Certified Mail # 9589 0710 5270 0699 7265 30

March 27, 2024

Forest Service

Daniel Jaurequi, District Ranger

Heber-Kamas Ranger District

50 East Center Street

Kamas, Utah 84036

RE: COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED UPPER WEBER WATERSHED RESTORATION PROJECT

Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, the Council on Wildlife and Fish, Yellowstone to Uintas Connection, and Center for Biological Diversity would like to submit the following comments, questions and concerns regarding the proposed Upper Weber Watershed Restoration Project. Please note that all of the organizations signed jointly onto these comments would like to receive individual notification of any future public involvement opportunities that will be provided for this project.

A. FAILURE TO PROVIDE THE PUBLIC WITH ADEQUATE DESCRIPTION OF THE PROPOSED PROJECT

The public is provided almost no information on this proposed project in regards to implementation. We are requesting that the following information be provided in a Revised draft EA.

1. Please provide a map the displays both the project area and the cumulative effects area, including locations of other ongoing and completed projects; the draft EA notes these include the Upper Provo and Bourbon projects; please define also the acres treated in each of the above projects, or any other projects within a cumulative effects area or the project area, including past treatments completed between 1973 and 2022.
2. Please provide a map of the Lakes Inventoried Roadless Area (IRA).
3. Please provide a large, readable map of the proposed treatment areas so that individual treatment units can be defined to the public.
4. Please provide a summary of the wildlife inventories that were completed for the Upper Provo and Bourbon projects, along with the mitigation measures that were implemented around raptor and Three-toed Woodpecker nesting sites.
5. Please identify each proposed treatment unit for the Upper Weber Project, along with unit locations on a map, along with acres to be treated within each unit; please define if the proposal for each and which units include prescribed burning.
6. Please provide the results of wildlife inventories that have been completed for each proposed treatment unit.
7. Please define the current vegetation within each of the proposed treatment units by habitat type, tree species, canopy cover, basal area, total trees per acre, total trees per acre over 10 inches dbh, and total snags over 10 inches dbh per acre.
8. Please include the science that shows that forested habitat types can exceed their stand density/basal area, and under what conditions?
9. Please define the planned vegetation to be retained in proposed treatment units, including tree species, canopy cover, and basal area, total trees per acre over 10 inches dbh, total trees per acre, and total snags per acre over 10 inches dbh.

10. Please map all the proposed treatment areas within riparian zones, including unit number, and unit acres, and type of treatment planned, including commercial and noncommercial treatments.
11. Please define the current annual utilization level on riparian vegetation by livestock.
12. Please provide photos of the proposed riparian treatment areas for each planned treatment unit.
13. Please provide a map of all existing roads in the project area, and define their current status as per public and/or administrative access.
14. Please map any of the existing roads that will require "reconstruction" for this project to be implemented.
15. Please provide a "readable" map, along with road identification, for all planned temporary roads to be constructed for this project.
16. Please map all planned stream crossing that require new roads and/or crossing with motorized equipment.
17. Please provide a readable map of all PODs planned for the project area, and give the details of what these entail, including descriptions of treatments, length of PODs, and acres of PODs.
18. Please map the Wildland Urban Interface in the Project Area, including the location and data for each "interface" and "intermix" community-at-risk (density of human population).
19. Please define which treatment units in the Lakes IRA will require the use of what motorized equipment, and what type of equipment this entails.
20. Please provide the complete silviculture prescription for each proposed logging unit, including the diameter at breast height (dbh) of the trees that will be commercially harvested.
21. Please define the nonnative tree species that are to be removed to prevent genetic contamination of native trees.
22. Please define what the priorities specifically are for implementing treatments to "protect values at risk." What are these values at risk that need to be protected?
23. What are the "key ecosystem services" that may be lost in the project area without the proposed treatments?
24. What are the specific, quantifiable objectives for the proposed treatments, including for wildlife?

