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Mr. Christopher Furr, District Ranger
Methow Valley Ranger District,
Okanogan-Wenatchee National Forest

Re: Comments of the North Cascades Conservation Council (NCCC) on the Proposed Midnight Restoration Project, Okanogan-Wenatchee National Forest; sent via Comment and Analysis Response Application, US Forest Service NEPA Projects Home (usda.gov)

June 6, 2023

Dear Ranger Furr:

Following are our timely comments on the Midnight Restoration Project (“Midnight”) as presented in the Scoping Letter, and with respect to the direction provided via the associated guidelines.

Observations on Project “Needs”

The Scoping Letter for Midnight references “...departure from *forest conditions that would be resilient to climate change*,” that “...more severe disturbances would be different from *historical baselines*,” that “...restoration of *desired conditions* would promote a resilient landscape and reduce risks to communities,” and that the project would increase the *economic well-being* of local communities” (emphasis added).

Climate Change

These statements seem highly subjective and do not appear to be based on, or supported by scientific or economic evidence. Climate change has presented a variable in forest succession that has already had an impact on the project area, and will continue to change the evolution of the forest from “historic baselines.” The short and long-term effects of climate change cannot be predicted, nor can the effort to change forest structure via logging and prescribed burning be proven effective in combating the continuing and changing ecological impacts of climate change. It would therefore appear the attempt to produce a forest condition that will reduce or negate the impacts of climate change is an experiment, not a proven solution to a problem.

“Historical Baselines” and “Desired Conditions”

We question how “Historical baselines” can be determined based on snapshots from the recent past. Records of inland Pacific Northwest forest conditions reach back only to the mid/late 1800s with written descriptions and photographic depictions. Written descriptions are vague and unscientific, while photographic evidence is limited and subjective. Site-specific information for the project area is even more limited.

There is consensus that forest conditions have been evolving since retreat of the last ice age more than 12,000 years ago, and that conditions are never static. It is probable that the state of the forests resembled the present scenario many times in the past. It seems illogical to attempt to remanufacture a forest ecosystem toward a condition that reflects an uneducated estimation of what the forest is supposed to look like all the time. Logging, road building, and prescribed burning were never a factor in forest evolution creating “historic conditions,” so the Proposed Action does not appear to be scientifically valid.

The Landscape Evaluation by Resilient Forestry concludes: “There is currently far less old forest and more young, dense forest than is desired...” The word “desire” suggests that the Evaluation is not scientific with its attempt to portray conditions that have been arbitrarily deemed acceptable, and the assumption that present conditions are not acceptable.

The Evaluation also claims: “...old forests represent the lowest 20% of their desired ranges of variation while young, multi-story forests occupy 50-322% of their reference acreages...” Once again, the rationale for “reference ages” appears to be incomplete because the point of reference is restricted to a single point in time. The Evaluation does not consider how climate change has already altered forest evolution, nor how it will continue to impact the ecosystem into the future.

Moreover, the major reason for the dearth of older trees is that past federal timber sales depleted them. And yet, Midnight proposes to deplete future ancient forest by removing what the Proposed Action calls “medium-sized trees” from 16” to 24.9” dbh, and in some cases even larger trees. These represent the large old trees of the future.

“Forest Management”

The Evaluation concludes: “...large patches of dense, young forest have developed due to a lack of forest management...” On what basis does the Evaluation propound that forest management (logging, prescribed burning) is necessary for a forest to thrive? This claim also appears to be based on inadequate information about past forest conditions. Further, it appears there is little or no consideration in the Evaluation, and subsequently the Proposed Action, for deference to the forces of nature.

The same anthropocentric implication is made under the headings for “Fire Regime,” and for “Climate Change,” and also “Post-Fire Restoration.” The only rationale for the Proposed Action is that active management, particularly logging, is essential to prevent intense, climate-driven fires, and there are no other options. These appear to be assumptions, not scientifically valid conclusions.

