

February 11, 2022

Mel Bolling
Forest Supervisor
Caribou-Targhee NF
(CTNF)
1405 Hollipark Drive
Idaho Falls, ID 83401



Re: Objection to Caribou Prescribed Fire Restoration
Project EA, FONSI and Draft Decision



Comments sent via email to:

mel.bolling@usda.gov

objections-intermtn-regional-office@usda.gov

Mr. Bolling:

Yellowstone to Uintas Connection, Alliance for the Wild Rockies and Native Ecosystems Council are submitting this objection to the Caribou Prescribed Fire Restoration Project Environmental Assessment, Finding of No Significant Impact and Draft Decision Notice.

Yellowstone to Uintas Connection (Y2U) is a 501c3 public interest organization whose staff and members work to protect the integrity of habitat for fish and wildlife in the Regionally Significant Wildlife Corridor (Corridor) that connects the Greater Yellowstone Ecosystem and Northern Rockies to the Uinta Wilderness and Southern Rockies in which this Prescribed Fire Project lies. Yellowstone to Uintas Connection is headquartered in Paris, Idaho with a satellite office in Bondurant, Wyoming.

Alliance for the Wild Rockies (AWR) is a 501c3 public interest organization whose mission is to secure the ecological integrity of the Wild Rockies Bioregion through citizen empowerment and the application of conservation biology, sustainable economic models, and environmental law. Alliance for the Wild Rockies is headquartered in Helena, Montana.

Native Ecosystems Council (NEC) is a 501c3 public interest organization whose staff reviews Forest Service National Environmental Policy Act (NEPA) assessments of logging impacts on wildlife in Montana and Idaho. NEC is headquartered in Willow Creek, Montana.

Wildlands Defense (WLD) is a 501c3 regional, membership, nonprofit organization dedicated to protecting and improving the ecological and aesthetic qualities of the wildland and wildlife communities of the western United States for present and future generations. WLD advances its mission by means of landscape and wildlife monitoring and scientific research, by supporting and empowering active public engagement, by publishing and working in support of

media outlets, and with legal and administrative advocacy. WLD is headquartered in Hailey, Idaho.

1. Overview

Our overall view of this project and its NEPA documents is that it is a self-serving myth-based proposal lacking any site-specific verification of past and current habitat conditions and wildlife populations to serve as a baseline for decision-making and future comparisons. Instead, it postpones any data collection until some distant point in the future, thus avoiding any public input regarding the true nature of its plans. The CTNF makes claims about these "fire-adapted" ecosystems without any analysis of the actual historical fire intervals in the different forest or vegetation types. It then sets up a straw man of degradation or departure from the "natural fire regime" based on a model without any documentation of that departure in terms of where it sits as compared to the historical fire cycles which can be hundreds of years. No data is presented for the actual stand structure and understory present today therefore preventing any comparison or evaluation to potential vegetation condition or habitat needs. Old growth is not mapped or analyzed. IRAs are not analyzed in terms of existing degradation or impacts of the project. The EA fails to address a major cause of habitat degradation, livestock grazing and it avoids addressing climate impacts. It does not disclose the extent and effect of past forest management on current stand structure and vegetation condition. There is no baseline data or analysis on any of this, nor the current and potential status of wildlife species, yet viability and habitat issues are dismissed based on mitigation in the form of Design Elements and an Implementation Checklist. The analysis violates the intent of NEPA, NFMA, APA and ESA. These violations include, but are not limited to:

- a. The project violates NEPA for its failure to prepare an EIS to analyze the effects of this decades-long and huge project to native animal species and communities that occur or should occur in the project area.
- b. The project violates NEPA for its failure to analyze a range of alternatives.
- c. The project violates NEPA based on its mitigation-based FONSI by not meeting the CEQ guidelines for such a proposal.
- d. The project violates NEPA because it fails to identify on a site-specific basis, the actions that will be taken and their impacts.
- e. The project violates NEPA because it has failed to inventory the vegetation and wildlife resources that will be impacted.
- f. The NEPA analysis does not adequately describe the direct, indirect, and cumulative impacts of the project.
- g. These elements violate NEPA's "hard look" provision.
- h. The project violates NFMA for failure to assure species viability and comply with the intent of the Forest Plan.
- i. The project violates the ESA for its failure to provide detailed scientific information and analysis on the species and habitats present, or potentially present, in the project area.

2. Project Purpose and Need

The EA (p1 - 2) describes the alteration of vegetation composition and structure due to fire suppression and livestock grazing resulting in altering the "natural fire regime". The need for the project is to reduce "uncharacteristic wildfire" by reducing fuels, improving plant vigor, stand structure and species composition, and improve ecological function of vegetative communities. This need statement is not based in science but is more a reflection of the Forest Service budget being driven by fire related projects. For example, the FY 2022 budget request included over \$2 billion for wildland fire management plus a reserve fund of over \$2 billion for wildfire suppression. The total budget request was \$9 billion.¹

Deconstructing the Myth

A current article in the Hill by noted ecologist and author, George Wuerthner, pointed out some of the facts about wildfire and the current fire myths put out by the Forest Service.² That article as well as two of the reviews^{3 4} we provided in our prior comments⁵ address these points in detail, citing numerous published studies which refute the Forest Service's "need" for the project. Some examples include:

- a. Fire suppression in the early 1900's didn't have the use of air tankers, bulldozers, and mechanized equipment, but was manual by a handful of rangers on horseback or mules, so affected minimal area.
- b. Fire scars are used to make claims for short fire return intervals but ignore that most fires were in small areas but repeated small burns would lead to the erroneous impression that large scale wildfires were occurring across the landscape.
- c. Most fires self-extinguish, for example of the 56,320 fires occurring in the Rocky Mountains between 1980 and 2003, 98% burned less than 500 acres and accounted for 4% of the area burned.
- d. In the 1920s and 1930s as many as 50 million acres burned annually. Today 10 million acres is considered a large fire year. Those early fires occurred during the warm, dry period that favored fire spread like the warmer dry conditions we have today. They could not have resulted from fire suppression.

¹ USDA Forest Service. 2021. FY 2022 Budget Justification. May 2021.

² Wuerthner, G. 2022. Fire Suppression Myths. The Hill 01/07/2022. <https://thehill.com/opinion/energy-environment/588796-fire-suppression-myths>

³ Reinhardt, E.D., Keane, R.E., Calkin, D.E., and J.D. Cohen. 2008. Objectives and considerations for wildland fuel treatment in forested ecosystems of the interior western United States. Forest Ecology and Management. 256:1997-2006. <https://app.box.com/s/loj3dqgz37akelxs18thq0qpkplmk533>

⁴ Rhodes, J.J. and Baker, W.L. 2008. Fire probability, fuel treatment effectiveness and ecological tradeoffs in western U.S. public forests. The Open Forest Science Journal 1: 1-7. <https://app.box.com/s/s3dqfmgcxizw0pkrva56ott43qphhjya>

⁵ Scoping, Draft EA comments, John Carter Declaration, and references may be found at: <https://app.box.com/s/xviwb738ogkbzku9qnmjp3piwynmn3uf>

