Kettle Range
CONSERVATION GROUP

October 28, 2024

Forest Supervisor Joshua White
Colville National Forest
Objection Reviewing Officer
Attn: Objections
765 South Main
Colville, Washington 99114

*Submitted via email to:* objections-pnw-colville@usda.gov

**Re: OBJECTION – Tonata Trout Project Draft EA, Decision Notice and Finding of No Significant Impact (FONSI)**

Objection Reviewing Officer:

Please accept this Objection filed on behalf of the board and membership of the Kettle Range Conservation Group.

This Objection challenges the U.S. Forest Service (FS) final Tonata Trout Project (Project), specialist reports, draft Decision Notice (DN) and Finding of No Significant Impact (FONSI), pursuant to 36 CFR Part 218, Subparts A and B.

The Project forested area comprise approximately 44,000 acres, located in Ferry and Okanogan County, WA. The DN authorizes commercial logging on 24,703 acres including 17,534 acres of intermediate treatments, 5,993 acres of regeneration harvesting or overstory removal, and 1,176 acres of a combination of intermediate and regeneration. Intermediate treatments include up to 12,248 acres of commercial thinning and 5,286 acres of commercial meadow/woodland restoration. Non-commercial treatments would occur on up to 30,961 acres. (Silviculture Report @31, 32)

Although KRCG opposes several actions as defined in the EA, DN/FONSI and specialist reports, we do support Project objectives to install 5 aquatic organism passages; install culverts; stabilize streambanks; remove Goodrich Dam; restore Bowe Meadow; make in-stream addition of woody debris over approximately 30 miles of stream; repair and enhance wetlands; create 7 new pasture unit water developments; establish a trailhead for the Maple Mountain Trail; enhance the parking area and access and improve the dock at Ward Lake. We also support road closures and decommissioning a segment of Toroda Creek Road.

The Proposed Action alternative for the Tonata Trout Project (Project) and analyzed in the Environmental Assessment (EA)/ with a FONSI.

Kettle Range Conservation Group (KRCG) filed a timely Objection to this project on January 27, 2022. Colville National Forest (CNF) issued its Objection Statements and Responses on April 14, 2022.

We believe the , DN and FONSI were reached in error pursuant to the National Forest Management Act (NFMA), the 2019 Colville Land Management Plan (LMP), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA) and Title IV of the Omnibus Public Lands Management Act of 2009.

As required by 36 C.F.R. § 218.8(d), the objector's name, address, and telephone number are listed in the signature below. I apologize for errors – there is just one of me not a staff of contributors & reviewers.

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**OBJECTION to TONATA TROUT PROJECT**
Objector: Kettle Range Conservation Group

Submitted to:
Joshua White
Objection Reviewing Officer
Supervisor, Colville National Forest
765 South Main
Colville WA 99114

Pursuant to 36 CFR §214 and 36 CFR 218.8(d), KRCG (Kettle Rangers or Objector), seeks the reversal of the Project draft DN and FONSI signed September 9, 2024 by CNF District Ranger Travis Fletcher, for the reasons described herein.

In addition to, and in further explanation of, the objections and reasoning contained below, KRCG fully incorporates the following documents into this Objection:

- All comments made by KRCG Executive Director Timothy Coleman during Project area field trips organized by the CNF; all comments and forest management recommendations submitted by Northeast Washington Forest Coalition prior to May 19, 2022; KRCG comments submitted since formal project initiation, dated December 17, 2020, project Scoping, dated November 30, 2023, and during field trips organized by District staff with Northeast Washington Forest Coalition (NEWFC) that KRCG attended as a NEWFC board member. In addition, NEWFC submitted collaborative comment during Scoping separate from KRCGs and to which I on behalf of KRCG, contributed.

- All documentation contained in Project files, including draft EA and specialist reports and notes taken by CNF staff during Forest Service organized collaboration meetings held by the Three Rivers Ranger District, Colville National Forest.
- All scientific research findings presented by Objector and Northeast Washington Forest Coalition

**PROJECT AREA DESCRIPTION**

The Project area lies in the heart of the majestic Kettle River Range, a remote landscape that features mountain peaks rising to more than 7,000 feet, towering forests of old-growth ponderosa pine, western larch, Douglas fir, western red cedar, Engelmann spruce, sub alpine fir, lodgepole pine, whitebark pine and hardwood species red alder, quaking aspen, Douglas maple and cottonwood; shrub-steppe & sagebrush meadows, and countless lakes, rivers, creeks, streams, and wetlands. The Project area features a spectacular mountain ridgeline hiking trail and wilderness solitude, including Bodie Mountain IRA and Clackamas Mountain IRA. The Project area and greater Kettle River Range Mountains comprise the wildest, most remote and roadless region of the Colville National Forest and northeast Washington.

In the early/mid 20th Century, Project area was primarily comprised of late and old structure forest as evidence by historic 1934 photos and as described in project files. The majority of Project area has not had a wildfire.

The Project Area is home to a wide variety of plants and animals, including many species categorized as sensitive, threatened, or endangered by either the federal government or the state of Washington. Packs of state endangered gray wolves roam through the Project area, which also includes threatened Canada lynx, endangered grizzly bear and wolverine. ESA listed whitebark pine trees cling to the mountain ridges in Toroda Creek watershed and that the western segment of the Project area drains into.

Old-growth and mature (late-old structure) forests provide nesting habitat for the northern goshawk, sensitive species of woodpecker and bats has been greatly diminished by clearcut and high-grade logging especially from 1960-1980. Valley bottom riparian areas support sensitive species of red band. Tonata, Toroda and Trout Creek are tributaries of the Kettle River. Trout Creek provide the largest single source surface water to Curlew Lake.

Project as proposed, has a potential to significantly alter that natural landscape and further degrade PROJECT watershed in large part modified by past logging, livestock grazing, road system, legal and illegal off-highway vehicle (OHV) recreation.

**BACKGROUND of OBJECTOR**

KRCG has fully engaged in CNF projects since summer 1976 when the group formed. We actively organized a wilderness campaign from 1976 to 1984 and again from 1995 to 2019 to preserve two Inventoried Roadless Areas in the Project area as Wilderness areas. Failure of the 1984 campaign that was said by statewide organizer Karen Fant to be the best grassroots organized group in Washington was a gut-punch. Twenty years of collaborative problem-solving working with the Colville National Forest and an eclectic cross section of NE Washington body politic, nevertheless failed to get a wilderness bill introduced let alone a revised Land Management Plan (LMP) that represented a fair outcome for decades of regional organizing.

Hence, we now rely as in the past (1976-2001) on administrative and litigative measures to solve the most basic of social conflicts attributable to Forest management because elected and administrative officials were incapable of doing the right thing, and seriously, lacked the moral backbone.

Objector is an organization that represents conservationists who are working to ensure restoration of the circularity of natural mature & old growth forest ecosystem (DellaSala, et al 2024) habitats essential to the survival of threatened, endangered and sensitive (TES) species. KRCG members and staff live in and/or frequently use the Project area for non-motorized recreation, wildlife viewing, hunting and fishing, physical and mental wellbeing. Project authorized logging will significantly alter the natural appearing forest landscape that remains after decades of logging. This will in turn affect KRCG members use and enjoyment of Tonata Trout area.