Further, the Evaluation propounds: “In dense stands where the [Cedar Creek] fire burned at low or moderate severities, there is a need to reduce fuel loads to reduce the likelihood of high-severity re-burn...” We question the claim that an area which did not burn completely presents an increased risk of high-severity fire. These lightly burned, and/or unburned stands are the survivors of the fire, the future native seed stock, and they provide important remnant habitat. Downed, partially-burned logs are the evolving detritus necessary for ecosystem health. NCCC suggests that documentation is necessary to explain why a previously-burned forest is likely to experience a high-severity re-burn.

The Proposed Action’s approach seems intolerant of natural process, and does not adequately consider the impending impacts of large-scale human disturbances via logging and burning projects such as Midnight, including the possibility of exacerbating fire danger. The proposed removal of (fire-resistant) medium and large trees, and other impacts from logging (as explained below), are not described in terms of trade-offs. Without providing documentation that the present condition is unnatural, and that the Proposed Action is a proven-effective way to return the forest to a natural condition, there is no evidence the Needs will be satisfied.

Justification for the Needs begins with the necessity of proving conditions in the project area are not only “undesirable,” but are unnatural, and that natural processes must be intruded upon to speed the pursuit of a “desired” condition. Even if the described historic condition were proven accurate, the NEPA document should still establish that the actions proposed are a proven-effective solution to the alleged problem.

Economic Considerations

The Proposed Action claims a need to “...increase local economic well-being.” However, the primary economic driver in the Methow Valley is outdoor recreation-based tourism. The NEPA economic analysis should present the projected economic benefits in terms of jobs and income that would purportedly be created *which would otherwise not be present*. It should also compare alleged benefits with the economic impacts: more log truck traffic on rural roads and on main travel arteries through Twisp, Winthrop, and Mazama, and Rainy Pass; disruption of recreation use from logging operations; long-term degradation of natural conditions favored by campers, hikers, and bikers; and impacts to the natural habitat of watchable wildlife.

Conjoining the objectives of timber production with restoration activities creates an inherent conflict. If the forest is as bad off as is portrayed, restoration goals should not be compromised

by a wood production objective. Over-emphasis on timber production in the past is what caused ecological deterioration to begin with. Any commercial timber removed should be considered a bonus, not an expectation.

Public Process Concerns

The Needs Statement refers to the project as: "...providing an opportunity to involve the community." NCCC contends that developing a Proposed Action is a part of the NEPA process, and should be initiated by giving the entire community an opportunity to participate.

Unfortunately, we have extensive documentation that the majority of the community has been consciously excluded from participation in the inception and development of the Midnight Proposed Action, and that the Forest Service limited public involvement to the North Central Washington Forest Health Collaborative ("the Collaborative"). The press release for Midnight states: "The collaborative...provided their recommendations for a preliminary proposed action."

The record of NCCC's unsuccessful requests for the Forest Service to allow complete and equitable public involvement in the development of the Midnight Proposed Action is extensive. It includes the December 8, 2021 conference call with you, myself, and Ric Bailey; an August 22, 2021 letter to Okanogan-Wenatchee National Forest Supervisor Kristen Bail; a November 22, 2021 follow-up letter to Supervisor Bail; an April 4, 2022 letter to Ms. Bail; discussion between you and Ric Bailey on the September 16, 2022 tour of the Mission Project area; and a January 10, 2023 letter to Ms. Bail. On each occasion, NCCC and the general public were denied the opportunity to be involved in the development of the Midnight Proposed Action. You also told us on two occasions you would not accept the alternative NCCC has developed.

We are compelled to repeat the validation for our concerns with regard to public process: Midnight was revealed to the Collaborative at its quarterly meeting on November 3, 2021. This revelation was made after the Forest Service decided to reduce the Twisp Restoration Project (TRP) by 53,000 acres, the excised acreage would then become Midnight.

On January 26, 2022, three months after informing the Collaborative of Midnight and inviting its participation in developing the Proposed Action, you announced to the general public the reduction in size of the TRP. However, you chose not to reveal the existence of Midnight at that time. This despite the fact that Midnight had already entered the planning phase, via the Collaborative's initiation of contract work to develop a silvicultural prescription through Resilient Forestry.

Eighteen months after the Collaborative was informed of the existence of Midnight, during which time it helped to develop a Proposed Action, only now is the full community informed of Midnight's existence.

