Objection against the Upper Weber Watershed Restoration Project

To: Objection Reviewing Officer
USDA Forest Service
Intermountain Region
324 25th Street
Ogden, Utah 84401

Thank you for this opportunity to object to the Upper Weber Watershed Restoration Project. Please accept this objection in pdf format from me on behalf of the Alliance for the Wild Rockies, Native Ecosystem Council, Yellowstone to Uintas Connection, Council on Fish and Wildlife, and Center for Biological Diversity.

1. Objector's Name and Address:

Lead Objector Michael Garrity, Director, Alliance for the Wild Rockies (Alliance), PO Box 505, Helena, MT 59624; phone 406-459-5936

And for

Sara Johnson, Director, Native Ecosystems Council (NEC)
PO Box 125
Willow Creek, MT 59760;

And for

Jason L. Christensen – Director Yellowstone to
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PO Box 363
Paris, ID 83261
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435-881-6917

And for

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PO Box 4641

Bozeman, MT 59772

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And for

Kristine Akland

Center for Biological Diversity

P.O. Box 7274
Missoula, MT 59807

Signed this 16th day of July, 2024 for Objectors

/s/
Michael Garrity
Lead Objector

/s/ Michael Garrity

Description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis, Finding of No Significant Impact, and Draft Decision Notice (DDN) specifically violates law, regulation, or policy: The EA and Draft Decision Notice are contained in the USFS webpage at: https://www.fs.usda.gov/project/uwcnf/?project=65745

2. Name of the Proposed Project

Upper Weber Watershed Restoration Project

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

The project is on 34,056 acres in the Upper Weber watershed on the Heber-Kamas Ranger District of the Uinta-Wasatch-Cache National Forest in Summit County, Utah. The project is located 16 miles from Oakley, Utah in theWeber River drainage.

The responsible official is David Whittekiend, Forest Supervisor, Uinta-Wasatch-Cache National Forest is the Responsible Official.

As a result of the Draft DN, individuals and members of the above mentioned groups, hereafter (Alliance) would be directly and significantly affected by the logging and associated activities. Appellants are conservation organizations working to ensure protection of biological diversity and ecosystem integrity in the Wild Rockies bioregion including the Uinta-Wasatch-Cache National Forest (UWCNF). The individuals and members use the project area for recreation and other forest related activities. The selected alternative would also further degrade the water quality, wildlife and fish habitat. These activities, if implemented, would adversely impact and irreparably harm the natural qualities of the Project Area, the surrounding area, and would further degrade the watersheds and wildlife habitat.

The Forest Service proposes the following actions to meet the purpose and need. The project area is approximately 34,056 acres of which the Draft Decision Notice (DDN) calls for 8,079 acres of thinning, piling, and pile-burning, 612 acres of stand improvement operations. The DDN also authorizes a project-specific Forest Plan Amendment to allow for vegetation and fuels treatments within Management Prescription 2.6.

4. Connection between previous comments and those raised in the Objection:

Alliance provided comments on the proposed project on March 27, 2024.

Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature.

5. Specific Issues Related to the Proposed Projects, including how Objectors believes the Environmental Analysis or Draft Record of Decision specifically violates

Law, Regulation, or Policy: We included this under number 8 below.

6. Suggested Remedies that would Resolve the Objection:

We recommend that the “No Action Alternative” be selected. We have also made specific recommendations after each problem.

7. Supporting Reasons for the Reviewing Office to Consider:

This landscape has very high wildlife values, including for the threatened and wildlife dependent upon unlogged. The project area will be concentrated within some of the best wildlife habitat in this landscape which is an important travel corridor for wildlife such as wolverines, Canada lynx, Bonneville Cutthroat, Northern Goshawk, migratory birds, and Boreal Toad. The public interest is not being served by this project.

Suggested Remedies to Resolve the Objection:

We recommend that the “No Action Alternative” be selected. We have also made specific recommendations

after each problem.

Thank you for the opportunity to object.

NOTICE IS HEREBY GIVEN that, pursuant to 36 CFR Part 218, Alliance objects to the Draft Decision Notice (DDN) and Finding of No Significant Impact (FONSI) with the legal notice published on June 5, 2024, including the Responsible Official's adoption of proposed or selected Alternative.

Alliance is objecting to this project on the grounds that implementation of the Selected Alternative is not in accordance with the laws governing management of the national forests such as the ESA, NEPA, NFMA, the Uinta-Wasatch-Cache National Forest Forest Plan, the Roadless Conservation Rule, and the APA, including the implementing regulations of these and other laws, and will result in additional degradation in already degraded watersheds and mountain slopes, further upsetting the

wildlife habitat, ecosystem and human communities. Our objections are detailed below.

If the project is approved as proposed, individuals and members of the above-mentioned groups would be directly and significantly affected by the burning and associated activities. Objectors are conservation organizations working to ensure protection of biological diversity and ecosystem integrity in the Wild Rockies bioregion (including the UWCNF). The individuals and members use the project area for recreation and other forest related activities. The selected alternative would also further degrade the water quality, wildlife and fish habitat. These activities, if implemented, would adversely impact and irreparably harm the natural qualities of the Project Area, the surrounding area, and would further degrade the watersheds and wildlife habitat.

Statements that Demonstrates Connection between Prior Specific Written Comments on the Particular Proposed Project and the Content of the Objection

We wrote in our March 27, 2024 comments:

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?***

The Forest Service responded:

The draft EA provided a summary of vegetation types within the Project Area. The Forest Service is supplementing the EA with more detailed description of vegetation types and specific prescriptions of the actions that are proposed to occur in those vegetation types.

Law, regulation, and policy do not require data at the specificity requested by the commenter to make a decision. Further, as identified in the Proposed Action in the EA, further site-specific analysis would occur prior to treatment activities to determine appropriate prescription, ensure compliance with Roadless Rule and Old Growth Executive order and more. Design Criteria as identified in Appendix C would be adhered to prior to, during, and following implementation at specific treatment areas.

The EA is compliant with 36 CFR 220.7(b) which identifies that: 36 CFR 220.7(b) identify that the Environmental Impacts of the Proposed Action and Alternatives in the EA must include the following:

i. ***Briefly provide succinct evidence and analysis, including the environmental impacts of the proposed action and alternatives to determine whether to prepare either and EIS or FONSI***

ii. ***Shall disclose environmental effects of an adaptive management adjustments***

iii. ***Shall describe the impacts of the proposed action and any alternatives in terms of context and intensity***

iv. ***May discuss direct, indirect, and cumulative impacts of the proposed action and any alternatives***

v. ***May incorporate reference data, inventories, and other information and analysis.***

Law, regulation, and policy do not require data(maps) at the specificity requested by the commenter to make a decision.

The Upper Weber Watershed Restoration (Upper Weber) project is in violation of NEPA, NFMA, the ESA, the Migratory Bird Treaty Act and the APA. The EA failed to complete "hard look" and "cumulative effects" analysis and provide effective alternatives.

The EA is also in violation of the NEPA because the fact that these activities are being planned in the IRAs without and analysis of the impact of the project on wilderness characteristics is never specifically noted in the notice.

The Forest Service is violating NEPA by not telling the public where, when and what they will do and the effect of

the project in violation of NEPA, NFMA and the APA. The Forest Service often refers to this new attempt to violate NEPA, “conditions based management.”

Another reason that an EIS is need is to analyze the cumulative impacts is that the Upper Weber project represent a foreseeable large-scale loss and fragmentation of habitat for many sensitive species, declining migratory birds, native carnivores and other wildlife.

