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October 10, 2023

Mary Farnsworth

USFS Intermountain Regional Office

324 25th Street

Ogden, UT 84401

RE: OBJECTION AGAINST THE DIXIE NATIONAL FOREST PRESCRIBED FIRE LANDSCAPE RESILIENCY PROJECT

1. Objectors Names and Addresses

Lead Objector, Sara Johnson, Director, Native Ecosystems Council, [redacted].

Mike Garrity, Director, Alliance for the Wild Rockies, [redacted].

Jason Christensen, Director, Yellowstone to Uintas Connection, [redacted].

Kristine Akland, Senior Attorney, Center for Biological Diversity, [redacted].

Signed for Objectors this 10th day of October, 2023

Sara Johnson

2. Name of Project, Name and Title of Responsible Official, Location of Project

Name of Project: Dixie National Forest Prescribed Fire Landscape Resiliency Project; Responsible Official is Kevin Wright, Forest Supervisor of the Dixie National Forest; Project located on the Dixie National Forest

3. Attachments

This Objection includes one attachment, Appendix A, that has relevant portions of references and/or reports cited in the Objection that have not been previously provided in previous comments on this project.

4. Statement Demonstrating Connection between Prior Written Comments on this Project and the Content of the Objection

On November 17, 2021, Native Ecosystems Council and the Alliance for the Wild Rockies provided joint scoping comments for the Prescribed Fire Landscape Resiliency Project on the Dixie National Forest. None of the issues we raised were subsequently addressed by the agency. These include a request for the following: photos of representative burning areas, basis for burning restores all forest habitats, basis for claim that all forest habitats are "fire dependent," basis for description of all forest habitats as "unnatural," basis for management intervention into Inventoried Roadless Areas (IRAs), basis for slashing/burning pinyon-juniper forests for wildlife, basis for aspen decline, basis for high fire risk across forest, and the basis for effectiveness of fuels reduction programs. We also requested that all proposed treatment areas be mapped for public references, that all proposed treatment types have wildlife effects defined, that the timeline for the project be limited to that covered by the timeliness of the NEPA and Forest Plan monitoring, that Forest Plan direction for each treatment unit location be identified, that an evaluation of project effects on migratory birds be

completed, provision of documentation that the project is needed for wildlife management, documentation that sage grouse populations will increase with the proposed burning of sagebrush, documentation of specifically how wildlife surveys will be conducted for each treatment area, and documentation of long-term requirements for burning treatments.

On December 22, 2022, Native Ecosystems Council, the Alliance for the Wild Rockies, and Yellowstone to Uintas Connection provided comments on the draft Environmental Assessment (EA) that was released for the Dixie National Forest Prescribed Fire Landscape Resiliency Project. These comments included one attachment, Appendix A, with hard copies of reports and/or publications cited in these comments. Our major issue is that the Dixie National Forest is disguising a massive pinyon pine-juniper removal program as wildlife habitat improvement and/or restoration, in violation of the NEPA. This is also an NMFA violation, as there are at least 6 bird species associated with, or use this habitat, that are species of conservation concern. Most notably is the pinyon jay, which is being considered for listing under the Endangered Species Act (ESA). The Forest Service's goal to cause potentially irretrievable declines of this species of conservation concern is also a violation of the public trust, as the public expects the agency to manage wildlife on our public lands. These violations are being carried forward into our objection, as the agency continues to plan this massive pinyon pine-juniper removal program to the massive detriment of wildlife.

We also raised the concern that this massive vegetation removal program is a violation of the MBTA. The Dixie National Forest has no actual management plans for any of the 29 bird species of conservation concern that we identified as present on this national forest. How can the agency claim that you are restoring and/or improving habitat for these species of conservation concern when no habitat plans exist? We have carried this issue forward into our objection since the agency did not address this violation.

WE also raised the lack of any past monitoring of prescribed burning projects on the Dixie National Forest as a significant issue. The agency notes that in the past, roughly 13,000 acres of forest have been burned each year. Yet the NEPA analysis for the forest-wide burning proposal did not cite a single monitoring report for how these burns were affecting wildlife. This is an NFMA violation, as the agency is required to measure management impacts on wildlife. Instead of doing this, the agency is planning to massively increase burning without any actual monitoring results. As with the above issues, we are carrying this concern forward into our objection, since the lack of monitoring in past burning projects cannot be corrected.