B. FAILURE TO PROVIDE THE PUBLIC WITH ANALYSIS DATA FOR THE PROJECT

We could not locate the Wildlife Report and/or Wildlife Biological Evaluation/Biological Assessment on the agency's web page. The draft EA at 43 states that this document is in the project record, but apparently is not available to the public. We were also not able to locate the Project Recommendations for Migratory Bird Conservation, also noted in the draft EA page 44 as in the project record. As such, we were not able to understand how the agency based draft conclusions regarding wildlife, including that no significant adverse impacts would result for direct, indirect or cumulative impacts of this and other past and ongoing projects. The agency needs to adhere to the National Environmental Policy Act (NEPA) and release a revised draft EA, with all wildlife reports made available to the public on the project web page.

C. FAILURE TO IDENTIFY WHICH PROPOSED TREATMENT UNITS ARE WITHIN WHICH MANAGEMENT PRESCRIPTIONS OF THE FOREST PLAN.

1. Please provide a "readable" map of all management prescriptions in the project area, including 1.5, 2.6, 3.1a, 3.1w, 3.2d, 3.2u, 4.3, 4.5, and 6.1.
2. Please identify which management prescriptions have "suitable timber" identified as a potential resource for management.
3. Please provide the acres of proposed treatment units within "each" management prescription area, as defined in Table 4 of the draft EA.
4. Please define how the proposed treatments are consistent with each of the management prescriptions where the activity is planned. It appears that none of the proposed actions are consistent with the Forest Plan, so that Forest Plan amendments for each of the treated management prescription areas is required. In some cases, logging is prohibited, while in all cases, treatments need to promote ecosystems, which will not occur.

5. Please provide a map that clearly defines the Potential Operations Delineations (PODs), along with total miles and total acres included in PODs.
6. Please define why the POD fuel breaks do not constitute construction and/or reconstruction of permanent roads within the Lakes IRA; are these PODs expected to provide permanent fuel breaks developed and maintained via motorized access? Since these are most likely planned to be "permanent" fuel breaks, with permanent motorized access by the Forest Service, why aren't these PODs a violation of road construction/reconstruction within IRAs?

D. FAILURE TO ADHERE TO LEGAL REQUIREMENTS FOR FOREST PLAN AMENDMENTS

1. The proposed amendment for treatments within management prescription 2.6 is not an amendment, it is an exemption. There is no National Forest Management Act (NMFA) process that allows Forest Plan exemptions. Amendments are allowed, but they must be evaluated as per the NEPA, including alternatives, as well as what specifically the management prescription is being changed to.
2. The site-specific amendment claims to have used the current best science, as provided in the specialists reports; however, the wildlife specialist report was not made available on the project web page.
3. A requirement for an amendment includes being based on a preliminary identified need for change and analyzing potential effects as per the NEPA. The stated need for this amendment is to maintain and restore proper functioning conditions within the watershed, and to restore properly functioning conditions and maintain species composition and stand structure. A conclusion was presented that the amendment would not result in effects on wildlife diversity, but the analysis for this conclusion was not made available to the public on the project web page. The public has not been provided the basis for the agency's claim that this management change for 2.6 is required in order to maintain wildlife diversity. What

constitutes "proper function conditions" for wildlife was also not defined, and why the proposed treatments are needed in order to restore this function to wildlife in treatment areas.

4. The agency needs to provide a valid NEPA analysis of the proposed site-specific amendment to the public, including all analyses data used for the determination that changing current management prescription side-boards are needed to restore wildlife diversity and ecosystem function of wildlife.
5. We would also like to know what other site-specific amendments have been completed for the Lakes IRA. Please provide this information to demonstrate the larger view of how this IRA is being managed as per Forest Plan direction.

E. FAILURE TO PROVIDE A VALID RATIONALE FOR MANAGEMENT INTERVENTION IN THE LAKES IRA

1. The agency claims that impacts of the proposed logging and fuels treatments will be "short term." However, the definition of "short term" is never defined, including for wildlife effects. Please give the current average age of the trees that will be killed, and define the expected period of time it will take for this age of trees to be replaced after treatments. This is the period the agency is defining as "short term," but it seems unlikely that cut trees will be replaced in the near, short-term future for wildlife.
2. The proposal rationale is that generally smaller trees will be killed and burned so that new small trees will grow back to replace them. Why exactly do the existing small trees need to be replaced?
3. The draft EA suggests that in some instances planting may be required to get a new young crop of trees growing. What is the expected impact on the current genetic diversity of smaller trees in treated areas, and the long-term genetic health of these treated areas? Why will this promote forest health by reducing genetic diversity?
4. The expected size of trees to be killed was not identified. What is the dbh for trees that will be cut?