**A Brief History**

From summer 1991 to summer 1992, KRCG worked on contract for the Audubon Society doing aerial photo, TRI Map and timber sale map interpretation. Hand drawn on 2.64" to the mile maps were results of that interpretation that when completed was shared with the CNF. On-the-ground evaluation of numerous test areas validated findings. This included the PROJECT. Based on that experience, the 1934 photos provide a very good historic snapshot of forest structure.

Early in the 1980's, KRCG challenged the Helen Timber Sale, et al, resulting in temporary reprieve for logging in the Thirteenmile and adjacent Inventoried Roadless Areas (IRAs). Beginning with our 1976 beginning, Kettle Rangers have been a wilderness group that unfortunately left out all of the Kettle River Range proposed wilderness in 1984 Washington Wilderness Act. In the 90's, KRCG organized public support for the Roadless Area Conservation Plan rulemaking that administratively protected IRAs in the Colville and Okanogan National Forest.

From 2002 to 2022, KRCG actively collaborated with CNF and the timber industry in the formation of Northeast Washington Forestry Coalition (NEWFC). KRCG participated in the Project development since its inception, attending field trips and filing detailed comments both as KRCG as a board member of NEWFC. KRCG supports NEWFC's "Strategic Vision."

From spring 2017 through the fall of 2019, contracted seasonally working for the CNF doing work reducing SAF competition of whitebark pine (WBP) – a threatened ESA species. Typically work last 3-4 days a week from late June through early November. Work areas stretched from Midnight Mountain in the north to Snow Peak in the south and almost exclusively targeted cutting/removing sub alpine fir and Engelmann spruce to increase airflow and reduce the risk of pathogenic blister rust spread. The first and second years were spent almost exclusively on Copper Butte, especially on its eastern flank drained by PROJECT. Snowshoe hare were routinely seen in all locations and their tracks particularly noticeable when snow ground cover was present.

In the early 1990s, KRCG worked with Mark Skatrud on winter snowmobile camera survey in search of C. lynx. All camera stations were located next to roads and road trails adjacent and connected to Albian Hill Road (FS Rd 2030), including PROJECT. Most notable of this endeavor, was the abundance of snowshoe hare tracks and pictures of hare at every camera/bait location.

Historic mature and old growth (MOG) -- that encompasses Late Old Structure (LOS) -- forests once dominated the project area. Since 1976, Kettle Rangers have visited and recreated in the Project area. Logging of MOG was THE dominate "treatment" and for a hundred years in the Kettle River watershed. As such current forest stands are younger in age, smaller in diameter and individuals & stands of MOG are at a historic low.

## OBJECTION

### 1. The Project does not fulfill its Purpose & Need:

- Will not "improve the current and future distribution of forest vegetation structure classes closer to or within the desired [Historic Range of Variability].
- Will exacerbate wildfire risk by increasing early seral conifer species.
- Will degrade wildlife habitat by moving late moderate and late closed structure to late open.
- Will not enhance and maintain habitat for federally listed wildlife species as well as Region 6 Focal Species such as Rocky Mountain Elk, Northern Goshawk, White-headed woodpecker and Black-backed woodpecker.
- Will not improve the sustainability of recreation opportunities by providing accessible, safe, convenient, and ecologically benign recreation infrastructure that meets public needs.
- Will not reduce the impact of roads within the Tonata and Trout watersheds, as well as improving forest stand conditions and fire regime condition class throughout the planning area.

### 2. Project Documents not responsive to public comments

Despite extensive collaborative input, written and verbal comments, the EA, DN & FONSI are not responsive to collaborative public comments, differing significantly from actions requested by KRCG and NEWFC.

Forest Service is apparently unwilling to acknowledge and discuss limitations of its own interpretation of HRV, relying on research that supports its desire to log 60% to 100% of existing forest to attain objectives beyond the life of a Forest Plan, nor inherent weakness in its LiDAR interpretation and Plant Association Groups (PAGs).

The DN and FONSI are not in accordance with the legal requirements of the National Forest Management Act (NFMA) 16 U.S.C. 1600 *et seq.,* and its implementing regulations,, Endangered Species Act (ESA), National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* and its implementing regulations, Administrative Procedures Act (APA) 5 U.S.C. Sec. 706, the Collaborative Forest Landscape Restoration Program, (CFLRP), Omnibus Public Land Management Act of 2009 16 U.S.C. 7303(d). Sec 4003 (d) as amended, and the CNF 2019 LMP.

As a result of actions authorized by the EA, FONSI and DN, members of KRCG will be directly and significantly affected by loss of biological diversity, beautiful natural forest scenery, loss of solitude, degradation of wildlife habitat and impacts on non-motorized recreation that will result from Project implementation.

Failure to adequately assess environmental of effects of the Project, follow best available science, describe project implementation activities and fully inform the public of known, potential and predictable deleterious consequences of this project violates NEPA. Such actions as proposed will adversely impact and irreparably harm the Very High and High scenic integrity of this watershed and surrounding area.

The selected alternative does not fairly respond to public comment. It does not adequately fulfill legal requirements of the 2019 CNF LMP, NFMA, ESA, NEPA, et al.

Project documents do not fully analyze the direct, indirect, and cumulative impacts the TES species including lynx, wolves, wolverine and grizzly bear. Project documents do not address many issues / questions raised by the Objector during project development, especially regarding best available science that contradicts assertions made by a select group of logging-friending scientists. The failure to disclose this information is a failure to disclose baseline conditions, and therefore a failure to take a hard look at effects.

### 3. Historic Range of Variability is Factually Incorrect

Project files do not make available to the public site-specific details re Plant Association Group that allow the public to understand their validation, nor does this help the public further understand why present watershed conditions are "inappropriate" regarding Historic Range of Variability (HRV).

The Silviculture Report presents a couple of photos allegedly representing historic conditions to support its assertion Project area historic forest condition were mostly "open" with canopy closer 10% to 40%. What is not provided as evidence, though these historic photos were mentioned by KRCG in our submitted comments, are the 1934 photos from nearby lookouts, Bodie Mountain and Bonaparte Mountain.

The repetition of hyperbolic "departed from historic conditions," arguing with flimsy 'bought and paid for' research to justify logging, is jaw dropping. Just what timeframe is "historic?" The forest is always changing, temporal changes have always occurred and toss in the climate grenade and oh my, life as we know it will be forever lost if you just don't log – right? Come on, even your documentation clearly admits that mature and old growth (MOG) have been targeted for decades, are now far below - 28% remaining - that which existed pre-colonial era. And how accurate is that number?

Project documents argue watershed forest "has increased tree density compared to historical conditions" – of course, because it's been heavily logging for decades. The Forest Service created this problem this imbalance and admits to it project documents yet pivots back to logging as the remedy for all that ills the forest, excepting MOG, that it has created. However, we do not agree tree canopy closure of 10% to 40% would come close to achieving HRV and in fact disagreement vehemently.

