



2200 Broadway Street Suite L
Vancouver, WA 98663

www.cascadeforest.org | (503) 222-0055

August 18, 2025

Johanna Kovarik
Forest Supervisor
987 McClellan Rd
Vancouver, WA 98661

Via project website <https://cara.fs2c.usda.gov/Public/CommentInput?Project=65884>

**RE: Forest Wide Plantation Thinning and Potential Control Line Treatment Project
Objection**

Dear Ms. Kovarik:

The Cascade Forest Conservancy (CFC) submits the following objection to the U.S. Forest Service's Draft Decision Notice and Finding of No Significant Impact for the Gifford Pinchot's Forest Wide Plantation Thinning and Potential Control Line Treatments Project Final Environmental Assessment (EA). This project affects the Forest Service lands within the Gifford Pinchot National Forest and the Columbia River Gorge National Scenic Area. The Responsible Official for this project is Forest Supervisor Johanna Kovarik.

As required by 36 C.F.R. § 218.8(d), the following is the lead objector's name, address, and telephone number:

Ashley Short
Cascade Forest Conservancy
2200 Broadway St., Suite L
Vancouver, WA 98663
(503)222-0055
ashley@cascadeforest.org

I. Interest and participation of objecting parties.

CFC is an independent nonprofit conservation organization with offices in Washington. CFC's mission is to protect and sustain the forests, streams, wildlife, and communities in the heart of the Cascades through conservation, education, and advocacy. We represent over 12,000 members and supporters who share our vision for a forest where wild places exist and wildlife thrives. We have an organizational interest in the proper and lawful management of the Gifford Pinchot National Forest.

We submitted timely comments on the Forest Service's Notice of Proposed Action. Our comments advocated for less discretion in invasive treatments and stronger enforcement of PDCs generally in our comment letter dated May 6, 2025. The public notice for the Draft Decision was published on July 3, 2025, in *The Columbian*. This objection is submitted electronically within 45 days of the publication date and is, therefore, timely under 36 C.F.R. § 218.7.

II. Issues and parts of the decision to which the objection applies.

As presented in Section III, CFC believes the Forest Service's decision, including the Draft DN, FONSI, and EA violates law, regulation, or policy in the following way: The Forest Service has not done enough to ensure PDCs are enforceable, and therefore a FONSI is inappropriate.

III. CFC identified the following parts of the decision for objection.

The Forest Service has not done enough to ensure PDCs are enforceable, and therefore, a FONSI is inappropriate.

In the Final EA, the agency notes that “[t]he analysis assumes that all project design criteria will be implemented (see Project Design Criteria Dated April 11, 2025, available on the Project Record).”¹ However, some important PDCs still are discretionary in nature, including PDCs 27, 84, and 94.

- PDC 27, which we addressed in our EA comments, still includes language limiting protection of special habitats to only those that are determined “biologically significant.” However, there is no included definition of biological significance. As it’s written currently, the process is opaque and allows for considerable discretion in deciding which habitats are protected.
- PDC 84, which we addressed in our EA comments, still includes language that the Forest will treat high-priority invasive populations to the “*maximum extent practicable*” and

¹ Forest Wide Plantation Thinning & Potential Control Line Treatments Project, Final Environmental Assessment, Gifford Pinchot National Forest, 97 (July 2025).

notes that following ground disturbance, the Forest will “monitor areas for priority invasive populations and *treat as necessary*.”² Although CFC acknowledges that the change from “harvest” to “ground disturbance” is a good one, which makes the PDC stronger, these changes do not go far enough to address our concerns about the enforceability of PDCs. This language still allows for quite a bit of discretion from the Forest in deciding whether or not to treat invasive infestations.

- PDC 94, which we addressed in our EA comments, still includes language “to the extent practicable, avoid staging equipment within or immediately adjacent to known invasive infestations.”³ This PDC also invites a lot of discretion that does not need to exist. It is also unclear from the PDC whether a third party, the contractor, is the one exercising that discretion.

Without more concrete—less discretionary—mitigation measures, a FONSI is not appropriate. Courts have found that, unless measures are required and enforceable, there is no assurance that the activities will avoid significant impacts. *See Pres. Coal., Inc. v. Pierce*, 667 F.2d 851, 860 (9th Cir. 1982) (mitigation measures performed by third parties “must be more than mere vague statements of good intentions”). In other words, the Forest “cannot make this finding by relying on mitigation that the [agency] cannot enforce.” *Cf. Klamath-Siskiyou Wildlands Ctr. v. Nat’l Oceanic & Atmospheric Admin.*, 99 F. Supp. 3d 1033, 1054 (N.D. Cal. 2015) (concluding that nearly identical language in the ESA forbade reliance on voluntary mitigation measures).

In other words, PDCs must not be too discretionary and enforceable to warrant a determination that an action will not have a significant impact. Here, several PDCs (including 27, 84, and 94) provide the agency with too much discretion, and others (those identified in section II of our EA comments) will be difficult to enforce. Since the FONSI and underlying analysis rely on PDCs being fully implemented, the PDCs must be as non-discretionary as possible and clearly enforceable. The PDCs, as currently written, are not legally strong enough to warrant a FONSI.

Suggested Solution: The Forest should ensure that all PDCs that mitigate harms, i.e. those that the FONSI relies on, like PDCs 27, 84, and 94, must be non-discretionary in nature, or at the very least minimize the amount of discretion allowed. Here are specific suggested edits for each of the PDCs mentioned in this objection:

- PDC 27: Remove the biologically-significant language and protect all special habitats.
- PDC 84: Commit to treat invasive infestations in a consistent and enforceable manner.
- PDC 94: Require avoiding staging altogether within and immediately adjacent to invasive infestations. If staging cannot be done anywhere else, then there should either 1) be full

² Project Design Criteria - Gifford Pinchot Forest Wide Plantation Thinning and Potential Control Line Treatments Project, PDC 84, 25 (July 2025) (emphasis added).

³ Project Design Criteria - Gifford Pinchot Forest Wide Plantation Thinning and Potential Control Line Treatments Project, PDC 94, 28 (July 2025) (emphasis added).

treatment of the infestation in a manner that enables the timber harvest activities to proceed without spreading invasive plants into the work areas or 2) the Forest Service Botanist should have to grant approval to stage in an infested area.

IV. Conclusion

The Cascade Forest Conservancy appreciates your consideration of the information and concerns addressed in this objection. Pursuant to 36 C.F.R. § 218.11, we respectfully request to meet with the reviewing officer to discuss these concerns and suggested resolutions.

Sincerely,

A handwritten signature in black ink, appearing to read 'AShort', with a stylized 'A' and a long horizontal stroke.

Ashley Short
Policy Manager
Cascade Forest Conservancy
Ashley@cascadeforest.org