- e. Nearly all plant communities in the West have long fire rotation intervals that can be hundreds of years.
- f. What is driving large wildfires in the West today is climate, not fuels. A review of 1,500 blazes found the highest severity occurred in areas where logging or "fuels management" had occurred. In contrast, wilderness, and national parks where logging is prohibited burned at lower severity.
- g. See Figure 1 for a map of the Bootleg Fire showing the history of forest management relative to the fire perimeter, noting it burned through past management areas.
- h. The Camp Fire in Paradise, California destroyed thousands of homes, yet past logging and fuel reductions did not protect these homes. What is needed is focus on reducing the flammability of the home and its immediate surroundings.
- i. "Treating fuels to reduce fire occurrence, fire size, or amount of burned area is ultimately both futile and counter-productive" because most acreage burned is under extreme conditions which make suppression ineffective. If, due to treatments, moderate intensity fires are suppressed this leads to most acres burning under extreme conditions. Reducing burned area would not be desirable as large fires were common prior to European settlement and many western plant species are adapted to large, severe wildfires. Large fires generally have many areas lightly to moderately burned. Any fire "could offer a unique opportunity to restore fire to historically fire-dominated landscapes and thereby reduce fuels and subsequent effects."
- j. Reducing fuel hazard is not the same as ecosystem restoration. Treatments such as mastication and thinning may leave stand conditions that do not mimic historical conditions. Mastication breaks, chips, grinds canopy and surface woody material into a "compressed fuel bed" while thinning that removes fire-adapted species and leaves shade tolerant species do not mimic historical conditions. "Fire itself can best establish dynamic landscape mosaics that maintain ecological integrity."
- k. Thinning for fire hazard reduction should concentrate on the smaller understory trees to "reduce vertical continuity between surface fuels and the forest canopy." Thinning can increase surface fire behavior, for example, it increases surface wind speed and results in solar radiation and drying of the forest floor creating drier surface fuels.
- l. Fuel treatments are transient. Prescribed fire creates tree mortality with snag fall contributing to fuel loads, tree crowns expand to fill voids, trees continue to drop litter. Trees cut for harvest or killed by fire contribute limbs to the forest floor, increasing fuel loadings. Up to seven treatments may be needed to "return the area to acceptable conditions that mimic some historical range."
- m. Fire was historically more complex and everchanging than commonly believed and cannot be mimicked by prescribed burning. The low-severity model that is being pushed as "restoration" is no longer widely accepted by scientists. Prescribed fires do not have the variability of past wildfires, and thus cannot mimic them.
- n. Commercial Thinning and Prescribed out of season burning have negative ecological impacts. Out of season burning coincides with nesting season for birds. Smoke may drive them from their nest, possibly even kill nestlings, etc. Ground nesters will be most impacted.
- o. The probability that a fire will encounter a fuel treatment of any kind is low.

- p. Analysis of fuel treatments and fire occurrence in the western US Forest Service managed lands determined that fuel treatments have a probability of 2.0 - 7.9% of encountering moderate or high-severity fire in a 20-year period of reduced fuels (estimated time frame for return of fuels to prior levels or the "window of effective fuel reduction").⁶

Failing to take these factors into account in the project analysis and alternatives is a violation of NEPA.

3. The Proposed Action

LANDFIRE modeling was used to identify over 223,535 acres in the project area that "can be characterized as being moderately or highly departed from their natural regime of vegetation characteristics." "Approximately 98% of the forest stands in the project area are classified as mature/late seral age class, while the 2003 Revised Forest Plan for the Caribou National Forest identifies a desired condition of 20 to 40 percent mature/late seral stands across the forest." (EA p2). The Proposed Action is to implement prescribed fire across 266,000 acres of the CTNF. This will be done in 23 "burn blocks" averaging about 12,000 acres each. The "burn blocks" constitute the "project area".

John Carter's declaration provided with our scoping prior comments reviewed the LANDFIRE Model.⁷ This simulation used modeled vegetation classes to predict departures from pre-settlement or historical fire regimes. A review of the LANDFIRE website showed that the model may provide "an approximation of the historical disturbance regime: and that the "presumed historical fire regimes" were based on interactions between vegetation dynamics, fire spread, fire effects, and spatial context.

This modeling exercise does not tell us any specifics about conditions on the ground. It does not reveal the state of the understory habitat, the stand structure, effects of past harvests or other forest management including timber harvest, prescribed fire, forest fire, thinning, clearcuts, and livestock grazing. These are site-specific details that should be known from stand exams or other studies and related to the successional state of the forest or plant communities. This data should also be available and used to determine the capability and suitability of habitats for the different special status wildlife species.

The October 2020 Scoping Proposed Action⁸ provided Figure 2 depicting vegetation condition classes based on the LANDFIRE model. That figure clearly illustrates that there is very little

⁶Rhodes, J.J. and Baker, W.L. 2008. Fire probability, fuel treatment effectiveness and ecological tradeoffs in western U.S. public forests. The Open Forest Science Journal 1: 1-7.

<https://app.box.com/s/s3dqfmgcxizw0pkrva56ott43qphhjya>

⁷ Carter, J. 2020. Declaration for the Caribou-Targhee National Forest Prescribed Fire Restoration Project. Dated December 28, 2020.

⁸ USDA. 2020. Caribou-Targhee National Forest Caribou Prescribed Fire Restoration Project Scoping Proposed Action. October, 2020.

high departure condition with virtually all in low or moderate condition classes. Even if one accepted the modeling as accurately representing current conditions, there is no justification for manipulating over 266,000 acres.

The Forest Plan describes the Desired Future Condition for Forested Vegetation as: **"In conifers, a range of structural stages exist where 30 to 40 percent of the acres are in mature and old age classes."** (RFP p3-17). The EA got this wrong in stating the range is 20 to 40%. According to the RFP FEIS (p2-61), the Caribou National Forest is 1,042,200 acres, of which the project area (burn blocks) defined in the EA is defined as 266,039 acres. This is 25.5% of the CNF, which is below the minimum threshold of 30%, so the CNF is not over mature, but lacking in mature age classes. The EA should have analyzed this and explained why there is a lack of mature and old growth age classes and withdrawn the project.

The project violates the intent of the NFMA and the Forest Plan regarding the percentage of mature forests across the planning area, the determination of capability and suitability for special status species habitats, and thereby species viability, as well as the NEPA hard look provision.

Project Duration and Conditions

The EA (p3) describes that burning activities would focus on vegetation types that have fire regimes of: (1) frequent, low severity; (2) moderate frequency, mixed severity; and (3) infrequent, mixed severity. Burning activities would focus on vegetation classes of moderate and high departure from the natural range of variation. Up to 6,000 acres per year would be burned.

At a rate of 6,000 acres per year, it would require 44 years to burn the 266,000 acres the EA claims need to be burned. The current 2003 Caribou RFP updated the 1985 Forest Plan, a period of 18 years. The RFP states the following (p1-2): "The Revised Forest Plan sets a clear course of action for a specified period of time, 10 to 15 years." The EA is setting up a project spanning roughly three planning periods, thus negating the NFMA planning process.

The EA, while defining fire frequency and severity in three condition classes, does not cite relevant science showing the number of years contained in fire return intervals for each vegetation type and how this project is related to each. For example, what is the fire return interval for Douglas fir? Where and when have fires occurred in Douglas fir? Where are the old growth Douglas fir stands and what are their extent? None of these questions are answered in the EA for Douglas fir or any other vegetation type.