Since the former 1988 LMP, and not too surprisingly because environmental and climate conditions are quite similar to those in the Project area the North Idaho Zone Old Growth (NIZOG) definitions of 8 trees per acre (tpa) >21" diameter breast height (dbh) were used by CNF before the 2019 LMP revision.

This NIZOG definition fits the Project area for dry Douglas fir / ponderosa pine:

> *The Northern Idaho Zone is the western side of the northern Rocky Mountains in Idaho that is heavily influenced by pacific storms and weather patterns and*

*generally received higher precipitation, especially in the winter, than areas to the east.*[1]

The Eastside Screens further adjusted old growth following Scientific Societies Panel Report to all trees >20.9" dbh.

The Project does not trend towards landscape resiliency, will not achieve historic reference stand conditions in mature and old forest structure. The CNF does not have an up to date inventory of mature and old growth trees and as such lacks evidence as to the abundance and lack thereof of mature and old forest at a landscape scale. Douglas fir, like ponderosa pine, is a drought and fire resistant species (LeFevre, et al. 2020)[2]

> **The dominance of ponderosa pine, Douglas-fir, and western larch on the warm dry, cool dry, and mesic Douglas-fir PAG historical plots is consistent with findings regarding historical reference condition studies in similar forest types in Oregon and Washington (Harrod et al. 1999, Churchill et al. 2013, Hagmann et al. 2013, 2014). These species are highly resistant to low- and mixed-severity fire and resilient to drought disturbance. (@ 586)**

This research focuses on trees, and does not mention wildlife. It does not say anything about the Eastside Screens, but it says this about the historical tree mix, which again implies that no large Douglas fir should be removed:

> **The historical plots represent a wide variety of conditions in terms of density, composition, and tree sizes. Douglas-fir and western larch were present on all historical plots, representing an average basal area (BA) of 36 percent and 31 percent, respectively (Figure 2). BA ranged from 35.7 $ft^2$ $ac.^{-1}$ in the warm dry Douglas-fir PAG to 70.2 $ft^2$ $ac.^{-1}$ in the cold mesic subalpine fir PAG. Despite having the lowest BA, the warm dry Douglas-fir PAG supported large trees with quadratic mean diameter (QMD) values among the highest of the study (Table 3). The lowest QMD values occurred in the cool mesic Douglas-fir PAG. (@ 582)**

A mature & old growth inventory that was supposed to be completed across the federal forest system (**Mature and Old-Growth Forests:** Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management in

[1] Green, P, et al. 2011. OLD-GROWTH FOREST TYPES OF THE NORTHERN REGION. R-1 SES 4/92; USDA Forest Service, Northern Region, *(errata corrected 02/05, 12/07, 10/08/, 12/11).* 65pp

[2] LeFevre, M.E., Churchill, D.J., Larson, A.J., n M.A. Jeronimo, Bass, Franklin, J.F., and Kane, V.R. 2020. Evaluating Restoration Treatment Effectiveness through a Comparison of Residual Composition, Structure, and Spatial Pattern with Historical Reference Sites. Oxford University Press *For. Sci.* 66(5):578–588

Fulfillment of Section 2(b) of Executive Order No. 14072, FS-1215a, April 2024 (revised)) has not been done, yet the CNF is rushing ahead logging large diameter trees that are now or will be future Late Structure before promulgation of regulations prohibit their cutting. This is similar to what occurred during the Roadless Area Review and Evaluation (RARE I & II) era when the CNF paid as little as $25/acre to have bulldozers run up and down what was a roadless landscape in the Kettle River Range and Selkirk Mountains. Given a verifiable large/old tree inventory in response to Executive Order (E.O.) 14072, it would seem prudent to follow a Precautionary Principle here – not to mention the LMP FW-DC-VEG-03 / Table 5 Desired condition direction.

Much of the Project area is not in a dry forest Plant Association Group (PAG). Historic conditions for the CNF considered it primarily a "moist forest." (Hessburg / Agee 2003) Indeed, this also calls into question are natural disturbances – ie wildfire, insects and disease -- which creates snag habitat and large diameter woody surface material that are source of food & shelter for myriad focal, sensitive and ESA-listed species, being short-changed in what seems to be a clash between timber volume production and biological diversity? At the finest scale, animals use habitat features associated with specific forest structure attributes (e.g., snags for foraging and nesting); at the meso-scale (sub basin or watershed scale). (Stine 2014)

**4. KRCG Disputes Project adheres to FW-DC-VEG-03 Forest Structure, LMP Table 5 – Desired Conditions**

This paragraph from the updated Silviculture Report is the basis for this objection:

> *Overstory treatments would occur on up to 24,703 acres including up to 17,534 acres of intermediate treatments, up to 5,993 acres of regeneration treatments or overstory removal, and 1,176 acres of a combination of intermediate and regeneration. Intermediate treatments include up to 12,248 acres of thinning and 5,286 acres of meadow/woodland restoration. Regeneration treatments and overstory removal includes up to 6,111 acres of regeneration, 906 acres of meadow/woodland restoration, and 152 acres of overstory removal. Up to 9,840 acres of Douglas-fir Dry, up to 2,083 acres of Subalpine fir/Lodgepole pine, and up to 34 acres of Spruce/Subalpine fir, and up to 261 acres of sparsely treed non- forest would have thinning; up to 5,279 acre of Douglas-fir Dry, up to 830 acres of Subalpine fir/Lodgepole pine, and up to 72 acres of sparsely treed non-forest would have meadow/woodland restoration; up to 4,390 acres Douglas-fir Dry, 1,614 acres of Subalpine fir/Lodgepole pine, up to 13 acres of Spruce/Subalpine fir, and up to 91 acres of sparsely trees non-forest would have regeneration treatments; and up to 149 acres of Douglas-fir Dry and up to 2 acres of Spruce/Subalpine fir would have overstory removal. Following regeneration treatments, planting may occur if natural regeneration is insufficient to meet desired stocking and species composition.*

*(Silviculture Report -4.5 Project Proposed Action, p 27-28)*

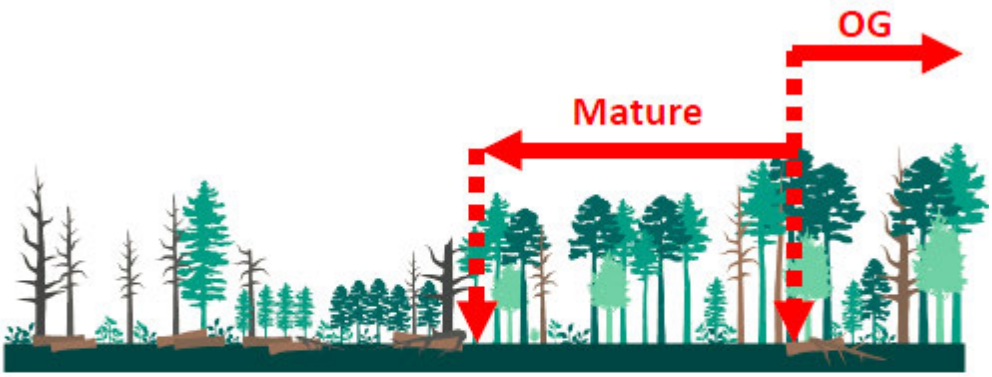
Tonata Trout will have a massive impact to the natural environment, affecting wildlife and scenic integrity for many decades to come. It is obvious, this massive logging project is a gift to the timber industry at the expense of locals and public interests region-wide, including hunters, wildlife enthusiast, mushroom advocates and recreationists. It is a shameless abuse of authority, done as if history really doesn't matter, and clearly, that "desired conditions" are those of the logging side of the USFS. This is a disservice to the public, nature and restoration of HRV.

