forest Plan states that “FW-DC-WL-03. Habitat Conditions for all Surrogate Species: Habitat conditions (amount, distribution, and connectivity of habitat) are consistent with the historical range of variability (per FW-DC-VEG-03 and 04) and contribute to the viability of surrogate species and associated species” (LMP p. 60). However, the EA and specialist reports do not contain any analysis of the landscape pattern when addressing wildlife viability, a key consideration. How can you address wildlife viability without assessing how wildlife can move through a mosaic landscape?

Additionally, the spatially explicit landscape evaluation conducted to aid the forestry treatments includes an assessment of specific wildlife habitat, including northern goshawk, white-headed woodpecker, and American marten. However, these results are not part of the wildlife specialist reports. The analysis of available habitat for both white-headed woodpeckers and northern goshawks appears drastically different between both analyses.

The differences are particularly stark for northern goshawks. The biological evaluation notes approximately 29,818 acres of potential habitat within the project area (p. 29).

However, the spatially explicit landscape evaluation calculated approximately 800 acres (but does not include acres in the O'Brien Creek sub-watershed) and notes that the habitat is on the low end of the historical range of variability.

Reconstructing old roads has ecological impacts to ecosystems similar to new road construction. Reconstruction, restoration and construction of roadways in the project area will have significant impacts on TES species and elk. This road system added to the existing road system will permit over snow motorized use during winter, a time of year when wildlife are at the highest level of stress.

***Threatened, Endangered and Sensitive Species***

Shaded fuel breaks, logging, road construction and livestock grazing will impact sensitive wildlife seclusion and reduce landscape permeability to migrating TES species. This project degrading the viability of wildlife diversity.

Shaded fuel breaks and silvicultural treatments will degrade snowshoe hare and red squirrel habitat, impacting lynx habitat suitability and in violation of the Forest Plan (STD WL 06; GDL WL 06;

Does not fully analyze impacts the TES species including lynx, wolves, wolverine and grizzly bear. One important deficiency in the project is that the final EA states that the reason for the ESA-effects determination of may affect, not likely to adversely affect for lynx is that the project will avoid potential lynx den sites. But these sites are not disclosed, nor is there any firm commitment to avoid these areas. The failure to disclose these sites is a failure to disclose baseline conditions, and therefore a failure to take a hard look at effects.

Additionally, because the distribution of habitat types matters greatly for lynx (with foraging habitat needed to be in close proximity to denning habitat), preserving denning habitat only is not sufficient for lynx protection. The EA and associated documents fail to meaningfully address the issue of distribution of habitat types after project implementation. Further, the EA and associated documents fail to disclose and analyze the effect of the project on dense horizontal cover, a key and critical habitat component for lynx. While reduction in horizontal cover is recognized in the Biological Evaluation, it is not analyzed. There is no disclosure of the amount of dense horizontal cover in different parts of the project area currently, or how project implementation would impact that on a site-specific level, including impacts to snowshoe hare. This violates NEPA.

**Requested Resolution**

- Conduct a wildlife viability analysis in concurrence with the 2019 LMP
- Drop shaded fuel breaks along FR 500 and FR 600 roads.

- Pull the EA and CN and fully analyze TES habitat in an Environmental Impact Statement

### ***7. Unauthorized Precommercial Thinning***

On an October 2019 field visit, NEWFC members noted the occurrence of active precommercial thinning (PCT) in the San Poil project area labeled "San Poil PCT." NEWFC members subsequently inquired with Ranger Fletcher about San Poil PCT. We learned that San Poil PCT had been packaged with Sherman Pass PCT in a request for services due to their geographic proximity. However, when the San Poil project was delayed, the request for services was not modified due to staff errors, and the activities were subsequently under contract. Ranger Fletcher told us that the activities could not be stopped because they are already under contract. However, implementing San Poil PCT before the signed decision violates the National Environmental Policy Act and the Administrative Procedures Act. The contract itself was illegal and should have been voided immediately after the error was discovered. We are confused as to why this was done.

NEWFC is unclear when the activities were stopped, but through email communication, we have been told these acres have been thinned or hand piled. Notes from the Timber Stand Improvement (TSI) Forester show that 739 acres have been hand thinned, and 385 acres out of 730 acres have been hand piled." Through further communication, we learned that the final 345 acres were still under contract, but that portion of the contract would not be let until the final decision for the San Poil project was signed.

