

**Objection to the Morgan-Nesbit Forest Resiliency Project  
From Richard K. Bailey**

**June 20, 2025**

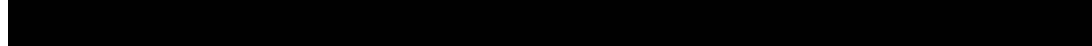
**To:** The reviewing officer—Jacqueline Buchanan, US Forest Service Regional Forester, Region 6, Via email to: [objections-pnw-wallowa-whitman@usda.gov](mailto:objections-pnw-wallowa-whitman@usda.gov). Copied to, Brian Anderson, project manager, [brian.t.anderson@usda.gov](mailto:brian.t.anderson@usda.gov)

**Subject:** Objection to the *Morgan-Nesbit Forest Resiliency Project (MNP)*, Wallowa Ranger District and Hells Canyon National Recreation Area.

**Project Description and Location:** Morgan-Nesbit is described as a forest resiliency and fuels reduction project to restore historic forest conditions and reduce wildfire risk, located in the vicinity of the headwaters of Gumboot and Grouse Creeks within the Wallowa Ranger District and the Hells Canyon National Recreation Area.

**Name and Title of Responsible Officials:** Wallowa and HCNRA District Ranger Brian Anderson; Wallowa-Whitman National Forest Supervisor Shaun McKinney

**Objector:** Richard Bailey, a US citizen residing in Winthrop, WA.

 I hereby request a meeting to discuss resolution of the issues raised in this objection.

**Description of Points of Objection to the Proposed Decision:**

Introductory Remarks: I offer two thoughts to precede the points of this objection. First, I hope the determination of this objection will not be based solely on whether the objector has proven violations of law, or intends to litigate. Hopefully, the determination will also be based on issues and public interests that may not be articulated in legal or CFR directives.

Second, a covert US Forest Service agenda regarding fuels projects was publicly revealed in *Columbia Insight Magazine*. The story, “The Forest Service is using the threat of wildfires to meet timber targets,” was based on internal Forest Service memos. I hope the exposure of this policy will lend credence to this objection, because there is a credibility issue. If, as was revealed in the *Columbia Insight* story, the Morgan-Nesbit Project is an action that was designed to produce sawtimber under the contrived (or secondary) objective of fuels reduction for fire safety, the project should be withdrawn, as its Purpose and Need are misstated.

Inappropriate FONSI: The issuance of a Finding of No Significant Impact is inappropriate and likely illegal. For a project of the magnitude of the MNP, both given its size and because of the objective of significantly altering the structure of the forest ecosystem, the NEPA analysis via the EA should have issued a Finding of Significant Impact. If the project does not have a significant impact, its stated objectives cannot be achieved. This holds true even though the project's activities were reduced somewhat after comments on the DEA.

Violation of the Hells Canyon National Recreation Area Act: The MNP EA virtually ignores, or only passively addresses the directives of the Hells Canyon National Recreation Area Act (HCNRA Act). Public Law 94-199 places explicit restrictions on logging and all other management activities within HCNRA boundaries.

Section 7 of the HCNRA Act requires that any logging be compatible with "conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; preservation...of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith; protection and maintenance of fish and wildlife habitat..." The Act requires all logging be "...by selective cutting."

The MNP EA fails to identify where any of the natural phenomena listed in the HCNRA Act exist within the project area. Moreover, it appears the field examinations conducted for the project involved "Condition-Based Management," which allows presentation of forest conditions to be based on dated surveys rather than current field observations by resource professionals. This constitutes a violation of the HCNRA Act, because the burden is on the Forest Service to prove it is protecting the HCNRA's named natural values in its management activities.

Section 8 of the Act requires that "...timber harvesting by selective cutting...may continue during development of the comprehensive management plan, at current levels of activity and in areas of such activity at the time of enactment of this Act." Further, "In development of the HCNRA Comprehensive management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas [areas of such activity at the time of enactment of the HCNRA Act]."

The MNP proposes clearcutting as described in the EA via several different terminologies. Given the directives of the HCNRA Act, it is incomprehensible that the

Forest Service would risk violating the “selective cutting” restrictions of the Act, even if the term selective cutting means something different to the Deciding Officer than it does to others.

The Society of American Foresters (SAF) defines selective cutting as: “...a type of partial cutting where specific trees are removed, but it should not be confused with the selection method of silviculture. It involves removing trees of certain species, sizes, or high value, while aiming to create or maintain an uneven-aged forest structure.” The Society also specifies that selective cutting “should not be confused with cutting done in accordance with the selection method of silviculture (Helms 1998).”

