



May 22, 2023

Regional Forester  
attn: Objection Reviewing Officer  
R6 Regional Office  
1220 SW 3<sup>rd</sup> Avenue  
Portland, OR 97204

Submitted electronically via: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=55868>

**Re: Youngs Rock Rigdon Final EIS/Draft ROD**

**Project Description:** Alternative 2 will allow treatments on approximately 6,500 acres in the project area. Harvest treatments include commercial thinning, regeneration harvesting, and gap creation. Commercial harvest treatments will occur in managed stands (less than 80 years old) and natural stands (up to 140 years old). Post-harvest fuels treatments will include underburning, pile burning, and mastication. Non-commercial treatments include pine and oak release gaps, understory fuel treatments, recurring maintenance underburning, floodplain restoration, meadow restoration, dispersed recreation site decommissioning, trail construction, and trail reroutes. Temporary road construction and system road maintenance, storage, and decommissioning will occur with this project.

**Name and Title of Responsible Official:**

David Warnack  
Forest Supervisor  
Willamette National Forest

**Objector:**

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**Specific Issues Related to the Proposed Action:**

Cascadia Wildlands respectfully submits these objections to the Youngs Rock Rigdon Final EIS/Draft ROD, released April 7, 2023, by the Willamette National Forest (WNF or Forest), pursuant to 36 C.F.R. § 218.

**Interests and Participation of objecting parties:**

Cascadia Wildlands is a non-profit organization based in Eugene, Oregon, with approximately 12,000 members and supporters throughout the United States that defends and restores

Cascadia’s wild ecosystems in the forests, in the courts, and in the streets. Cascadia Wildlands envisions vast old-growth forests, rivers full of salmon, wolves howling in the backcountry, and vibrant communities sustained by the unique landscapes of the Cascadia Bioregion. Cascadia Wildlands’ members have used and will continue to use the Youngs Rock Rigdon project area for activities such as hiking, bird watching, mushroom foraging, and other recreational and professional pursuits.

Pursuant to 36 C.F.R. § 218.5(a), Cascadia Wildlands submitted timely, project-specific written comments during scoping and additional designated comment periods designated for the Youngs Rock Rigdon project proposal, which we incorporate in their entirety by reference.

### **Issues of the decision to which objections apply:**

#### **1. The project does not adequately prioritize Indigenous Knowledge and Indigenous-conducted controlled burning.**

While recognizing the many tradeoffs inherent to altering landscapes at the scale contemplated by the Youngs Rock Rigdon project, we are generally supportive of the portions of this project that would return prescribed fire to portions of the Rigdon landscape that were shaped by natural and human-caused fire events.<sup>1</sup> However, what is missing is a commitment by the Forest Service to ensure Indigenous fire practitioners are leading and executing that effort.

We discussed in our comments on the project the importance of bringing “good fire” back to the land, which can maintain nutrient-dense soils, restore native plants, and help prevent larger, uncharacteristically severe wildfires that threaten wildlife habitat and nearby communities.

“Cascadia Wildlands is very excited to see the Forest Service looking forward in such a progressive way towards re-introducing wildfire onto the landscape. Please apply the best available science, frankly discuss uncertainties and controversies, and thoroughly evaluate the direct, indirect, and cumulative effects regarding project interplay with wildfire.” Scoping Comments at 4.

It is just as crucial that the agency state that is historically responsible for the century of fire prevention and suppression<sup>2</sup> that drastically altered this environment now work to restore Indigenous land management rather than merely coopting Indigenous cultural burning practices. Indigenous knowledge, place-based relationships, and ceremony are what shaped the oak and pine savannahs this project works to restore. The Forest Service should utilize this project as an opportunity to invest in restoring those relationships, for example, by funding and employing the Wagon Burners, a group of Indigenous youth fire practitioners who are meaningfully

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<sup>1</sup> See, e.g., Rigdon Landscape Analysis Goal 4: use prescribed fire as a tool to restore and promote fire resilient habitats, FEIS at 7; “Thinning will be used in conjunction with prescribed fire to promote more open forest conditions, more diverse structure and have healthy pines, oaks, and species associated with drier areas.” Draft ROD at 3; Project Design Features FAF 1-3. FEIS at 81.