The collaborative is supportive of PCT activities on the CNF, but we are not supportive of illegal activities. We would have liked to see these PCT activities implement variable spacing, and now these collaborative changes are no longer feasible. Unfortunately, this type of occurrence erodes the trust between NEWFC and CNF. Going forward, we would like to engage in more thorough communication about these incidents in the future.

### ***8. Prescriptions not forthcoming prior to a decision***

In a letter dated September 19, 2019, Petitioners requested site-specific Sanpoil Project forestry prescriptions and road location data be provided for our review prior to issuance of the Decision for this project. Forest Service District Ranger Travis Fletcher's staff email response was:

**"Detailed, unit-by-unit silvicultural prescriptions will be finalized after a Decision is issued for the project as a whole and field assessments are completed prior to implementation. The uncertainty of decision details, changing conditions, and additional time sometimes creates a need for ongoing reconnaissance following the decision and prior to finalization of timber sale or service contracts, or activities performed by the Forest Service."**

A fundamental tenant of NEPA is the basic requirement to provide accurate information to the public so it can understand what its government is proposing to do.

A handful of unit prescriptions for this large landscape project were released just prior to issuances of the Final EA and Draft DN. Although helpful, this smattering of silvicultural prescriptions provides scant detail about the Sanpoil Project.

There is little to no information regarding unit prescriptions on the coarse scale map provided to the public in the EA. There is simply no way to do an in the field survey of this project and understand what it is Alternative B is proposing to do. In addition, the project map does not display proposed shaded fuel breaks along Road 600. Better maps with forest road numbers and other geolocation data is needed.

The failure to provide silvicultural prescriptions violates NEPA's requirement that the Forest Service provide baseline data and evaluate environmental effects. There is simply no way for the Forest Service to take a hard look at environmental impacts without this information. In particular, because the distribution of habitat types matters greatly for a variety of species, including Canada lynx, what prescriptions will be employed where matters greatly for the effects analysis. For example, Forest Service and U.S. Fish and Wildlife analysis of forest management effects on lynx and lynx habitat explains that the Forest Service must analyze the abundance and distribution of lynx habitat in authorizing forest management activities, and recognizes that the need to maintain lynx foraging habitat in close proximity to lynx denning habitat may require alterations to the distribution of forest management activities.

#### ***9. Range of Alternatives is Limited to Logging or Doing Nothing At All***

The Five Year Colville timber sale quantity forecast estimates the Sanpoil Project will yield an estimated 60 million board feet – equivalent to approximately 12,000 loaded log trucks. The Forest Service PR machine routinely informs the public that “forest restoration” is essential to guard against catastrophic wildfire fueled by unnaturally dense forests.

When was the last time the U.S. Forest Service forecasted a timber project yield of 60 million board feet, but then decided to select the No Action Alternative?

Documentation in the EA essentially concludes doing nothing would make forest health matter worse.

There are serious issues associated with this project including Very High and High scenic integrity, three Inventoried Roadless Areas, adjacent large-scale timber sale that is nearly complete, the Pacific NW National Scenic Trail and other recreation concerns. In total, it is simplistic and lacking investigation for the EA to limit action alternatives to just one, timber-centric alternative.

No alternative addressed the issue of improving sections of the Pacific NW National Scenic Trail that currently crosses through the Sanpoil Project area. A request was made to include trail improvements and reroute trail segments where those do not currently exist and during project NEPA and subsequent on the ground actions - but those requests were denied. The revised Colville Forest Plan, pg 113, Objective NT-01, states "Within the next 15 years of plan implementation, relocate 10 to 15 percent of the rail miles currently located on roads into a non-motorized trail setting."

The CNF not only did not address public comments raised about the PNT, it also ignored its own Forest Plan – even though this project is an ideal setting to accomplish Objective NT-01.

In particular, this language from the EA and specialist reports...

***"However, since the PNT corridor was designated by Congress, this type of proposed re-route would need to be approved by the PNT Advisory Council as it develops the comprehensive management plan for the trail, which will, in part, identify where the trail will be located and constructed"***

This seems to indicate there is confusion at the local Forest level about the duties of the PNT Advisory Council. The PNT Advisory Council is not tasked with identifying or approving reroutes of the trail, and the comprehensive plan won't prescribe specific reroutes. What the comprehensive plan will do is codify desired conditions for the trail, and what it may do is determine what the optimal location review process would include, so that land managers have clear direction to reference when considering possible reroutes in the future.