Another major concern we raised is a NEPA violation, in that the agency makes claims to the public that wildlife will be surveyed in areas for 1-2 years before burning projects are implemented. Claimed surveys include neotropical migratory birds. The level of personnel required to survey for wildlife on almost 50,000 acres per year is never addressed by the agency, but clearly would require a monumental increase in agency personnel. We believe this is highly unlikely to happen, as it was never addressed in the plans for this project. Thus we believe that the agency is lying to the public about completing surveys for wildlife to protect them during burning activities. The number of birds per year that will be adirectly killed by burning on 50,000 acres needs to be estimated and identified toaa the public, including how this mortality is expected to affect the 29 bird species ofaa conservation concern. We are carrying this issue forward into our objection, as toaa date, the agency has not demonstrated that personnel will be adequate to surveyaa roughly 50,000 acres per year, including for neotropical migratory birds, or ifaa located, what mitigation measures will be applied. The NEPA requires the agencyaa to define mitigation measure effectiveness.aa

We also raised an issue that has not been recognized by the agency, which is theaa toxicity of smoke to birds. The massive burning program poses a massiveaa mortality risk to birds, including sensitive species, and neotropical migratory birds.aa Simply stating that this killing will not be intentional, and thus is allowed by theaa MBTA, is not actually true. Since this burning is not needed for any habitataa management for any wildlife species, this burning is fact intentional. The agency isaa

required to estimate the number of birds that will be killed with burning about 50,000 acres per year, and define how this is expected to affect their populations, including the 28 species that are a known conservation concern. This issue is being carried forward into our objection.

We raised the issue of old growth management. The NEPA analysis for this project did not define where current old growth is (acres and locations), or how it will be managed with this slashing/burning project, including pinyon pine-juniper old growth. We noted there are at least 7 bird species of conservation concern that occur on the Dixie National Forest that are associated with old growth forests. There was no information as to how old growth forests will be managed for these species of conservation concern. There was no information provided, as well, as to why burning will "restore" old growth and improve it for wildlife. We are carrying this issue forward into our objection as the agency has not provided the necessary information to demonstrate old growth forests are being managed for wildlife.

Another major issue we raised on this proposed project is the planned massive slashing and burning within IRAs, which are over 40% of the proposed treatment areas. The agency did not ever define why prescribed burning is required for wildlife for any of the 9 vegetation types that occur on the Forest. Also, there was never any information provided as to why fuels reduction is required to reduce the effects of uncharacteristic fire on wildlife. These "uncharacteristic effects" remain unknown. Although fire removes habitat for some wildlife species, it also creates habitat for other wildlife species, and is in general not considered as a negative impact. So it is unclear why specific effects of uncharacteristic fire require management intervention in IRAs to protect wildlife, or as well, what areas within IRAs have these concerns. How were these concerns measured for all of the 9 vegetation types in IRAs? As with our other issues, we are carrying this forward into our objection as to date, the agency has not defined what the uncharacteristic fire effects are on wildlife, and why these need to be addressed with management intervention in the 9 vegetation types.

The agency also failed to ever identify why slashing and burning within IRAs will "restore" or "improve" wildlife habitat. A few vague references were made that killing trees will benefit woodpeckers, but no actual forest monitoring data was ever provided to support these assumptions. Killing trees may create more foraging trees for woodpeckers, but killing trees will also reduce hiding cover and thermal cover for woodpeckers, which are needed for survival as well. However, of the various sensitive bird species present on the forest, the agency noted that 6 out of 7 of them will be adversely affected by burning. This does not support claims that burning in IRAs will improve wildlife habitat. We are carrying this issue forward into our objection since the agency continues to claim treatment in IRAs is needed to improve and/or restore wildlife habitat.

We also raised a concern regarding management intervention into IRAs is regards to the massive disturbances that will occur to wildlife to destroy/degrade their habitat. We listed 12 separate management actions required per treatment unit, which did not include the massive ATV use that will be required, along with illegal machinery use of masticators. The agency was not able to define why these disturbances, which may be repeated over the years, will promote any wildlife species. There is no question that these massive disturbances will be required for the slashing/burning programs. Although the agency makes vague claims that the long-term benefits to wildlife will outweigh the cost of these disturbances, these wildlife benefits were never actually identified. We are carrying this issue forward into our objection as the function of IRAs is not to displace wildlife.