The Prescribed Fires turned wildfires in New Mexico - one of which was a pile burn that smoldered and then blew up - have highlighted serious risks with activities involved in this project. (I assume they will be pile burring in some of these aspen ’treatments”? An EIS is needed to analyze the threat of the prescribed fires getting out of control.

https://www.krqe.com/news/wildfires/officials-calf-canyon-fire-caused-by-pile-burn/

Please find attached, the Rosenberg paper on migratory bird declines which concluded, ***Our results signal an urgent need to address the ongoing threats of habitat loss, agricultural intensification, coastal disturbance, and direct anthropogenic mortality, all exacerbated by climate change, to avert continued biodiversity loss and potential collapse of the continental avifauna.***

The Upper Weber project needs to comply with the Migratory Bird Treaty Act and analyze the effect of the project on birds.

The EA provides little additional information on where burnings, logging will be or how the specifics on how the burning will occur. The EA is programmatic in that they want to log whenever and wherever for the next 10 years with no public over site of their activities. The EA does not take a hard look at the potential impacts of the project. This is a violation of NEPA, NFMA, the APA, and the ESA.

Please see the article below for a ruling on a similar error by the Forest Service.

Federal court blocks timber sale in Alaska's Tongass National Forest

https://www.adn.com/alaska-news/2020/06/25/federal-court-blocks-timber-sale-in-alaskas-tongass-national-forest/

JUNEAU — A federal judge has blocked what would have been the largest timber sale in Alaska's Tongass National Forest in decades.

Wednesday's ruling ends the U.S. Forest Service's plan to open 37.5 square miles of old-growth forest on Prince of Wales Island to commercial logging, CoastAlaska reported.

The ruling by Judge Sharon L. Gleason also stops road construction for the planned 15-year project.

Conservationists had already successfully blocked the federal government's attempt to clear large amounts of timber for sale without identifying specific areas where logging would have occurred.

Gleason allowed the forest service to argue in favor of correcting deficiencies in its review and moving forward without throwing out the entire project, but ultimately ruled against the agency.

Gleason's ruling said the economic harm of invalidating the timber sales did not outweigh "the seriousness of the errors" in the agency's handling of the project.

The method used in the Prince of Wales Landscape Level Analysis was the first time the agency used it for environmental review on an Alaska timber sale.

The forest service, which can appeal the decision, did not return calls seeking comment.

Gleason's decision affects the Prince of Wales Island project and the Central Tongass Project near Petersburg and Wrangell.

The ruling triggers a new environmental review under the National Environmental Policy Act, said Meredith Trainor, executive director of the Southeast Alaska Conservation Council.

The ruling in the lawsuit brought by the council includes a requirement for public input on specific areas proposed for logging, Trainor said.

Tessa Axelson, executive director of the Alaska Forest Association, said in a statement that the ruling "threatens the viability of Southeast Alaska's timber industry."

Please see the following article by the American Bar Association about the use of Condition-Based Management.

May 10, 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

Andrew Cliburn, Paul Quackenbush, Madison Prokott, Jim Murphy, and Mason Overstreet

https://www.americanbar.org/groups/environment_energy_resources/publications/fr/20210510-the-us-forest-services-expanding-use-of-condition-based-management/

Condition-based management (CBM) is a management approach that the U.S. Forest Service has increasingly

used to authorize timber harvests purportedly to increase flexibility, discretion, and efficiency in project planning, analysis, and implementation. The agency believes it needs this flexible approach because sometimes conditions on the ground can change more quickly than decisions can be implemented. In practice, however, CBM operates to circumvent the National Environmental Policy Act (NEPA) review framework by postponing site-specific analysis until the Forest Service implements the project, which effectively excludes the public from site-specific decisions, reduces transparency, and removes incentives for the agency to avoid harming localized resources. The practice should be curtailed by the Biden administration

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). Site-specific public involvement can significantly improve projects because the agency may be unaware of harmful impacts or resource concerns until the public flags them during the environmental analysis process. Nationally, the Forest Service drops about one out of every five acres it proposes for timber harvest based on information or concerns presented during the NEPA process, often due to public comments regarding site-specific information. Public Lands Advocacy Coalition, Comments on Proposed Rule,

National Environmental Policy Act (NEPA) Compliance (June 13, 2019) (analyzing 68 projects that relied on environmental assessments).

The Forest Service appears to be abandoning the site-specific analysis model in favor of CBM. CBM projects use an overarching set of "goal variables"—predetermined management criteria that guide implementation—that Forest Service staff apply to on-the-ground natural resource "conditions" encountered during the course of project implementation, a period that can span years or even decades: essentially, when the Forest Service finds X resource condition on the ground, it applies Y timber harvest prescription. However, basic information regarding the project's details—such as unit location, timing, roadbuilding, harvesting methods, and site-specific environmental effects—is not provided at the time the Forest Service conducts its NEPA environmental review (when the public can weigh in), nor when it gives its final approval to a project (when the public can seek administrative review). Instead, site-level disclosures are made after NEPA environmental and administrative review is complete, depriving the public of opportunities to comment and influence the decision based on localized conditions.

While CBM is not a new management tool, the Forest Service has employed it for over a decade and it was used sparingly during the Obama administration. However, its use accelerated during the Trump administration and shows no sign of slowing. To date, dozens of Forest

Service projects across the country have used CBM. See, e.g., Red Pine Thinning Project, Ottawa National Forest; Medicine Bow Landscape Vegetation Analysis, Medicine Bow-Routt National Forest; Sage Hen Integrated Restoration Project, Boise National Forest.

As the Forest Service's use of CBM continues, questions remain about its legality. Public-lands advocates argue that CBM violates NEPA's mandate that agencies take a hard look at the consequences of their actions before a project commences. This "look before you leap" approach was the primary purpose of NEPA and remains the statute's greatest strength. NEPA works by requiring an agency to consider alternatives and publicly vet its analysis whenever its proposal may have "significant" environmental consequences, 42 U.S.C. § 4332(2)(C), or implicates "unresolved conflicts" about how the agency should best accomplish its objective. Id. at § 4332(2)(E). However, CBM allows the Forest Service to circumvent the effects analysis process when exercising discretion about where and how to log decisions that often may have "significant" environmental consequences.

Only two federal cases have addressed CBM's legality. In WildEarth Guardians v. Connor, 920 F.3d 1245 (10th Cir. 2019), the Tenth Circuit approved a CBM approach for a logging project in southern Colorado in Canada lynx habitat. The environmental assessment utilized CBM and analyzed three different alternatives, one of which was a worst-case scenario. For the worst-case scenario, the Forest Service assumed that the entire lynx habitat in the

project area would be clear-cut. The Forest Service "took the conservative approach" because it "did not know precisely" where it would log in the lynx habitat areas. WildEarth Guardians, 920 F.3d at 1255. Based on this conservative approach, coupled with a comprehensive, region-wide lynx management agreement and its associated environmental impact statement, the court agreed with the Forest Service that its future site-specific choices were "not material" to the effects on lynx—i.e., that no matter where logging occurred, "there would not be a negative effect on the lynx." Id. at 1258–59.

However, a second case addressing CBM found that site-specific analysis was needed to satisfy NEPA's "hard-look" standard. In Southeast Alaska Conservation Council v. U.S. Forest Service, 443 F. Supp. 3d 995 (D. Ak. 2020), the court held that the Forest Service's Prince of Wales Landscape Level Analysis Project—a 15-year logging project on Prince of Wales Island in the Tongass National Forest—violated NEPA. The project would have authorized the logging of more than 40,000 acres, including nearly 24,000 acres of old growth, along with 643 miles of new and temporary road construction, but it "d[id] not include a determination—or even an estimate—of when and where the harvest activities or road construction . . . w[ould] actually occur." Id. at 1009. The court found that this analysis was not "specific enough" without information about harvest locations, methods, and localized impacts. Id. at 1009–10. The court further held that a worst-case analysis could not save the project,

because site-specific differences were consequential. Id. at 1013.