#### **Requested Resolution**

- Withdraw the EA and do a more thorough EIS evaluation that includes a range of alternative actions that adequately meet environmental and social concerns
- Analyze Pacific NW NST trail reroute through the project area and include it in a project action alternative.

#### ***10. Project Related Grazing Impacts Not Analyzed***

The U.S. Forest Service is tasked with responsibly managing public lands livestock grazing so as not to impair the diversity and viability of native wildlife inhabiting our national forests. As the federal land manager, this responsibility means the Forest Service must carefully evaluate whether federal forest lands are suitable for domestic livestock grazing and explore methods for reducing conflicts between wild animal populations and the sheep and cattle it authorizes to graze project area landscape.

EA, Pg 55 – Clean water discussion, fails to discuss impacts of livestock grazing in created openings, or impacts to TES species. It notes Range infrastructure – "identified during



layout” but not included in project documentation. Pg 28, treatments would add 10,585 “capable acres” to range.

The EA and supporting specialist’s reports do not provide adequate information regarding what, if any, are anticipated impacts of grazing on TES species habitat? Where are these 10,585 “capable acres” and what environmental and cumulative impact might these have when grazed by herds of livestock from June through October each and every year after project completion?

The EA ignores the impacts of project activities on recolonizing gray wolf and grizzly bear related to grazing even though this project will effect species habitat. Nor does the EA in any way attempt to address potential future impacts, assess range management issues directly connected to this project that could only be addressed through application of silvicultural prescriptions to create pasture, transitory range and allow for such range improvements to livestock management, ie. Bunching & herding, sight distance and aquatic resource conservation.

#### **Requested Resolution**

- Identify specific locations where additional grazing acres will be located
- Withdraw the EA and do a more thorough EIS
- Withdraw and revise the Forest Plan and grazing sections to comply with NFMA

#### **11. Need for an EIS**

NEPA requires the Forest Service to prepare an EIS when it proposes a major federal action that *may* significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998) (“[A] ‘plaintiff need not show that significant effects will in fact occur....’ It is enough for the plaintiff to raise ‘substantial questions whether a project may have a significant effect’ on the environment.”) (citation omitted). Importantly, “the [Ninth] Circuit has established a relatively low threshold for preparation of an EIS.” *Natural Res. Def. Council v. Duvall*, 777 F. Supp. 1533, 1537 (E.D. Cal. 1991). If a plaintiff raises substantial questions regarding whether a project *may* have a significant effect on the environment, “a decision not to prepare an EIS is unreasonable.” *Blue Mountains Biodiversity Project*, 161 F.3d at 1211 (citing *Save the Yaak Comm. v. Block*, 840 F.2d 714, 717 (9th Cir. 1988)).

This project reaches beyond the threshold of a finding of NO significant environmental impact. Its connected actions encompassing a wide geographic area seriously challenges a conclusion that a less rigorous examination of environmental consequences in an environmental assessment framework meets necessary legal requirements. The Sanpoil project area is contiguous to the nearly complete Sherman Pass Project which added to the soon to come Dollar Mountain Project of similar size, is simply too large



and the forecasted timber cut (60 million board feet for each of the three projects) too intensive, that a Finding of No Significant Impact in this the wildest most pristine area of the Colville National Forest, is fundamentally untenable. Taken together, past, present and future logging and road building project will have dire environmental impacts on fish & wildlife, wilderness recreation and scenic integrity. As such this project must be more thoroughly examined in an Environmental Impact Statement.

