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February 7, 2025

Objecting Reviewing Officer

Skyline HRFA

USFS Intermountain Regional Office, Room 4403

324 25th Street

Ogden, Utah 84401

RE: OBJECTION AGAINST THE SKYLINE HRFA PROJECT ON THE MANTI-LA SAL NATIONAL FOREST

1. Objectors Names and Addresses

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

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

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

Signed for Objectors this 7th of February, 2025

[redacted]

Sara Johnson, NEC Director

2. Name and Location of Project being Objected to

Skyline Healthy Forests Restoration Act (HFRA) Project, Sanpete and Ferron/Price Ranger Districts, Manti-La Sal National Forest

3. Responsible Official

Barbara Van Alstine, Forest Supervisor of the Manti-La Sal National Forest

4. Attachments

This objection includes one attachment, Attachment #1, that has hard copies of various reports/publications cited in this objection.

5. Previous Public Involvement Activities of Objectors with the proposed project, including issues and concerns identified to the agency

On October 19, 2023, Objectors provided joint comments to the Manti-La Sal National Forest Forest Supervisor, Ryan Nehl. In these comments, we noted that the agency will violate the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Migratory Bird Treaty Act (MBTA), and the Roadless Rule. All these violations also will trigger a violation of the Administrative Procedures Act (APA). The first issue we raised was the failure of the agency to evaluate project impacts on a large number of bird species that occur on the Manti-La Sal National Forest that have been identified as species of concern. Priority bird species identified by the Utah Partners in Flight (2002) included 12 species, the Lewis's Woodpecker, Lucy's Warbler, Gray Vireo, Brewer's Sparrow, Ferruginous Hawk, Three-toed Woodpecker, Abert's Towhee, Virginia's Warbler, Sharp-tailed Grouse, Broad-tailed Hummingbird, Black-

throated Gray Warbler, and Sage Grouse. Utah bird species of greatest conservation concern, 12 bird species, include the Boreal Owl, Ferruginous Hawk, Greater Sage-grouse, Burrowing Owl, Golden Eagle, Lewis's Woodpecker, Mexican Spotted Owl, Olive-sided Flycatcher, Pygmy Rabbit, Northern Pygmy Owl, and Pinyon Jay. Migratory bird species of management concern identified in the Biological Evaluation for the Manti-La Sale Forest Prescribed Fire Project include 22 species, the Brewer's Sparrow, Cassin's Finch, Ferruginous Hawk, Gray Vireo, Lewis's Woodpecker, Long-eared Owl, Pinyon Jay, Prairie Falcon, Short-eared Owl, Virginia's Warbler, Willow Flycatcher, Calliope Hummingbird, Evening Grosbeak, Grace's Warbler, Juniper Titmouse, Loggerhead Shrike, Olive-sided Flycatcher, Rufous Hummingbird, Sage Thrasher, Swainson's Hawk, and Williamson's Sapsucker. U.S. Fish and Wildlife Service Birds of Conservation Concern in the Southern Rockies/Colorado Plateau include 15 species, the Broad-tailed Hummingbird, Long-eared Owl, Lewis's Woodpecker, Pinyon Jay, Bendire's Thrasher, Cassin's Finch, Yellow-headed Blackbird, Grace's Warbler, Flammulated Owl, Short-eared Owl, Olive-sided Flycatcher, Clark's Nutcracker, Evening Grosbeak, Black-chinned Hummingbird, and Virginia's Warbler. Tipping point species identified in the North American Bird Conservation Initiative (2022) include the Grace's Warbler, Evening Grosbeak, Pinyon Jay, Olive-sided Flycatcher, Greater Sage-grouse, and Rufous Humming bird. This Initiative also identified long-term declines for the Sage Thrasher and Bendire's Thrasher. We summarized reports of songbird population trends, including Rosenberg et al. (2019) where of 67 forest bird species, 64.2% are in decline, and of 62 aridland bird species, 56.5% are in decline.

Our listing of these various birds of conservation concern was provided with a request that the agency evaluate project impacts on these species, including what the expected reduction in carrying capacity will be for these birds depending on the habitats where vegetation treatments are planned. However, no such analysis was ever provided in the final project NEPA documents. Only several bird species were assessed for project impacts, and these assessments were limited to vague unsubstantiated claims of long-term benefits. We also requested that the agency estimate the overall impacts on birds that will result from vegetation removal from logging, mastication and burning. This assessment would have estimated the

volume of foliage that will be removed in each treatment type, along with another estimate as to how much the carrying capacity for associated birds would be reduced as a result. We also requested the agency estimate the overall expected level of direct and indirect mortality that will occur to birds due to vegetation treatments along with smoke toxicity, and as well, due to the increased impacts of cowbird parasitism. None of these information/analysis requests were provided in the final agency NEPA documents, even though the agency claims there will be no significant impacts to birds from this proposed action.