The Forest Service's widespread use of CBM also creates compliance challenges under the Endangered Species Act (ESA). Section 7(a)(2) of the ESA requires federal agencies to consult with the Fish and Wildlife Service and/or National Marine Fisheries Service whenever a proposed action "may affect" listed species or destroy or adversely modify its critical habitat to ensure that the action is "not likely to jeopardize" these species. 16 U.S.C. § 1536. CBM conflicts with that statutory requirement because it does not allow agencies to properly determine whether an action "may affect" or is "likely to jeopardize" a listed species when the consulting agencies do not know the specifics of when or where the action will be implemented, or what the site-specific impacts of the action may be.

For some projects, the Forest Service has tried to avoid this tension by conducting section 7 consultation prior to each phase of a CBM project, but this approach has run headlong into the general rule against segmenting project consultation duties under the ESA. See, e.g., Conner v. Burford, 848 F.2d 1441, 1457 (9th Cir. 1988). With few exceptions, section 7 consultation must cover the overall effects of the entire project at the initial stage before the project can commence. Thus, regardless of whether agencies choose to consult up front or to consult in stages, the Forest Service is likely to face significant legal hurdles when its CBM project "may affect" listed species.

CBM is not only legally dubious, but also unnecessary. The Forest Service already has NEPA-compliant methods to deal with situations that require a nimble response to the needs of a dynamic landscape. In these cases, the Forest Service can complete a single "programmatic" analysis to which future site-specific decisions will be tiered. This programmatic approach allows the Forest Service to speed the consideration and implementation of site-specific, step-down proposals. Unlike CBM, this approach allows for public review of site-specific decision-making and administrative review of those decisions.

Surveying the regulatory horizon, the future of CBM in the Forest Service system is uncertain. The national forests face a host of complex challenges including climate-related crises, insect and forest pestilence, protecting and restoring biodiversity, and wildfire management. These challenges are made worse by budget and staff restrictions. Without adequate funding, the Forest Service must rely on imperfect tools like commercial logging, which can cause more harm than good in the wrong places.

But this is not the time to shortchange the most consequential decisions that the agency must make: determining where and how to act. During the final two years of the Trump administration, the Forest Service attempted to explicitly codify CBM provisions in revisions to its NEPA regulations, although those provisions were dropped from the final rule. Simultaneously, other federal

land-management agencies like the Bureau of Land Management have started to use CBM analogues in their NEPA-related planning documents. Although it is still early, the Biden administration's newly appointed Council on Environmental Quality team has yet to weigh in on CBM. If use of CBM continues in a manner that undermines public participation and NEPA's "hard look" standard, some of our riskiest land management projects may not receive proper environmental oversight.

The project is not taking a hard look as required by NEPA. Please withdraw the EA until site specific prescriptions and unit boundaries are firmed up, then issue and take comments on an EIS with appropriate prescriptions.

Please find attached the Federal District Court of Alaska's ruling on condition-based management.

The project is in violation of NEPA, NFMA, the ESA, the Forest Plan, and the APA. The Forest Service's response states the project was intentionally designed to not tell the public when and where the Forest Service plans log and burn.

Remedy

Choose the No Action Alternative or withdraw the draft Decision Notice write and EIS that fully follows the law.

We wrote in our comments:

A. ***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.

B. 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.

C. 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.

The Forest Service responded:

No roads are proposed in IRA; Access is disclosed within EA

The 2001 Roadless Rule also provides guidance for management in Inventoried Roadless Areas. The IRA briefing and worksheets are incorporated into the analysis and summarized in the EA.

The removal of small diameter timber from the IRAs was found to be justified on the basis of the proposed project's ability:
(i) To improve threatened, endangered, proposed, or sensitive species habitat; AND
(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period

During the development of the project, briefings to the Forest Supervisor and Regional Office were prepared by the Interdisciplinary Team and Line Officer describing the need for the proposed activities within IRAs and how these activities would comply with the Roadless Area Rule. These are included within the project file, ____. The

overarching objective of the proposed treatments is to create and maintain resistant and resilient landscapes and reduce the potential for unwanted widespread and severe effects in the event of wildfire. Given that multiple fire cycles have been missed and limited management has recently occurred within the IRAs, there is a need to address uncharacteristically high fuel loadings and departures from desired conditions with regard to vegetation composition and structure, consistent with the natural range of variability that would be expected under natural disturbance regimes. Within Alternative 1, about 548 acres of commercial thinning is proposed which would result in the cutting, sale, and removal of small diameter timber. What constitutes "small diameter timber" is dependent on the specific conditions found within the proposed treatment areas. In this project, the proposed harvesting within the IRAs would primarily occur within the ponderosa pine cover type where the majority of the current stocking is in trees less than 12" dbh. The focus of the density reduction would be on the removal of trees in the lower canopy classes while favoring the largest trees on the site for retention. This would be done to reduce the potential for crown fire and to promote the development and persistence of relatively low density forest dominated by large trees. The most common size of the trees targeted for removal would be those less than 12" dbh. In some portions of the proposed commercial thinning units, trees up to 18" dbh could be cut and removed, but this would be uncommon and only occur if such trees were heavily infected with dwarf

mistletoe or in localized patches where conditions are overly dense among trees of nearly equal or larger size. The proposed harvesting would be restricted to areas where yarding to the existing road network can occur, generally involving skidding distances of less than 1,500' feet. No new roads would be constructed for this project nor is reconstruction proposed within the IRAs.

The proposed action includes a combination of mechanical and prescribed fire treatments within three project area IRAs. Pre-burn activities, such as hand and or mechanical -thinning, slashing, and piling may be used to re- arrange existing surface, ladder, and canopy fuels. This work may be used to create or improve natural and/or human made fire breaks to manage and contain prescribed burn activities. These activities will be conducted primarily on ladder fuels and small diameter trees to aid in fireline reinforcement and ignition.

Use of commercial timber sales or harvest activities will only occur within the IRAs where there is access from existing system roads and is designed to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period. This potential cutting within inventoried roadless areas is incidental to other activities not otherwise prohibited. Timber removal would also require skidding and forwarding of commercial material

in IRAs using both tracked and wheeled heavy equipment. Individual skid distances would generally be no greater than 1500 feet as cutting units were planned in close proximity to existing roads to facilitate extraction.

Constructed fireline may be needed to augment natural or human made features used as fireline in the IRAs; this will be used minimally where conditions necessitate the construction of fireline to protect resources and conduct safe operations. These impacts will be reclaimed upon completion of prescribed fire activities when deemed necessary. Limited cross-country motorized vehicle travel (where terrain and conditions allow) may be used to conduct pre-treatment actions and support operations.

Sudden changes to the visual landscape will result from this project. This project works to mimic natural occurring changes typical of the natural ecological burn cycle. Some visitors accustomed to heavily vegetated landscapes may experience a sense of depreciated experience.

During active project work, due to presence of crews and equipment, opportunities for solitude may be reduced and could impact some visitor's experience. In the short-term, small stumps and slash piles will detract from the natural appearance of the landscape in local areas where slashing and non- commercial thinning occur but will not change the overall character of the roadless expanse. Diversity of plant and animal communities and their habitats will be improved over the long-term and negative

effects from potential disturbance and fragmentation will be limited and short-term.

The Forest Service also responded:

Law, regulation, and policy do not require data at the specificity requested by the commenter to make a decision. Further, as identified in the Proposed Action in the EA, further site-specific analysis would occur prior to treatment activities to determine appropriate prescription, ensure compliance with Roadless Rule and Old Growth Executive order and more. Design Criteria as identified in Appendix C would be adhered to prior to, during, and following implementation at specific treatment areas.

The EA is compliant with 36 CFR 220.7(b) which identifies that:

36 CFR 220.7(b) identify that the Environmental Impacts of the Proposed Action and Alternatives in the EA must include the following:

i. ***Briefly provide succinct evidence and analysis, including the environmental impacts of the proposed action and alternatives to determine whether to prepare either and EIS or FONSI***

ii. ***Shall disclose environmental effects of an adaptive management adjustments***

iii. ***Shall describe the impacts of the proposed action and any alternatives in terms of context and intensity***

iv. ***May discuss direct, indirect, and cumulative impacts of the proposed action and any alternatives***

v. ***May incorporate reference data, inventories, and other information and analysis.***

Page 4 of the Roadless Briefing states:

Utilize tracked or wheeled equipment to conduct timber operation and/or service contracts to remove standing dead trees and thin overly dense green stands to reduce fuel loading and increase stand vigor.