Section 8 also requires that logging and other ground-disturbing activities as authorized in the Comprehensive Management Plan may only occur in areas where they occurred prior to the passage of the Act on December 31, 1975. In order to comply with this directive, the Forest Service should have conducted an inventory of HCNRA lands within the MNP project area to determine where logging had occurred prior to passage of the HCNRA Act. Failure to do so violates the Act.

Section 10 of the Act states: “The Secretary shall promulgate, and may amend, such rules and regulations...to accomplish the purposes of this Act...provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area... *standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting...*” (Emphasis added)

The special rules promulgated by the Forest Service in 2003 fail to articulate management strategies that serve the purpose of Section 10, which is to articulate how such activities will be undertaken so that the natural values of the HCNRA are not impinged upon. A 2004 lawsuit decision ruled that the Forest Service had failed to write adequate rules, but no amendment of the rules to comply with the court order was undertaken. Again, the burden is on the Forest Service to promulgate adequate regulations that protect the HCNRA’s natural values, and any logging plans must comply with those regulations.

Suggested Remedies to Solve the Objection: **(a)** the FONSI for the MNP should be withdrawn, and an EIS should be prepared. **(b)** The EIS should conduct the required research to identify the portions of the Morgan-Nesbit project area within the HCNRA to determine the locations of the scenic, wilderness, cultural, scientific, and other values, and the rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems

and parts of ecosystems. Areas where those phenomena occur must be managed to protect them. If the above described research cannot be completed, all lands within the HCNRA should be removed from the project area. **(c)** The silvicultural prescriptions for areas slated for commercial or other timber removal should be modified to comply with the selective cutting restriction. **(d)** Areas where timber harvest has not previously occurred should be removed from the project area. **(e)** Condition-Based Management should not be authorized, and analysis of the project area by resource professionals should occur. **(f)** Prior to implementation of activities authorized in the MNP, the special regulations at 36CFR 242.46 governing timber harvest within the HCNRA should be modified to ensure protection of the HCNRA's natural values during and after timber harvest activities. **(g)** The concerns noted in the "Specific Issue Related to the Proposed Action" should be addressed.

Description of How the Objection Relates to Prior Comments: All of the issues raised in this objection were also raised in my Draft EA comments on the project, dated December 14, 2024

Specific Issues Related to the Proposed Action: In addition to the legal concerns listed above, I contend that the objectives described in the EA for the MNP do not appear to be supported by adequate information. The EA fails to describe how the commercial logging activities planned will differ from the past logging practices that resulted in undesirable conditions, so that mitigation of "past management activities" will occur.

The EA also provides no fire management plan that will ensure that natural fire can resume its role in forest succession, thus mitigating past overzealous fire suppression, nor does it explain how the Forest Service will simultaneously allow natural fire to resume its role while simultaneously protecting the public from fire.

"Forest resiliency" is not an objective of the HCNRA Act. The Act specifically requires protection of the natural ecological values of the HCNRA, including those that might be judged to be less than resilient by the responsible official. The natural values of the HCNRA include insects, disease, wildfire, and other natural phenomena that are regarded as undesirable in the MNP. "Resiliency" in the MNP context refers to natural dynamics of the forest which are part of the natural succession of HCNRA forests, and required by law to be respected.

The MNP gives no deference to natural ecological succession, which is unjustifiably described in the EA's "No Action" alternative as an "undesirable" condition. The EA also fails to describe how the actions taken by the Project to restore a vague definition of resilience will be beneficial in the long-term, or how it will sustain the contrived

condition over time. In other words, will there be a need for more mechanical alteration of forest structure to maintain the contrived condition created by MNP?

Mechanically altering, or otherwise reconstructing the forest ecosystem disrupts the natural resiliency of the forest. It substitutes a contrived condition when there is no indication that the condition that exists is objectionable under law, or that the newly contrived condition will ultimately result in an improved forest ecosystem, i.e.; the “desired” condition.

In my comments, I described the vague nature of the judgements passed on this tract of forest in the statements made in the “Purpose and Need” section of the EA. The failure of the EA to articulate what actions, or degree of actions, resulted in an unnatural condition, or why more of the same will restore natural succession rather than achieving the same results that were a product of “past management activities.”

This concludes my objection to the Morgan-Nesbit Forest Resiliency Project. Please acknowledge receipt of this objection.

Sincerely Offered,

Richard K. Bailey

A large black rectangular redaction box covering the signature and any handwritten notes or dates that might have been present.