While the companies, trade associations, government bodies, and organizations who are members of the Collaborative have had 18 months to help develop the Midnight Proposed Action, the rest of the public has been given 23 days notice (the time remaining after the public notice for Midnight Scoping appeared in local newspapers) to comment on 87 pages of technical documents and 746 pages of supporting documents for a proposal it was not allowed to be involved in developing. The “open house” conducted by the Forest Service for Midnight on May 18, 2023, occurred the day after the public notice was published.

NCCC is well aware through experience that once a Proposed Action is created, it—or a very similar iteration of it—will become the Preferred Alternative in the NEPA document. It is highly unlikely the community will be able to inspire or compel significant changes, given that the Forest Service and the Collaborative have already bought in to the detailed prescriptions.

On a final note, the Collaborative has received substantial funding from the federal government via the National Forest Foundation to participate in the development of Midnight, and other fuels reduction proposals. The Midnight NEPA document should disclose all information related to the relationship between the Forest Service and the Collaborative in the development of Midnight.

We believe a full explanation of why the public process that was undertaken was necessary, and that the NEPA document cite which laws or regulations authorize such a process. Democratic process demands there be equal opportunity to influence federal projects.

Amending the Northwest Forest Plan

Specific to eastside forests, the Northwest Forest Plan (NWFP) states: *[Late Successional Reserves] represent a network of existing old-growth forests that are retained in their natural condition with natural processes, such as fire, allowed to function to the extent possible...late-successional forest communities are the result of a unique interaction of disturbance, regeneration, succession, and climate that can never be recreated in their entirety through management.*

It continues: *Desired late-successional and old-growth characteristics that will be created as younger stands change through successional development include: (1) multispecies and multilayered assemblages of trees...while [fire] risk-reduction efforts should generally be focused on young stands, activities in older stands may be appropriate if: 1. The proposed management activities will clearly result in greater assurance of long-term maintenance of habitat; 2. The activities are clearly needed to reduce risks...*

The direction of the NWFP for Late Successional Reserves (LSR's) mandates that natural processes be given priority over logging and other management, and that fire be allowed to assume its natural role. It states that “management” cannot re-create late successional forest communities; that multi-layered canopies are desirable; and management in older stands may

only be appropriate if it can be proven effective in maintaining long-term habitat, and are clearly needed to reduce risks.

Thus, the burden is on the Forest Service to provide documentation of the alleged problems in LSR's, and that the proposed solutions are proven effective.

NCCC further contends that NWFP amendments are legally suspect, as they would weaken protections that have been approved to comply with the requirements of the Endangered Species Act (ESA) to develop species recovery plans. Thus, such amendment would conflict with the exiting NWFP direction, and weaken the protections now in place. The amendment would need to be reviewed for compliance with ESA.

Amending the NWFP to enable logging will jeopardize long-term ancient forest protection by reintroducing the same activity that caused forest deterioration in the first place. The NWFP was approved as a legal remedy to the near-extirpation of ancient forest-dependent species on federal land caused by expansive, unsustainable logging, which was scientifically proven to be threatening to cause the extinction of ancient forest-dependent species.

We contend that logging cannot be established as a remedy to protect ancient forests unless the Forest Service can prove its effectiveness. We reference the following study, *Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus?* (DellaSala, et-al). Among other things, this study documents the ineffectiveness of fuels reduction treatments in reducing wildfire risks, and that mixed-severity fires contribute to forest succession.

It also appears the Midnight prescription contradicts the OWNF Restoration Strategy, which defines "large trees" as greater than 20 inches diameter, and "very large trees" as greater than 25 inches diameter. Midnight changes this guideline to define "medium trees" as 16-24.9 inches diameter. This contradiction needs to be rectified.

The Midnight NEPA analysis should include all relevant and credible scientific studies related to the effectiveness, or lack thereof, of various logging prescriptions in reducing the risk of wildfire to large, old trees. We do not believe the risks associated with logging balance out given the speculation that a wildfire *may* occur in ancient forest groves, that it *may* be an unnaturally intense fire, and that it *may* kill large, old trees.