A variety of other issues were raised in our scoping comments. We stated there was only one legal alternative, or the no action, as entry into roadless lands for the stated treatments would be a violation of the Roadless Rule. The agency since added another alternative that did not propose to log roadless lands. However, this alternative was actually never developed via treatment/project maps, so was not an actual valid alternative. We noted that the rationale for treatment, to reduce the risk of catastrophic fire, is a violation of the NEPA because the definition of catastrophic fire was never provided to the public. This lack of definition was not corrected in the final NEPA documents. Failure to define catastrophic fire also included no information as to why stand replacement fire is catastrophic to wildlife. We noted as well that the agency did not identify how vegetation levels were actually measured in order to claim they pose a risk of catastrophic fire. The claim that the entire 800,000 or more acres in the Skyline Project Area is at risk of catastrophic fire was never substantiated in any manner, in violation of the NEPA. WE also questioned how the long fire cycles in pinyon-juniper woodlands (up to 400 years) create current catastrophic risks. The final NEPA documents did not show how catastrophic fuel levels had been measured across the 800,000+ project area.

We strongly emphasized that any of the proposed treatments in IRAs are a violation of the Roadless Rule. These violations include not only logging of commercial trees, but masticating woodland habitats, including pinyon-pine habitats. WE asked the agency to define how the various vegetation treatments

could be defined as habitat improvement for what wildlife species, including the various bird species of conservation concern we had identified. The final NEPA documents did not address these issues. In particular, the agency did not identify any habitat objectives for birds which would be implemented in IRAs for this project. We also requested the agency define why a massive increase in motorized access within IRAs represented habitat improvement for big game species. However, the motorized route density was never defined for any portions of the project area in the final NEPA documents, so the agency failed to even identify the planned displacement levels that will occur to big game from this project.

We noted that the Manti-La Sal National Forest needs to complete an amendment to the forest plan in order to complete public involvement on the ongoing as well as planned intensive management of IRAs. This expansive management was not identified in the 1986 Forest Plan, which this project is being implemented under. This makes the massive intervention into IRAs a violation of both the NEPA and the NFMA.

We noted that the timeline for this project exceeds that for the NEPA, and as well, for forest planning, or the NFMA. As just one example, the Pinyon Jay could be listed as a threatened species during the 10-20 year project timeline. And the project will be implemented without the benefit of any forest plan monitoring reports, which means the agency is escaping the forest plan monitoring requirements.

We noted as well that the project is a violation of the NEPA because there is an almost complete lack of any project-specific information that is being provided to the public, especially baseline conditions for both vegetation and wildlife. This includes the concealment of wildlife survey activities from the public, as these, or what ever will actually be done, will supposedly occur post-decision where the public will not be provided this information.

WE noted that the agency did not define how forest plan monitoring of management indicator species was being applied to this Skyline project. This includes no information being provided on management effects on big game fawning/calving areas, or pinyon-juniper removal projects on MIS species as the Golden Eagle.

We noted that this massive project clearly requires completion of an Environmental Impact Statement. The final Decision Notice continued to claim that there will be no significant adverse impacts of this proposal, including to IRAs or wildlife. Yet the impacts to IRAs is noted to be massive, while the impacts to wildlife were never evaluated in any manner other than general claims of long term benefits for all wildlife. The displacement impacts to MIS elk will clearly be significant as compared to existing levels. Yet the displacement impacts to elk were never actually measured for this project, while being claimed to be nonsignificant.

We noted that the agency has to demonstrate how forest plan compliance is being implemented on the ground, not just claiming this compliance will occur. The public needs to be shown specifically how forest plan direction is being implemented on the ground. The final NEPA documents for the Skyline project did not address this issue. We noted in particular that the compliance with forest plan direction for the goshawk was not demonstrated, even though at least 7 goshawk territories will be impacted by this project. This is likely a significant underreporting of goshawk territories in this project area, given that this landscape comprises a large percentage of the Manti-La Sal National Forest, which claims to have 53 goshawk territories. The agency states that goshawk territories have been mapped on the forest, but no territories were mapped for the Skyline project. We also noted that the location of any old growth stands to be treated by this project were never identified, even though protection of old growth is specifically required by the HFRA.

We noted that there was no analysis of elk security, or how this could change with this project. Given the large-scale intervention into IRAs, including massive conversion of motorized trails to roads, along with vegetation treatments on 70,000 or more acres, the loss of elk security will likely be huge.

We noted that the condition-based management approach for the Skyline Project prevents the public from understanding how vegetation treatments were designed to prevent adverse impacts to MIS. These types of decision essentially exclude the public from understanding how wildlife on public lands is being managed.

We made a request that the agency provide the scientific basis for claiming that fires are driven by fuels instead of weather. Also, we asked the agency to define why reducing shade and opening forests, along with increases in noxious weeds, landscape drying, and high vulnerability to winds, along with the massive amounts of ground fuels added with mastication, reduces the potential for severe fire.

6. Remedy

Due to the planned violations of the NEPA, the NFMA, the APA, the MBTA, and the Roadless Rule, the Skyline project needs to be dropped. In addition, the agency needs to address the documented lack of aspen regeneration in this landscape due to livestock grazing, which would be an actual restoration/habitat improvement activity contrary to the massive vegetation removal for wildlife, along with the planned conversion of hundreds of mile of motorized trails to roads within IRAs, roads that will likely continue to experience illegal ORV use well into the future.

7. Reasons why the Proposed Skyline Project will Violate Laws and/or Administrative Direction.

A. The Forest Service will violate the NEPA, the NFMA, the APA, the MBTA, and the Roadless Rule if the Skyline Project is implemented.

1. The agency has failed to take a "hard look" at direct, indirect, and cumulative impacts on forest and aridland birds, including the imperiled Pinyon Jay and Greater Sage-grouse.