5. The draft EA suggests that these conifer forests are "fire dependent." This dependency means that they require fire to regenerate. Yet the purpose of this treatment stand is to reduce existing smaller trees, which shows these forests are regenerating. So why does the agency claim they are actually fire dependent, and require fire to regenerate?
6. The draft EA claims that these conifer stands have grown too dense for wildlife. The basis for this claim was not provided. What wildlife species are being harmed by the existing stand conditions where treatments are planned, and this harm will be cured with forest thinning.
7. The draft EA claims that there are too many insect and disease conditions in these stands, which when removed will improve the health of wildlife. The agency did not define why insects and disease are hazards to wildlife, however. Why do insects and disease degrade the health of wildlife populations?
8. The draft EA suggests that there are "too many dead trees" in these conifer forests for wildlife, so dead trees are going to be removed. A good example of the proposed removal of green and dead trees appears to be on the cover of the draft EA. Clearly, there are no snags left in the thinned conifer stand, which apparently "improves" wildlife habitat or properly functioning conditions for wildlife. Why this is true is not clear.
9. The draft EA states that one goal of these treatments is to create a mix of stand ages and tree species. It was not defined, however, as to what this actual mix will be, or why it would improve wildlife habitat. What are the specific habitat objectives for wildlife that are being implemented in treatment areas?
10. The draft EA states that treatment is needed to prevent the risk of losing key ecological services. Saving wildlife appears to be one of these key ecological services for this project, but the wildlife species that will be saved are never defined. Which wildlife populations will likely be lost if the treatments are not implemented?
11. The draft EA at 12 defines this wildlife habitat as "monotonous age stand structure." The draft EA at 27 also notes these are "vast" conifer foersts. We are not aware of how the term "monotonous" or "vast" defines wildlife habitat. A better term would be "unfragmented," which is a positive, not a negative term defining wildlife habitat.

12. What are the specific habitat objections for wildlife based on creating a "mosaic" of forest age structures and patterns. How does this compare to a fragmentation goal of wildlife habitat, with the associated adverse impacts on wildlife?
13. The draft EA at 33 notes that tree species targeted for removal will be subalpine fir. Why is this high quality wildlife tree, including for snowshoe hares and thus lynx, being targeted for removal to restore wildlife habitat/ecosystems? Snowshoe hares also provide important prey for other forest carnivores and raptors that are species of conservation, including the Northern Goshawk and wolverine.
14. Another objective of these treatments is to remove conifers from aspen stands. Exactly why this is wildlife habitat improvement was never addressed.
15. The project area contains 2,606 acres of relatively pure aspen, and 2,378 acres of aspen/mixed conifer. So these 2 habitats have a relatively similar distribution/composition. Proposed treatments are 175 acres of pure aspen but 679 acres of aspen/mixed conifer stands. The resulting composition of these 2 aspen types after treatment will be 82% pure aspen and only 18% mixed conifer aspen. What is the objective to have a predominance of pure aspen stands for wildlife? Why does taking conifers out of aspen improve wildlife habitat? We are not aware of any actual science that supports this claim, so please provide the documentation being used to target aspen/mixed conifer stands.
16. The agency states there are 18,719 acres of "potential" old growth in the project area, which would be 55% of the project area. This meets estimated historical levels of old growth ranging from 20-50% as per the current best science. However, in Table 2 of Appendix E, the agency then states that there are 13,735 acres of conifer old growth, along with 2,378 acres of aspen/conifer old growth, which would be 16,113 acres of conifer or conifer/aspen old growth. This would be 47% old growth, which indicates this IRA landscape has very high quality habitat for old growth-associated wildlife, as it is near historical levels. This would include high quality habitat for the Northern Goshawk, a Region 4 sensitive species that is known to be in what appears to be a significant decline in the Wasatch Planning Area (Figure 3 of draft Upper Weber EA). The current best science for this

species recommends at least 20% old growth. Planned treatments of conifer or conifer/aspen old growth would be 4,733 acres, or 29% of existing old growth. This could reduce conifer and mixed conifer/aspen old growth from 47% down to 33% of the project area. The loss of 4,733 acres of old growth conifer and/or mixed conifer/aspen is being falsely identified as an increase in wildlife diversity, and falsely identified as restoration of wildlife ecosystems, in violation of the NEPA as well as the NFMA.