Fire Management Issues

We cite the study by Bradley, et-al, *Does increased forest protection correspond to higher fire severity in frequent-fire forests of the western United States?* to show there is valid, peer-reviewed science which propounds that activities such as those prescribed in the Midnight Proposed Action can result in higher intensity wildfires, and can have negative impacts on ancient forest stands.

“Ladder Fuels”

The Proposed Action cites the need to remove medium-sized trees (16” to 24.9” dbh) that may allow a fire to crown in larger trees. However, the consequences of removing such trees, and additional stands that contribute to a diverse forest canopy, could be counter-productive. In particular, removing medium-sized trees in LSR’s conflicts with the NWFP directive to maintain “multilayered assemblages of trees...”

Removing medium-sized, and in some cases large trees, reduces the number of trees that will replace older trees in the natural evolution of the forest, thus reducing future ancient forest habitat. Other impacts include: (1) diminishing the multi-layer forest structure, which could increase wind velocity resulting in large old trees being toppled, and an increase in the intensity of wind-driven fires; (2) reduction of forest canopy, reducing the shade that keeps ground fuels moist, thereby facilitating drying of flashy fuels; (3) enhancing the growth of shrubs and non-native weeds, further increasing flashy fuels; and (4) producing logging slash that also increases the amount of ground fuels.

In the eastern regions of the North Cascades Ecosystem (the ecoregion where Midnight is located), we believe wildfires are carried as much, or more, by ground fuels as by trees. Reducing the uneven forest canopy may well increase the frequency and intensity of fires. More attention should be given to reducing ground fuel concentrations by “lopping” of elevated logs and slash not making contact with mineral soil, followed by prescribed burning.

Mistletoe

If mistletoe is used as rationale to remove medium or large-sized trees, the NEPA document should disclose why this is necessary. Is there a mistletoe epidemic? What information exists indicating that trees with mistletoe have increased, or are a detriment to habitat? Does removing them achieve any of the stated Needs of the Proposed Action? The NEPA analysis should disclose the importance of mistletoe in producing habitat such as snags for cavity-nesting birds.

Pile Burning

Another concern with the consequences of actions proposed in Midnight is pile-burning. NCCC does not support pile burning, but we do support controlled broadcast burning of slash. Studies have shown that pile burning sterilizes soil and facilitates weed spread.

The Cub2, Crescent Mountain, and Cedar Creek Wildfires

The NEPA analysis should disclose the impacts of these wildfires. Our observations have shown there was substantial mortality of large trees (trees meeting the technical definition of “old growth”) in areas of the Cub2 burn that had recently been commercially logged. The fire

behavior of Cub2, which occurred in a similar forest type as the Midnight project area, should be analyzed in the context of how the logging proposed in Midnight will have a more positive influence in preventing a large wildfire than occurred in Cub2. This would provide a profound locally-based illustration as to the impacts of logging on large, old trees.

Further, it appears there was far more crowning in Cub2, a fire that occurred mostly in previously logged areas, than the Crescent Mountain and Cedar Creek fires, in which the majority of the land burned was unlogged backcountry.

To support claims that the Proposed Action will reduce risks associated with wildfires, the NEPA analysis should consider information on wildfire exacerbating factors. For example, the DellaSala study notes that 80 percent of wildfires are human-caused. Cub2 was human-caused. It also states that the most intense and expansive wildfires occur on land that has been logged and is managed all or in part for timber production, and also that most wildfires of extreme intensity have occurred on industrial forest lands, followed by federal and state lands that have been previously logged. The least intense and expansive fires have occurred in wilderness and roadless areas, national parks, and otherwise unlogged forests.

Based on the scientific information we have reviewed, NCCC does not believe the potential effectiveness of the Proposed Action has been established, and that it is just as likely it will exacerbate fire danger as decrease it, and will diminish old growth forest habitat.

Discussion on Roads and Fuel Breaks

NCCC does not support the construction of new roads, whether or not these would be closed or decommissioned post-project. It appears at least four miles of new roads would be constructed under the Proposed Action. Some presently closed roads would be opened to allow logging and burning, which we also oppose due to the proven ecological impacts of roads.