As noted in our scoping comments, there are many forest, woodland and shrubland birds (41 species) that are considered a conservation concern by various factors, including the State of Utah, the Forest Service, and the U.S. Fish and Wildlife Service, as well as various Partners in Flight working groups. We are adding to these another list of 12 pinyon-juniper woodlands and wooded-shrublands identified as birds of conservation identified by Gillian (2006); these include the Black-chinned Hummingbird, Ferruginous Hawk, Ash-throated Flycatcher, Gray Flycatcher, Gray Vireo, Pinyon Jay, Juniper Titmouse, Townsend's Solitaire, Western Bluebird, Virginia's Warbler, Black-throated Gray Warbler, and Scott's Oriole. Defenders of Wildlife (2022) also identified the Woodhouse's Scrub-Jay, Bendire's Thrasher, and Bushtit as pinyon-juniper birds with an identified conservation concern. This thus total 15 pinyon-juniper bird species identified as a conservation concern. The most imperiled is the Pinyon Jay, which has been petitioned for listing under the Endangered Species Act (Defenders of Wildlife 2022. Although not specifically identified as a conservation concern, Gillian (2006) also identified the Mountain Bluebird, Bewicks' Wren, Blue-gray Gnatcatcher, and Chipping Sparrow as pinyon-juniper birds. Adding these birds as species of conservation concern would bring the total potentially impacted by the Skyline Project to 44.

The largest group of birds of conservation concern is associated with pinyon-juniper woodlands and wooded-shrublands (15) followed by birds associated with wooded-shrublands, shrublands and grasslands (13). One of these species, the Greater Sage-grouse, has leks in the project area, even though the Skyline Project NEPA documents state there are no Greater Sage-grouse in the project area. Six of these species of conservation concern depend upon snags for nesting (5 species), including the Lewis's Woodpecker, Three-toed Woodpecker,

Williamson's Sapsucker, Northern Pygmy Owl, and Flammulated Owl. There have been nest boxes put out for Flammulated Owls in the Skyline Project Area. Six of these bird species of conservation concern depend upon conifer seeds, including the Pinyon Jay, Cassin's Finch, Clark's Nutcracker, Evening Grosbeak, Scrub Jay, and Lewis Woodpecker. Three of these bird species of conservation concern are heavily dependent upon stand-replacing forest fires, including the Olive-sided Flycatcher, Three-toed Woodpecker, and Williamson's Sapsucker (Hutto and Patterson 2016).

The availability of snags within forested landscapes is essential to many birds in addition to those 5 previously identified as a conservation concern. Possible cavity-nesting birds in forests include another 17 bird species, including the American Kestrel, Black-capped Chickadee, Brown Creeper, Downy Woodpecker, House Wren, Hairy Woodpecker, Mountain Bluebird, Mountain Chickadee, Northern Flicker, Pygmy Nuthatch, Red-breasted Nuthatch, White-breasted Nuthatch, Red-naped Sapsucker, Northern Saw-whet Owl, Tree Swallow, Violet-green Swallow, and Western Bluebird (USDA 2018). Thus the number of bird species potentially present in the Skyline Project Area that require snags for nesting is 22 species.

There are many other bird species, in addition to those 6 already identified as a conservation concern that consume conifer seeds. These include another 22 species, including the Hairy Woodpecker, Stellar's Jay, Black-billed Magpie, Red-breasted Nuthatch, White-breasted Nuthatch, Pygmy Nuthatch, Red Crossbill, Pine Siskin, Norther Flicker, Gray Jay, Winter Wren, Robin, English Sparrow, Oregon Junco, Slate-colored Junco, Chipping Sparrow, Song Sparrow, Mourning Dove, Blue Grouse, Purple Finch, Towhee, and Pine Grosbeak (Smith and Balda 1979; Smith and Aldous 1947). Thus in general, roughly 28 forest/woodland bird species depend upon conifer seeds as a part of their diet.

There are 2 birds of conservation concern that are heavily dependent upon forest fires to create a mosaic of heavily-burned stands adjacent to green forest stands.

Not only do many birds depend upon conifer seeds as forage, but they also depend upon juniper berries as well. AS per Balda and Masters (1980), there are at least 73 bird species that breed or winter in pinyon-juniper woodlands. Most or all of these species also consume juniper berries along with pinyon pine nuts. The vast amount of forage provided by juniper berries, which remain available to birds through the winter, is noted by Balda and Masters (1980).

The forage provided to birds by conifer seeds and juniper berries is clearly important to their population densities and viability. The effects of a lack of forage, especially in severe weather conditions, was reported to trigger mortality of potentially millions of migrating songbirds in New Mexico in 2020 (D'Ammassa 2020; USGS 2020).