Due to fire suppression and lack of disturbance with the historic regime, there is an overabundance of smaller diameter trees within IRAs that are contributing to heavy fuel loading and fuel continuity. To determine which trees constitute "small diameter" or "smaller diameter", trees below average mature diameter at breast height(dbh) would be potentially treated in IRAs. See Table 1 below. In addition, site specific stand data would be collected to determine average dbh per tree species in a specific area.

The Forest Service recognizes the value of forestland unencumbered by roads, timber harvest, and other development. Sometimes these areas are known as "inventoried roadless areas" if they have been inventoried through the agency's various Roadless Area Review Evaluation processes, or "unroaded areas" if they have not been inventoried but are still of significant size and ecological significance such that they are eligible for congressional designation as a Wilderness Area.

Roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3,244, 3,245 (Jan. 12, 2001) (codified at 36 C.F.R. Part 294). They provide large, relatively undisturbed landscapes that are important to biological diversity and the long- term survival of many at-risk species.

Roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. Id. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research. Id.

Other values associated with roadless areas include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing cultural properties and sacred sites; and other locally identified unique characteristics.

The Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes

and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

... .
36 C.F.R. §294.13 (2005)(emphases added).

The Roadless Rule further explains the meaning of the phrase "incidental to" in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors;

or for road construction and reconstruction where allowed by this rule.

66 Fed. Reg. 3258.

Are the roadless areas in the project area currently within the natural historic range of variability? Is the project area within natural range for wildfire conditions? Will this prescribed Fire Project substantially alter the Roadless characteristics in the inventoried roadless areas within the project area?

Use of an EA for this project is also invalid because the proposed vegetation treatments would occur within Inventoried Roadless Areas (IRA). This qualifies as an extraordinary circumstance that invalidates use of a EA. It is the existence of a cause- effect relationship between a proposed action and the potential effects on these resource conditions and if such a relationship exists, the degree of the potential effects of a proposed action on these resource conditions that determine whether extraordinary circumstances exist (36 CFR 220.g(b).

In relevant part, regarding the prohibition on tree cutting, the Roadless Rule mandates: Prohibition on timber cutting, sale, or removal in inventoried roadless areas. 1. Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section. 2. Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following

circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent. 1. The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11. 1. To improve threatened, endangered, proposed, or sensitive species habitat; or 2. To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

2. The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart; 36 C.F.R. §294.13 (2005).

The Roadless Rule further explains the meaning of the phrase "incidental to" in subsection (b)(2) above as follows:

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prescribed fire is proposed on the remaining national forest system lands within the Forest, which includes inventoried roadless areas." It appears that the Project authorizes tree cutting on in roadless areas, the Project EA is not clear how the Forest Service will access those units. It is unclear whether the Forest Service will be reconstructing old roads, using illegal user-created roads, or using roads already closed by the Travel Plan in the Inventoried Roadless Area in order to conduct these activities. Please clarify what roads will be used. Every one of these examples shows that the management activity itself is not any form of vegetation management, i.e. tree-cutting - instead the management activities are things like trail management, road management, firefighting, land surveys, ski runs, utility corridors, or lawful road construction. In contrast, here the management activity itself is vegetation\ management, i.e. tree cutting. The Forest Service's interpretation of exemption (b)(2) is contrary to the explanation of "incidental to" in the Roadless Rule, and if adopted, would swallow the rule. The Forest Service could simply avoid the tree-cutting ban by labeling every tree-cutting activity in a Roadless Area as something other than tree-cutting - such as “restoration" - and thereby circumvent the ban with euphemisms. This is clearly not the intent of the Roadless Rule. 66 Fed. Reg. 3258. Accordingly, the (b)(2) exemption does not apply here.

Page 4 of the “Roadless Briefing” states that 532 acres will be logged with a “timber operation.” This is not incidental to purpose and need of the project. It is the main purpose of the project.

Page 3 of to response to comments states:

Commercial harvest is not included in the Proposed Action. The Forest Service updated the Proposed Action in the EA to better describe activities may be authorized. To clarify the type of treatment, "Commercial harvest" was renamed "Stand Improvement Operations".

Page 4 of the Roadless Briefing states:

Utilize tracked or wheeled equipment to conduct timber operation and/or service contracts to remove standing dead trees and thin overly dense green stands to reduce fuel loading and increase stand vigor.

Just because you aren't calling it commercial logging doesn't mean it isn't commercial logging. Why are you removing the trees if you aren't going to sell the timber? It appears the Upper Weber Project is not being truthful to the public in violation of NEPA and the Roadless Rule.

The Upper Weber project is in violation of the Roadless Conservation Rule, NEPA, NFMA, and the APA.

The Roadless Rule states: "Timber may not be cut, sold, or removed …"

The project will still remove trees even you don't call it a commercial timber sale in violation of the roadless rule.

The Upper Weber Project violates the Roadless Rule because, among other things: Neither the Upper Weber Project EA nor any of the UWCNF's supporting documents defines what constitutes a "small diameter" tree for any of

the stands within the project area's Inventoried Roadless Areas except to write in the roadless report that the average diameter at breast height for a Douglas fir tree that will be removed is anticipated to be up to 36 inches . Under regional guidance the smallest diameter non-saw merchantable timber is 8" Diameter at Breast Height (DBH). But the Forest Service's justification is not part of the roadless rule.

The Forest Service definition of a small tree in Regions One and Four found in the attached document, titled, "A Compendium of NFS Regional Vegetation Classification Algorithms" states that a small tree is 5 - 10 inches in diameter. Trees smaller than that are consider seedlings and samplings. Therefore the Upper Weber EA, Decision Notice and FONSI is violating the Roadless rule based on the Forest Service's own definition of a small tree.

The Upper Weber project is not just logging a few larger trees, the EA says the project area is overstocked with trees but doesn't demonstrate this in violation of the roadless rule.

The decision also has no limit on the size of a tree that they can cut in violation of the Roadless Rule, NEPA, NFMA and the APA.

Neither the Upper Weber EA nor any of the UWCNF's supporting documents limits the cutting, sale, or removal of trees in Inventoried Roadless Areas to generally small diameter trees.

In fact, the Decision Notice states on page 3:

My decision (Proposed Action) best addresses the stated purpose and need because the project has the potential to restore vegetation types over time to their historic ranges; increase structural, age class, and species diversity to meet Forest Plan objectives; reduce risk of insect and disease damage; decrease the risk of uncharacteristic wildfire associated with heavy fuel loading. If these actions are not taken, the current and predicted conditions of the project area may result in broad ranging tree mortality, continued loss of aspen, subalpine fir, white fir, and meadow habitat, and further increase in hazardous fuel loadings.

Commercial harvest is not included in the Proposed Action. The Forest Service updated the Proposed Action in the EA to better describe activities may be authorized. To clarify the type of treatment, "Commercial harvest" was renamed "Stand Improvement Operations".

But the Upper Weber EA and Draft Decision Notice fails to demonstrate the project area is outside the normal range of variability in violation of the Roadless Rule, NEPA, NFMA, and the APA.

Page 13 of the EA states: ***Conifer tree species would be targeted for reduction or removal.***

What will happen to the trees that are removed? If you remove trees that can be cut up by a mill will you give them the trees?

REMEDY

Withdraw the Draft Decision Notice and FONSI and write and EIS that fully complies with the law.