This project's predilection to log late closed and moderate closed forest canopy – it deems > 40% canopy closure - to late / moderate open, 10%-40% closure. This does not meet the definition of VEG 03 nor did Table 5 LMP desire HRV. According to Sara Johnson, Ph.D, reducing canopy closure by 60%-90% will significantly affect birds, mammals, humidity, snow intercept, increased summer heating & drying and winter cold.

Prescriptions based on moving moderate (<60%) and closed (>60%) forest structure is highly variable based on solar aspect, soils, talus & rock balds and available moisture. Prescriptively defining MOG structure is not simply a cookie-cutter numeric equivalent. Because of the great variation in old growth stand structures, no set of numbers can be relied upon to correctly classify every stand.[3]

Given the fact that federal forest management agencies are presently working on a final set of Mature and Old Growth definitions that then will facilitate a forest-wide inventory, it seems at the least, precautionary, to restrain timber volume driving the "bus" for the Project, it's desired outcome of "moving" closed mid and late canopy structure to 60% to 100% open, in order that final definitions goals & objectives be promulgated, nationally. Consider the following diagram from the **Mature and Old-Growth Forests:** Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management in Fulfillment of Section 2(b) of Executive Order No. 14072, FS-1215a, April 2024 (revised)

[3] *Ibid*




Fire-Dependent Conifer development following mixed-severity wildfire event with retention of ecological legacies (dead wood)

**5. Project Documents demonstrate Restoration Myth**

*The proposed vegetation treatment activities make progress toward or maintain desired conditions for forest structure over the long term. p [*sic*] to approximately 30 years post-treatment), the proposed treatments would move the project area away from desired conditions for some forest types and structures. In Douglas- fir dry vegetation types, mid open structures move away from desired conditions. In Subalpine fir/Lodgepole pine vegetation types, early closed, mid open, mid moderate, mid closed, and late open structures would move away from desired conditions. In Spruce/Subalpine fir vegetation types mid open and late open structures would move away from desired conditions. Proposed vegetation treatments are intended to address forest health concerns (overstocking, species composition, insect and disease risk, wildfire hazard) (Silviculture Report @ 41)*

In other words, the Project is using an unrealistic timeline that exceeds time limits of a Forest Plan and its intentions are focused almost primarily on timber volume yield.

Disruption of ecosystem function extends beyond 24,703 logging acres. *"Fuels treatments would occur on up to 36,805 acres … understory treatments would occur on up to 30,961 acres." (Ibid)*

> *Within the Subalpine fir/Lodgepole pine vegetation type, proposed vegetation treatments would increase open structures by up to 4,696 acres, including 1,115 acres of early open, 1,704 acres of mid open, and 1,877 acres of late open, through treatments in moderate and closed structures (Table 7). Closed structures would be reduced by up to 4,120 acres, including reductions of up to 2,095 acres of mid closed, up to 1,773 acres of late closed, and up to 252 acres of early closed structures. (Ibid @30)*

This massive spatial footprint temporally combined with another adjacent "fireshed" logging project of 31,242 acres of "intensive timber and range management" as part of

the Buckhorn Project – in the same Toroda Creek Watershed as Tonata Trout, must be fully examined and a Range of Alternatives proffered for public scrutiny and application of best available science via a thorough assessment of an environmental impact statement.

Silviculture Report p 57, Regeneration / Overstory Removal – states that subalpine fir/lodgepole Late closed (HRV 3% - LMP) treatments will post-treatment move this forest-type to Late Open – for which the LMP says zero percent HRV.

**6. KRCG Disputes FS Claim there is no Northern Rocky Mountain Mixed Conifer forest in the Project area.**

The fact is NRMMC does occur in the Project area, and in fact occur on Tim & Sue Coleman's property on Trout Creek. It begs the question how the western Rocky Mountain forest plant associations that exist across all the Colville National Forest for some reason do not occur in the Project area? This is an absolute falsity and in fact your Wildlife Report notes that montane mixed conifer habitat exists in the Project area.

It appear there is a bias, perhaps a conflict of interest, here. If the FS agreed NRMMC exists in the Project area it would change its focus on open structure. Failing such accuracy, this project fails to meet requirements set for in Table 4, LMP, NEPA and NFMA.

This snippet from a PowerPoint fits the Project area low fire return rate and forest composition – Mixed Conifer Forests 101 – What and Where Are They? - a presentation by Tom Spies
http://nwfirescience.org/sites/default/files/publications/PNW_summit_Tom%20Spies_Mixed%20Conifer%20Forests%20101.pdf

**A Definition of Mixed Conifer Forests Diverse Forest Type where:**

1. Grand fir, white fir, Douglas-fir are the late-successional species (e.g. Series)
2. Typically contain old shade-intolerant/fire-tolerant species:
   - Ponderosa pine, Douglas-fir, or western larch
3. Low to mixed-severity fire regime
4. Not too hot and dry, not too cold and wet
5. More productive than Ponderosa Pine


West Colville National Forest and Tonata Trout Project Area

**7. Snag and Large down Logs below Desired Conditions**

Snags occur throughout the project area, although there is a deficit of larger snags … and coarse woody debris habitat…. (Wildlife Report @ 12) "Within the Montane Mixed Conifer habitat type we see a similar pattern to Eastside Mixed Conifer, with greater disparity in the low snag density category. Substantially more of the landscape has a low density of snags, indicating there are far fewer large snags within these watersheds compared to desired conditions. Past selective timber harvest has resulted in lower densities of small and large snags." (Ibid @15)

Logging focused on open stand structure 10%-40% will deprive project ecosystem of snag retention & recruitment and large down logs.

The current plan calls for snag leave trees to be selected/created post project. We would like to see proactive selection of trees to be left as snags as well as incorporation of smaller snag trees to be left standing onsite. Larger snag trees, >12" diameter are important for cavity nesting birds and mammals. Additionally, smaller diameter trees, 10" diameter and smaller, are important forage trees providing a host of insects to feed a variety of bird species. A minimum of 6-8 foraging snags and 2-3 cavity nesting snags should be left per treated acre. This baseline requirement metric is not specified in project documents

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In addition to leaving multiple snag trees per acre for foraging and nesting, large diameter downed timber should remain on the landscape in contact with the soil to provide complexity and cover to the landscape and offer cool, moist cover for reptiles and amphibians as well as concealment for small mammals. These decaying logs slowly release nutrients back into the forest cycle as they slowly decay and provide food and shelter for valuable insect larvae.

Large diameter legacy trees should also be left intact on the landscape to provide trunk foraging opportunities for birds. These large legacy trees, with large crowns, offer ample cone production for bird and mammal seed forage, and offer perches for predatory birds such as hawks and owls, both documented in the Project area. Large diameter legacy trees with mistletoe present should retained to provide habitat for species that

rely on mistletoe brooms for nesting like the great gray, long eared and great horned owls.