We also raised the issue of the agency's false claims that fire cycles have been disrupted and as a result, have resulted in a failure of the 9 vegetation types to regenerate, as they are fire dependent. At the same time, the agency claims these 9 vegetation types have "too much vegetation" which must be reduced. There is a ample evidence available on fire cycles in all these 9 vegetation types, including sagebrush and pinyon-juniper woodlands, which demonstrate that fire cycles have not actually been interrupted on this forest. We are adding some of these references to our objection to address this issue.

We also raised the issue regarding the agency's repeated references to "resource management objectives" and "desired conditions." Neither of these terms were ever defined. It is unknown, for example, what the resource management objectives of desired conditions are for wildlife on this forest. Since they are never defined, the agency clearly actually has no such management objectives or desired conditions for wildlife. This issue was never addressed by the agency in response to our comments, so we are carrying it forward into our objection.

Another issue we raised in our 30-day comments on the draft EA was the agency's claim that fuels reduction treatments will clearly reduce the potential for and size of severe fire. This is a controversial claim, and certainly should not be the basis for implementing a massive fuels reduction program which will create great harm to wildlife, including within IRAs, across the Dixie National Forest. The agency has not addressed this issue, and we are carrying it forward into our objection.

Other issues the agency failed to address in the proposed decision include providing detailed information as to how the likely massive increase in cheatgrass and weeds from burning most of the forest will be addressed. It seems highly likely that there will be a massive increase in these plants with this project, an impact that violates the public trust that the agency is managing our public lands with reasonable actions. The agency also failed to address our issue as to how the actual direction of the Forest Plan, including management area direction, is going to be met. There was no analysis provided as to the management areas that will be affected, and how standards for these areas will be implemented. Both of these issues are being carried forward into our objection.

We also raised a concern regarding the National Cohesive Wildland Fire Management Strategy. It appears that the Forest Service has replaced the Dixie Forest Plan with this new strategy, without ever doing a Forest Plan amendment or revision. It does not appear that this wildland fire strategy is compatible with the Dixie Forest Plan, which means it cannot actually be applied to this forest without revisions/amendments to the forest plan. Since this issue was not addressed by the agency as per our 30-day comments, we are carrying it forward into our objection.

We noted that this massive proposal essentially eliminates the public involvement required by the NEPA. A 20-year project with no actual activities defined means that the public cannot actually provide any meaningful comments regarding individual treatment units. Until this site-specific information is provided to the public, the NEPA requirements for public involvement cannot be met by this project. The agency claims that this planning information is not actually required for the public, but instead results of projects will meet this public involvement requirement. Since this issue was not addressed by the agency in our 30-day comments, we are carrying it forward into our objection.

Finally, we raised many questions regarding the definition of resilience and pounds of vegetation that need to be removed per acre per the 9 vegetation types, in order to achieve an undefined level of resilience and historical conditions. We noted it is unclear why reduced shade, increased soil compaction, increased cheat grass, reduced litter, scattered weed patches in high numbers of burn piles, earlier snow melt, hotter site conditions, and increased wind speeds per site, all indicate increased resilience. This was never explained by the agency, as we are carrying this issue forward into our objection.

We are including all of the above issues, as well as expanding some of them, in the following objection.

5. Suggested Remedies

Due to the failure of the Dixie National Forest to address any of the concerns Objectors raised in scoping and 30-day comments on the draft Environmental Assessment (EA), this project continues to violate the NEPA, NFMA, MBTA, APA, ESA, and the Roadless Area Conservation Rule, and therefore needs to be withdrawn. These violations are further addressed in the following narrative.

6. Narrative Description of those Aspects of the Proposed Project Objected to, Specific Issues Related to the Project, and how Environmental Law, Regulation, or Policy Would be Violated.

A. The Dixie National Forest's proposed Prescribed Fire Landscape Resiliency Project will trigger violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Migratory Bird Treaty Act (MBTA), the Administrative Procedures Act (APA), the Endangered Species Act (ESA), and the Roadless Area Conservation Rule.