The EA (p3 - 4) cites the Interagency Fire Planning and Implementation Procedures Guide which provides standards for prescribed fire projects. These standards "support the use of prescribed fire to restore natural ecological processes and functions to achieve land management objectives." Nowhere in the EA do we find a description of the various natural

ecological functions and how this project will restore those functions. For example, in our prior comments and John Carter declaration, we described the various impacts of livestock grazing on the ecosystem, including effects to aspen and conifer communities, and presented results of a monitoring study in the Bear River Range showing severe degradation due to livestock grazing. Yet, the EA (p7) refused to address this and claims livestock grazing management is outside the scope of the project. That is fragmenting the analysis because it is impossible to address the ecosystem without addressing the causes of dysfunction and how these relate to any claimed departures from historical or natural conditions used to justify this project. This violates NEPA as related to cumulative effects, fragmenting the analysis, context and intensity, and hard look.

"Specific burn objectives, each burn unit size, the type of burn preparation and prescribed fire to be used, and the conditions under which burning is allowed would be documented in the burn plan prior to approval by the district ranger before implementation of treatments... ." (EA p4). Thus, the details of this project are deferred beyond the public comment/NEPA requirement, avoiding site-specific analysis that would inform the public. For example, the EA (p4) described that prescribed fire is proposed in wilderness and inventoried roadless areas. Approximately 81% of the project area is in IRAs. (EA p9). As we provided in our November 24, 2020 prior comments on the Scoping Proposed Action, "fires burned more severely in previously logged areas, while fires burned in natural fire mosaic patterns of low, moderate and high severity, in wilderness, parks, and roadless areas, thereby, maintaining resilient forests." This was from a letter to Congress from over 100 scientists.⁹ This is also a violation of NEPA as there is no analysis of these conditions, and no analysis of the IRAs constituting 81% of the project area, their current conditions relative to overall structure and function of vegetation types, habitats, or habitats capability for wildlife security and food. There is no analysis of the past and current actions affecting IRAs. These would include timber projects, roads and trails, livestock grazing and mining, all of which degrade IRA characteristics, security habitat, vegetation productivity, and species distributions.

4. Design Elements and Implementation Checklist

In this discussion, the EA (p4 - 5) describes that "Prior to using any prescribed fire, verification of specific treatment areas would be conducted by an interdisciplinary team of resource specialists to ensure treatment location and design are consistent with the 2003 Caribou Revised Forest Plan... ." It also notes that some areas of the forest have restrictions on how and where prescribed fire can be used "in accordance with previous planning decisions, including the 2003 Caribou Revised Forest Plan and Greater Sage Grouse Amendment." Appendix 1 of the EA lists 55 design elements. There is no site-specific analysis. This is akin to the CNF saying "we will comply with all regulations and planning documents, management practices, standards and guidelines without saying which ones, how, where, and what the outcomes might be. It basically is an open-ended arbitrary process wherein the public will remain in the dark, not only during this NEPA process, but for the four decades and three planning periods the project

⁹ Geos Institute. 2018. Open Letter to Decision Makers Concerning Wildfires in the West.
<https://app.box.com/s/nemr8uoccub0u8hubomjx4uhn6sfbu83>

will require. This is the epitome of Condition-Based Management or a Mitigation-Based FONSI used to avoid any meaningful analysis or public input.

Condition-Based Management (CBM) is used to "increase flexibility, discretion, and efficiency in project planning, analysis, and implementation." It circumvents NEPA by putting off site-specific analysis until the project is implemented, thus excluding the public from site-specific decisions. "NEPA requires federal agencies including the Forest Service to provide the public with "notice and an opportunity to be heard" in the analysis of "specific area[s] in which logging will take place and the harvesting methods to be used." *Ohio Forestry Ass'n v. Sierra Club*, 523 U.S. 726, 729–30 (1998).¹⁰

The Design Elements are intended to "help to ensure statutory and regulatory requirements would be met." (EA p5). These are mitigations to be applied during implementation of the project and after the NEPA process has ended. In our prior comments we have pointed out the flaws of reliance on best management practices (BMPs) and failure to monitor outcomes, thus perpetuating the myth that BMPs prevent impacts. The Council on Environmental Quality (CEQ) has issued guidance on use of mitigation-based decisions.¹¹ That guidance includes the following considerations:

Avoiding Impacts

- By not taking an action or parts of an action
- Minimize impacts by limiting the magnitude of the action
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment

Monitoring

- Monitoring is essential in those important cases where the mitigation is necessary to support a FONSI and thus is part of the justification for the agency's determination not to prepare an EIS."
- Monitoring plans should be described in the decision documents.
- Effectiveness monitoring tracks the success of a mitigation effort in achieving expected outcomes and environmental effects. Completing environmental data collection and

¹⁰ Cliburn, A., Quackenbush, P., Prokott, M., Murphy, J., and Overstreet, M. 2021. The U.S. Forest Service's Expanding Use of Condition-Based Management: Functional and Legal Problems from Short-Circuiting the Project-Planning and Environmental Impact Statement Process. American Bar Association. https://www.americanbar.org/groups/environment_energy_resources/publications/fr/20210510-the-us-forest-services-expanding-use-of-condition-based-management/

¹¹ CEQ. 2011. Final Guidance for Federal Departments and Agencies on the Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact. Federal Register Vol 76, No. 14 Friday, January 21, 2011. <https://www.federalregister.gov/documents/2011/01/21/2011-1188/final-guidance-for-federal-departments-and-agencies-on-the-appropriate-use-of-mitigation-and>

analyses prior to project implementation provides an understanding of the baseline conditions for each potentially affected resource for reference when determining whether the predicted efficacy of mitigation commitments is being achieved.

Enforcement

- Mitigation measures must be enforceable
- A mitigated FONSI should not be issued if it is not reasonable to believe funding will be available
- Mitigation should be clearly described in the mitigated FONSI including measurable performance standards or expected results

Here, the CNF has avoided selecting meaningful alternatives that would avoid impacts, address impacts from livestock grazing, past timber harvest, and road density that affect wildlife habitat. Instead, it has proposed a near half-century open ended process. It has not reduced the size and scope of its plan to fall within a single planning period, nor has it analyzed the habitat where the actions might take place and determined based on habitat and wildlife monitoring the impacts of its proposal in combination with these other habitat-degrading activities. The CNF has not provided a monitoring plan, baseline, or performance standards against which effectiveness of the project may be compared, which negates corrective action or informing the public regarding the efficacy of its BMPs or design elements. There is no assurance that funding will be available over five decades to support the monitoring and mitigation. The EA, FONSI and Draft Decision violate NEPA and the APA in these regards and NFMA regarding addressing species viability and habitat capability.

5. Project Elements

The EA (P5-6) describes the types of prescribed fire and burn preparation, or pre-treatment actions. Under burning is used in conifer forest to remove ladder fuels; broadcast burning in sagebrush and juniper or conifer/aspen communities; jackpot burning in conifer communities where there are concentrations of fuels; and pile burning primarily in conifer and juniper communities and near fire line construction, wildland-urban interface, or initially to reduce fuels prior to future under burns. Helicopters and hand ignition would be used.