17. Relatively pure stands of aspen old growth would be reduced from 2,606 acres to 2,431. This would be a minor reduction of pure aspen old growth in the project area from 7.6% down to about 7%. Still this reduction would not constitute an increase in wildlife diversity or restoration of wildlife habitat/ecosystems, as old growth habitats provide prime habitat for wildlife.
18. On the Manti-La Sal National Forest, over 80% of Northern Goshawk nests are located in stands with a mixture of aspen and conifer trees; nearly 70% of all known nests have been in aspen trees. This forest noted that important components of goshawk habitat in Utah includes snags, multiple canopies, and down woody debris. The proposed logging of conifer old growth and conifer/mixed aspen old growth will be highly detrimental to the Northern Goshawk, a sensitive species, as a result.
19. The current condition of the Upper Weber Project Area for goshawks appears to be questionable. There is one active nest area, and one historical nesting area. The project area is 34,056 acres, which is enough habitat for at least 5 nesting pairs of goshawks, or 5 times the current population. Are there nesting birds that have never been located? What is the estimated cause of a loss of activity at the historic nest? Given the declining status of this species in the Wasatch Planning Area, and the lack of goshawks in the Upper Weber Project Area, why is the agency proposing to reduce 3 key goshawk prey species, snowshoe hares, woodpeckers and red squirrels by treating old growth habitat?
20. To date, the Uinta-Wasatch-Cache National Forest has never provided any analysis, either in Forest Plans or other NEPA documents, as to why treating and reducing vegetation in old growth forests, either aspen, conifer, or mixed conifer/aspen stands, maintains the value for old growth-associated wildlife. As such, the agency cannot claim in the Upper Weber Project NEPA

analysis that logging old growth will not significantly impact wildlife. Please provide this analysis for the Upper Weber Project to support the planned treatment of old growth habitats to increase wildlife diversity and/or restore wildlife ecosystems.

21. The draft EA stresses the importance of reducing fuels in the Upper Weber IRA because there is a risk (level of risk never defined) for uncharacteristic or catastrophic fire, in part because vegetation has not only grown "too dense," but there are too many dead trees. The stand densities, defined by basal area, that are uncharacteristic, however, are never defined. What are the stand basal areas that are uncharacteristic of the associated habitat type? Also, what is the definition of an uncharacteristic of catastrophic fire? What is the percentage of the severe fire burn areas required within a fire perimeter required to qualify as "catastrophic?" Where have these conditions been measured elsewhere on the Uinta-Wasatch-Cache National Forest? Please map these past areas identified as having catastrophic fire, and also map the areas of the Upper Weber Project Area where uncharacteristic basal areas conditions occur in forest stands that indicate the potential for uncharacteristic wildland fire.
22. Please provide the science whereby stand replacement fires have been identified as "catastrophic" to wildlife, and which wildlife species are these? Given than many wildlife species benefit, as well as depend, upon forest fires, what is the basis for assessing the overall impacts of forest fires to wildlife as catastrophic and thus require management intervention, including within IRAs.
23. Please define what species of western forest birds typify the riparian areas within the Upper Weber Project Area, and why reducing vegetation will improve/restore their habitat.
24. Please map boreal toad occupied habitat, and define specifically riparian treatments will improve/restore their habitat, including the reduction of shade and increased streamside temperatures during the spring/summer.
25. Please define why increased stream temperatures along treated riparian areas be considered "short term?" What specifically does "short term" mean as per years? Why won't the temperature increases during this "short term" period affect both boreal toads, and Bonneville Cutthroat populations?