<sup>2</sup> See, Forest History Society, “U.S. Forest Service Fire Suppression,” <https://foresthistor.org/research-explore/us-forest-service-history/policy-and-law/fire-u-s-forest-service/u-s-forest-service-fire-suppression/>, last accessed May 22, 2023.

reconnecting with the lands and practices of their ancestors, and those who complete the Training Exchange/Women-in-Fire Training Exchange (TREX/WTREX) programs.

This would be consistent with the policy set out in President Biden’s EO 14072, Strengthening the Nation's Forests, Communities, and Local Economies:

“It is the policy of my Administration, in consultation with State, local, Tribal, and territorial governments, as well as the private sector, nonprofit organizations, labor unions, and the scientific community, to pursue science-based, sustainable forest and land management; conserve America's mature and old-growth forests on Federal lands; invest in forest health and restoration; **support indigenous traditional ecological knowledge and cultural and subsistence practices**; honor Tribal treaty rights; and deploy climate-smart forestry practices and other nature-based solutions to improve the resilience of our lands, waters, wildlife, and communities in the face of increasing disturbances and chronic stress arising from climate impacts. It is also the policy of my Administration, as outlined in *Conserving and Restoring America the Beautiful*, to support collaborative, locally led conservation solutions.”<sup>3</sup>

Further, the agency failed to address our request for a frank discussion of uncertainties. A footnote in the Final EIS says, “Fuel treatment methods may change depending on feasibility and funding.” FEIS at 5, FN 3. This is a major concern, considering that the success of the project hinges in part on returning fire to landscapes that co-evolved with fire, as a tool and a natural process.<sup>4</sup> EO 14072 directly discusses prescribed burning and indigenous traditional ecological knowledge in relation to funding opportunities through the Infrastructure Investment and Jobs Act:

“The Infrastructure Investment and Jobs Act (IIJA) I signed into law provides generational investments in ecosystem restoration and wildfire risk reduction. As we use this funding, we will seek opportunities, consistent with the IIJA, to conserve our mature and old-growth forests on Federal lands and restore the health and vibrancy of our Nation's forests by reducing the threat of catastrophic wildfires through ecological treatments that create resilient forest conditions using **active, science-based forest management and prescribed fires; by incorporating indigenous traditional ecological knowledge**; and by scaling up and optimizing climate-smart reforestation.”<sup>5</sup>

More broadly, meaningful coordination and co-stewardship would also be consistent with the government-wide guidance and accompanying implementation memorandum released jointly by

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<sup>3</sup> Executive Order 14072, Strengthening the Nation's Forests, Communities, and Local Economies, April 22, 2022, <https://www.federalregister.gov/d/2022-09138> (emphasis added).

<sup>4</sup> “Fire, as a tool and a natural process, is an integral part of shaping this landscape and maintaining healthy and resilient forests.” FEIS at 8, Purpose and Need 1a and 1b. *See also*, Purpose and Need 1c) Restore meadows and oak savannahs, desired future condition: “The future landscape pattern includes unique habitats that are well distributed and more connected to each other. The meadows and oak savannahs support and enhance the native species dependent upon them and protect against conifer encroachment. Allowing for natural processes such as fire is essential for restoration and resilience of meadow and savannah habitat.” FEIS at 9.

<sup>5</sup> Executive Order 14072, Strengthening the Nation's Forests, Communities, and Local Economies, April 22, 2022, <https://www.federalregister.gov/d/2022-09138> (emphasis added).

the White House Council on Environmental Quality (CEQ) and the White House Office of Science and Technology Policy (OSTP) for federal agencies on recognizing and including Indigenous Knowledge in federal research, policy, and decision making.<sup>6</sup>

To begin to remedy these concerns, we ask the Forest Service to 1) explicitly address its efforts to empower people native to this project area to regain access, including by ensuring indigenous fire practitioners lead and execute prescribed burning associated with this project, 2) analyze anticipated feasibility issues, and 3) prepare a contingency plan for sustaining fuel treatments including prescribed burning in the event that funding sources change or available funds are reduced.