Pre-treatment actions include slashing, hand thinning, piling and pile burning. Fire lines would be constructed, mastication would be used to create fuel breaks and continuous fuels. Timber harvest and thinning are not planned but could be implemented under a separate NEPA process. There is no estimate of the acres of mastication, thinning, slashing, and miles of fire line construction, all of which fragment habitats. Since no maps showing these actions or their extent were provided, perhaps for context we can estimate on a gross basis, the extent of fire lines. The 23 burn units averaging 12,000 acres are approximately 20 square miles each. A rectangle of 2 miles by 10 miles would be 20 square miles with a perimeter of 24 miles. Twenty-three of these would be 552 miles plus any WUI fire lines, or others that might be included.

The EA (p37) describes rehabilitation of fire control features, safety zones and staging areas by returning to original contours, erosion controls, scarifying to eliminate compaction and blocking access with naturalistic barriers. This description certainly implies fire line and other features are being constructed with heavy equipment, with fire lines being road analogs and fragmenting habitats. Mastication requires heavy equipment and will compact soils. Fire lines would essentially be graded roads which would be in place for each burn unit for multiple years and there is no commitment or assurance of funding to restore and revegetate these. Since 81% of the project area is in IRAs, this means further fragmenting IRAs and degrading wildlife security for the duration of the project.

The EA fails to describe the extent of old growth and wildlife security habitat and how the project will affect these. Burning in sagebrush habitats will cause loss of the shrub cover which sage grouse depend upon. Clearly, junipers will be cut down for the pile burning or mastication described. Fire lines will be bulldozed, trees felled, piled, and burned. The EA claims to protect sage grouse habitat by removing PHMA, IHMA and GHMA areas from treatments, but these designations do not cover all sage grouse habitats as we have described in our prior comments. These designations were put in place based on recent lek monitoring that excluded historical leks that have low numbers or are abandoned well after disturbance in the CNF has already degraded their habitat. They do not represent the extent of sage grouse habitat.

6. Alternatives Lacking

The EA (p7) dismisses analysis of alternatives to the proposed action because the EA considers "current and ongoing activities and trends in the analysis area and generally discusses trends if the proposed action is not taken." While expressing concern over the current state of aspen communities, the CNF refused to address livestock grazing, the major impact to aspen communities which we addressed in detail in our prior comments.

An alternative could have been analyzed to protect aspen from livestock grazing and sheep bedding. This would include removing water developments from proximity to aspen, reducing stocking rates to reduce grazing pressure and restore understory plant communities, no longer allow sheep bedding in aspen stands, implement proper monitoring of riparian areas to reduce impacts on riparian/aspen stands, willows, and stream function. This monitoring would take place between the greenline and the uplands and be used to enforce conservative (25%) use levels the Forest Service itself has documented are needed.

Other alternatives could include restoring the IRAs to provide wildlife security by closing temporary and user-created roads and trails, eliminating timber harvest, restoring old growth, enforcing goshawk recommendations of no more than 20% utilization by livestock.

These alternatives could be combined to produce a single alternative aimed at truly restoring habitat and watershed function. And, of course, a No Action alternative could be analyzed.

All of this requires spending the time and funding to collect an accurate baseline of data on habitats and wildlife to truly assess current problems with habitat capability and trends in wildlife populations. Rather than delay that data collection until an undetermined point in the future, and since the CTNF claims it will be done, better to spend the time and money today and generate the data needed for a thorough evaluation of the project. Not analyzing a range of alternatives is a violation of NEPA.

7. Endangered Species

The EA (p13-14) notes that consultation was initiated with the US Fish and Wildlife Service on December 1, 2021 and that the Forest Service has prepared a biological assessment (BA). We could find no BA in the documents provided on the CTNF website for this project. We also question how the FWS can issue a biological opinion (BO) without a site-specific analysis of the extent of project elements, habitats, and wildlife populations. The EA (p14) describes Canada lynx as "May Affect, Not Likely to Adversely Affect" and that the Bear River Range, Gannett Hills area, and McCoy Creek are linkage areas. The EA (p14) also claims that the project "may benefit lynx". The Forest Plan FEIS Map 1 (Appendix D-7) shows much more than this as linkage habitat, essentially the entire Bear River Range and the CNF east of Highway 30 into Wyoming and north into the Targhee Zone are linkage. Here, the EA understates the extent of linkage habitat and does no analysis of its functionality.

In our prior comments, we provided current information on lynx habitat that the CTNF is now using and that shows lynx habitat occurs in the Bear River Range and areas to the east into Wyoming. (Figure 3). This is all in the Regionally Significant Corridor we have been describing in our prior comments to the CTNF for a decade now. This would include the entirety of the linkage area as shown in Map 1 referenced above. The EA should have analyzed the burn units and habitat conditions as described, including current condition compared to lynx habitat and lynx prey habitat needs and condition resulting from the project. For example, Canada lynx depend on snowshoe hares, red squirrels, and other mammals. Where are their habitats and what are the conditions of these habitats to support the populations? How will the project impact these? This would be in each burn unit, the overall project area, and the linkage and Corridor in its entirety. This would be a site-specific analysis designed to meet the requirements of NEPA, and NFMA for viability and habitat capability. It would also provide a basis for a BA and BO, which the current analysis lacks.

Grizzly bears were dismissed as not occurring on the Caribou National Forest (EA p14). In our prior comments we described how grizzlies are expanding into the Wyoming Range and elsewhere. It is insufficient to declare there is no "critical habitat" in or adjacent to the project area without a site specific analysis of grizzly bear habitat requirements compared to current conditions in the CNF, the project area and an evaluation of how the proposed project and past actions would alter those conditions.

The EA fails to take the requisite hard look at lynx and grizzly bears. The CNF failed to provide a BA to the public for review and does not provide the FWS with the site-specific information needed to make an informed judgment about the current state of lynx habitat, historical lynx occupation and movement, and how the proposed project would alter habitat and movement. Thus these are violations of NEPA, NFMA and the ESA.

8. Sensitive Species

The EA Table 7 (p15 - 17) lists sensitive species, with many having "suitable" habitat without defining where that habitat occurs, what its current state is relative to the needs of the individual species, what activities are impacting these habitats and what the habitats will be like following the project. The lack of current data describing the habitats within and adjacent to the burn units prevents an accurate analysis of habitat conditions. We note that 81% of the project area lies within IRAs, which are generally described as degraded by timber harvest, user created roads and trails, and livestock grazing.¹² To what extent do these activities factor into current habitat conditions needed for sensitive and MIS species?

For all but two species listed in Table 7, the EA concludes that the project may impact individuals or habitat but will not likely contribute to a trend towards federal listing or loss of viability to the population or species. This is highly speculative and not supported by current analysis of the population or habitat status of any species. In most cases the project "design elements" are stated to avoid negative impacts, thus a mitigated FONSI but without the necessary baseline, monitoring and other elements required to meet CEQ guidelines described above.

We discussed wolverine, goshawk [and others] in our prior comments. The EA (p15) claims wolverine has suitable habitat present, a high predicted use as a dispersal corridor and would suffer short term displacement during project activities. Short-term when the project is designed to occur over five decades and multiple planning periods. Where is this habitat and corridor? What are the current conditions that will be altered by the project and construction of fire lines, mastication, and burning? Goshawk also has suitable nesting and foraging habitat present but the "design elements" are stated to protect nesting birds and there would be long-term beneficial impacts to the birds. (EA p14). Goshawk, like lynx depend on snowshoe hares among other prey species. They also have structural habitat needs for stand structure which should be compared to current conditions and the project outcome.¹³ These management recommendations also limit utilization by livestock in goshawk home range to 20% on average. There are no baseline data documenting nest surveys, home ranges, and population trends

¹² USDA. 2008. Roadless Area Conservation National Forest System Lands in Idaho Final Environmental Impact Statement. Appendix C - Idaho Roadless Areas, Volume 5 Caribou, Challis, Salmon, and Targhee National Forests.