Overall, the EA is devoid of any useful information to the public as to why this project enhances wildlife habitat, or is needed to maintain natural ecosystem processes within an IRA. It seems readily apparent that this project requires at a minimum an Environmental Impact Statement in order to comply with the NEPA, including the provision of valid, reliable information to the public when the Forest Service is planning resource management activities.

While the Forest Service does not explain how any of the Upper Weber Project provisions will limit logging to small diameter trees, the Upper Weber Project EA indicates that some "treatments" will do the opposite by targeting large trees for cutting, sale, or removal, or by targeting all trees in a stand for removal.

Neither the Upper Weber Project EA nor any of the UWCNF's supporting documents provides stand-level data for inventoried roadless areas to allow the public or the decision-maker to discern either the size of trees in stands in the project area, or the size of trees to be removed.

Neither the Upper Weber Project EA nor any of the UWCNF's supporting documents alleges or demonstrates

that stands proposed for logging are "overstocked" with small diameter trees that require thinning.

NEPA and its implementing regulations require federal agencies, including the Forest Service, to take a "hard look" at the environmental consequences of proposed actions and the reasonable alternatives that would avoid or minimize such impacts or enhance the quality of the human environment. See 42 U.S.C. § 4332(2)(C)(i); 40 C.F.R. Parts 1502 and 1508 (1978). Agencies must take a hard look at the direct, indirect, and cumulative impacts of a proposed agency action and all alternatives in an EA. 40 C.F.R. §§ 1508.7, 1508.8 (1978). The information presented in the EA must be of high quality and include "accurate scientific analysis," and disclose that information and analysis, and its limitations, to the public. 40 C.F.R. § 1500.1(b)–(c) (1978).

NEPA also requires environmental analysis to disclose existing conditions in the project area to provide a baseline against which the impacts of alternative courses of action can be compared.

The Forest Service failed to take the required "hard look" to consider and disclose the Aspen Project's direct, indirect, and cumulative impacts, including impacts of logging in Inventoried Roadless Areas.

For example, the NEPA and its implementing regulations require federal agencies, including the Forest Service, to take a "hard look" at the environmental consequences of proposed actions and the reasonable alternatives that would

avoid or minimize such impacts or enhance the quality of the human environment. See 42 U.S.C. § 4332(2)(C)(i); 40 C.F.R. Parts 1502 and 1508 (1978). Agencies must take a hard look at the direct, indirect, and cumulative impacts of a proposed agency action and all alternatives in an EA. 40 C.F.R. §§ 1508.7, 1508.8 (1978). The information presented in the EA must be of high quality and include "accurate scientific analysis," and disclose that information and analysis, and its limitations, to the public. 40 C.F.R. § 1500.1(b)–(c) (1978).

NEPA also requires environmental analysis to disclose existing conditions in the project area to provide a baseline against which the impacts of alternative courses of action can be compared. Id.

The Forest Service failed to take the required "hard look" to consider and disclose the Upper Weber Project's direct, indirect, and cumulative impacts, including impacts of logging in Inventoried Roadless Areas.

For example, the Upper Weber EA fails to demonstrate that the forest stands within Inventoried Roadless Areas where tree removal can occur are overstocked with small trees, or where specific types of logging will occur within Inventoried Roadless Areas, thus making it impossible for the Forest Service or the public to understand the impacts of the proposed action, especially whether the Upper Weber project complies with the Roadless Rule.

Page 2 of the Roadless briefing states: "There is no anticipated need to construct temporary or percent roads to

achieve the desired objectives." But it doesn't say no new roads will be built in roadless areas in violation of the roadless rule. This is a huge loophole that a logging truck could drive through and is also in violation of NEPA. NEPA ensures agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision making. By writing that there is no anticipated need to construct roads in roadless areas does not ensures agencies consider the significant environmental consequences of their proposed actions and doesn't inform the public about their decision making.

The Forest Service's failure to take the required "hard look" at the Upper Weber Project's baseline, and the direct, indirect, and cumulative impacts and the agency's action violates NEPA. By relying on the defective EA, DN and FONSI for its decision, the Forest Service's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and accordingly the Decision Notice and EA must be held unlawful and set aside. 5 U.S.C. § 706(2)(A). The EA fails to disclose the nature of forest stands within Inventoried Roadless Areas where tree removal can occur, or where specific types of treatments will occur within Inventoried Roadless Areas, thus making it impossible for the Forest Service or the public to understand the impacts of the proposed action, especially whether the Aspen Project can comply with the Roadless Rule.

The Forest Service's failure to take the required "hard look" at the Upper Weber Project's baseline, and the direct, indirect, and cumulative impacts and the agency's action violates NEPA. By relying on the defective EA, DN and FONSI for its decision, the Forest Service's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and accordingly the Decision Notice and EA must be held unlawful and set aside.

REMEDY

Choose the No Action Alternative or withdraw the Decision Notice and FONSI and write and EIS that fully complies with the law.

The Final EA states on page 4.

There is an approximate window of 10-30 years where the large dead trees will stay standing. However, once they fall to the forest floor, the addition of large, 1,000-hour fuels greatly increases the risk of high severity fire. The combined effect in conifer stands from the insect activity has and will continue to produce stands full of standing dead trees. Current conditions are occurring at the watershed scale.

Please see the attached paper by Dr. William Baker titled: "Are High-Severity Fires Burning at Much Higher Rates Recently than Historically in Dry-Forest Landscapes of the Western USA?"

Dr. Baker writes: “Programs to generally reduce fire severity in dry forests are not supported and have significant adverse ecological impacts, including reducing habitat for native species dependent on early-successional burned patches and decreasing landscape heterogeneity that confers resilience to climatic change.”

Dr. Baker concluded: “Dry forests were historically renewed, and will continue to be renewed, by sudden, dramatic, high-intensity fires after centuries of stability and lower-intensity fires.”

The purpose of this project is to improve big game and grouse habitat and to make the forest more resilient and plan for a more historic fire regime. Based on Dr. Baker’s paper, the proposed action will not meet the purpose and need of the project.

Please find attached DellaSala et al 2022. Please also find attached, Baker 2023.

Countering Omitted Evidence of Variable Historical Forests and Fire Regime in Western USA Dry Forests:
The Low-Severity-Fire Model Rejected

William L. Baker [1,*]

, Chad T. Hanson [2], Mark A. Williams [3] and Dominick A. DellaSala [4]

1 2 3 4

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Abstract: The structure and fire regime of pre-industrial (historical) dry forests over ~26 million ha of the western USA is of growing importance because wildfires are increasing and spilling over into communities. Management is guided by current conditions relative to the historical range of variability (HRV). Two models of HRV, with different implications, have been debated since the 1990s in a complex series of papers, replies, and rebuttals. The "low-severity" model is that dry forests were relatively uniform, low in tree density, and dominated by low- to moderate-severity fires; the "mixed-severity" model is that dry forests were heterogeneous, with both low and high tree densities and a mixture of fire severities. Here, we simply rebut evidence in the low-severity model's latest review, including its 37 critiques of the mixed-severity model. A central finding of high-severity fire recently exceeding its historical rates was not supported by evidence in the review itself. A large body of published evidence supporting the mixed-severity model was omitted. These included numerous direct observations by early scientists, early forest atlases, early newspaper accounts, early oblique and aerial photographs, seven paleo-charcoal reconstructions, ≥18 tree-ring reconstructions, 15 land survey reconstructions, and analysis of forest inventory data. Our rebuttal shows that evidence omitted in the review left a falsification of the scientific record, with significant land management implications. The low-severity model is rejected and mixed-severity model is supported by the corrected body of scientific evidence.

Dr. Baker's and DellaSala's paper are the best available science. Please explain why this project is not following the best available science.

Please explain include a discussion of the following:

1. Baker and Shinneman. 2004. Fire rotation for high-severity fire in juniper is estimated at 400-480 years.

2. Floyd and others. 2004. Stand replacing fires in juniper 400 years or longer.

3. Bauer and Weisberg. 2009. The fire cycle in pinyon-juniper was estimated at 427 years.

What evidence do you have that shows fire has been suppressed in the area?