Likewise, the proposed construction of excavated fuel breaks seems ill-advised. These cleared areas—essentially primitive roads—will not stop a wind-driven fire of even moderate intensity. While their benefits are minimal, their impacts can be great, particularly the facilitation of weed spread. They could also become destinations for illegal ATV use. The liabilities seem far greater than the benefits.

It is well-documented that roads result in soil compaction and facilitate erosion, lead to increased motor vehicle traffic and subsequent spread of weeds, and increase wildlife disturbance. Since most of the proposed new roads are for log-hauling, areas that would be accessed by new roads should be precluded from the proposed activity, with two exceptions:

NCCC supports the road improvements at the South Creek trailhead, as stated in the Proposed Action: "...where recreationists park on the narrow shoulder of FS Road 4440, a small parking area would be created off the shoulder to reduce hazards to motorists and users." We also

support the proposal to extend the road at the Gilbert trailhead for 0.1 mile to better manage use of the trailhead.

We enthusiastically support the proposed closure of some existing roads, and decommissioning of others. However, there are some roads proposed for decommissioning (removal by using machinery) that are already well into the process of natural rehabilitation. For those roads that are not mid-slope, or causing erosion, we favor allowing these to rehabilitate naturally, or converting them to single-track trails using only non-mechanized equipment.

Finally, there are seven ESA listed species that find, or can potentially find habitat in the project area. All are impacted by roads. The first step in reducing the impacts of roads is to not build more of them.

At some point in the future, if more time is allowed to submit comments, we will provide a list of roads we support for decommissioning, and for closure to motor vehicles, or conversion to trails.

Further NEPA and Ecological Considerations

The reality of climate change and a warming trend that is likely to be permanent renders the contriving of conditions via the project ineffectual when the potential for large wildfires will continue to increase. The conditions under the climate change regime cannot be predicted, so how can the project be deemed successful in achieving its objectives of fire resilience? Moreover, we question the suggestion that a one-shot logging and burning project will in and of itself solve the alleged “problem” by restoring “historic conditions.”

Maintaining the New Conditions

The conditions created by the project will not sustain over time. The forest will naturally revert to its prior condition and continue to be influenced by climate change unless one of two things occurs: (1) additional post-project, hands-on action is taken by the Forest Service in the form of projects similar to Midnight to maintain the conditions, or; (2) there is a plan to allow wildfire to resume its natural role in shaping the forest ecosystem. We prefer the latter. Such plan should consider the variable of climate change, and achieve a balance between allowing fire to resume its natural role, and protecting communities and resources from unnaturally large, climate-driven wildfires.

This is the ultimate challenge in using logging and prescribed burning to create a specific condition: even if the project is completed exactly as proposed, how can it be deemed effective when historic conditions are no longer pertinent. Plus, they cannot be maintained due to climate change altering conditions long-term.

Whether future hands-on projects are planned, or a wildfire plan is established, any actions to maintain the new condition need to be disclosed in the NEPA analysis. If no further actions are

planned, the NEPA analysis should disclose how this project will have the intended long-term effect.

Multiple Alternatives

The NEPA analysis should include multiple alternatives, or the Forest Service needs to justify its refusal to include more than one action alternative, and the exclusion of alternatives offered by the public. The rationale for multiple alternatives is supported by the often conflicting emerging science on the forest wildfire situation, and the alteration of forest conditions via climate change. Alternatives should be developed that address the differing conclusions reached in scientific studies.

The purpose of NEPA, as established in caselaw, is that the “heart” of a NEPA document is the review of a variety of options to address the Needs, each with differing solutions to problems, with the overall goal of reducing the environmental impacts. Including only a single action alternative defeats the purpose of NEPA. If this is the course taken for Midnight, the legal basis for it needs to be disclosed.

Recent Impacts

The impacts as well as the benefits of the Cedar Creek Fire (including portions that burned outside the Midnight project area), and the impacts of the commercial logging that occurred during the fire suppression effort should be disclosed. What were the impacts and benefits of the fire? How much timber was removed during the suppression effort? How many mature ponderosa and fir trees were removed? How much machine fire line was incised? What mitigation is necessary?