¹³ Reynolds, R.T., Graham, R.T., Reiser, M.H., Bassett, R.L., Kennedy, P.L., Boyce, D.A., Goodwin, G., Smith, R., and Fisher, E.L., 1992. Management recommendations for the northern goshawk in the southwestern United States. RMRS-GTR-217.

across the CNF. Therefore, there is no informed analysis of the impacts of the 23 burn areas on goshawk habitat.

Owls and the three toed woodpecker all are described as having suitable nesting and foraging habitat present (EA p15) but not any description of the locations and conditions of the habitats, nor the current population status. Once again, "design elements" are claimed to protect nesting birds. As for the other species there must be a baseline and comparison of the habitat condition and extent for these species and how that habitat will be altered by the project.

Amphibians, including the boreal toad and Columbia spotted frog are expected to benefit from the project. (EA p16 - 17). They are not expected to be negatively affected due to "their highly aquatic behaviors". This begs the question that these amphibians do not live their entire lives in the water but move across the land. For example, research in the Bridger-Teton National Forest reveals many aspects of habitat needs for them. How does livestock grazing affect their habitat? Are current utilization levels excessive? How will burning vast areas of the landscape affect their cover?

DeLong (2016)¹⁴ provided comparable percent herbaceous retention levels for percent key forage utilization levels. The 50% allowable use level does not provide the 80% herbaceous retention needed for amphibians.¹⁵ DeLong (2015b)¹⁶ analyzed the habitat needs for these amphibians in terms of retention of herbaceous vegetation and the relationship of this retention to utilization rates, i.e. allowable use standards. That report also addressed buffer zones and levels of protection needed, including 100 foot, 200 yards, 1/3 mile, and 1 1/2 mile riparian/wetland/upland buffers. The 100-foot buffer is to protect breeding wetlands and does not include pre- and post-breeding movements. The 200-yard buffer is to protect movements to and from breeding wetlands and conserve summer habitat conditions. The 1/3-mile buffer is to conserve habitat in the core of spotted frog and western (boreal) toad year-round habitat of local populations. The 1 1/2 mile buffer is to manage uses in the periphery of year-round habitat to maintain the health and integrity of riparian zones and watersheds. Table 2 of that report describes the various factors impacting their habitat. The DeLong (2021)¹⁷ Power Point relates utilization, Forest Plan objectives and retention to the needs of many species. The analysis in the EA does not address these comprehensive treatments of habitat for amphibians and how the Allowable Use Standards meet their habitat needs. But, of course, the CNF conveniently omits consideration of livestock management and their impacts on habitat. These claims of mitigation violate NEPA, and NFMA for viability.

¹⁴ DeLong, D. 2016. Upper Green Allotment Management Planning EIS Supplemental Wildlife Specialist Report Migratory Birds. Bridger-Teton National Forest. 183p.

¹⁵ DeLong, D. 2015. Summary Basis for Building Wildlife Habitat-Needs & Protection into Forage Utilization Limits. West Zone Wildlife Biologist, Bridger-Teton National Forest. 8 p.

¹⁶ DeLong, D. 2015b. Literature Review and Analysis of Scientific Information for the Conservation Assessment for Columbia Spotted Frogs and Boreal Toads on the Bridger-Teton National Forest. Reference Document Version 3.0. Bridger-Teton National Forest. 698p.

¹⁷ DeLong, D. 2021. Forest Plan Direction & Other Wildlife. PowerPoint. 115p.

9. The EA Failed to Address Our Prior comments

We provided prior comments on the original Caribou Prescribed Fire Restoration Project dated November 24 and 26, 2020 and a declaration by Dr. John Carter dated December 28, 2020. We provided prior comments on the Draft EA dated September 9 and 23, 2021. These are incorporated in their entirety into this objection. Throughout those prior comments and declaration, we described issues that need to be addressed, cited science about the various issues, reviewed the wildland fire and management issue, and provided documentation of the status of habitats such as aspen and conifer as related to livestock grazing. The EA and mitigated FONSI do not respond to our concerns. The analysis to date has failed to meet the requirements of NEPA (including the mitigated FONSI guidance), NFMA, APA and the ESA.

We therefore conclude that the project should be withdrawn. Otherwise, an EIS must be prepared along with collection and analysis of baseline data to support its proposed alternatives.

10. The EA Failed to Address Forest Plan Provisions

Above we discussed the Condition Based Management and Mitigated FONSI. Those are dependent on baseline studies, effectiveness monitoring, funding and best management practices that are effective. In our prior comments we have pointed out the flaws in dependence on BMPs. It is informative to repeat those prior comments here as a lead-in to a discussion of CTNF failure to carry out the intent of its Forest Plan and the implications of those failures in the ability of the CTNF to carry out the "design elements" and BMPs to effectively mitigate impacts.

Best Management Practices

BMPs are assumed to be effective and relied upon. However, a fundamental aspect of NEPA is to take a "Hard Look" at current management, conditions, assumptions, and implementation. NEPA requires the Forest Service to account for the current degraded conditions it claims, such as conifer encroachment into aspen stands. But what is the mechanism of this conifer encroachment and lack of recruitment in aspen stands. Is it past fire suppression? Livestock grazing? Past vegetation management implemented by the Forest Service?

What is the history of this project area? What Forest actions or permitted activities play a role in the current state of aspen, wildlife habitat, watershed health and other ecosystem attributes? There is no analysis of:

- a. Validity of assumptions from previous NEPA processes
- b. Accuracy of predictions from previous NEPA processes
- c. Adequacy of Forest Service implementation of previous decisions

d. Effectiveness of actions taken in previous decisions

The above items are critical for effective decisions and outcomes and for the public to be informed. Without this analysis the validity of the current assumptions cannot be determined. Without analyzing the accuracy and validity of the assumptions used in previous NEPA processes one has no way to judge the accuracy and effectiveness of the current analysis and proposals. The predictions made in previous NEPA processes also need to be disclosed and analyzed because if these were not accurate, and the agency is making similar decisions, then the process will lead to failure. For instance, if in previous processes the agency or permittee said they were going to perform a certain monitoring plan or implement a certain type of management, meet certain goals and objectives, and these were never effectively implemented, it is important for the reader and the decision maker to know. If there have been problems with implementation in the past, it is not logical to assume that implementation will now be appropriate. If prior projects have not been monitored to document and compare post project initiation conditions to baseline data, then there is no proof that models or BMPs are accurate, effective, or can be relied upon. What commitments have been made in the Forest Plan and subsequent project plans? Have these been realized?

The reliance on BMPs is a flawed approach that assumes they work. Ziemer and Lisle (1993)¹⁸ indicated that there are no reliable data showing that BMP's are cumulatively effective in protecting aquatic resources. Espinosa et al. (1997)¹⁹ provided evidence from case histories in Idaho that BMP's thoroughly failed to cumulatively protect salmonid habitats and streams from severe damage from roads and logging. In analyses of case histories of resource degradation by stereotypical land management (logging, grazing, mining, roads) several researchers have concluded that BMP's increased watershed and stream damage because they encourage heavy levels of resource extraction under the false premise that resources can be protected by BMP's (Stanford and Ward, 1993²⁰, Rhodes et al., 1994²¹ Espinosa et al., 1997). Stanford and Ward (1992) termed this phenomenon the "*illusion of technique*."