26. The draft EA at 21 states that fish will simply move to other habitats where water temperatures are lower. Why doesn't this mean that habitat for these fish will be reduced? Please define what percentage of their habitat in the project area will experience increased water temperatures. It's not like water stays in one place. Why will water that is heated in areas where shade has been removed not affect water temperatures in areas where shade remains? Why won't the entire aquatic system available to fish have increased temperatures and thus potentially severely degraded habitat?
27. Where are the terrestrial hibernacula for the Boreal Toad, and how will these be protected during vegetation treatments?
28. There are at least 4 sensitive bird species potentially in the Upper Weber Project Area. The Northern Goshawk has already been addressed. These additional sensitive bird species are the Flammulated Owl, Three-toed Woodpecker, and Boreal Owl. Please define specifically how these 4 sensitive bird species will be surveyed prior to planned treatments on 7,736 acres, as per Table 2 in the draft EA, in order to prevent losses of active nests via disturbances or due to smoke toxicity. What are the expected number of person-hours of surveys needed for each species, and will the agency be providing the required personnel for these surveys? If surveys are not going to be reliable, including intensive, what is the estimated number of sensitive species nests that will likely be lost due to the proposed project on approximately 12 miles of treatment areas? This would be based on the average density of these sensitive species on the Uinta-Wasatch-Cache National Forest.
29. What are the specific habitat objectives for the Northern Goshawk, Flammulated Owl, Boreal Owl, and Three-toed Woodpecker in the Upper Weber Project Area, and how will these be implemented?

F. TRIGGERING POPULATION DECLINES OF WILDLIFE IS NOT A FUNCTION OF IRAS.

The proposed Upper Weber Project will trigger significant declines in wildlife populations, including birds. For example, there are 32 bird species likely present

in the project area that feed on conifer seeds, seeds that will be reduced with forest thinning. These species include:

> *Hairy Woodpecker, Pinyon Jay, Clark's Nutcracker, Gray Jay, Stellar's Jay, Black-billed Magpie, Mountain Chickadee, White-breasted Nuthatch, Red-breasted Nuthatch, Pygmy Nuthatch, Red Crossbill, Pine Siskin, Scrub Jay, Chipping Sparrow, Song Sparrow, Rufous-sided Towhee, Band-tailed Pigeon, Red-shafted Flicker, Lewis's Woodpecker, American Crow, Winter Wren, American Robin, English Sparrow, Black-headed Cowbird, Evening Grosbeak, Pine Grosbeak, Purple Finch, American Goldfinch, Slate-colored Junco, Oregon Junco, and Cassin's Finch.*

The volume of conifer seeds that will be reduced as forage for wildlife in both summer and/or winter will certainly be significant, and as such, will reduce the current carrying capacity of birds in treated areas. These impacts to birds will include the Clark's Nutcracker, Cassin's Finch, Evening Grosbeak, and Lewis's Woodpecker, all species with an identified conservation concern and/or need. This reduction in carrying capacity will be cumulative to other similar treatments within the Lakes IRA. The volume of conifer seeds reduced per acre needs to be defined, and estimates made as to reduced bird populations that will result.

There are roughly 22 bird species that depend upon dead and downed standing trees for cavity nest sites. The proposed project will cut out snags from forested stands, drastically reducing the availability of nest sites for these species, including:

> *Black-capped Chickadee, Boreal Owl, Brown Creeper, Downy Woodpecker, Flammulated Owl, Hairy Woodpecker, House Finch, House Wren, Lewis's Woodpecker, Mountain Bluebird, Mountain Chickadee, Northern Flicker, Pygmy Nuthatch, Red-breasted Nuthatch, Red-naped Sapsucker, Northern Pygmy-Owl, Three-toed Woodpecker, American Kestrel, Violet-green*

Swallow, Tree Swallow, White-breasted Nuthatch, and Williamson's Sapsucker.

The number of snags per acre, including size (dbh) that will be reduced per acre of planned treatments needs to be identified for this project. Although one cannot base bird population densities on snag densities, changes in snag densities within forested stands can provide one "indicator" of habitat quality for the 22 bird species that use snags for nesting. The estimated suitability of each snag as a cavity tree (generally only about 4% of all snags) also needs to be included in this measure of habitat quality for birds. The estimated reduction in carrying capacity for birds requiring snags for nesting needs to be measured for all treatment units. These adverse impacts need to be included with past and ongoing similar treatments within the Lakes IRA.

The draft EA for the Upper Weber Project claims that reducing insects and disease is a needed activity within the Lakes IRA. Given that insects and disease are essential processes for a large number of forest birds, the agency did not provide any actual rationale as to why insects and disease processes need to be eliminated and/or reduced to promote ecosystem function and/or health. In effect, insects and disease are "key ecological processes" essential for viable populations of forest wildlife.