On a related note, the logging that occurred along the Twisp River Road during the Cedar Creek firefighting effort scarred more than ten miles of this once-scenic recreation portal. A fire management plan associated with Midnight should ensure this is not allowed to happen again. No logging, skidding, fire line, or road construction associated with firefighting efforts should be permitted in the corridor between the edges of the Chelan-Sawtooth Wilderness boundary on either side of the river, from War Creek upstream to the wilderness boundary. Further, this project represents an opportunity to rehabilitate the land damaged by the suppression-associated logging.

Condition-Based Management and Designation By Prescription

The prescription for the Proposed Action states: “...the proposed action includes a condition-based management approach to allow for responsiveness and flexibility between planning and implementation on a landscape that is subject to rapid environmental changes.” NCCC contends that neither “Condition-Based Management” nor “Designation By Prescription,” which we expect will again be implemented, are appropriate, justified, or legal.

The NEPA analysis should disclose what significant changes that would necessitate changing the prescriptions might occur post-decision, as is allowed under Condition-Based Management. With this approach, the NEPA analysis can be rendered useless, because the analysis disclosing the environmental impacts of the proposed logging is not the actual scenario that is implemented on the ground. When the logging prescription is altered post-analysis, the actual impacts to fish, wildlife, recreation, water quality, and biodiversity are not disclosed.

As for Designation By Prescription, the NEPA analysis needs to describe why trees to be removed cannot be marked. Ceding control of which trees will be removed to the logging contractor while the contractor can increase its profits by removing more and larger trees seems irresponsible, and possibly illegal. Resource professionals should be selecting trees to be removed via the use of marking paint.

It is likely the departures from the logging prescription and over-cutting on the Mission project were partly enabled by Designation By Prescription.

The final Decision for a project in the NEPA document is a promise to the public of what will occur on the ground. Changing the prescription via Condition-Based Management, and allowing the contractor to select trees to be cut breaks that promise, and renders the environmental analysis inadequate.

Condition-Based Management has been repudiated by the Environmental Protection Agency. If this process is proposed in the final decision for Midnight, the legality of the project will be in question.

Tree Size Guidelines

Under “Vegetation Treatments,” the prescription states: “cutting of trees >21” diameter would be minimized and designated by U.S. Forest Service silviculture staff, with brief documentation provided to the public.” We do not understand what this means. What amount of trees >21” are going to be removed, as described by “minimized?” How will the described “documentation” be provided to the public? How can the environmental analysis be accurate when the number of medium and large trees to be removed is not spelled out? Removing fire-resistant medium and large trees is counter-productive for the reasons stated previously in these comments. NCCC opposes removal of any trees greater than 10” dbh.

Snag Retention

We have serious concerns with the apparent absence of explicit snag retention guidelines in the Proposed Action. Requirements for protecting existing snags during timbering activities, and facilitating snag recruitment, should be clearly articulated. Post-project actions should include protection of snags from unauthorized wood cutting that would increase due to expanded road

access, and increased off-road access due to intensive logging to create “open stands.” Removal of valuable snags by wood cutters is occurring in the Mission project area.

Roadless Area Rule

The Proposed Action mandates logging in the Sawtooth inventoried Roadless Area: “... treatments in the Sawtooth Inventoried Roadless Area are limited to approximately 4,100 acres...” This does not appear to be a “limitation,” but rather a violation of the Roadless Area Rule. Logging in designated roadless areas is unacceptable, and unnecessary. NCCC opposes logging and road building in any portion of any roadless area, inventoried or otherwise.

Forest Plan Amendments

We do not support the proposed Forest Plan amendments. Forest plans are a promise to the public that conservation and respect for natural processes will be a part of management direction. Making piecemeal amendments to the Forest Plan to allow logging in the old growth allocation violates that promise. Forest Plan amendments should be limited to changes in laws—for example, endangered species listings—not to satisfy the present desire to log. If such amendments are deemed necessary, it speaks to the need to revise the entire Forest Plan in consideration of the serious environmental changes being brought about by climate change.

The Mycorrhizal Network

The Prescription does not consider nor recognize the importance of mycorrhiza fungus. The disruption of the mycorrhiza connection between large and medium-sized trees should be prevented. *Inter-plant communication through mycorrhizal networks mediates complex adaptive behaviour in plant communities* (Gorzelack, et-al) has shown that the mycorrhiza network between trees, particularly mature trees, is an important component of the forest’s natural resilience, and that significant disruption of the network can result in decreased resilience to climate change.