1. Severe adverse impacts will be triggered on wildlife due to planned burning of sagebrush habitats.

The agency has not disclosed how many acres of sagebrush habitat will be burned in this project. Mature sagebrush is essential for many wildlife species, and thus burning that kills and fragments sagebrush stands is highly detrimental to wildlife. For example, science has demonstrated that sage grouse persistence is strongly associated with the amount of large, tall stands of sagebrush on the landscape (Johnson et al. 2011, Wisdom et al. 2011). Large sagebrush patches of mature sagebrush are also important for many neotropical migratory birds as well (Knick and Rotenberry 1994). Sagebrush is also a critical forage plant on big game winter ranges for both elk and mule deer (Wamlbolt 1998; Peterson 1995); sagebrush has roughly 12.4% protein as winter forage for big game, while grass has only 3.7% protein (Id). Sagebrush is also essential for the pygmy rabbit, as was noted in the project wildlife report. It is clear that burning sagebrush, as proposed, will significantly reduce populations of associated wildlife species.

2. The planned removal/degradation of an undisclosed acreage of pinyon-juniper habitats on the Dixie National Forest will trigger devastating and long-term losses of wildlife.

Pinyon-juniper habitats are very high quality wildlife habitat. These habitats have up to a 400-year fire cycle (Baker and Shinneman 2004). They are not a "fire dependent ecosystem," as is falsely claimed by the Dixie National Forest. Even the agency defines fire dependent as an ecosystem that needs fire to regenerate. Given that pinyon and juniper ecosystems may live up to and over 1,000 years each, one can hardly suggest that they are not self-sustaining without fire. Given the ongoing effects of climate change, killing both pinyon pine and junipers is a risky proposition, since regeneration may not occur during persistent droughts being created by climate change. The agency has also not addressed the ongoing effects of climate change on juniper, where unexplained mortality is occurring to juniper, including on the Dixie National Forest (Maffly 2018). The rationale for slashing and burning pinyon-juniper woodlands lacks any scientific support, and appears to be a program to promote livestock grazing. The agency's NEPA discussions frequently note that "forage" for big game and livestock will be increased with this prescribed burning program. Historically, millions of acres of pinyon-juniper habitats were removed to create forage for livestock (Balda and Masters 1980). The agency is clearly providing a false rationale to the public for slashing and burning pinyon-juniper habitats, in violation of the NEPA.

The extremely high value of pinyon-juniper habitats to wildlife is not disclosed in the agency's proposal to degrade/remove hundreds of thousands of acres of pinyon-juniper habitat in the prescribed burning program. Thus the public is not being provided the correct and "high quality" information on agency actions, as is required by the NEPA. In our scoping and 30-day comments, we identified a number of species of conservation concern that use pinyon-juniper woodlands. The importance of pinyon-juniper woodlands to birds in general is very high. Balda and Masters (1980) noted that there are at least 73 different bird species that are known to breed in pinyon-juniper woodlands in the southwestern U.S. These woodlands periodically produce vast quantities of pinyon pine nuts and

juniper berries (every 2-3 or 5-6 years). In one year, a good berry crop on just one hectare of habitat could contains between 19 and 38 million berries. Pinyon pine seeds are highly nutritious; one seed contains 14.5 percent protein, 60 percent fat, and 18.7 percent carbohydrate; these seeds are also a very large size.

The proposed removal/degradation of pinyon-juniper habitats could occur on 985,868 acres on the Dixie National Forest. These are the acres of open canopy forest identified in Table 1 of the wildlife report that include woodlands. Some pinyon-juniper woodlands could also be slashed/burned in closed canopy forests that occur on 196,138 acres of the project area. Thus an approximate estimate of the potential slashing/burning of pinyon-juniper woodlands would be an estimated million acres. Balda and Masters (1980) noted that an average pinyon-juniper woodland in the southwestern US provides habitat for approximately 95 breeding pairs of birds per 100 acres. So if the Dixie National Forest's slashing/burning program on pinyon-juniper woodlands is planned for up to a million acres could trigger a loss of approximately half of the breeding bird density (95 pairs per 100 acres down to 48 breeding pairs per 100 acres). This would result in a density reduction of woodland birds of 480,000 breeding pairs of birds (a reduction of 48 pairs times 10,000 acres = 480,000 breeding pairs of birds). Given the current declining trends of North American landbirds (Rosenberg 2019; North American Bird Conservation Initiative 2022), this slashing/burning program for up to a million acres of pinyon-juniper woodlands on the Dixie National Forest is clearly a highly significant population impact, which is a violation of the MBTA and the NFMA due to a failure to promote the viability of neotropical migratory birds, and woodland birds in general. The Dixie National Forest proposal to slash/burn up to a million acres of pinyon-juniper woodlands is also a violation of the NEPA, as the agency claims the slashing and burning of pinyon-juniper woodlands will improve habitat for wildlife.