The project would include up to 4,054 acres of old growth treatments, treatments that would severely change habitat values for most bird species associated with old growth forests. Impacts to these old growth-associated bird species could include the following 17 bird species that may be present in the project area:

Boreal Owl, Brown Creeper, Flammulated Owl, Golden-crowned Kinglet, Hairy Woodpecker, Hammond's Flycatcher, Hermit Thrush, Lewis's Woodpecker, Northern Goshawk, Pine Grosbeak, Pygmy Nuthatch, Red-breasted Nuthatch, Swainson's Thrush, Three-toed Woodpecker,

Townsend's Warbler, White-breasted Nuthatch, and Williamson's Sapsucker.

Currently, the level of potential old growth in the project area is stated to be 18,719 acres. Conifer and mixed conifer/aspen old growth is stated to be 16,113 acres, which would be 47% of the landscape. Both coniferous and aspen/coniferous forests provide equally high quality old growth for wildlife, although mixed conifer/aspen old growth may actually provide higher-quality old growth due to a higher preponderance of suitable cavity trees due to the preponderance of rot in aspen. This demonstrates this landscape provides what is "high quality" habitat for coniferous forest old growth associated species, given the historical levels of old growth ranged from 20-50%. The proposed project would reduce this by 4733 acres, reducing it down to 33% of the landscape.

Logging and/or fuels treatments in old growth stands will reduce snag habitat, which will negatively impact 22 species of forest birds. These include three Region 4 sensitive species (Boreal Owl, Flammulated Owl, Three-toed Woodpecker), and four bird species identified as Utah Species in Greatest Conservation Need (Flammulated Owl, Boreal Owl, Northern Pygmy-Owl, and Lewis's Woodpecker). Two snag-associated bird species, the Flammulated Owl and Lewis's Woodpecker) are identified by the U.S. Fish and Wildlife Service (FWS) as Birds of Conservation Concern in Region 16. Logging of old growth stands, including mixed conifer/aspen stands, will also reduce snag habitat for the Williamson's Sapsucker, a species that has been noted to be experiencing recent declines as per the State of the Birds Report 2022.

In addition, fuels treatments and logging in coniferous/mixed conifer/aspen forests will also reduce hiding cover important to protect forest raptors from predation. Opening of old growth forests with fuels treatments will also increase invasion of treated areas by raptors (Red-tailed Hawks and Great Horned Owls) that prefer more open habitat. These invasions can displace other forest raptors, such as the Northern Goshawk, and increase predation rates on species as the

Northern Goshawk by Great Horned Owls. In addition, forest opening due to fuels treatments will increase populations of Brown-headed Cowbirds, a species that can significantly reduce nest success of many forest songbirds. Fuels treatments will also reduce thermal cover, and thus result in increased summer temperatures in the treated forests. Dense old growth forests are likely an essential "thermal refuge" for birds, especially larger owls that have a low heat tolerance. With ongoing climate change, increased summer temperatures within forests is already occurring, an effect that will be exacerbated with fuels treatments that open stands and reduce vegetation. Opening forests will also increase the severity of impacts on forest birds to severe weather events, including rain, snow and severe winds, all factors that will impact their productivity.

The draft EA for the Upper Weber Project also justifies fuels reduction activities within the Lakes IRA as a need to reduce the potential for "uncharacteristic" or "catastrophic" fire. There was no actual discussion provided, however, as to why stand replacement fire is detrimental to wildlife, and needs to be reduced. Stand replacement fire does not remove wildlife habitat, it simply changes it from green to burned forests. There are many bird species that depend upon not just stand replacement fire, but other fire levels as well, as breeding habitat. One of the key ecosystem functions of forest fires is to create "snag forests" which are important to 22 bird species that use snags for nesting. Snag forests may have a higher diversity of forest birds than unburned forests. In addition, forests thinned with logging and/or fuels treatments will not provide the same stand replacement habitat required by many bird species, as is created by natural fires. Provision of landscapes where natural fires can be provided for wildlife is essential for landscape diversity of wildlife.