## **2. The Forest Service has not accurately accounted for Recovery Action 32 (RA32) habitat in the project area.**

While we acknowledge the tradeoffs this project will have on certain species and habitat in effort to benefit others, the Forest Service should work to minimize negative impacts to primary northern spotted owl habitat. We are especially concerned about possible logging in RA 32 habitat, described in the USFWS Revised Recovery Plan for Northern Spotted Owls as follows:

Recovery Action 32: Because spotted owl recovery requires well distributed, older and more structurally complex multi-layered conifer forests on Federal and non-federal lands across its range, land managers should work with the Service as described below to maintain and restore such habitat while allowing for other threats, such as fire and insects, to be addressed by restoration management actions. These high-quality spotted owl habitat stands are characterized as having large diameter trees, high amounts of canopy cover, and decadence components such as broken-topped live trees, mistletoe, cavities, large snags, and fallen trees.<sup>7</sup>

The Final EIS states that no harvest treatments will occur in RA32, though fuel treatments will.<sup>8</sup> The agency states:

“The YRR Project avoids adversely affecting Recovery Action 32 habitat which is in line with the current Willamette National Forest programmatic consultation for northern spotted owls (U. S. Fish and Wildlife Service et al. 2018, 2019). This management

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<sup>6</sup> Memorandum for Heads of Federal Departments and Agencies, November, 30, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>; Implementation of Guidance for Federal Departments and Agencies on Indigenous Knowledge, November 30, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/12/IK-Guidance-Implementation-Memo.pdf>.

<sup>7</sup> USFWS, Revised Recovery Plan for the Northern Spotted Owl, June 28, 2011, [https://ecos.fws.gov/docs/recovery\\_plan/RevisedNSORecPlan2011\\_1.pdf](https://ecos.fws.gov/docs/recovery_plan/RevisedNSORecPlan2011_1.pdf), at III-67.

<sup>8</sup> “No harvest treatments will occur in RA32 in either Alternative 2 or 3. Fuel treatments are allowed within RA32 habitat if key features are maintained such as large diameter trees, high amounts of canopy cover, and decadence components such as broken-topped live trees, mistletoe, cavities, large snags, and fallen trees (Appendix I Red Tree Vole High Priority Site Management). An adaptive management model would be employed for proposed fuel treatments under both action alternatives so that methods can be changed or adapted to ensure that these key features are maintained.” FEIS at 160.

practice would maintain forests with old-growth characteristics including stands outside the areas designated as part of the management recommendation strategy.”<sup>9</sup>

While we support sideboards in place to protect RA32, we are concerned that all RA32 in the project area has not been properly identified. We expressed these concerns in comments on the project:

“This project will have significant adverse impacts on the northern spotted owl which is at greater risk due to barred owls and climate change that was recognized when this area was designated as “Matrix” 25 year ago. An important part of the strategy to help spotted owls coexist with barred owls is to maximize the availability of suitable habitat. This project conflicts with that goal.

We are concerned about logging that will remove high-quality (RA32) and other suitable nesting, roosting, and foraging habitat for northern spotted owls. The method used to identify RA32 habitat was not inclusive, and not designed to avoid false negative findings that stands were NOT RA32. Logging and other activities that impact habitat and other life requirements for this species must be carefully balanced with the other goals of this project (like restoring more open, dry forest structure). Suitable NRF habitat should not be degraded, and thinning or other activities surrounding them should be carefully considered to ensure connectivity is maintained or enhanced for both spotted owls and red tree voles.

The FS needs to do a better job of inclusively identifying high quality spotted owl habitat as required by the Revised Recovery Plan for the Spotted Owl. Excessive reliance on modeling and remote sensing is unacceptable. The Forest Service needs to send biologists out to carefully field check the presence or absence of high quality owl habitat in order to avoid accidentally logging owl habitat in violation of the recovery plan.”<sup>10</sup>

We request that, in addition to looking at satellite images, reviews for whether an area contains RA32 habitat should be conducted on the ground with staff, including US Fish and Wildlife staff, prior to authorizing operations. We are concerned that LIDAR does not accurately capture the presence of RA32 habitat, and on-the-ground verification will help reduce inaccuracies and alleviate those concerns. If additional RA32 habitat is indeed identified through on-the-ground review, the Forest Service should not log it per Recovery Action 32. We suspect that RA32 habitat were areas in which Indigenous cultural burning practices were not applied, and thus logging these areas will simply remove intact mature forest and spread invasive species rather than assist in the restoration of those practices and relationships.