Baker and Shinneman (2004), Bauer and Weisberg (2009), and Floyd et al. 2004) that demonstrate that the fire cycle in juniper woodlands is very long, up to 400 years or longer, and has not been impacted by any fire suppression actions since settlement. In addition, Coop and Magee (Undated) noted that low-severity fire is not generally considered to have played an important role in shaping patterns of pre-settlement pinyon-juniper woodland structure, where fire regimes were mostly characterized by rare stand-replacing fire; as a result, they noted that direct management interventions such as thinning or fuel reductions may not represent ecological restoration.

Please find Schoennagel et al (2004) attached.

Schoenagel states: "we are concerned that the model of

historical fire effects and 20th-century fire suppression in dry ponderosa pine forests is being applied uncritically across all Rocky Mountain forests, including where it is inappropriate.

Schoennagel et al (2004) states: “High-elevation subalpine forests in the Rocky Mountains typify ecosystems that experience infrequent, high-severity crown fires []. . . The most extensive subalpine forest types are composed of Engelmann spruce (Picea engelmannii), subalpine fir (Abies lasiocarpa), and lodgepole pine (Pinus contorta), all thin- barked trees ea- sily killed by fire. Extensive stand-replacing fires occurred historically at long intervals (i.e., one to many centuries) in subalpine forests, typically in association with infrequent high-pressure blocking systems that promote extremely dry regional climate patterns.”

Schoennagel et al (2004) states: “it is unlikely that the short period of fire exclusion has significantly altered the long fire intervals in subalpine forests. Furthermore, large, intense fi- res burning under dry conditions are very difficult, if not impossible, to suppress, and such fires account for the majority of area burned in subalpine forests.

Schoennagel et al (2004) states: “Moreover, there is no consistent relationship between time elapsed since the last fire and fuel abundance in subalpine forests, further undermining the idea that years of fire suppression have caused unnatural fuel buildup in this forest zone.”

Schoennagel et al (2004) states: “No evidence suggests that spruce–fir or lodgepole pine forests have experienced sub- stantial shifts in stand structure over recent decades as a re- sult of fire suppression. Overall, variation in climate rather than in fuels appears to exert

the largest influence on the size, timing, and severity of fires in subalpine forests []. We conclude that large, infrequent stand replacing fires are ‘business as usual’ in this forest type, not an artifact of fire suppression.”.

Schoennagel et al (2004) states: “Contrary to popular opinion, previous fire suppression, which was consistently effective from about 1950 through 1972, had only a minimal effect on the large fire event in 1988 []. Reconstruction of historical fires indicates that similar large, high-severity fires also occurred in the early 1700s []. Given the historical range of variability of fire regimes in high-elevation subalpine forests, fire behavior in Yellow-stone during 1988, although severe, was neither unusual nor surprising.”

Schoennagel et al (2004) states: “Mechanical fuel reduction in sub- alpine forests would not represent a

restoration treatment but rather a departure from the natural range of variability in stand structure."

Schoennagel et al (2004) states: "Given the behavior of fire in Yellowstone in 1988, fuel reduction projects probably will not substantially reduce the frequency, size, or severity of wildfires under extreme weather conditions."

Schoennagel et al (2004) states: "The Yellowstone fires in 1988 revealed that variation in fuel conditions, as measured by stand age and density, had only minimal influence on fire behavior. Therefore, we expect fuel-reduction treatments in high-elevation forests to be generally unsuccessful in reducing fire frequency, severity, and size, given the overriding importance of extreme climate in controlling fire regimes in this zone. Thinning also will not restore subalpine forests, because they were dense historically and have not

changed significantly in re- sponse to fire suppression. Thus, fuel- reduction efforts in most Rocky Mountain sub- alpine forests probably would not effectively mitigate the fire hazard, and these efforts may create new ecological problems by moving the forest structure outside the historic range of variability."

Likewise, Brown et al (2004) states: "At higher elevations, forests of subalpine fir, Engelmann spruce, mountain hem- lock, and lodgepole or whitebark pine predominate. These forests also have long fire return intervals and contain a high proportion of fire sensitive trees. At periods averaging a few hundred years, extreme drought conditions would prime the- se forests for large, severe fires that would tend to set the forest back to an early successional stage, with a large carry-over of dead trees as a legacy of snags and logs in the regenerating forest . . . . natural ecological dynamics

are largely preserved be- cause fire suppression has been effective for less than one natural fire cycle. Thinning for restoration does not appear to be appropriate in these forests. Efforts to manipulate stand structures to reduce fire hazard will not only be of limited effectiveness but may also move systems away from pre-1850 conditions to the detriment of wildlife and water- sheds." "Fuel levels may suggest a high fire 'hazard' under conventional assessments, but wildfire risk is typically low in these settings."

Likewise, Graham et al (2004) states: "Most important, the fire behavior characteristics are strikingly different for cold (for example, lodgepole pine, Engelmann

spruce, subalpine fir), moist (for example, western hemlock, western redcedar, western white pine), and dry forests. Cold and moist forests tend to have long fire- return intervals, but fires that do occur tend to be

high- intensity, stand-replacing fires. Dry forests historically had short intervals between fi- res, but most important, the fires had low to moderate severity."

According to Graham et al (2004), thinning may also increase the likelihood of wildfire ignition in the type of forests in this Project area: "The probability of ignition is strongly rela- ted to fine fuel moisture content, air temperature, the amount of shading of surface fuels, and the occurrence of an ignition source (human or lightning caused) . . . . There is generally a warmer, dryer microclimate in more open stands (fig. 9) compared to denser stands. Dense stands (canopy cover) tend to provide more shading of fuels, keep- ing relative humidity higher and air and fuel temperature lower than in more open stands. Thus, dense stands tend to maintain higher surface fuel moisture contents

com- pared to more open stands. More open stands also tend to allow higher wind speeds that tend to dry fuels compared to dense stands. These factors may in- crease probability of ignition in some open canopy stands compared to dense canopy stands."

Please see the attached report titled: "Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus?" By Dominick A. DellaSala[a,*], Bryant C. Baker[b,c], Chad T. Hanson[d], Luke Ruediger[e,f], William Baker [g]

The EA and Draft Decision Notice did not provide any evidence that logging roadless areas will make the forest healthier for fish and wildlife. Nor did it descuss the role of mixed severity and high severity fire – what are the benefits of those natural processes?

How have those processes (mixed and high severity fire) created the ecosystems we have today?

Over how many millennia have mixed and high severity fire have been occurring without human intervention?

What beneficial ecological roles do beetles play? You didn't answer this in violation of NEPA, NFMA , the Roadless Rule and the APA.

There was also no decision on the effect of removing snags and if the project would comply with the Forest Plan requirements and the requirements of sensitive old growth species such as flammulated owls and goshawks?

We wrote in our comments:

A. ***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?

The Forest Service responded:

Climate change, GHG, and carbon sequestration analysis for this project was conducted with guidance in effect when this project was scoped and analyzed and did incorporate elements of CEQ guidelines. The Uinta-Wasatch-Cache Forest Carbon Assessment whitepaper, incorporated as reference in the EA, identifies baseline carbon stocks and flux, factors influencing forest carbon, and future carbon conditions. The EA describes potential effects of the Proposed Action and No Action Alternative on carbon emissions and climate change which is in compliance with EO 14057 and EO 14008.

There are no requirements for identifying average summer temperature in treated stands vs nontreated, thermal cover tolerance for bird species, estimated summer heat levels, temperature effects to streams, reduction per-acre in tons of carbon uptake, specific carbon emissions from project activities, difference in carbon emissions vs. photosynthetic update in law, policy, or regulation.