Call for an EIS

By reasonable definition of the word “significant,” impacting 53,000 acres of forest land by building roads, removing thousands of trees (presumably, since the number of trees to be removed is not disclosed) via skidding and yarding, and burning thousands of acres, would have a *significant* impact on the environment.

The Proposed Action concedes the validity of climate change, which is a *significant event*, and that major changes in forest structure are subsequently occurring. This admission in and of itself illustrates that forest conditions are subject to an expanding variable that cannot be remedied in the short-term, and that the drastic activities prescribed in the Proposed Action are by no means an insignificant proposal, since they address a problem that threatens global catastrophe.

In addition, we feel the NEPA analysis should describe the impacts of decreased carbon storage in the forest due to the project, versus the alleged benefits of reduced fire risk and restoration of reputedly historic conditions.

ESA Listed Species

The NEPA analysis should consider the impacts of Midnight's logging to ESA listed species, particularly Canada lynx, which is known to depend on complex forest habitat. The analysis should consider the far-reaching impacts of increased soil erosion from clearcuts and new roads on endangered bull trout and salmon habitat. These impacts could be significant. Again, NCCC believes a competent analysis of potential impacts, and review of alternatives to aspects of the Proposed Action that would impose such impacts, cannot be undertaken only in an EA. We reiterate that an EIS is necessary.

Cumulative Impacts

NCCC believes an EIS is also required to analyze the pending cumulative impacts of Midnight with those in the Twisp Restoration Project, and the ongoing Mission project, which has also impacted the Twisp Watershed in the Buttermilk Creek Drainage.

The consequences of continued livestock grazing in logged and burned areas also need to be analyzed, particularly with respect to soil compaction, weed spread, and degradation of water quality.

It is black-letter law that actions connected in scope, purpose, and geographic location cannot be segmented in separate analyses as if each only poses impacts in and of itself, whereby the combined impacts are disregarded. The Forest Service has already conceded that Midnight and the TRP are connected, as they were once a single action proposed in a single analysis. These two projects should not be analyzed in separate NEPA documents.

An Alternative Proposal

With respect to the Proposed Action's stated request for: "alternative methods [that] would better meet the needs of the project than the proposed actions described in this [Scoping] letter..." NCCC hereby submits the *Twisp Biodiversity Rehabilitation Alternative* (TBRA) for inclusion in the NEPA analysis. This plan is attached in PDF format, as required.

As you know, NEPA requires the federal government to include and review "all reasonable alternatives" in its NEPA analysis. Our alternative meets the requirements of addressing the "Need" to reduce wildfire risk, address climate change, and rehabilitate portions of the Twisp Watershed that have been degraded by past logging projects and other activities.

This alternative should be included in the NEPA document and analyzed for its effectiveness in meeting the Needs while minimizing environmental impacts, alongside the proposed action and the other alternatives presented by the Forest Service.

Conclusions

Finally, NCCC contends that the funds allocated for fuels reduction in the Infrastructure Bill and the Inflation Reduction legislation cannot be regarded as authorization for fast-tracked projects that do not include all publics, nor fully review and analyze and compare a variety of actions. These Acts do not authorize an abbreviated analysis of ecological impacts.

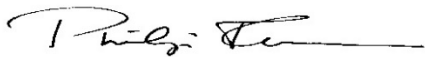
To the contrary, the funds allocated by Congress represent an opportunity to remove the commercial incentives of the project, which will detract from pursuing less impacting, science-based fire safety measures.

Any work to be conducted should be by service contract, where the contractor is paid with money to do a job, and does not receive compensation in the form of timber. Any timber removed should remain the property of the federal government, which it may sell.

These recommendations for changes the in Midnight Proposed Action are with respect to our ultimate position based on legal considerations: both the Midnight Proposed Action, and the TRP decision, should be withdrawn and re-analyzed collectively in an EIS.

This concludes our scoping comments on the proposed Midnight Restoration Project. We request written acknowledgement of your receipt of these comments. Thank you for your consideration.

Sincerely,



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