3. The agency's claim that the entire Dixie National Forest burned every 33 years is a violation of the NEPA.

The rationale for a proposed slashing/burning program on the Dixie National Forest of 49,500 acres per year is "supposed" to replicate the historical fire cycle. The 49,500 acres to be burned each year represents 3.35 percent of the forest per year (1,631,000 forest acres divided by 49,500)(project draft EA at 4). The 33-year fire cycle on this forest was not actually demonstrated with any published science, and is obviously implausible. As we noted previously, pinyon-juniper forests have a fire cycle around 400 years (Baker and Shinneman 2004), while sagebrush has a fire cycle of around 150-200 years (Baker 2006). These vegetation types comprise over 80% of the Dixie National Forest (Project Wildlife Report Table 1). So the goal of burning almost 50,000 acres per year on this forest is entirely arbitrary as per replicating historical fire cycles.

4. The agency claims that the prescribed burning program will improve habitat for wildlife without providing any monitoring results from past prescribed burning projects, in violation of the NEPA and the NFMA.

The Project Wildlife Report at 3 states that the expanded burning program is needed for wildlife for the following reasons:

-wildlife habitat needs to be burned to get regeneration of vegetation

-wildlife habitat needs to be burned to provide forage

-wildlife habitat needs to be burned to promote age class diversity

-wildlife habitat needs to be burned to regenerate shade intolerant species

In the past, the agency has burned an average of 13,000 acres per year (draft EA at 4). However, there is no information ever provided as to how these burns affected wildlife, from game to nongame species, regarding the above 4 benefits/needs to wildlife from burning. Since this monitoring has never been done, the agency has no valid basis for claiming that this prescribed burning program has improved habitat for wildlife, and it will do so with the expanded burning program. A credible claim would instead be that the impacts of past forest prescribed burning on wildlife is unknown due to a lack of monitoring, and that expansion of this burning program will have unknown impacts on wildlife.

5. The agency falsely claims that wildlife will be protected from direct mortality from fire due to wildlife surveys and timing of burning activities outside of nesting, fawning and calving periods, in violation of the NEPA.

The agency plans to burn year-round (Project Wildlife Report at 5). At the same time, the agency claims that there will be no burning April 1-July 31 to prevent deaths of birds, and there will be no burning from May 1-June 30 to prevent deaths of elk calves and mule deer fawns. In effect, for protection of wildlife, the agency claims no burning will occur one-third of the year, while at the same time claiming that burning may occur year-round. The NEPA requires that mitigation measures be defined as per their effectiveness. The agency's vague claims of wildlife protection from burning during sensitive periods of the year are questionable, especially as the agency intends to increase the annual acres burned by roughly 4 times (13,000 to 49,500 per year).

The agency also makes repeated claims that surveys for both neotropical migratory birds and forest raptors will be completed prior to burning activities. If no burning is planned during the bird nesting season, why would surveys be necessary to protect nests? If burning is actually planned during the nesting season for forest birds and raptors, how will the agency actually complete valid surveys on 49,500 acres per year? How many biologists would this require?

birds by reducing their general fitness (Id). The planned bird deaths from these various causes was not evaluated for this prescribed burning program. Also not evaluated is the expected increase in bird mortality from the loss of thermal cover that will be removed in both the understory and overstory. Extreme weather events are increasing in frequency, and have been demonstrated to cause severe mortality of birds, such as the estimated death of hundreds of thousands, if not millions, of passerine birds during migration through the southwestern US due to extreme weather (D'Ammassa 2020; USGS 2020). Overall, the proposed slashing and burning program for the Dixie National Forest clearly promotes the extirpation of passerines, including many that are neotropical migratory birds, as well as forest raptors. The cumulative severe adverse impacts on birds from this proposed slashing/burning program on up to a million or more acres of pinyon-juniper woodlands on the Dixie National Forest pose such extreme risks to North American landbirds that it is a violation of the public trust for the agency to propose such mismanagement of public lands.