The federal district court of Montana recently ruled against the Kootenai National Forest on the same boiler plate analysis,

writing:Ultimately, greenhouse gas reduction must happen quickly, and removing carbon from forests in the form of logging, even if trees are going to grow back, will take decades to centuries to re-sequester. Put more simply, logging causes immediate carbon losses, while re-sequestration happens slowly over time, time that the planet may not have.

Please find the court's order attached.

Please follow NEPA and take a hard look at the impact of the project on climate change.

The UWCNF has not yet accepted that the effects of climate risk represent a significant issue, and eminent loss of forest resilience already, and a significant and growing risk into the "foreseeable future?"
It is now time to speak honestly about unrealistic expectations relat- ing to desired future condition. Forest managers have failed to dis- close that at least five common tree species, including aspens and four conifers, are at great risk unless atmospheric greenhouse gases and associated temperatures can be contained at today's levels of concentration in the atmosphere. (See attached map). This cumulative ("reasonably foreseeable") risk must not continue to be ignored at the project-level, or at the programmatic (Forest Plan) level.

Global warming and its consequences may also be effectively irre- versible which implicates certain legal consequences under NEPA and NFMA and ESA (e.g., 40 CFR § 1502.16; 16 USC §1604(g); 36 CFR §219.12; ESA Section 7; 50 CFR §§402.9, 402.14). All net car- bon emissions from logging represent "irretrievable and irreversible commitments of resources."

It is clear that the management of the planet's forests is a nexus for addressing this largest crisis ever facing humanity. Yet the EA fails to even provide a minimal quantitative analysis of project- or agency-caused CO_2 emissions or consider the best available science on the topic. This is immensely unethical and immoral. The lack of detailed scientific discussions in the FSEIS concerning climate change is far more troubling than the document's failures on other topics, because the consequences of unchecked climate change will be disastrous for food production, sea level rise, and water supplies, resulting in complete turmoil for all human societies. This is an issue as serious a nuclear annihilation (although at least with the latter we're not already pressing the button).

The EA provided a pittance of information on climate change effects on project area vegetation. The FSEIS

provides no analysis as to the veracity of the project's Purpose and Need, the project's objectives, goals, or desired conditions. The FS has the responsibility to inform the public that climate change is and will be bringing forest change. For the Galton project, this did not happen, in violation of NEPA.

The FEA fails to consider that the effects of climate change on the project area, including that the "desired" vegetation conditions will likely not be achievable or sustainable. The EA fails to provide any credible analysis as to how realistic and achievable its desired condi- tions are in the context of a rapidly changing climate, along an un- predictable but changing trajectory.

The Forest Plan does not provide meaningful direction on climate change. Nor does the EA acknowledge pertinent and highly relevant best available science on climate change. This project is in violation of NEPA.

The EA does not analyze or disclose the body of science that implicates logging activities as a contributor to reduced carbon stocks in forests and increases in greenhouse gas emissions. The EA fails to provide estimates of the total amount of carbon dioxide (CO_2) or

other greenhouse gas emissions caused by FS management actions and policies—forest-wide, regionally, or nationally. Agency policy- makers seem comfortable maintaining a position that they need not take any leadership on this issue, and obfuscate via this EA to justify their failures.

The best scientific information strongly suggests that management that involves removal of trees and other biomass increases atmos- pheric CO_2. Unsurprisingly the FSEIS doesn't state that simple fact.

The EA fails to present any modeling of forest stands under different management scenarios. The FS should model the carbon flux over time for its proposed stand management scenarios and for the various types of vegetation cover found on the CGNF.

The EA also ignores CO_2 and other greenhouse gas emissions from other common human activities related to forest management and recreational uses. These include emissions associated with machines used for logging and associated activities, vehicle use for administrative actions, and recreational motor vehicles. The FS is simply ignoring the climate impacts of these management and other authorized activities.

The Committee of Scientists, 1999 recognize the importance of forests for their contribution to global climate regulation. Also, the 2012 Planning Rule recognizes, in its definition of Ecosystem services, the "Benefits people obtain from ecosystems, including: (2) Regulating services, such as long term storage of carbon; climate regulation..."

We have no more time to prevaricate, and it's not a battle we can afford to lose. We each have a choice: submit to status quo for the profits of the greed- iest 1%, or empower ourselves to limit greenhouse gas emissions so not just a couple more generations might survive.

The District Court of Montana ruled in Case 4:17-cv-00030- BMM that the Federal government did have to evaluate the climate change impacts of the federal government coal pro- gram.

In March 2019, U.S. District Judge Rudolph Contreras in Washington, D.C., ruled that when the U.S. Bureau of Land Management (BLM) auctions public lands for oil and gas leas- ing, officials must consider emissions from past, present and foreseeable future oil and gas leases nationwide. The case was brought by WildEarth Guardians and Physicians for Social Responsibility.

In March of 2018 the Federal District Court of Montana found the Miles City (Montana) and Buffalo (Wyoming) Field Office's Resource Management Plans unlawfully overlooked climate impacts of coal mining and oil and gas drilling. The case was brought by Western Organization of Resource Councils, Montana Environmental Information Center, Powder River Basin

Resource Council, Northern Plains Resource Council, the Sierra Club, and the Natural Resources Defense Council.

The project is in violation of NEPA, NFMA, the APA, the ESA for not examining the impacts of the project on climate change. The project will eliminate the forest in the project area. Forests absorb carbon. The project will destroy soils in the project area. Soils are carbon sinks.

The Forest Service violates NEPA because it fails to take a hard look at the Upper Weber Project impacts on the environment and fails to disclose sufficient information to the public.

Remedy: Choose the No Action Alternative. Revise the Forest Plan to take a hard look at the science of climate change. Alternatively, draft a new EIS for this project if the

FS still wants to pursue it, which includes an analysis that examines climate change in the context of project activities and Desired

Conditions. Better yet, it's time to prepare an EIS on the whole bag of U.S. Government climate policies.

The NFMA requires in the face of increasing climate risk, growing impacts of wildfire and insect activity, plus scientific research findings, the FS must disclose the significant trend in post-fire regenera- tion failure. The forest has already experienced considerable difficul- ty restocking on areas that have been subjected to prescribed fire, clear-cut logging, post- fire salvage logging and other even-aged management "systems."

NFMA (1982) regulation 36CFR 219.27(C)(3) implements the NFMA statute, which requires restocking in five years.

Forest managers must analyze and disclose the fact that the UWCNF can no longer "insure that timber will be harvested from the National Forest system lands only where...there is assurance that such lands can be restocked within five years of harvest?" (NFMA§6(g)(3)(E)(ii)).

The project goals and expectations are not consistent with NFMA's "adequate restocking" requirement. Scientific research can no longer be ignored.

"At dry sites across our study region, seasonal to annual climate conditions over the past 20 years have crossed these thresholds, such that conditions have become increasingly unsuitable for regenera- tion. High fire severity and low seed availability further reduced the probability of post-fire regeneration. Together, our results demon- strate that climate change combined with high severity fire is leading to increasingly fewer opportunities for seedlings to establish after wildfires and may lead to ecosystem transitions in low-elevation ponderosa pine and Douglas-fir forests across the western United States."
Wildfires and climate change push low-elevation forests across a critical climate threshold for tree regeneration, PNAS (2018), Kimberley T. Davis, et al. (Please, find attached)

Forests are already experiencing emissions-driven deforestation on both the post-fire and post-logging acreage. Areas where the cumulative effects of wildfire, followed by salvage logging on the same piece of ground

are error upon error, with decades of a routine that can rightfully be described as willful ignorance and coverup.

Where is the reference to restocking? Monitoring data and analysis? If monitoring has been done there is no disclosure documenting the scope and probability of post-fire regeneration failures in the project area. NFMA requires documentation and analysis that accurately estimates climate risks driving regeneration failure and deforestation – all characteristic of a less "resilient" forest.