The proposed fuels and/or logging treatments include many acres of riparian habitats. Yet riparian habitats have been identified in Utah as the most important habitats for avian diversity. Riparian habitats have been identified by the Utah Partners in Flight program as "Priority Habitats Most in Need of Conservation." These habitats include lowland riparian habitat, which provides habitat for 107 birds in Utah, including 8 priority species. Also identified as a Priority Habitat are

Mountain Riparian Habitats. These habitats provide habitat for 46 bird species, including 1 priority species. Wetland riparian areas provide habitat for 35 bird species, including 4 priority species.

It is never defined as to why fuels and logging treatments within riparian habitats of the Upper Weber Project are needed to restore/maintain ecosystems for associated bird species. It is apparent, however, that massive, long term damage will be done to all these riparian-associated bird species by vegetation removal.

G. Violation of the Roadless Area Conservation Rule and the NEPA

There is no doubt the proposed Upper Weber Project within the Lakes IRA is a violation of the Roadless Area Conservation Rule (Roadless Rule). The unsupported "assumption" provided in the draft EA for this project is that fuels management activities are essential within IRAs in order to prevent "Catastrophic Fires" and "Epidemics of Insects and Diseases," and thus are needed to maintain the "healthy" wildlife populations that existed historically. However, there was no analysis provided to demonstrate why stand replacement fire and insect and disease epidemics harm wildlife. This is a violation of the NEPA, which requires the agency to provide more than conclusions. The agency is required to support conclusions with actual high quality information. We would like to know specifically why stand replacement fire and insects and disease epidemics degrade and/or destroy wildlife habitat within IRAs, and as such, require management intervention to protect wildlife habitat from these ecosystem processes. This analysis needs to include the citation of published, peer-reviewed scientific articles where insects and disease processes, as well as stand replacement fires, did not occur historically on these forests. Also, given the ongoing plight of western forest birds as well as riparian-associated birds, with ongoing declines, the purpose of IRAs requires that these reserves provide high quality habitat to address habitat losses elsewhere on developed, roaded lands.

H. Violation of the Prohibition of Commercial Logging, Road-building, and Road-reconstruction in IRAs

The Upper Weber Project is clearly a violation of the Roadless Rule by implementing commercial logging activities, as well as new road construction. As was noted in the draft EA, the purpose of the logging is to provide commercial products to the local community as an economic benefit of the project. And the draft EA repeatedly refers to "temporary roads" that will be constructed for the project. Although not specifically mentioned, it is likely also that many of the existing roads to be used for log hauling will require reconstruction, an activity that is prohibited in IRAs. Finally, the construction of an undefined miles of permanent roads associated with the PODs is a violation of new road construction in IRAs. These permanent fuel breaks will be developed via motorized access, access which will be permanent on the landscape. Apparently the agency believes that the size of vehicles on new roads determines if these roads actually qualify as a new road. There is actually almost no information provided for these PODs, including any depictions on a map, or the number of miles they will consist of. AS per the NEPA, the agency is required to provide detailed information on what these PODs will consist of as per treatment, including harvest of trees, width of clearings, and requirements for motorized access for retreatments over time to maintain these PODs. The fragmentation impacts to wildlife also were not discussed in the draft EA, in violation of the NEPA.

I. Violation of the Function of Roadless Lands to Provide Undisturbed Habitat for Wildlife

Roadless lands are some of the few areas on National Forest lands where wildlife habitat is maintained in a natural, undisturbed condition. One of the benefits of these areas is that wildlife habitat is not removed by management activities. This includes nesting habitat for sensitive raptor species as the Northern Goshawk, Boreal Owl, and Flammulated Owl. At best, the agency "claims" that nesting sites for owls and goshawks will be located prior to treatments, and protected. If there

were actual agency requirements for raptor surveys, why haven't these already been done? The completion of valid, reliable surveys for owls and goshawks is a very labor-intensive process, requiring hundreds if not thousands of survey hours. For the Upper Weber Project, this would involve travel across vast stretches of unroaded lands, to survey 7,736 acres of habitat for Flammulated Owls, Boreal Owls, and Northern Goshawks, as well as Three-toed Woodpeckers. An indicator of the actual quality and level of wildlife surveys that are ever done by the agency can be provided by survey efforts completed for the ongoing and past projects in this roadless landscape. If the agency is going to claim that reliable wildlife surveys will be done for the Upper Weber Project, they need to demonstrate that this has previously been done for other projects in this IRA.