There are 2 birds of conservation concern that are heavily dependent upon forest fires to create a mosaic of heavily-burned stands adjacent to green forest stands. These include the Williamson's Sapsucker and Olive-sided Flycatcher (Hutto and Patterson 2016). Both of these species have been identified as "tipped point species" which have lost 50% of their populations since the 1970s (North American Bird Conservation Initiative 2022). Hutto (1995) as well as Hutto and Patterson (2016) have identified a large number of forest/woodland birds that benefit from forest fires, including stand replacement. Hutto (1995) reported that in the Northern Rocky Mountains, there are 15 bird species that are more abundant in burned versus green forests. And Hutto and Patterson (2016) reported that of 50 bird species monitored after fires, 60% were more abundant within than outside of burned forests at some time during their 11-year study. Many of these benefits were due to the insect "pests" that developed in burned forest habitats, along with a high availability of conifer seeds becoming available after fires, and as well, the large number of snags created for not just foraging, but for nesting.

the planned activities (logging, mastication, burning) will cause the direct killing of forest/aridland birds. A general estimate of bird mortality caused by these activities is based on the number of acres treated, which will be 100,000 acres for the Skyline Project. A conservative estimate would be the death of one bird per acre treated, which would trigger a mortality of 100,000 birds. This is likely conservative, as the direct and indirect impacts of prescribed burning, with the associated smoke toxicity, will also directly kill or reduce the survival chances of a vast number of forest birds. The Skyline Project could kill another 100,000 birds due to smoke toxicity. The number of birds that will die from exposure to severe weather, and starvation due to a lack of forage (conifer seeds, juniper berries, insects) would likely add another vast number of birds. The actual estimate of birds to be killed by the Skyline Project is clearly unknown. However, the agency did not evaluate this effect, and thus has ignored an important aspect of impacts, in violation of the NEPA, the MBTA, and the APA.

It is not clear how many forest/woodland bird species depend upon insects that infest and/or kill trees, or are simply available for birds, such as western spruce beetle larvae that are air-borne for a part of their life cycle, and thus readily available for forest birds as these larvae slowly drop to the forest floor on long threads. The various insects that were identified as pests in the Skyline project area include the mountain pine beetle, Douglas-fir beetle, Pinyon Ips, Fir engraver beetle, Western Spruce Budworm, Spruce Beetle, Broom Rust, and mistletoes, many which are available on tree bark or lightly below tree bark, or occur deeper within wood which requires more excavation by birds, generally woodpeckers, such as the Three-toed Woodpecker. All these "insect pests" provide what is likely a significant amount forage for forest/woodland birds, including after forest fires. The vast resources of these insect "pests" for forest and aridland birds will be vastly reduced with the Skyline Project, not only through removal of dead trees killed by pests, but as well, by attempting to eliminate stand-replacing fires, which provide vast amounts of insect "pests" for wildlife.

The impacts of the Skyline Project on forest and aridland birds is clearly highly significant, which requires full disclosure and completion of an EIS.

2. The agency is violating the NEPA by providing false information to the public in the draft EA.

The agency falsely claims the project area is 100,000 acres. However, this is impossible. The project area, as mapped, includes most of 3 ranger districts, or at least 800,000 acres with the exclusion of the western portion of the Sanpete Ranger District. This is 8 times larger than is claimed by the agency.

The agency claims there are 7 goshawk territories affected by the Skyline Project. However, this project area of roughly 800,000 acres includes 57% of the entire Manti-La Sal Forest of roughly 1,400 acres. There are noted to be 53 goshawk territories on this forest. Assuming that the Skyline Project Area contains 57% of the forest, and thus roughly 57% of the goshawk territories on the forest, this would equate to 30 goshawk territories in the Skyline Project Area, not 7.

The agency claims there are no Greater Sage-grouse in the Skyline Project Area. Yet there are at least 2 sage grouse leks in this project area, as per other NEPA documents completed for this landscape (e.g., South Horn Wildlife Habitat Improvement Project, Pines Habitat Maintenance Project). There are at least 2 sage grouse leks in the project area, Wildcat Koll and Pines Satellite (Id).

The agency claims the treatments in the Inventoried Roadless Lands in the project area will be a "one time event." Yet there are many recent and ongoing projects in the Skyline Project area that have treated IRAs, including:

-Canyons Project, scoping 2017; treat 19,014 acres of IRAs in the Skyline Project Area; most units are adjacent to Skyline units both within IRAs, and the 14,438 acres planned for treatments outside IRAs in the Sklyline Project Area.

-Willow Fuels project, scoping in 2013; log 2000 acres, underburn 200 acres, burn 3000 acres, masticate 2500 acres; includes IRAs in the Skyline Project Area.

-South Manti Big Game Summer Range Restoration project; scoped 5/22; total treatment is 7,627 acres of pinyon-juniper, oak, aspen, conifers, with logging, mastication and burning; IRA acres within the Skyline project area include 3,260 treatment acres.

-Pines Habitat Maintenance Project; scope 2/20; burn 5,935 acres; IRA treatment acres not defined but clearly overlap IRAs identified in the Skyline Project; there were previous treatments for this project area in 2005 and 2014; Flammulated Owls are present in this Pines project area; sagebrush habitat was burned in this project; pinyon-juniper habitats were treated in this project.

-South Horn Wildlife Habitat Project; scoped 12/2016; treated habitat, possibly all 1,215 acres, in the Biddlecone-Rock Canyon IRA, which is in the Skyline Project Area; including pinyon-juniper treatments (slash and burn).

-Shalom Fuels Project, scoped 12/20; salvage log 5100 acres, masticate 5,670 acres of forests/woodlands; ;same treatment as Skyline, thinning trees under 9 inches dbh; although this completely overlaps the Skyline Project Area, there are no IRA acres included in treatments; many units are adjacent to Skyline Project units as per cumulative effects.