Forest treatment projects produce enormous amounts of residual biomass which is often piled and burned. A portion of this residual biomass should be retained and designated as habitat piles. These piles should be intentionally structured with larger diameter stems on the bottom to provide interior open spaces and smaller stems on top to provide cover. Habitat piles provide enormous value for small mammals, reptiles and birds. Habitat piles can be intentionally located outside of the drip line of conifers to mitigate wildfire risk. Habitat piles should be constructed intentionally, designated and marked so they are not removed as slash piles.

Snags are essential as both nesting and foraging habitat. Most forest birds associated with snags require forested habitat, where hiding cover exists for protection from predators, and thermal cover exists to moderate heat, cold, and severe weather evens, including wind and heavy precipitation. Two owl species, the Boreal and Great Gray Owls, are known to be sensitive to heat stress (Hayward 1993; Hayward 1997; Koshmrl 2013). Fire and insects and disease are essential factors that create snags for wildlife. Old growth forests provide the largest snag sizes for species that require very large snags, including the Flammulated Owl that uses an average snag size of 28 inches dbh (Bull et al. 1990), and the Boreal Owl, which uses an average snag size of 24 inches dbh (Hayward 1993). The longer the fire cycle, the greater will be the availability of large snags for forest owls. Snags are important for other species in addition to birds. Horowitz (2023) reported in a Montana Outdoors article that 60 species of wildlife use snags for nesting, roosting or drumming. The insects and diseases that create snags also provide forage for woodpeckers, who in turn create nesting sites for many other birds, including owls (Hayward 1993).

LMP FW-DC-VEG-04 Snag and Coarse Woody Debris is more a less a desired condition that is optional at best, as evidence by several recent projects including Sherman, Trout Lake CE, Deer Jasper and Bulldog. There are no guidelines for snags/LWD just as there are no guidelines for attaining HRV. The problem here is that timber as a driver, mills determining what trees/logs to cut/leave re Designation by Description are both highly subjective and rarely being met. This has a tremendous long term impact on soil and soil organisms, amphibians, wildlife – especially birds – and aquatic species.

The 2019 CNF Forest Plan states that "FW-DC-WL-03. Habitat Conditions for all Surrogate Species: Habitat conditions (amount, distribution, and connectivity of habitat) are consistent with the historical range of variability (per FW-DC-WL-03) and contribute to the viability of surrogate species and associated species" (LMP p. 59). However, the EA and specialist reports do not contain any analysis of the landscape pattern when addressing wildlife viability, a key consideration. Wildlife viability cannot be determined

without in part assessing where wildlife can move through suitable habitat in a mosaic roads, old and new logging units and burned area landscape.

Here again, the LMP standards are so ephemeral, with so many exemptions – not the least of which is loggers picking and choosing which trees to cut (vis a vis Designation by Description), as the render them virtually meaningless. Consider this LMP standard:

> *FW-STD-WL-12. Large Snag Habitat*
> *Because snags larger than 20 inches diameter at breast height are currently below the desired conditions, they shall be retained unless they pose a safety hazard. This standard does not apply in developed recreation sites, around recreation residences, in administrative sites, and within 200 feet of an open road designated for firewood harvest. An additional exception to this standard can occur in areas that have been identified as candidates for tree faller training sites through consultation with local biologists. (LMP @ 69)*

**8. Word Salad**

Is "intermediate" the new COMBO? From what silviculture lexicon does it derive? Considering a majority of "treatment" units are labeled as such in the EA, it has a lot of significance – 17,534 acres – but the EA, Appendix A speaks about it in basal area terms and vague description. The verb "may" and adverb "up to" made in Project documents equivocate an uncertainty of acres to be "treated" (logged, burned, thinned, etc.) demonstrate the reality that FS planners are just estimating what might occur, in essence, this so-called restoration project is poorly defined – how is the public supposed to understand what is being done in its name? This lack of clarity does not meet NEPA requirements.

**9. Wildlife**

NEPA and Section 7 of the ESA require the Forest Service and FWS utilize the best available science when analyzing the effects of a proposed action – here, the Project – and consulting on the proposed action. This includes but is not limited to the latest iteration of the lynx species status assessment, latest information from WDFW relevant and latest scientific studies and papers, including King (2020), Lyons (2023), Vanbianci (2015), Vanbianci (2017), Johnston (2012), and Koehler (2008).

The Endangered Species Act (ESA) prohibits federal actions that are likely to jeopardize the continued existence of an endangered or threatened species or adversely modify designated critical habitats.

The Wildlife Report, p 22, Direct and Indirect Effects provides a lot of scientific research that underscores why this project is going to have a huge impact on wildlife.

> *Broad-scale and abrupt changes in landscape structure and organization can be difficult for native plants, animals, and human communities to withstand (Liu et al. 2007, Spies et al. 2014). Accordingly, a task for current-era managers is to manage for change with uncertainty in mind. Methods that narrowly focus on rebuilding*

*late-successional and old forests cannot restore integrity or resilience to landscapes, nor can they bring about climate change and wildfire-adapted landscapes. However, they are an important piece of the puzzle.*

Old growth forest levels recommended for forest birds range from 20-25%, although this is at the very low end of historical old growth of 20-50% of the Northern Rockies Landscape (Lesica 1996). Montana Partners in Flight (2000) recommends from 20-25% old growth for dry and moister forest habitats for birds. Bull and Holthausen (1993) recommend 25% old growth for the Pileated Woodpecker. Reynolds et al. (1992) recommends 20% old growth for the Northern Goshawk. Lodgepole pine forests can provide "early seral old growth" (Hamilton 1993) when mature forest stands are impacted by bark beetles. The longer the fire cycle, the greater will be the amount of landscape old growth for birds. Bush et al. (2007) reported that Region 1 had an average of 13.7% almost 20 years ago; on the Lolo National Forest, old growth measurements from 1995-1996 reported 9.6% old growth. Currently DellaSala and others reported that Forest Service lands outside of Alaska have 9% old growth, while Barnett and others estimated 10% old growth.

Project treatments proposed will have a significant impact on LMP surrogate, focal, sensitive and ESA-listed species, including black-backed woodpecker, pileated woodpecker, goshawk and Canada lynx. Forests logged to 60% to 100% removal of trees will degrade bird and mammal habitat. Thousands of acres of logging are inaccurately portray as "restoration." Regeneration harvest treatments are degeneration impact to ecological integrity and wildlife habitat.