What is clear is that the proposed treatment units are just "random habitat removal" for forest raptors. These treatment areas have been designed without any information on forest raptors on these 7,736 acres. And even if actual valid wildlife surveys are done, only the nest tree and surrounding area will be protected during treatment activities. A small nesting area is not all the habitat that these species need. In general, this project will remove 7,736 acres of habitat for 3 sensitive raptor species, and the sensitive Three-toed Woodpecker. This demonstrates that treatments within roadless lands do not protect wildlife, but instead are just a continuation of the same processes that destroy wildlife nesting areas and habitat in roaded lands.

It is also clear that proposed treatments in IRAs triggers considerable other mortality levels to wildlife, in addition to the loss of nesting sites and nesting habitats for sensitive forest raptors. One would not expect the agency to promote mortality of forest birds in protected IRAs. However, many forest and riparian bird nests will be destroyed during cutting/slashing/logging activities. Any prescribed burning activities will also kill an untold number of birds due to smoke toxicity, and if birds are not killed, their fitness would be reduced, reducing long-term survival. Added to these mortality impacts would be the increased nesting loss due to cowbirds, who benefit from forest thinning and forest fragmentation. As well, there will be increased mortality of both young and mature forest birds due

to reduced thermal and hiding cover in forest stands. Predation on sensitive forest owls may increase from Great Horned Owls and Red-tailed Hawks, birds that prefer open forest habitats. And the loss of thermal cover will increase bird mortality from not only increasingly severe weather events, including precipitation and winds, but as well, due to high heat levels within forest stands in the summer, and colder heat levels in the winter, due to forest thinning. All of these increased mortality risks to birds will add to existing population declines in recent years, as well as what appear to be massive population losses the last several years from the avian bird flu. It is not clear why the proposed management intervention, or a continuation of this management intervention, into the Lakes IRA is a benefit to existing ecosystems, which of course include birds.

J. Failure to Evaluate Project Impacts on Climate Change

The draft EA makes some very limited, conclusionary statements regarding project impacts on climate change. A much more detailed accounting of the project effects on climate change are required as per the NEPA. These include an estimate of the average summer temperature increase in treated stands as opposed to existing summer temperatures, and how this affects the thermal tolerance of birds, including forest owls, such as the Boreal Owl, that are very heat sensitive. Also, how will the increased temperatures triggered from this project affect the threatened wolverine, a species that is also very sensitive to heat. What estimated increase in summer heat levels is considered a "nonsignificant impact" of this proposal? From ongoing temperature increases that have occurred due to climate change, what is the cumulative expected increase in summer temperatures in treated stands and affected streams?

What is the estimated reduction, per acre, in tons of photosynthetic carbon uptake that will occur as a result of this project? What is the expected increase in carbon emissions that will result from cutting/burning existing vegetation? What is the expected increase in carbon emissions that will result from all the

motorized activities required for this project, including cutting/burning trees, constructing roads, logging trees, and constructing PODs, for example.

What will be the differences in contributions of carbon emissions and/or photosynthetic uptake of carbon between the action and no action alternative? Why does or doesn't the proposed action alternative address climate change, which is considered a global threat?

Regards,

Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sjjohnsonkoa@yahoo.com.

SJJ for

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624; phone 406-459-5936; wildrockies@gmail.com.

SJJ for

Steve Kelly, Director, Council on Wildlife and Fish, PO Box 4641, Bozeman, MT 59772; phone 406-920-1381; troutcheeks@gmail.com.

SJJ for

Jason Christensen, Director, Yellowstone to Uintas Connection, PO Box 363, Paris, ID 83261; phone 435-881-6917; jason@yellowstoneuintas.org.

SJJ for

Kristine Akland, Senior Attorney, Center for Biological Diversity, PO Box 7274, Missoula, MT 59807; phone 406-544-9863; kakland@biologicaldiversity.org.

SJJ for

Katie Fite, Public Lands Director, Wildlands Defense, PO Box 125, Boise, ID 83701; phone 208-871-5738; katie@wildlandsdefense.org.