The agency falsely claims that there will be no road construction in IRAs. The hundreds of miles of "forwarding trails" are motorized trails that will be converted to roads. The definition of a motorized trail is that it is used by motorized vehicles under 40 inches in width. The average passenger vehicle is approximately 72 inches wide. The width of the various machinery used for both logging and mastication in IRAs for the Skyline Project will clearly exceed 40 inches in width. This equipment (e.g., EA at 15) includes rubber-tired forwarders, feller bunchers, high flotation ground based operators, tracked, self-leveling machinery, tracked forwarders, tethered machinery, and machinery for skyline systems. It will include agency trucks and likely, log trucks. AS noted in the Skyline EA at 61, trails will be "widened" for logging trucks. The project wildlife report at

8 notes that these forwarding trails are logging infrastructure. Appendix A of the EA notes that forwarding trails will not be "constructed features" but instead will be overland travel; this will require clearing of vegetation, minimal surface blading, plus culverts and log bridges over streams will also be needed. Equipment will use new roads to develop 54 landings, which require blading and leveling. Appendix A of the Skyline EA shows that at least 352.89 miles of "forwarding trails" will be required for the project. Since these will be motorized routes for vehicles over 40 inches in width, they have to be defined as roads by the agency's own definitions.

The agency falsely claims that "forwarding trails" develop (353 miles) in IRAs will be closed after project activities, so that disturbances to wildlife will be "temporary." Yet the Wildlife Report at 22 notes that illegal OHV use is rampant across the Skyline Project Area, and will be exacerbated by the construction of these forwarding trails. Thus the impact of many of the 353 miles of new roads called "forwarding trails" will be permanent.

The agency falsely claims that 2 action alternatives were developed and evaluated for the Skyline Project. However, only the proposed action, that includes management of IRAs, was actually developed. This action alterative is defined for 14 separate projects for this Skyline project in Appendix A. These are only for the proposed action, which includes IRA activities. There are no 14 projects identified for the action alternative that stays out of IRAs.

The agency falsely claims that this project is consistent with the HRFA requirement to adhere to the forest plan that is in effect for the affected landscape. The agency has not demonstrated that the forest plan direction for 180 acres of goshawk nest stands, and 420 acres of post-fledging habitat, is being provided in each goshawk territory in the Skyline project area. The agency did not demonstrate that the required amounts of Vegetation Structural Stages 4, 5 and 6 will be maintained in these 180 acres of nesting habitat and 420 acres of post-fledging habitat per goshawk territory. The agency did not demonstrate that the

forest plan direction to maintain 40% mature and old forest habitat in conifer forests, and 30% mature and old forest habitat in aspen habitat, will be met with the Skyline Project. The agency did not demonstrate that the required 3 snags per acre in conifer forests, and 2 per acre in aspen forests, is being met across the Skyline Project Area, in spite of massive additional reductions of snag habitat planned; prior adherence to these standards is needed for the agency to demonstrate that planned snag mitigation measures are actually implemented as is required by the HFRA. The agency did not demonstrate that the Skyline Project and associated road development is consistent with the current travel plan for the Manti-La Sal National Forest.

The agency falsely claims that the Skyline Project will treat approximately 100,000 acres. However, we could only find that 76,612 acres are actually identified for treatment, including 14,111 acres of spruce, 60,649 acres of aspen, and 1852 acres of pinyon-juniper habitats (Vegetation report Table 2). These treatment acres come to 76,612 acres. So what are the other 23,388 acres of treatment? These treatments are never defined.

The agency falsely claims that the Skyline Project is needed to reduce the risk of uncharacteristic or catastrophic fire in the project area. However, what constitute uncharacteristic and/or catastrophic fire is never defined. Thus an underlying purpose of the project lack any valid definition. This means the public has no actual idea as to how the project will achieve the goal of reducing the risk of uncharacteristic/catastrophic fire, as these conditions are never defined. The Canyons project defines uncharacteristic fire as "often incudes an unnatural increase in size, severity and resistance to control. The agency did not define which of the many thousands of acres of past fires in the Skyline Project area, which includes about 57% of the entire forest, was evaluated as per catastrophic effects (e.g., Table 2 at 6 in the project draft EA). Examples of these past fires include the Trail Mountain Fire in 2018 at 18,011 acres, the Dollar Ridge fire in 2018, at 68,869 acres, the Coal Hollow fire in 2018 at 31,661 acres, and the Bald Mountain/Pole Creek Complex fire in 2018 at 120,851 acres. Since the agency is predicting that all of the Skyline project area may experience

catastrophic/uncharacteristic fire, the definition of what this constitutes needs to be defined. For the previously noted fires since 2018, what percentage of these burned acres were identified as "uncharacteristic," and what defined these "uncharacteristic" burned conditions? Also, what percentage of these fires had uncharacteristic burning effects in order to qualify as "catastrophic?" Also, the inference is provided, including in the project Biological Evaluation, that catastrophic fires are difficult to control. In this respect, if fires during severe weather were not difficult to control, we would expect that until recently, there would have been no large forest fires, as they would have been controlled. Yet the agency did not provide any analysis to indicate that uncontrollable wildfires are only recently occurring due to high fuels.

Stating that the Skyline Project is necessary to prevent catastrophic fire is clearly baseless, and a violation of the NEPA as the agency is not providing high quality information to the public regarding the major rationale for implementing vegetation treatments. The public needs to be provided the level of information that supports agency decisions, including the massive removal of wildlife habitat in order to reduce what the agency claims as "uncharacteristic" or "catastrophic fire." As we previously noted, the efforts to reduce fuels require a massive loss of wildlife habitat for forest/aridland birds. The agency needs to justify why these actions are necessary in spite of the severe adverse impacts to wildlife, including those that depend upon stand-replacement fire.