In particular goshawks are vulnerable to habitat alteration in western North American forests, including both changing fire regimes and fuels-reduction efforts intended to mitigate effects of high severity fires (Ray et al. 2014, Reynolds et al. 2017, Blakey et al. 2020). Median home range size for males (3926 ha) was 2.4 times that of females (1619 ha)…. Median nonbreeding season home range size (6085 ha; females: 6670 ha; males: 5500 ha) was three times larger than median breeding-season home range size (1967 ha; females: 1198 ha; males: 3343 ha).[4]

According to the Wildlife Report, p 24, goshawk habitat will be significantly degraded by the proposed action:

*Project implementation, primarily from commercial harvest and thinning, would change the amount of habitat available for goshawk on the Forest compared to the historical range of variation. Project implementation would result in a 45% decrease (~13,950 acres treated) of northern goshawk habitat in the short term*

[4] Blakey, R.V., et al. 2020. Northern Goshawk (ACCIPITER GENTILIS) Home Ranges, Movement, and Forays Revealed by GPS-Tracking. Raptor Research Foundation, Inc. J. Raptor Res. 54(4):388–401

*(<20 years), though the effects would last for an additional 10-15 years in areas that receive maintenance treatments*

The selected alternative, DN and FONSI will destroy and degrade old growth forests, water quality, terrestrial and aquatic species habitat, scenic views, solitude and dispersed recreation.

Expansion of MVUM roads 2-5 open to all motorized vehicles without necessary NEPA analysis and public discourse, road construction and reconstruction in the selected alternative, if implemented, combined with historic natural and human-caused environmental impacts in the Project watershed, violate NEPA, NFMA, ESA, APA and LMP.

**As the Wildlife Report, p 2 notes:**

*Recreation is likely to increase on all land ownerships due to increasing demands from the public. This would increase the effects of human disturbance on lynx habitat and make areas that have relatively low human disturbance on NFS lands even more important for lynx and other wildlife.*

**10. Lynx**

Outside of LAUs, which should be removed from Project consideration, we request proactive selection of micro sites in treated areas that offer concealing and denning cover for Canada lynx. Canada lynx have shown a hierarchal preference for den selection preferring northeasterly aspects with slope of 24° or less with abundant down timber.[5]

The Project area does provide elevational and forest type suitable for lynx use and it is closely associated with lynx habitats to the west, north and east, but according to Project Wildlife Report "the Tonata-Trout project area does not support a population of reproducing lynx." According to the Biological Assessment for the Land and Resource Management Plan Revision for the Colville National Forest:

*"While lynx have been occasionally detected within their historical range in Ferry, Stevens, and Pend Oreille counties, these detections are too few to represent a resident population (Lewis 2016). In a recent status review, the WDFW concluded that given the 1) range contraction observed in Washington following protection efforts (federal listing in 2000), 2) the substantial loss of habitat in the last 20 years, and 3) the ongoing and anticipated threats to lynx population persistence, the State*

[5] Squires, J. R., Decesare, N. J., Kolbe, J. A., & Ruggiero, L. F. (2008). Hierarchical den selection of Canada lynx in western Montana. *Journal of Wildlife Management*, *72*(7), 1497. https://doi.org/10.2193/2007-396

*status of the lynx in Washington should be changed from State Threatened to State Endangered (Lewis 2016)."*[6]

The Wildlife Report, p 2, states: "Legal trapping of lynx and human access have and would continue to affect Canada lynx and their habitat." There is no such thing as legal trapping. In 2016, the Washington Fish and Wildlife Commission listed the Canada lynx as state endangered[7] and lynx is federally protected as a threatened species under the federal ESA largely due to habitat loss. Any treatments applied in the proposed Project Vegetation Management Project should prioritize habitat preservation and enhancement for the Canada lynx, especially dense forest and horizontal structure critical to lynx travel, forage and denning.

Prior to 2020 Lynx Analysis Unit (LAU) revision and that which informed crafting of the 2019 LMP, there were four LAUs in or near the Project area: Bonaparte, Vulcan, Bodie and Maple.2020 LAU revisions did not go through a public process as required by NEPA, and as thus illegitimate.

In 2020, the Forest Service changed the LAU boundaries in the Colville National Forest. It did so behind closed doors, without any public notice, input, or NEPA compliance. The changes made were significant and resulted in a dramatic reduction of protected lynx habitat, including a dramatic reduction in the amount of lynx habitat included within LAUs (and therefore subject to protections, management, and monitoring for lynx conservation) in the region. For example, the Forest Service removed *all* LAUs from the Selkirk Mountains. Previously, there were 22 LAUs in the Selkirk Mountains Secondary Area for lynx, totaling 351,734 acres. In addition, the Forest Service eliminated the three previously identified LAUs from the Okanogan Highlands, removing protections for 30,829 acres. This includes three in the Project area.

The Wildlife Report, p 11, summarily concludes: *"The Tonata Trout area is not essential to the conservation of the lynx."* This somewhat bold and unsubstantiated conclusion ignores the facts that suitable lynx habitat currently exist in the project area linked to occupied lynx habitat to the north and east. ESA threatened lynx is listed because it is rare and at risk of extinction. The "not essential" is also controverted further on by the same report:

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[6] MacDonald, K.; Gaines, W.; Loggers, C.; Honeycutt, K. (2017). Biological Assessment for the Colville National Forest Land and Resource Management Plan Revision. United States Department of Agriculture; Forest Service. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd594834.pdf. p145.

[7] *Canada lynx*. (n.d.). Washington Department of Fish & Wildlife. https://wdfw.wa.gov/species-habitats/species/lynx-canadensis#conservation

*There are four first tier and three second tier anthropomorphic influences identified in the LCAS (ILBT 2013) that apply to this planning area and can influence the recovery and conservation of Canada lynx. The Tier 1 influences are vegetation management, climate change, wildfire, and habitat fragmentation. These influences can have discrete impacts, but in this project area should be considered simultaneously. For example, vegetation management actions can affect lynx habitat components, which can also affect habitat fragmentation/connectivity, and in turn impact the resiliency of habitat to effects resulting from wildfire and climate change (tier 1). Tier 2 influences include winter recreation that influences habitat connectivity and lynx habitat use, forest roads that can become sources of lynx mortality at high traffic volumes and speeds, and grazing effects to riparian areas that provide habitat for snowshoe hares, a primary food resource for lynx (ILBT 2013). (Ibid @ 17)*

Considering the above, it is difficult to rationalize how Project activities would not impact lynx habitat. As acknowledged in the Wildlife Report, there are few lynx remaining in the Kettle Range/Okanogan Highlands and IF the species is to recover it must have suitable migration/travel, foraging and breeding habitat including 7,573 acres identified lynx habitat in the Wildlife Report:

*The Proposed Action would treat approximately 4,742 acres (65%) of lynx habitat within the project area (Table 17) and create more openings that would likely be avoided by any dispersing lynx in the area. (Ibid @ 18)*

Notwithstanding this area's importance to the continued existence and recovery of critically imperiled Canada lynx in Washington, the Forest Service has moved forward with the Project without: 1) ensuring that its recent re-assessment of lynx habitat in the region was protective of the species, in compliance with the Endangered Species Act ("ESA") and the National Environmental Policy Act ("NEPA"); 2) complying with NEPA's mandate to take a hard look at the impacts of the Project, specifically, the cumulative effects of the Project and the numerous other logging projects it has and plans to authorize within lynx habitat; and 3) ensuring that the Project is consistent with the clear mandates of its forest plan specifically aimed at protecting lynx and their habitat, as required by the National Forest Management Act ("NFMA"). As a result, the Forest Service's lynx mapping changes and subsequent approval of the Project has harmed, and continues to harm, and undermine lynx conservation efforts in the region and make it less likely lynx will survive and recover in Washington's Kettle Range.
In both the Sanpoil and Bulldog projects, proposed logging in LAU were dropped or redrawn. Tonata Trout deserves similar respect and unit withdrawal.