The slashing/burning of pinyon-juniper woodlands is also justified by the agency as a means to increase forage for big game species. There was no discussion as to why forage is considered limiting to big game species, or if so, what role that livestock use has on this shortage. This claim is a violation of the NEPA because it is not supported with any actual analysis. And if forage is increased due to burning, why won't this added forage simply be consumed by livestock? This increased forage claim is simply a means of justifying a slashing/burning program in pinyon-juniper woodlands. In addition, the agency has provided no actual habitat management plan, or habitat objectives, for either elk or mule deer for the winter ranges to be slashed and burned. The value of juniper for mule deer in the winter as thermal cover has been documented in recent published science (Coe et al. 2019). Thermal and hiding cover are clearly key elements of big game winter range, and habitat criteria for both of these are important for habitat management. The Dixie National Forest has not actually disclosed the habitat management plan in pinyon-juniper woodlands for big game species, and it seems that none actually exists. This means that any vegetation treatments, without a habitat management plan, on big game winter range is invalid.

Also, why wouldn't all habitats contain nesting birds during the breeding season, and require surveys? Overall, the agency's mitigation measures to prevent deaths of nesting birds during the burning program fails the requirements of the NEPA for a lack of clarity for both whether or not actual time periods will be protected, and if not, what the mitigation measures will be used to prevent burning of bird nests during the breeding season? Will patches of habitat where nests are discovered be flagged out from the burning unit? How will these patches be protected from burning if the surrounding vegetation is burned? What has the forest done in the past to protect bird nests during burning projects?

Overall, the agency has not defined to the public how nesting birds will be protected if and when burning occurs during the breeding season, including how surveys will be completed, and how, if discovered, these nests will be protected from fire. The protective measures to be implemented for the 4 species of sensitive forest raptors is also unknown. Do criteria for these protective measures even exist?

6. The agency failed to define uncharacteristic fire, or what the effects of uncharacteristic fires are on wildlife, in violation of the NEPA.

The agency claims that prescribed burning is needed across the forest, including within IRAs, to protect wildlife from the effects of uncharacteristic fire. Although uncharacteristic fire is never actually described in the agency's NEPA analysis, in violation of the NEPA, this type of fire appears to be based on some level of high-severity and high-intensity fires, which are stand-replacing fires. The actual effects of these uncharacteristic fires on wildlife is also never identified, again in violation of the NEPA. The agency also has violated the NEPA by claiming that stand replacement fires harm wildlife, when in fact many wildlife species are dependent or benefit from stand-replacement fire (Hutto 1995). Of the thousands of acres of past fires that have occurred on the Dixie National Forest (358,708 acres in the last 61 years, Table 1 of draft EA), no descriptions of uncharacteristic fire have been developed. So where does this definition come from on this forest?

7. The agency will violate the Roadless Area Conservation Rule and the NEPA by proposing a massive prescribed burning program within Dixie National Forest IRAs.

IRAs include 564,065 acres of the project area, which is 43% (draft EA Table 4). As such, this is a massive vegetation program within IRAs, in spite of the protections of these areas from management as per the Roadless Area Conservation Rule. As we noted in our 30-day comments, these treatments within IRAs include massive disturbances to wildlife (over a dozen specific procedures over a number of years) and also expansive motorized use, from ATVs to masticators. There will also be long term visual impacts, from ATV trails, trails created by masticators, fire breaks, tree stumps and cheatgrass and weeds, especially within fire lines and ATV and masticator trails, for example. The agency claims that these adverse impacts will barely be noticed by the public, and as per wildlife, these disturbances will be balanced out by "improved habitat" due to burning and slashing of vegetation. The actual wildlife species who will experience improved habitat, except for mule deer and elk, are never identified, other than 2 woodpeckers who will supposedly have more insects available due to the killing of trees. The loss of green trees to these 2 woodpeckers is not identified as an adverse impact, including hiding and thermal cover, with associated mortality risks due to increased predation risks and increased risk of death from severe weather events. The claim that mule deer and elk will have increased forage due to slashing and burning was not supported with any science or monitoring. Why there is an excess of thermal and hiding cover for mule deer and elk within these IRAs was not identified. And the proposition that forage is limiting for mule deer and elk did not include any mention of livestock grazing, which occurs across the Dixie National Forest. As we noted previously, if forage is limiting elk and mule deer populations, then why aren't livestock use levels proposed for reduction? Or how has it been determined that the increased forage produced from killing trees and shrubs will not also be consumed by livestock?