The agency falsely claims that the impacts of the pinyon-juniper treatments will benefit the Pinyon Jay, a "tipping point species" identified by the North American Bird Conservation Initiative (2022), and recently petitioned for listing under the ESA (Defenders of Wildlife 2022). There was no actual attempt to manage for this species in the proposed pinyon-juniper treatments, including clearance surveys for nesting areas (usually 140 acres of more), along with established protection buffers of 0.6 miles around such (Somershoe et al. 2020). The claimed benefit would be eliminating fire risks. The agency did not actually provide any supporting documentation that fire will not longer occur in treated pinyon-juniper stands, or as well, that all these stands will burn in the near future without treatment.

3. The agency is violating the NEPA by failing to define baseline conditions, which require addressing the cumulative effects of past projects, for the Skyline Project Area.

The agency falsely reported the project area as 100,000 acres, when in fact it is roughly 8 times this size, or 800,000 acres (most of 3 ranger disricts). As such, the baseline conditions for these 800,000 acres were never defined. This means that the agency avoided addressing how the thousands and thousands of acres of past treatments in the Skyline Project Area, as we previously addressed (we may not have included all past treatments). One such impact of this failure is that the cumulative impacts of additional pinyon-juniper habitat removals were never considered with past treatments. Pinyon-juniper habitats are widely distributed across the Manti-La Sal forest (21% of the forest) so the amount of past habitat impacts not just to the Pinyon Jay, but for the total 15 pinyon-juniper woodland bird species that have an identified conservation concern, needs to be provided to the public, as well as addressed by the agency as per significant impacts to these 15 bird species.

The cumulative impacts of past treatments that reduce conifer seeds and snags also need to be identified, so that the additional impacts of the Skyline Project can be identified. As we noted previously, forest/aridland birds that survive on conifer seeds include 6 with an identified conservation concern, with a total of 28 bird species that consume conifer seeds. We also noted that 5 bird species of conservation concern depend upon snags for nesting, with a total estimate of 22 birds that use snags for nesting. The impact of past along with planned treatments in forests and woodlands needs to be evaluated and estimates provided to the public on effects. In particular, without a detailed analysis of cumulative habitat losses for forest/aridland birds, the agency cannot demonstrate to the public the actual rationale for additional treatments. What if past/ongoing treatments are already creating severe impacts for forest-aridland birds, such as the Pinyon Jay, Williamson's Sapsucker, and Olive-sided Flycatcher, all "tipping point species?" The Skyline project appears to being planned in a

vacuum, which means the public is being deliberately prevented from understand ding how agency management practices are impacting wildlife viability.

4. The agency has failed to demonstrate that many mitigation measures will actually be implemented; the public is unable to know if mitigation measures will actually occur, in violation of the NEPA; the agency claim that mitigation measures will be implemented to avoid significant adverse impacts to wildlife is a hypothesis, which cannot be evaluated by NEPA.

The agency claims that raptor nests will be protected from disturbances to avoid loss of nesting/production. However, no raptor nests, and the required buffer zones, are identified for the Skyline Project Area. The "no disturbance" buffers have been identified for forest raptors (Ronnin and Muck 2002). These include a 0.5 mile buffer for the Golden Eagle, Northern Goshawk, Norther Harrier, Cooper's Hawk, Ferruginous Hawk, Red-tailed Hawk, Sharp-shinned Hawk, and Merlin, all species potentially present in the Skyline Project Area. Buffer distances for the Boreal Owl, Flammulated Owl, Burrowing Owl, Great Horned Owl, Long-eared Owl, Short-eared Owl, Mexican Spotted Owl, Northern Pygmy Owl and Northern Saw-whet Owl is 0.25 miles. The agency has not identified where any of these raptor nests occur in the Skyline Project Area of roughly 800,000 acres, or mapped out the buffer zones that will be applied. The public has no actual assurances that these nests will be located and buffered from project activities during the nesting season. The NEPA requires that the public be provided "high quality" information as to how public lands will be managed. Protective measures for raptors are clearly important to the public, and if the agency claims this will be completed, it is also required to demonstrate that these surveys have been completed at the time of a draft decision, in order that this information can be provided to the public, as is required by the NEPA. The draft decision also needs to include maps of raptor nesting locations in the 800,000 acre project area, and where the nesting buffers are being provided for each species. We assume that many of these raptor nesting locales are already known, given the many past projects that have occurred or are ongoing, including the Canyons project. Where have nests been protected in past projects, and have buffers worked?