The Bulldog Project across the valley east of Tonata Trout, listed retention criteria for lynx habitat that is also found in the TT Project area. "…retain a minimum of 20-percent

in untreated patches and do not reduce tree stem densities to less than 500 trees per acre in early structure subalpine fir/lodgepole pine or spruce/subalpine fir vegetation types….treatment within specified units shall maintain a minimum of 30-percent canopy cover and 170 trees per acre with 20 percent of each unit being untreated in order to create travel habitat for lynx." This is expected to maintain habitat connectivity. The untreated 20- percent patches will be created on a scale per acre. Meaning .10-acre.

This amount of habitat disruption threatens lynx viability. The description in Appendix A and Implementation Guide (above) lacks specificity which only furthers the sense of doom this project instills. Is KRCG to assume this is because the FS does not yet know where 20% untreated patches will be located? Stating stem densities will be less than 500 TPA also lack specificity – where will this occur, comes to mind?

Outside of LAUs, which we request be removed from Project consideration, we request proactive selection of micro sites in treated areas that offer concealing and denning cover for Canada lynx. Canada lynx have shown a hierarchal preference for den selection preferring northeasterly aspects with slope of 24° or less with abundant down timber.[8]

**11. Roads / Livestock Grazing**

Building new and reconstructing old roads has ecological impacts to ecosystems similar to new road construction. Currently, roads exceed LMP desired conditions in Focused Restoration in the project area. Construction reconstruction, restoration, maintenance and of roadways in the Project area will have significant impacts on aquatic and terrestrial species. In the winter this road system added to regeneration clearcuts and reduced tree spacing will dramatically increase over snow motorized during the time of year when wildlife such as TES species lynx and elk are at a heightened level of stress.

Cumulatively, commercial logging, road construction and livestock grazing will impact sensitive wildlife seclusion and reduce landscape permeability to migrating TES species. Silvicultural treatments will degrade snowshoe hare and red squirrel habitat, impacting lynx habitat suitability and in violation of the Forest Plan (STD WL 06; GDL WL 06).

*The proposed road decommissioning and construction activities would slightly increase road density and decrease the amount of secure habitat to 49.2% (Wildlife Report @21).* This Project will further increase habitat fragmentation and the viability of wildlife diversity. Wilcove et al (1986) found that habitat fragmentation is a principal threat to most wildlife species in the temperate zone. This Project degrades the viability of wildlife diversity.

[8] Squires, J. R., Decesare, N. J., Kolbe, J. A., & Ruggiero, L. F. (2008). Hierarchical den selection of Canada lynx in western Montana. *Journal of Wildlife Management*, *72*(7), 1497. https://doi.org/10.2193/2007-396

- **Livestock Grazing Analysis not included in Cumulative Affects Analysis**

*"The spatial boundary for this analysis is the project area boundary. Temporal effects are analyzed over the life of the transitory range created by this project, which is 10 to 30 years." (Range Report, p 3)*

*'The project implementation would be beneficial to livestock grazing by producing more open timber stands with an increase in understory forage production." (Range Report p 7)*

A question is: in what way would this timber sale be "beneficial" to livestock grazing? And there will be range improvements including new water trough installation.

The direct, indirect, and cumulative impact of livestock grazing is not reasonably analyzed and impacts to TES species are not addressed, threatening species habitat viability. The Range Report essentially says it doesn't need to include range as part of its cumulative impacts assessment. Yet, when the last Allotment Management Plans were completed, this project's spatial and temporal scales not even known – so how could grazing impacts have been fairly analyzed? The FS fails to take the requisite hard look at how the Project, in combination with livestock grazing, other logging/vegetative projects, existing and expanded OHV motorized access and developments, climate change, wildfires, insect outbreaks and related tree mortality, incidental take and mortality, and the loss of protective measures due to forest plan and LAU changes. This project will have a massive impact on stored carbon both in trees removed and soils exposed to sun and weather events.

**12. Wildfire Misrepresented, Risk Overstated, Fire Benefits Ignored**

If reducing wildfire was truly the objective of Project activities, retention of MOG, restricting cattle grazing to select low-elevation pastures and NOT clearcutting/regen logging or large tree overstory removals WOULD NOT BE YOUR PROPOSED ACITON. Logging and cattle grazing lead to thickets of young conifer saplings that have and will continue to increase wildfire danger. Regeneration/clearcut/over-story removal will lead to increased wind and solar infiltration, drying soils & vegetation, the loss of perennial streams and ponds – in all further degrading natural *HISTORIC* ecological processes. What is clearly at work here in restoration of historic timber program - common sense long ago departed the National Forest timber program.

A century of logging has not reduced wildfire risk in the West or British Columbia.

**Fireshed – is Political not Ecological**

The selection of the Project area as a "high-risk fireshed" was a political decision and one that NEWFC was asked to engage in making a recommendation while KRCG served as a board director. NEWFC's assumption was that forest restoration treatments would

take a precautionary approach and be truly restorative of HRV and not aware that regeneration logging would be applied broadly.

The Project area has one the fewest acres burned by wildfire in the last 114 years in all of the CNF. Yet project documents assert the area is "high risk" of wildfire and despite decades of logging creating thickets of young trees whose branches are close to the ground that even a surface fire could ignite them the project area has remained virtually free of wildfire.

An often stated purpose for this project is wildfire risk reduction. Little to no discussion regarding studies that thinning not regeneration / clearcut / overstory removal scale where 60% to 90% canopy was removed. Rather, researched looked effective wildfire reduction risk rather than timber production as does this project. Here is a sampling of many research findings on the subject:

> *The most effective treatment was the combination of thinning and prescribed fire. This treatment had a mean reduction of 72 percent in later wildfire severity. Thinning and pile burning combined and prescribed burning alone both saw a decrease in wildfire severity of 62 percent. Thinning without removing surface fuels was less effective—an average reduction in fire severity of 27 percent—and in some cases led to higher wildfire severity than in nearby untreated areas. (Rocky Mountain Research Center – Science You Can Use, June 2024)*

> *"Using field sampling informed by fire history data from 1870 to 2020, we investigated the influence of fire frequency (once, twice, and thrice burned from 1910 to 2017) on forest structure, conifer regeneration, and fuel loading in mesic mixed-conifer forests that burned at high severity in either 1910 or 1934. Tree regeneration was abundant across all three burn histories, and 99% of sample sites were <200 m from the nearest conifer seed source when sampled in 2021. Abundance of snags and coarse woody material was less affected by fire frequency and more impacted by time since last fire. High shrub biomass occurred only on steep southwest aspects with low overstory basal area and was not related to burn history. Live tree composition and density differed across forests with contrasting recent fire histories, but even thrice-burned sites supported abundant conifer tree regeneration, indicating that northern Rocky Mountain mesic mixed-conifer forests that experienced fire during the twentieth century currently remain resilient to wildfire.*

*Wildfire as an ecological process in the Selway-Bitterroot Wilderness likely contributed to ecosystem resilience."*[9]

*"The resultant attempted subjugation of nature to control wildfire via suppression and "active management" is analogous to 20th century control of apex predators (e.g., Ursus arctos horribilis, Canis lupus), which led to cascading ecological effects (Ripple et al., 2014). Wildfires are now summarily treated as a predatory process to be constrained at all costs. Consider recent calls by decision makers demanding land management agencies start immediately to put out all fires …even though they can only feasibly steer, not "control" wildfires under extreme fire weather."*[10]

The EA and supporting documents do not reasonably analyze nor respond in a meaningful way to the comments by KRCG. EA and supporting documents do not analyze the relationship of human-caused wildfire ignitions to roads.