A current example of the failure of BMPs is in the Caribou NF Pocatello allotments. The streams within the allotments enter the Portneuf River near Pocatello and comprise an important part of Pocatello's Municipal water supply. Idaho DEQ had documented these

¹⁸ Ziemer, R.R., and T.E. Lisle. 1993. Evaluating sediment production by activities related to forest uses--A Northwest Perspective. Proceedings: Technical Workshop on Sediments, Feb. 1992, Corvallis, Oregon. pp. 71-74.

¹⁹ Espinosa, F.A., Rhodes, J.J. and D.A. McCullough. 1997. The failure of existing plans to protect salmon habitat on the Clearwater National Forest in Idaho. J. Env. Management 49(2):205-230.

²⁰ Stanford, J.A., and J.V. Ward., 1992. Management of aquatic resources in large catchments: Recognizing interactions between ecosystem connectivity and environmental disturbance. Watershed Management: Balancing Sustainability and Environmental Change, pp. 91-124, Springer Verlag, New York.

²¹ Rhodes, J.J., Espinosa, F.A., and C. Huntington. 1994. Watershed and Aquatic Habitat Response to the 95-96 Storm and Flood in the Tucannon Basin, Washington and the Lochsa Basin, Idaho. Final Report to Bonneville Power Administration, Portland, Or.

streams were polluted by livestock-related nutrients, bacteria, and sediment in the 1990s. In 2010 the CTNF announced its intent to engage in NEPA to address conditions in the allotments and renew grazing permits. BMPs to protect water quality had been in place and were "monitored" in 2005. This monitoring essentially was to compile a checklist, and did not include actual monitoring of water quality to determine the effectiveness of the BMPs. As a result, Y2U carried out an E. coli monitoring survey during 2013, finding exceedances of E. coli criteria. Later, the CTNF abandoned the NEPA process and left the problem in place. To this day, it has not been corrected. The CTNF cannot now claim for this project that it will monitor or report on its "design elements" and BMPs, or that they will be effective. Our project file, including the E.coli report is available on line and is included by reference for the history of how the CTNF avoids dealing with the actual environmental outcomes of its decisions.²²

Forest Plan Provisions

The following are taken from the CNF RFP. They serve as illustrations of commitments made in the 2003 RFP. The CNF must now address how they have lived up to these commitments to justify their claim that "design elements" and an "implementation schedule" will mitigate impacts. Let's be clear, the impacts that the CNF intends to mitigate are the impacts of their planned actions in the burn areas, not mitigation of the damage to the ecosystem by livestock, roads and trails, timber harvests and other past forest manipulations. A few examples of RFP commitments referenced to RFP page number follow (highlighted) with our comment following each.

Only 10% of watersheds are in good condition, 80% need restoration and improvement. Only about 30% of riparian areas are in pfc. (p2-3). Aspen are in a high departure from HRV and a 40% decline in aspen acres on the Forest. (p2-4). Sagebrush habitats have more bare ground and suffer increasing soil loss. (p2-5). We pointed out the current degraded condition of these habitats in our prior comments, that past PFC assessments have attributed the damage to livestock and past timber harvest, yet the CNF as in the example for the Pocatello allotments, has essentially preserved the status quo. What evidence can the CNF provide that it has effectively addressed this ecological dysfunction?

"Within 10 years of signing of the Record of Decision (ROD), reassess composition and structure and other indicators used in the Caribou Sub-regional Properly Functioning Condition Assessment. This should include the Caribou and adjacent areas to determine changes achieved." (p3-3). This should have been done prior to 2013 and the results provided as part of this current analysis.

"In each 5th code HUC which has the ecological capability to produce forested vegetation, the combination of mature and old age classes (including old growth) shall be at least 20 percent of the forested acres. At least 15 percent of all the forested acres in the HUC are to meet or be

²² Yellowstone to Uintas Connection Project File on the Pocatello Allotments. Available at: <https://app.box.com/s/7cv2hzxszi1afi6n5hgb>

actively managed to attain old growth characteristics." (p3-19). We have asked in prior comments that old growth extent be mapped and analyzed. We have seen no mapping or analysis and it would be an essential part of this proposed action. The EA has not provided the analysis of each HUC to determine the amount of old growth or mature forest for comparison to the requirement.

"Maintain, and where necessary and feasible, provide for habitat connectivity across forested and non-forested landscapes." (p3-24). In project after project, we have raised issues of corridors and connectivity and the need for characterization of that habitat structure and function for Canada lynx, wolverine, and big game. Yet that analysis has not been forthcoming. It should be an essential element of this project analysis.

Wolverine Habitat: "Within two years of signing the ROD, complete a GIS analysis to identify potential wolverine natal den sites. Within four years of the ROD, survey potential wolverine natal den sites to document wolverine presence and assess suitability as natal denning habitat." (p3-24). We have seen no such analysis and it should have been provided as part of this NEPA process.

Canada Lynx Habitat: "Within three years of signing the ROD, complete surveys on the Soda Springs and Montpelier Ranger Districts." (p3-24). We have not seen the results of these surveys and they should have been provided as part of this NEPA process.

Sage Grouse: "Within five years of signing the ROD, map functional and degraded sage grouse nesting and winter habitat within 5 miles of known leks. Identify opportunities to increase quality or quantity of that habitat." (p3-25). In our review of numerous projects in the CNF, we have seen no such analysis or effort to improve habitat. This should have been analyzed as part of this NEPA process.

Migratory Landbirds: "Within five years of signing the ROD, establish breeding bird trend plots to monitor changes in breeding birds in relation to structure or shrub riparian habitats. Once established, reread plots every three years." (p3-25). This is an example of the trend analysis we have requested for demonstration of species viability in the CNF. Nothing has been presented for this NEPA analysis.

Amphibians: Repeat amphibian surveys at 10 year intervals to determine habitat and population trends." Survey potential habitat. (p3-25). No such survey results have been provided in any project review we have engaged in and none were provided in this NEPA analysis.

Boreal toads: "Within 2 years of signing the ROD, assess the potential for impacts to breeding boreal toads from migratory movements across Tincup Highway and impacts from trampling by recreational activities and fishing at the site. If problems are found, identify and

implement measures to mitigate impacts." (p3-25). We know of a fisheries habitat improvement project for Tincup Creek, but have seen no such assessment for boreal toads.

" Management direction which will maintain linkages for Canada lynx on the Forest is located in the following places: Vegetation Desired Future Conditions; Vegetation Goals 1-4; Vegetation Standard 2; Wildlife Goals 2, 3, and 5; Vegetation Goal 7; Lands Objective 1; and Lands Standard 1." (p3-28). We have requested this analysis in project after project we have reviewed in the CNF, yet none has been provided. None is provided in the current project proposal.

Northern goshawk standards and guidelines are provided in Table 3.5. "Open roads in goshawk territories shall be given priority for closure to meet management prescription road density standards. First priority shall be to close roads in nest areas; second priority in post-fledging family areas; third priority in foraging areas. Where possible, open road density should be zero in the nest areas and the post-fledging family areas." (p3-30). We have seen no such action, in fact, we continue to request goshawk home ranges be analyzed and no analysis has occurred, no road closures identified. This analysis should have been done for this project proposal.