5. The agency falsely claims that they will adhere to the HFRA to protect old growth forests.

The acreage and distribution of old growth forests in the Skyline project area, including coniferous, aspen and mixed conifer/aspen old growth is never provided to the public. At the same time, the agency claims that various treatments in old growth habitats will protect old growth values. This claim was never actually demonstrated. Specifically, the agency did not define why removal of almost all existing regeneration in old growth stands promotes stand persistence. It is not clear why existing regeneration/recruitment in old growth stands is not needed for stand persistence, especially with the ongoing impacts of climate change. The removal of this recruitment will also have severe impacts on the genetic diversity of these old growth stands, again a factor that is important in the face of climate change. In addition, the agency did not demonstrate that the treatment of conifer and aspen old growth stands will maintain the old growth characteristics defined by Mehl (1992) and Poop et al. (1992). Maintaining these conditions defined by these reports, including basal area and canopy cover, for example, is essential to maintain actual old growth conditions, including for wildlife. There are over 30 species of wildlife associated with old growth forests (USDA 2018). Management of old growth has to include maintenance of habitat for these species, since this is the ultimate function of old growth. To date, the Manti-La Sal National Forest has not demonstrated that logging and fuels treatments in old growth forests does not significantly impact wildlife habitat quality, a demonstration that is necessary before the agency can claim that these treatments protect old growth values.

One example of the agency's failure to actually address how logging/mastication will impact old growth forests includes pinyon pine-juniper old growth. The Utah juniper species is currently undergoing population declines for unknown reasons (Maffly 2018). Thinning of old growth stands will clearly create additional mortality impacts to this essential tree species for wildlife and the wildlife that depends upon it (Balda and Masters 1980; Defenders of Wildlife 2022; Somershoe et al. 2020); Magee et al. 2019).

6. The agency will violate the Roadless Rule.

The agency proposes to create vegetation treatments in 53,000 acres of IRA lands in the Skyline Project Area (project draft EA at 15). These treatments include cutting of any and all sizes of trees over 2 inches tall and up to 14 inches dbh, or potentially larger. This includes commercial logging on 32,884 acres within IRAs. Thus 56% of the proposed treatment acres are within IRAs.

The agency claims that no roads will be constructed in IRAs for the Skyline Project. This is clearly false. A conversion of motorized trails which restrict vehicles to 40 inches in width, to roads that allow vehicles over 40 inches in width, means that many miles (over 300) of new roads will be developed for the Skyline Project in IRAs. This is a clear violation of the Roadless Rule.

The agency claims that only small diameter (dbh) trees will be cut for the Skyline project within IRAs. However, trees up to and over 14 inches dbh will be cut. A small dbh tree is defined as under 8 inches. The Manti-La Sal Forest Plan defines a sawlog as 8 inches or greater. So the agency is claiming that sawlogs up to and over 14 inches dbh constitute small trees. One measure of what a small tree would include would clearly not be of commercial size, since commercial logging is in general prohibited in IRAs. Also, a measure of what is not a "small tree" would be old growth trees. We have included the references for old growth aspen and conifer stands for the affected landscape. Mehl (1991) defines the size of old growth trees as 16 inches for spruce/fir forests, 18 inches for Douglas-fir forests, 10 inches for lodgepole pine forests, 16-18 inches for ponderosa pine forests, 14 inches for aspen, and 12 inches for pinyon-juniper forests. Cutting of any tree if these sizes violates the restriction to small trees.

One of the functions of treatments within IRAs is to remove snags. As we noted, 28 species of wildlife require snags for nesting. An abundance of snags within unmanaged IRAs is likely essential to maintain forest-wide viability of snag-

associated wildlife species, since snags are severely reduced in managed forest stands (e.g., Figure 3 of the Mine Timber Sale, where not snags are evident in the logged unit). The agency did not demonstrate why reducing current snag densities in conifer forests down to 3/acre maintains populations of cavity nesting birds. It is clear that the proposed IRA treatments will create severe adverse impacts on wildlife dependent upon snags. The agency did not address why reductions of snag habitats within IRAs promotes habitat diversity for snag-associated wildlife across the forest, where snag shortages already exist in many landscapes.

Another function of treatments in IRAs is to remove insects and disease factors, which kill trees. We noted that these insects and disease provide important forage to wildlife. The agency did not identity the amount of loss of forage to wildlife provided by "insects pests" in their efforts to reduce insects and disease in conifer forests. One of the functions of IRA is to provide adequate levels of these insect forage resources that are not being provided in forests outside IRAs that are being managed for timber production.

Another function of treatments in IRAs is to kill trees so that they will not be killed by insects, disease or fire. The number of trees to be killed by the IRA treatments was never identified, however. The agency did not provide an analysis as to how many total seed-producing green trees will be killed across the project area in the no action alternative within IRAs, as compared to the total number of seed-producing green trees that are to be removed with treatments. This comparison is essential in order for the agency to demonstrate that conifer seed production so important to wildlife will be enhanced with treatments, as would be an essential effect of roadless area treatments.

The agency did not define how habitat effectiveness for big game species would be maintained and/or improved with the proposed treatments within IRAs. The disturbances to wildlife in the summer, as defined by motorized route densities (Christensen et al. 1993) will increase substantially with the conversion of over 300 miles of trails to roads. Thus the agency failed to disclose the actual level of

summer habitat loss that will occur to big game species due to the treatments within IRAs, including all types of treatments planned. The agency did not define why significant summer habitat loss to big game species is consistent with the Roadless Rule. Also, the agency did not address the cumulative impacts of these roadless area impacts on habitat effectiveness, as related to habitat effectiveness impacts that occur across areas of the forest managed for timber production. Thus the unique value of IRAs for providing adequate levels of habitat effectiveness for big game species was not addressed in regards to project impacts within IRAs. Reducing habitat effectiveness within IRAs will not increase habitat diversity for big game species as per the availability of habitat effectiveness levels across the forest, and is clearly in violation of the Roadless Rule.