**Alleged First Nation Frequent Use of Prescribed Fire**

Research carried out by Harvard University on the East Coast from Long Island to Martha's Vineyard found:

*"For decades, there's been a growing popularization of the interpretation that for millennia, Native people actively managed landscapes – clearing and burning forests, for example – to support horticulture, improve habitat for important plant and animal resources, and procure wood resources," says study co-author* David Foster, *Director of the Harvard Forest at Harvard University. This active management is said to have created an array of open-land habitats and enhanced regional biodiversity.*

*But, Foster says, the data reveal a new story. "Our data show a landscape that was dominated by intact, old-growth forests that were shaped largely by regional climate for thousands of years before European arrival."*[11]

[9] Jaffe, M.R., et al. 2023 Mesic mixed-conifer forests are resilient to both historical high-severity fire and contemporary reburns in the US Northern Rocky Mountains. Forest Ecology and Management 545 (2023) 121283

[10] DellaSalla, D.A., et al. 2022. Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus? https://doi.org/10.1016/j.biocon.2022.109499

[11] *Nature Sustainability* entitled "Conservation implications of limited Native American impacts in pre-contact New England," January 2021.

The EA does not provide evidence of First Nation indigenous burning the Project level.

### *13. Need for an EIS*

NEPA requires the Forest Service to prepare an EIS when it proposes a major federal action that *may* significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998) ("[A] 'plaintiff need not show that significant effects will in fact occur….' It is enough for the plaintiff to raise 'substantial questions whether a project may have a significant effect' on the environment.") (Citation omitted). Importantly, "the [Ninth] Circuit has established a relatively low threshold for preparation of an EIS." *Natural Res. Def. Council v. Duvall*, 777 F. Supp. 1533, 1537 (E.D. Cal. 1991). If a plaintiff raises substantial questions regarding whether a project *may* have a significant effect on the environment, "a decision not to prepare an EIS is unreasonable." *Blue Mountains Biodiversity Project*, 161 F.3d at 1211 (citing *Save the Yaak Comm. v. Block*, 840 F.2d 714, 717 (9th Cir. 1988)).

This Project reaches beyond the threshold of a Finding of No Significant environmental Impact. Its connected actions encompassing a wide geographic area seriously challenges a conclusion that a less rigorous examination of environmental consequences in an environmental assessment framework meets necessary legal requirements. The Project area is contiguous to the Buckhorn Project, in the same watershed. A Finding of No Significant Impact is fundamentally untenable. Taken together, past, present and future logging and road building Project will have dire environmental impacts on fish & wildlife, wilderness recreation and scenic integrity. As such this Project must be more thoroughly examined in an Environmental Impact Statement.

In determining whether a proposed action may "significantly" impact the environment such that an EIS is required, both the context and intensity of the action must be considered. 40 C.F.R. § 1508.27. In evaluating intensity, the Forest Service must consider numerous "significance" factors. 40 C.F.R. §§ 1508.27(b)(1)-(b)(10). If the Forest Service's action may be environmentally significant according to any one of the criteria, it must prepare an EIS. *Blue Mountains Biodiversity Project*, 161 F.3d at 1212; *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1220 (9th Cir. 2008) ("an action may be 'significant' if one of these factors is met"); *Ocean Advocates v. U.S. Army Corps of Engineers*, 402 F.3d 846, 865 (9th Cir. 2005) ("We have held that one of these factors may be sufficient to require preparation of an EIS"); *Nat'l Parks & Conservation Ass'n*, 241 F.3d at 731. Even if no significance factor standing alone requires the preparation of an EIS, consideration of the significance factors cumulatively can require the preparation of an EIS. *Anderson v. Evans*, 371 F.3d 475, 494 (9th Cir. 2004) (requiring EIS based on consideration of multiple NEPA significance factors); *Cascadia Wildlands v. U.S. Forest Serv.*, 937 F. Supp. 2d 1271, 1283 (D. Or. 2013) ("[W]hen considered individually, none of these significance factors might require an EIS. However, when considered collectively, they do."

Virtually all of the concerns / issues raised in this Objection and KRCG's previous comments could be addressed in an Environmental Impact Statement.

## SUGGESTED RESOLUTION REMEDIES

**Requested Resolution Options**

- Retain a minimum of 40% canopy cover in dry Douglas fir / ponderosa pine / ninebark PAG
- Retain >60% canopy cover in goshawk nesting and foraging areas at least 600 acres, each.
- Retain largest 40 trees per acre in mid forest stands
- Retain largest 20 trees per acre in late forest structure
- Do not log trees >18" dbh regardless of species or tpa
- Delay project implementation unit after the final "Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service" is completed.
- Retain roadside cover suitable for lynx migration and foraging along ridgelines especially where roads bisect ridgelines
- Define Northern Rocky Mountain Mixed Conifer forest stands; apply "thin from below" prescriptions, rely on prescribed fire, retain >60% canopy closure or just leave alone. NRMMC provides excellent prey species habitat and horizontal cover, denning and hiding cover benefitting lynx.
- Retain >50% canopy closure in subalpine fir/spruce/lodgepole pine.
- Drop all logging units or portions of units within the Riparian Influence Zone.
- Restrict regeneration (clearcuts) treatments to 1 acre and in rare circumstances no larger than 3 with equal size retention trees @ 40 tpa in separation between openings.
- Remove all commercial logging units in Lynx Analysis Units and associated lynx forage areas.
- Withdraw the EA and draft DN and redo Project NEPA analysis, issuing an Environmental Impact Statement
- Fully analyze Project area cumulative environmental impacts of livestock grazing, OHV and over-snow winter recreation.
- Withdraw draft DN permitting of an increase OHV/motorized vehicle use on ALL level 2-5 roads.
- Fully analyze the direct, indirect, and cumulative impacts to TES, including lynx, wolverine, gray wolves, and grizzly bears. Fully analyze how proposed actions will affect LAU / lynx.
- Reassess and field verify to determine accurate Plant Association Groups.
- Complete an Environmental Impact Statement and issue a Record of Decision.

***Conclusion***

KRCG appreciates your consideration of the information and concerns in this Objection. KRCG the opportunity to collaborate on the Project. Pursuant to 36 C.F.R. § 218.11. We respectfully request the reviewing officer allow adequate time for Objector to prepare thoroughly for any resolution meeting and that only objectors and officially registered interested parties be invited to participate in the meetings.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Timothy J. Coleman
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