The agency claims that prescribed burning is allowed in IRAs. However, just because it is frequently practiced by the Forest Service does not mean it is compatible with IRA management. In particular, exceptions that allow management intervention in IRAs include b-ii: to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects. We assume these uncharacteristic wildfire effects refer to wildlife, as such effects to humans or their structures would not be expected within IRAs. First, the agency has never defined "uncharacteristic wildfire," and secondly, there is no description in the prescribed burning proposal as to what the effects are to wildlife from uncharacteristic fire. So why the proposed project qualifies for this exemption for slashing and burning within an IRA is never actually demonstrated. This is not only a violation of the IRA management requirements, but also is a violation of the NEPA, as the conclusions (wildlife will be adversely affected by uncharacteristic fire) are presented without any supporting information. Clearly, the use of this exemption for burning in IRAs requires not only a definition of uncharacteristic fire, but how this poses threats to wildlife, neither factor which has been completed by the Dixie National Forest. Also, the data used to determine the potential for severe fire effects within 564,065 acres of IRAs needs to be provided. Does the agency claim that every single acre of IRAs have a risk of uncharacteristic wildfire effects? Where is the analysis for these 564,065 acres? How could this determination be made without any actual analysis of vegetation conditions within the 9 vegetation types on the forest? Again, this is another NEPA violation, as the agency is providing conclusions (all IRA acres have a risk of uncharacteristic wildfire effects) without providing any actual analysis to the public.

The exemption for vegetation treatments within IRAs also requires that management restores characteristics of ecosystem composition and structure. The draft EA at 36 states a number of times that burning and slashing will restore natural ecosystem. The draft EA at 37 also states that slashing and burning within IRAs will improve the diversity of plant and animal communities and their habitat would be improved. Apparently, this is the basis for claiming that slashing and burning vegetation will restore natural ecosystems.

The claim by the agency that slashing and burning in IRAs will "restore natural ecosystems" clearly needs to include effects to wildlife, since they are a key part of ecosystems. In particular, this claim that the burning and slashing will improve wildlife habitat is actually contradicted by the Project Wildlife Report, Table 3, that shows that 10 forest sensitive wildlife species will be impacted by the project but will remain viable. This does not demonstrate their habitat will be improved. And as we have demonstrated in our earlier comments, both sagebrush and pinyon-juniper habitats will be severely degraded by this burning program, along with the wildlife dependent upon them. This clearly does not qualify as ecosystem restoration. Claims of "ecosystem restoration" used to justify vegetation treatments within IRSs need to include the expected increases in wildlife populations that will result from such treatments. This information has never been provided by the Dixie National Forest.

Clearly, the proposed burning and slashing treatments in up to a million acres of pinyon-juniper forests, and up to at least 256,603 acres of shrublands, does not represent ecosystem restoration, and thus violates the Roadless Area Conservation Rule, as well as the NEPA due to making false, unsubstantiated claims about impacts of the proposed program.

8. The agency failed to define how the Forest Plan management area direction will be implemented for this project.

There is no information as to how the specific management area requirements for the various management areas to be affected by this proposal will be met. The public has thus not been provided the required information as to how Forest Plan direction will be implemented for this project. This includes management areas where specific requirements for big game winter range exist. The agency has failed to define why burning is needed to meet this Forest Plan direction for big game winter ranges, in violation of the NFMA.

9. The agency will violate the MBTA and the 2012 Planning Rule due to the planning of massive adverse impacts to neotropical migratory birds, or for these and other bird species that have been identified as a conservation concern; the agency will violate the NFMA and the Endangered Species Act (ESA) for threatening the viability of birds in general as well as the Mexican Spotted Owl; and the agency will violate the NEPA by failing to identify these outcomes of the proposed prescribed burning program.