The agency did not disclose how the massive acreage to be treated within IRAs will maintain or improve elk security. Security is defined as areas of contiguous forest cover at least 0.5 miles from an active motorized route (Hillis et al. 1991). The addition of over 300 miles of motorized routes, along with cover removal on 53,000 acres of IRAs, will clearly trigger massive losses of elk security. However, the agency did not actually measure the effect of IRA treatments on security, and thus was unable to demonstrate that these treatments will maintain or enhance elk security. As with habitat effectiveness levels, the agency did not demonstrate that the massive losses of elk security within the Skyline roadless areas will improve habitat diversity (as per elk security) across the forest landscape.

The agency did not disclose why reduction of wildfires promote ecosystem functions within IRAs. We noted that various types of fires create key habitats for many forest birds, including vulnerable species as the Olive-sided Flycatcher and Williamson's Sapsucker. The agency did not define why forest fires degrade ecosystem function for other numerous wildlife species that benefit from fire. As well, the key ecosystem function of forest fires within IRAs promote habitat diversity, given that the agency tries to prevent forest fires in areas managed for timber production in order to optimize human consumption of trees. The function

of IRAs is to optimize wildlife habitat, not products for humans. The attempts to reduce wildfire within IRAs is clearly a violation of the Roadless Rule.

The agency did not address what the expected increase in fire frequency will be within IRAs with the unavoidable increase of noxious weeds, such as cheatgrass that will result from treatments. Also, the massive increase in fuels that will result from mastication was not addressed as per impacts of fire occurrence. As well, the massive increase in roads that will subsequently be available to OHV users, and these impacts on fire potential, were not addressed. Most fires are caused by humans, and an increase of roads within a landscape thus increases the potential for fires. As well, the agency did not address why forest thinning and loss of shade will reduce the potential for fire spread. Why will drying of vegetation within treated areas, areas that will also have increased wind speeds especially during severe weather, reduce fire potential across the Skyline project area. These significant inconsistencies of agency claims to intervene in IRAs to reduce fire frequency and size were never addressed by the agency, so that the claimed benefits of fire reduction for humans (not wildlife) within the IRAs remains unsupported.

The agency in the vegetation report at 10 claims that the HFRA requirements to control fuels over-rides the direction for the Roadless Rule. The claim is being made that the necessity of treatment to reduce fuels outweighs the importance of maintaining IRA characteristics. No actual legal information was provided as to where this justification of violation of the Roadless Rule was ever cited.

The Skyline NEPA documents make many references to managing the Wildland Urban Interface (WUI) to protect structures. However, there is never any map provided as to where the WUI is as defined by the HFRA, including specific distances from interface and intermix communities. This is particularly relevant to IRAs, where the agency is claiming that the priority for these lands is to reduce the risk of fire within WUIs. The actual acreage of WUIs within affected IRAs is unknown.

7. The agency failed to evaluate the impact of the 100,000 acres of vegetation removal on local climatic and landscape climatic conditions.

There was no analysis in the Skyline NEPA documents as to how the vast vegetation removal program will affect climatic conditions within the Skyline Project Area, including due to other past and ongoing vegetation removal programs. These projects are increasing the temperatures of these landscapes in addition to what is already occurring with climate change (e.g., Knoss 2016; Lawrence et al. 2022). The benefits of dense vegetation on a landscape to reduce landscape heating has been noted to occur in the eastern United States, where normal climate effects of global heating have not been as pronounced where vast reforestation has occurred. The title of Millman's (2024) report in the Guardian is "Very cool: tress stalling effects of global heating in eastern US, study finds."

The ongoing exacerbation of landscape extreme temperatures, along with reduced protections for wildlife from severe weather events, that are being promoted by agency management policies in the Skyline project area, including within IRAs, are clearly significant adverse impacts of these management activities. The failure of the agency to even identify these severe impacts clearly demonstrates a failure to take a "hard look" at what these programs are creating. For wildlife, severe weather events have been shown to result in thousands, if not millions, of migrating birds being killed (D'Ammassa 2020; USGS 2020). When severe weather events and/or extreme temperatures occur in wildlife habitat, the ability of wildlife to compete normal breeding/foraging activities will be reduced. One example is the need to avoid heat stress. The availability of forage resources could also be reduced, such as restriction of pollinator activities.

The impacts of degraded local climatic conditions that the Skyline and other past-ongoing projects were also not evaluated as per cumulative degradations of wildlife habitat, such as the severe reduction in snags, old growth, conifer seeds, hiding cover, and thermal cover that will result from vegetation removal via various means. Another cumulative impact not addressed as per degrading local

climatic conditions was the estimated number of birds that will be killed directly from treatment activities, or from toxic smoke impacts (Defiance Canyon Raptor Rescue 2022).

Conclusion: The Skyline Project will trigger massive adverse impacts to wildlife and the local climate they depend upon for viability, due to activities planned both within and outside of IRAs, as well as past and ongoing activities from other NEPA evaluations. The agency's conclusion (finding of no significant impacts) as per the draft Decision Notice, that this project will not cause direct, indirect or cumulatively significant adverse impacts to wildlife and their habitat is entirely unsupported by the current best science, in violation of the NEPA. In addition, the multiple, numerous legal violations of the NEPA, NFMA, MBTA and the Roadless Rule demonstrate that is Skyline Project cannot be legally implemented, and should be withdrawn in its entirety.