"In the US Rocky Mountains, we documented a significant trend of post-fire tree regeneration, even over the relatively short period of 23 years covered in this analysis. Our findings are consistent with the expectation of reduced resilience of forest ecosystems to the combined impacts of climate warming and wildfire activity. Our re- sults suggest that predicted shifts from forest to non-forested vegeta- tion." Evidence for declining forest resilience to wildfires under climate change, Ecology Letters, (2018) 21: 243–252, Stevens-Ru- mens et al. (2018). (Please find attached)

The Forest Plan is based on assumptions largely drawn from our past that no longer hold true. These assumptions, made decades ago, must be challenged, and amended,

where overwhelming evidence demon- strates a change of course is critical. It is time to take a step back, as- sess the present and future and make the necessary adjustments, all in full public disclosure to the Congress and the American people. Many acres of (conifers) In many areas, conifers haven't shown "re- silience" enough to spring back from disturbance. Regeneration is already a big problem. (Emphasis added).

Both RPA and NFMA mandate long-range planning which impose numerous limitations on commodity production, including grazing, timber harvesting practices and the amount of timber sold annually.

These long-range plans are based on assumptions, which are based on data, expert opinion, public participation and other factors that all, well almost all, view from a historical perspective. Assumptions that drove forest planning guidance decades ago, when climate risk was not known as it is today, are obsolete today.

Present and future climate risk realities demand new assumptions and new guidance.

A proper reexamination of the assumptions relating to resilience and sustainability contained in the Forest Plan is

necessary. Scientific re- search supporting our comments focus on important data and analy- sis. A full discussion and disclosure of the following is required: 1) trends in wildfires, insect activity and tree mortality, 2) past regeneration success/failure in the project area, and 3) climate-risk science – some of which is cited below. Our comments, and supporting scientific re- search clearly "demonstrates connection between prior specific written comments on the particu- lar proposed project or activity and the content of the objection..."

The project is in violation of NEPA, NFMA, the Forest Plan and the APA.

Sec. 6. of the National Forest Management Act states:

(g) As soon as practicable, ... the Secretary shall ... promulgate reg- ulations, under the principles of the Multiple-Use, Sustained-Yield Act of 1960...

The regulations shall include, but not be limited to-

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which-

(E) insure that timber will be harvested from National Forest System lands only where-

(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

NFMA regulations at 36 C.F.R. § 219.27 (Management require- ments) state:

(a) Resource protection. All management prescriptions shall—

(1) Conserve soil and water resources and not allow significant or permanent impairment of the productivity of the land;

(b) Vegetative manipulation. Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall--

(5) Avoid permanent impairment of site productivity and ensure con- servation of soil and water resources;

The project-level, and programmatic-level (Forest Plan) fail to pub- licly disclose the current and future impacts of climate risk to our na- tional forests. NEPA requires cumulative effects analysis at the pro- grammatic level, and at the project-level. The failure to assess and disclose all risks associated with vegetative-manipulation (slash and

burn) units in the project area in the proper climate-risk context/sce- nario violates the NFMA, NEPA and the APA.

In the face of increasing climate risk, growing impacts of wildfire and insect activity, plus scientific research findings, NEPA analysis and disclosure must address the well-documented trend in post-fire regeneration failure. The project has already experienced difficulty restocking on areas that burned in the 1988 wildfire. NFMA (1982) regulation 36 CFR 219.27(c)(3) implements the NFMA statute, which requires adequate restocking in five years.

Given the forest's poor history of restocking success and its failure to employ the best available science, the adequacy of the site-specif- ic and programmatic NEPA/NFMA process begs for further analysis and disclosure of the reality of worsening climate conditions which threaten – directly and cumulatively – to turn forest into non-forest-ed vegetation, or worse. The desired future condition described in the Purpose and Need, or in the Forest Plan is not deforestation.

The Forest Plan is based on assumptions largely drawn from our past. These assumptions must be challenged, and amended, where overwhelming evidence demonstrates a

change of course is critically important. It is time to take a step back, assess the future and make the necessary adjustments, all in full public disclosure to the Congress and the American people.

The EA fails to acknowledge the likelihood that "...high seedling and sapling mortality rates due to water stress, competing vegetation, and repeat fires that burn young stands," which will likely lead to a dramatic increase in non- forest land acres. Many acres of (conifers) trees already fail to regenerate. (Emphasis added). A map of these areas is required. In many areas, conifers haven't shown "re- silience" enough to spring back from disturbance.

Looking to the Future and Learning from the Past in our National Forests: Posted by Randy Johnson, U.S. Forest Service Research and Development Program, on November 1, 2016 at 11:00 AM http://blogs.usda.gov/2016/11/01/looking-to-the- future-and-learning-from-the-past-in-our-national-forests/

Excerpt:

“Forests are changing in ways they've never ex- perienced before because today's growing conditions are different from anything in the past. The climate is chang- ing at an unprecedented rate, exotic diseases and pests are present, and landscapes are fragmented by human ac- tivity often occurring at the same time and place.

When replanting a forest after disturbances, does it make sense to try to reestablish what was there before? Or, should we find re-plant material that might be more ap- propriate to current and future conditions of a changing environment?

Restoration efforts on U.S. Forest Service managed lands call for the use of locally adapted and appropriate native seed sources. The science-based process for selecting these seeds varies, but in the past, managers based deci- sions on the assumption that present site conditions are similar to those of the past.”

“This may no longer be the case.”

REMEDY

Suggested remedies: Choose the No Action Alternative or Forest Plan Amendments are needed to establish standards and guidelines which acknowledge the significance of cli- mate risk to other multiple-uses. Amendments must not only analyze forest-wide impacts, but the regional, national and global scope of expected environmental changes. Based on scientific research, the existing and projected irretrievable losses must be estimated. Impacts caused by gathering cli- mate risk (heat, drought, wind) and its symptoms, including wildfire, insect activity, and regeneration failure and mature tree mortality must be analyzed cumulatively.

The selected scientific research presented above is only a sampling of the growing body of evidence that supports the need to disclose the consequences of the proposed action in a proper context – a hotter forest environment, with more frequent drought cycles. This evidence brings into question the Purpose and Need for the project. It also requires the FS to reconsider the assumptions, goals and expected desired future condition expressed in the existing Forest Plan. Plan

expectations must be amended at the programmatic level before proceeding with proposed project-level action(s). According to best available science, implementing the project will most likely accomplish the opposite of the desired future condition. We can adjust as we monitor and find out more. However, to willfully ignore what we do know and fail to disclose it to the public is a serious breach of public trust and an unconscionable act. Climate risk is upon us. A viable alternative to the proposal is not only reasonable and prudent, but it is the right thing to do.

The draft decision is in violation of NEPA, NFMA, the ESA and the APA because the project will adversely affect biological diversity, is not following the best available since and the purpose and need will not work.

NEPA requires the Forest Service to discuss direct, indirect, and cumulative effects of the Project. 40 C.F.R. §§ 1502.16; 1508.1(g).

NEPA requires that agencies take a “hard look” at the environmental consequences of its proposed actions

before the agency chooses a particular course of action, without favoring a pre-determined outcome.

NEPA further requires that relevant information be made available to the public so that they may play a role in both the decision making and implementation of the Project.

The Forest Service does not provide site-specific information about the Upper Weber Project or its impacts. The Upper Weber EA does not disclose specific locations where logging, road construction, or prescribed burns will occur within the Project area.

The EA does not adequately address the direct, indirect, and cumulative effects of the Project on the human environment.

The Forest Service therefore violates the hard-look and public disclosure requirement of NEPA and fails to provide sufficient site-specific information or analysis

about the Project and it's impacts to foster informed

decision making and public participation.

The Forest Service therefore violates NEPA and is not in accordance with law and without observance of procedure required by law under the APA.

Remedy

Choose the No Action Alternative or withdraw the Draft Decision Notice and FONSIA and write an EIS that fully complies with the law.

Thank you for your time and consideration of our concerns.

Sincerely yours,

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And for

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