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<sup>9</sup> FEIS at 413. *See also*, WIL 4: “Objective: To retain, protect, and restore excellent northern spotted owl habitat described as Recovery Action 32 (RA 32); Design Feature: RA32 stands shall be skips in the harvest prescription but fire is allowed to back in as long as the midstory and overstory are maintained and most snags and down wood 11 inches and over remain and torching is minimized to less than 10% of trees. Burning in RA32 habitat will be monitored for compliance with this PDF and results reported to the Forest Level 1 Team Wildlife Biologist.” FEIS at 70.

<sup>10</sup> Joint Comments on Draft EIS at 9.

### 3. The Forest Service did not effectively minimize new road construction.

We are concerned with the amount of road building to support commercial logging in the project area. The Forest Service has not disclosed site-specific impacts of road construction, which is a significant shortcoming in the NEPA analysis.

We commented on the road system management plans described in the Draft EIS:

“The DEIS analysis of effects of road construction (p 280) is only one paragraph and does not provide any site-specific information so fails it to take the required ‘hard look.’ The location of proposed roads needs to be mapped in the FEIS, as well as key information such as length, acres accessed, soil type, slope, number large trees that would need to be removed, proximity to water and other sensitive resources, and the criteria used by managers and specialists to locate and design proposed roads. How can the Forest Service disclose the site-specific impacts of those roads (on legacy trees, presence of sensitive species, soil, water quality, slope stability, weeds, fish, cultural resources, etc) if they don’t know where the roads will be built? How can the public comment on the wisdom and effects of proposed road construction if we don’t know where it is?”

The DEIS says that resource specialists will use site-specific information to locate roads. This is *post hoc* analysis that does not conform to NEPA. Procedures implementing the National Environmental Policy Act (‘NEPA’) ‘must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.’ 40 C.F.R. § 1500.1(b).”<sup>11</sup>

The public and the decision-maker need to know and understand the affected soil types, slopes, aspect, slope position, land allocation, construction methods, decommissioning timing and methods, fuels and fire ignition, forest types and habitat types, proximity to water or sensitive sites, the length of roads and what type of work they will facilitate, etc. so that trade-offs can be evaluated. NEPA also requires exploring reasonable alternatives such as using helicopters, alternate road routes, conducting non-commercial treatments that do not require roads for log removal. There is no way to provide informed comments (or make informed decisions) without this information. Deferring this critical information to a post-decisional process is inconsistent with NEPA. The Forest Service should remedy this by conducting a site-specific analysis and further reducing the amount of costly, environmentally-damaging roads in the system.

Also given the intent of this project to restore Indigenous cultural burning practices, it would be critical to get Indigenous feedback on the road construction aspect of the project specifically. While new road construction might be considered a “good” idea from a “matrix” lens of continually commercially logging these areas, that matrix designation could be short-lived given the upcoming plan revision, and a lens of restoring Indigenous cultural burning practices might alter the scope or permanence of the proposed road construction.

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<sup>11</sup> Joint Comments on Draft EIS at 22.

**4. The Forest Service did not consider the impact of the Cedar Creek Fire on the project area.**

The Cedar Creek Fire started about 15 miles east of Oakridge, OR on the Willamette National Forest in August 2022 (after the public comment periods for the project) and burned a mosaic pattern across 127,311 acres of national forest lands. This large wildfire took place in close proximity to the project area, yet it has not been analyzed in the planning process and was not mentioned in the Final EIS nor the Draft ROD. The Forest Service should remedy this shortcoming by evaluating the direct, indirect, and cumulative effects of the nearby fire, including its changes to available wildlife habitat in the area and resulting impacts to imperiled species.

**Conclusion:**

Thank you for considering this objection. We appreciate your work developing this analysis and look forward to the objection resolution process.



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