Habitat guidelines for Flammulated, Boreal and Great Gray owls include limiting timber harvest and maintaining mature and old forest age classes. (p3-31). We have seen no evidence the CNF has addressed these guidelines, instead the goal of the CNF appears to be to reduce mature and old forest classes.

Big game guidelines provide for buffers for sight distance around big game concentration areas and provide for security or travel corridors near created opening. (p3-31). We have seen no mapping of security areas or any proposal to increase, rather than reduce security. This NEPA process is no exception.

For Sage grouse, "Management activities should consider proximity to active lek locations during site-specific project planning. Those within 10 miles of an active sage grouse lek and 2 miles of active sharp-tailed grouse leks should be considered further for suitability as grouse habitat." (p3-32). No such analysis has been done in any projects we have reviewed even though we request it in our prior comments. It should certainly have been addressed in this current project proposal which affects tens of thousands of acres of sage grouse habitat.

Landbird guidelines include: "Stands of mature trees (including snags and dead-topped trees) should be maintained next to wet meadows. Where feasible, maintain 30 to 50 percent of the sagebrush habitat in a 5th code HUC in contiguous blocks greater than 320 acres to support sagebrush obligate species. (Page and Ritter, 1999). Practices which stabilize or increase native grass and forbs cover in sagebrush habitats with 5% to 25% sagebrush canopy cover should be implemented. (Page and Ritter, 1999). In sagebrush habitats, manage herbaceous cover to conceal nests through the first incubation period for ground and low shrub-nesting birds. It is

assumed that proper use of rest-rotation or deferred-rotation grazing should meet these conditions, although not every year on every area (Idaho Partners in Flight 2000)." (p3-33). We have addressed livestock grazing and its effects to habitat, the need for updating stocking rates, the need for sustainable utilization rates in our prior comments on this and other projects. There has been no evidence that any such changes are being made. This project EA has not addressed these habitat parameters.

The failure of the CNF to address these (and other) elements of its Forest Plan in the analysis of this proposed project is a violation of NFMA and a failure to take a hard look under NEPA.



John Carter, Ecologist
Yellowstone to Uintas Connection

[REDACTED]
[REDACTED]

Michael Garrity, Executive Director
Alliance for the Wild Rockies

[REDACTED]

Sara Johnson, Executive Director
Native Ecosystems Council

[REDACTED]
[REDACTED]

Katie Fite, Public Lands Director
WildLands Defense

[REDACTED]
[REDACTED]

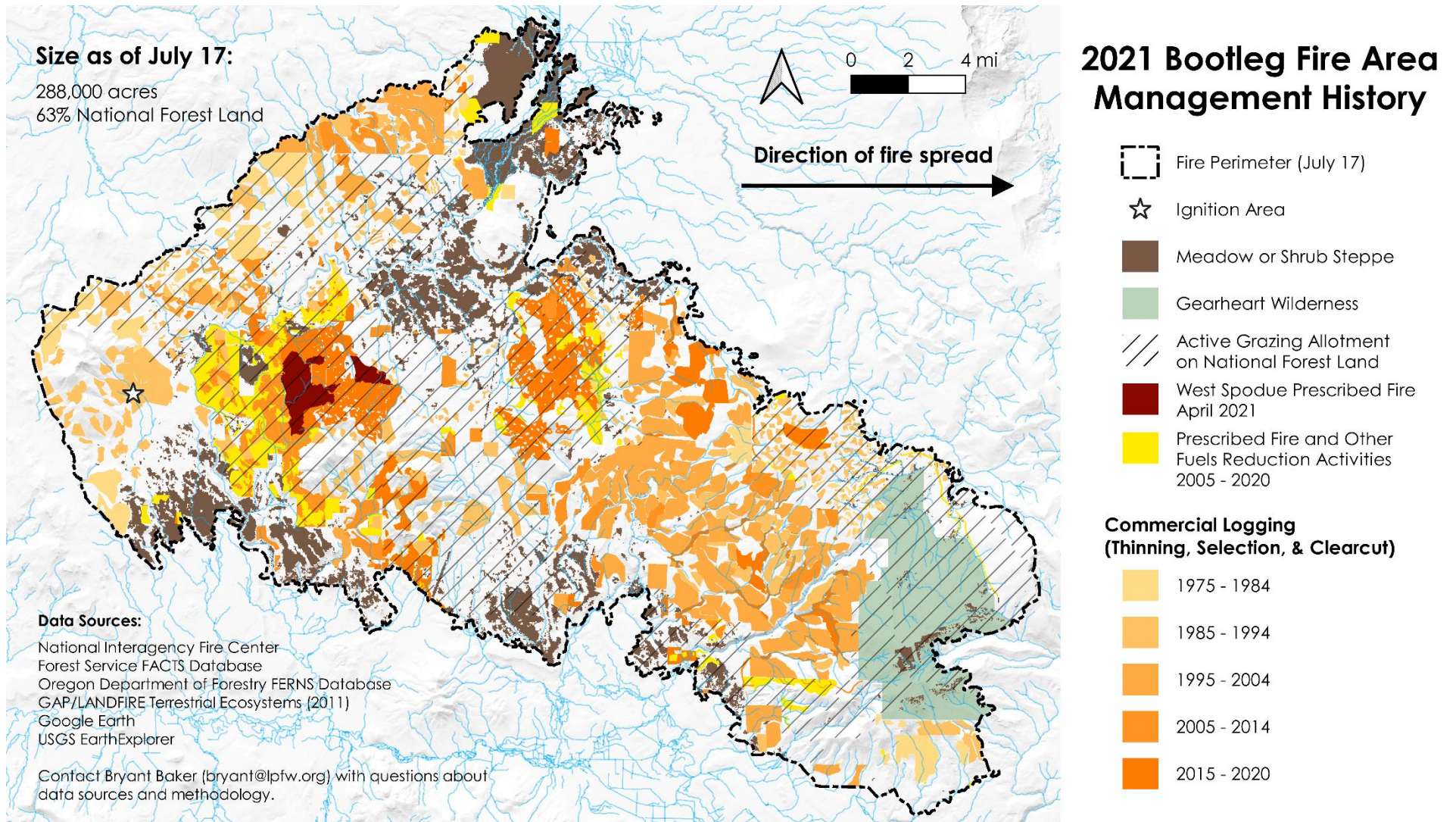


Figure 1. Bootleg Fire map showing the fire burned through active forest management polygons