In determining whether a proposed action may “significantly” impact the environment such that an EIS is required, both the context and intensity of the action must be considered. 40 C.F.R. § 1508.27. In evaluating intensity, the Forest Service must consider numerous “significance” factors. 40 C.F.R. §§ 1508.27(b)(1)-(b)(10). If the Forest Service’s action may be environmentally significant according to any one of the criteria, it must prepare an EIS. *Blue Mountains Biodiversity Project*, 161 F.3d at 1212; *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1220 (9th Cir. 2008) (“an action may be ‘significant’ if one of these factors is met”); *Ocean Advocates v. U.S. Army Corps of Engineers*, 402 F.3d 846, 865 (9th Cir. 2005) (“We have held that one of these factors may be sufficient to require preparation of an EIS”); *Nat’l Parks & Conservation Ass’n*, 241 F.3d at 731. Even if no significance factor standing alone requires the preparation of an EIS, consideration of the significance factors cumulatively can require the preparation of an EIS. *Anderson v. Evans*, 371 F.3d 475, 494 (9th Cir. 2004) (requiring EIS based on consideration of multiple NEPA significance factors); *Cascadia Wildlands v. U.S. Forest Serv.*, 937 F. Supp. 2d 1271, 1283 (D. Or. 2013) (“[W]hen considered individually, none of these significance factors might require an EIS. However, when considered collectively, they do.”).

Here, the vast majority of the NEPA significance factors are implicated, as discussed throughout this objection (and incorporated into this objection point). For example, there are significant direct, indirect, and cumulative impacts from the San poil project; there will be impacts to areas with unique characteristics and ecologically critical areas; there are impacts to public health and safety; there are highly controversial and uncertain effects; and there are impacts to ESA-listed species and their habitat. Importantly, the draft DN/FONSI looks at these factors individually, but does not consider whether cumulatively they raise the significance of the project such that an EIS is required. Note also that this is different than looking at the cumulative effects of the project, but rather whether the synergistic effects of the significance factors requires an EIS. We like to think of determining whether an EIS is required as filling a bucket with water. Each significance factor adds some amount of water to the bucket, and when the bucket is full, an EIS is required. One factor might not fill the entire bucket, but when all the factors add their water to the bucket, it can still require an EIS. Here, the bucket is overflowing and the Colville is required to prepare an EIS.

In particular, the Forest Service proposes removing or degrading hundreds of acres of lynx habitat for more than a decade, if not longer. Given the dire straits of the Canada

lynx in Washington (the Washington Fish and Wildlife Commission recently uplisted lynx to endangered status under state law due to the significant threats it faces), this represents a significant impact in and of itself and justifies the preparation of an EIS.

The project NEPA needs to assess if there are “irreversible and irretrievable commitment of resources.”

Project NEPA failed to take a hard look at past, present and future cumulative environmental impacts associated with the Sanpoil Project. The EA and supporting documents did not adequately address the viability of TES species and to evaluate reasonable grazing management alternatives that reduce TES conflicts.

#### ***Failure to Respond to Public Comment***

An EIS process would have more thoroughly assessed the impact of Sanpoil project and been more responsive to public input.

A key issue raised in scoping and discussed in person with Forest Service project staff was the issue of improving sections of the Pacific NW National Scenic Trail that currently crosses through the Sanpoil Project area. A request was made to include trail improvements where those do not currently exist during project NEPA and subsequent on the ground actions - but those requests were denied.

In particular, this language from the EA and specialist reports...

***"However, since the PNT corridor was designated by Congress, this type of proposed re-route would need to be approved by the PNT Advisory Council as it develops the comprehensive management plan for the trail, which will, in part, identify where the trail will be located and constructed"***

Apparently there is confusion about the duties of the PNT Advisory Council. The PNT Advisory Council is not tasked with identifying or approving reroutes of the trail, and the comprehensive plan won't prescribe specific reroutes. What the comprehensive plan will do is codify desired conditions for the trail, and what it may do is determine what the optimal location review process would include, so that land managers have clear direction to reference when considering possible reroutes in the future.

#### **Requested Resolution**

- Provide a supplemental information report to document the impacts of this action occurring without the direction from a NEPA resolution.
- Conduct an audit on the CNF to determine whether this type of error is a chronic issue.

- Pull the EA and draft DN and redo project NEPA analysis, issuing an Environmental Impact Statement
- Analyze Pacific NW NST sections that are currently motorized and traverse the project area and include a non-motorized option in an action alternative.

### ***Conclusion***

KRCG appreciates your consideration of the information and concerns addressed in this objection and thank you for the opportunity to collaborate on the Sanpoil Project. Pursuant to 36 C.F.R. § 218.11, we respectfully request to meet in person with the reviewing officer to discuss these concerns and suggested remedies. Finally, in respect of limited agency resources and to allow parties to prepare thoroughly for any resolution meeting, we request that only objectors and officially registered interested parties be invited to participate in the meetings.

If you have any questions, please do not hesitate to contact us.

Sincerely,



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