The proposed fuel treatments will occur in 9 vegetation types on the Dixie National Forest: sagebrush/grass, aspen, grass/meadow, mixed conifer/mountain fir, oak/mahogany/mountain shrub, pinyon-juniper woodlands, ponderosa pine forests, spruce-fir forests, and tall forb communities. Except for the goshawk and sage grouse, the Dixie National Forest has no conservation strategy or habitat plans for any wildlife species within any of these 9 vegetation types. Many of the forest wildlife species have been identified as having priorities for management or conservation concerns, including by the Forest Service for sensitive species, by the state of Utah as species of conservation concern, or by the U.S. Fish and Wildlife Service as Birds of Conservation Concern. In our 30-day comments, we summarized the bird species identified as species of conservation concern as 29 species, including 5 associated with sagebrush ecosystems, 2 associated with grasslands, 14 associated with mixed conifer forests, ponderosa pine forests, spruce-fir forests and mixed conifer-mountain fir, 3 associated with oak/mahogany/mountain shrub, 4 associated with pinyon-juniper woodlands, and the bald eagle associated with water bodies. We left out the Mexican Spotted Owl, which is a threatened species, bringing the total birds of conservation concern on the Dixie National Forest to 30. Only 8 of these species were evaluated in the prescribed burning NEPA analysis, with only 2 of these species claimed to be benefited by the burning program. All of these assessments were simply general conclusions as only the sage grouse and goshawk have habitat management plans on this forest. At best, this would be 2 out of 30 birds of conservation concern that would be supposedly benefited by this burning program, which is claimed to be a habitat improvement program. The 22 birds of conservation concern that were not evaluated have no conservation or habitat plans on the Dixie National Forest, so random burning of their habitats is unlikely

to benefit these 22 species, including the Mexican Spotted Owl. The Dixie Forest Plan needs to be amended so that conservation strategies are developed and implemented for theses 22 bird species that currently lack such strategies, in violation of the 2012 Planning Rule. Along with this amendment, actual management direction for identified Mexican Spotted Owl habitat needs to be developed and implemented as is required by the ESA.

Of particular concern is the pinyon jay, a species currently proposed for listing under the ESA (Great Falls Tribune 2022). The proposed burning project can potentially degrade and/or destroy almost a million acres of pinyon-juniper forests that are essential habitat for this imperiled species. This burning program is clearly an extirpation program for this species, a fact that is never identified or even evaluated by the agency.

A number of the birds of conservation concern are associated with old growth forests on the Dixie National Forest. Yet there is no information provided on how old growth forests will be managed. The 10% requirement for the Dixie National Forest may not even be met, or in turn, could be violated with burning of current old growth. Worse, this 10% standard is 10-15% below the level recommended for forest birds (Montana Partners in Flight 2000). If old growth areas that exceed the 10% Forest Plan standard are burned in this program, this will impact the potential of this forest to meet the required levels of old growth for neotropical migratory and other birds. The agency needs to provide detailed information on old growth for this project, including acres, patch size, and location (maps), as is required by the NEPA for management information that needs to be provided to the public.

10. The Dixie Forest Plan needs to be amended to incorporate the National Cohesive Wildland Fire Management Strategy as Forest Plan direction before it is implemented as such.

The agency notes that the National Cohesive Wildland Fire Management Strategy is the actual basis for the prescribed burning program on the Dixie National Forest, so that fire risk and fuels are addressed. This strategy is not included in the Dixie Forest Plan, and has never had any public involvement regarding its implementation on the Dixie National Forest. This strategy has also never had any analysis of how it will impact wildlife on the Dixie National Forest, in violation of both the NEPA and the NFMA. Designing a massive vegetation management program on the Dixie National Forest that has never been incorporated into the Forest Plan cannot be implemented until this Forest Plan amendment, and associated public involvement and analysis of environmental impacts, has been completed.

11. The proposed Condition-based management of the Dixie National Forest is a NEPA violation and a NFMA violation as it excludes Forest Plan monitoring.

The proposed massive prescribed burning program includes almost no information on specifics of the project, in violation of the NEPA. The public has no understanding of where projects will occur, when they will occur, how wildlife surveys were used to design site-specific projects, or how Forest Plan direction is going to be met. There are no maps of elk winter range, mule deer winter range, mule deer fawning habitat, elk calving habitat, old growth habitats, sage grouse leks, sage grouse nesting, brood-rearing and winter habitat, goshawk territories, nesting and post-fledging areas, occupied Mexican Spotted Owl habitat, occupied pygmy rabbit habitat, and occupied pinyon jay habitat, for example. The public has been denied the ability to provide effective input on this project as a result. Nor can the agency demonstrate this project complies with Forest Plan monitoring requirements, as management decisions have already been made, decisions that extend beyond the average 5-year reporting period for forest plan reports. Finally, the agency is violating the timeliness requirement of the NEPA, as it is excluding any current science beyond 5 years. An example is the possible listing of the pinyon jay, who will be severely impacted by this project.