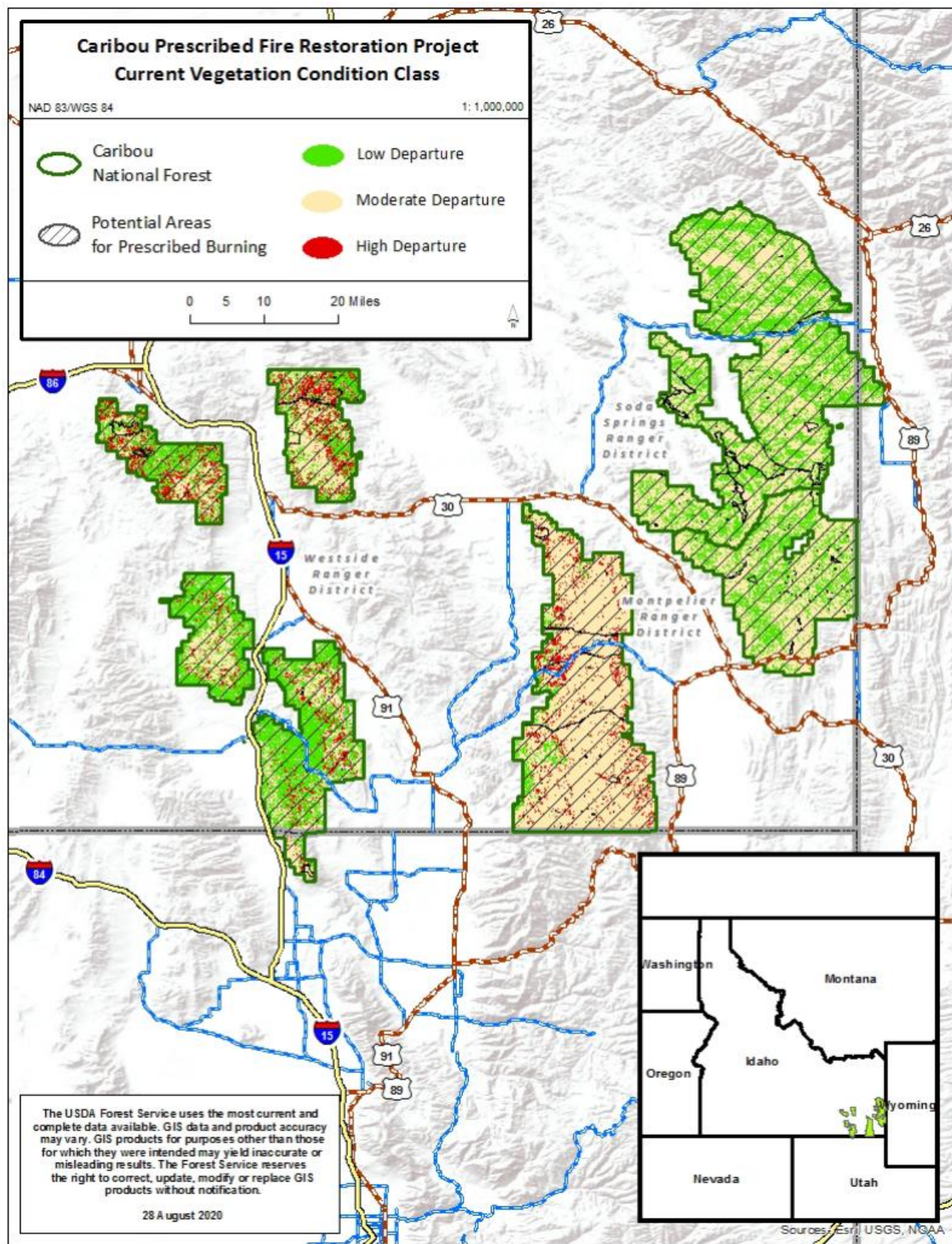


Figure 2. Depicting vegetation condition classes based on the LANDFIRE model. Taken from the October 2020 Scoping Proposed Action

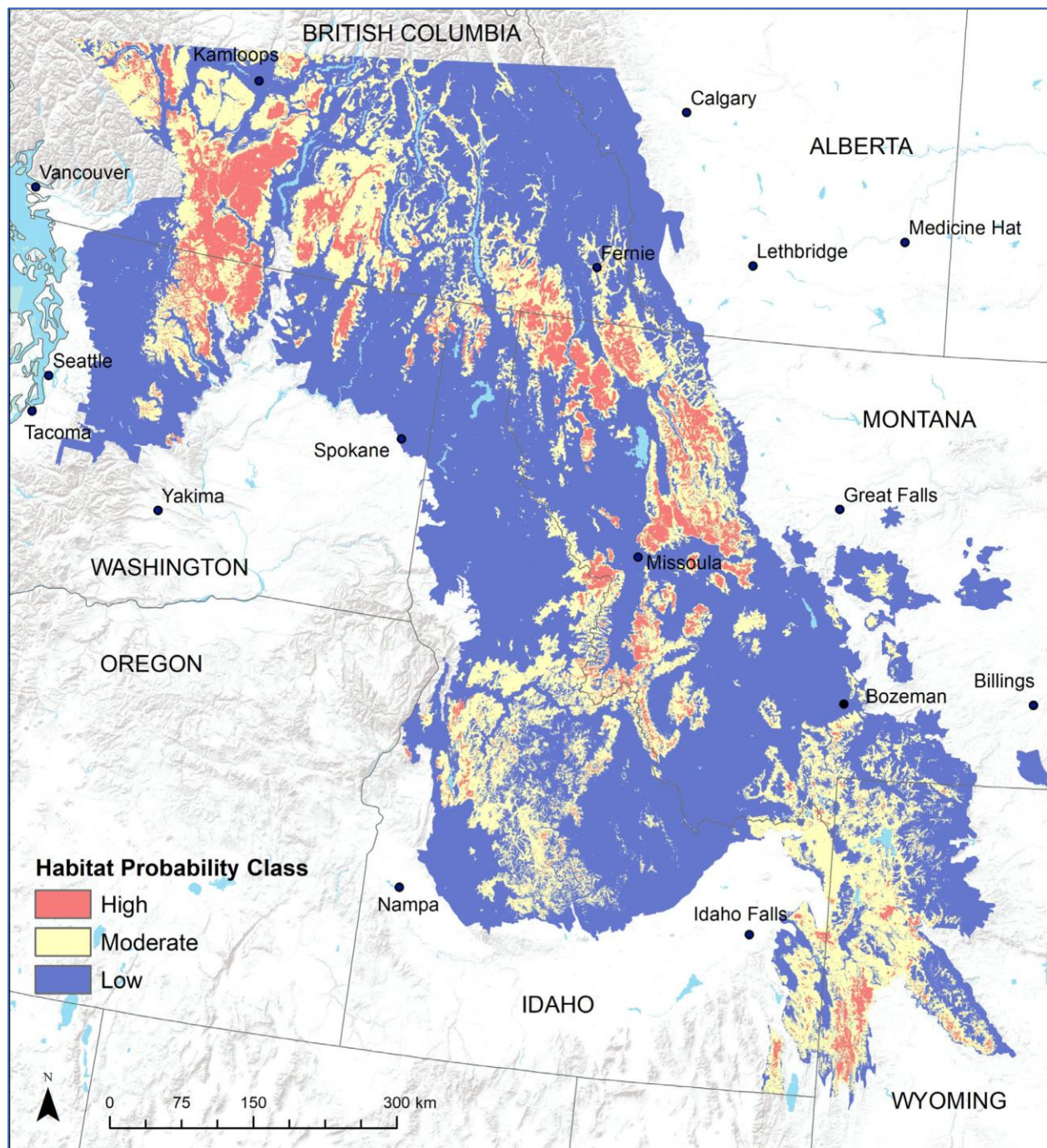


Figure 3. Spatial predictions of Canada lynx relative habitat probability across the study region in the northwest United States, as generated by the top-performing species distribution model. Model thresholds are based on correctly assigning 90% of Canada lynx withheld GPS locations for the “High” category and 85% of independent lynx locations for the “Moderate” category. Background image sources ESRI, USGS, NOAA