

Regional Forester, Objection Reviewing Officer
Pacific Northwest Region, USDA Forest Service, Portland, OR
Attn: 1570 Appeals and Objection
Emailed to: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=63933>

December 5, 2025

RE: Objection of the North Cascades Conservation Council, the Methow Forest Forum, Michael Shaffer, and Ric Bailey to the Draft FONSI and Final Environmental Assessment for the Midnight Restoration Project

Responsible Officials: Tara Umphries, Supervisor, Okanogan-Wenatchee National Forest; Christopher Furr, Ranger, Methow Valley Ranger District. The project is within their two jurisdictions. All of the points we address in the Objection, unless otherwise noted, were referenced in our Draft EA and Scoping Comments.

Lead Objectors: North Cascades Conservation Council. Addresses and contact information are as follows: North Cascades Conservation Council, P.O. Box 95980, Seattle, WA 98145; philf@northcascades.org. Michael Shaffer, 70B Second Mile Road, Twisp, WA. 98856; michaelbirdshaffer@gmail.com. Methow Forest Forum and Ric Bailey, P.O. Box 1086, Winthrop, WA. 98862; icilybear@gmail.com. The description of project aspects we object to, and supporting reasons for our objection are listed below.

Dear Objection Reviewing Officer:

Thank you for considering this Objection to the Draft Decision Notice and FONSI, and the Final Environmental Assessment for the Midnight Restoration Project within the Okanogan-Wenatchee National Forest (OWNF). This Objection is submitted pursuant to 36 CFR section 218, and meets all regulatory requirements.

All Objectors have standing to submit this Objection because they and/or their members have submitted scoping comments and/or comments on the Draft EA for Midnight. These have been the only opportunities to comment on the public record for this project. Objectors have met in person, and/or via teleconference with current Okanogan-Wenatchee National Forest (OWNF) Supervisor Tara Umphries and Methow Valley District Ranger Christopher Furr and their staff to discuss Midnight. Our members and representatives have attended at least three field tours with OWNF leaders and resource personnel in areas covered by the Midnight and Twisp Restoration Projects.

Management of this and all forest management projects demand action based on compliance with federal law. A number of experts on NEPA and the Northwest Forest Plan (NWFP) have reviewed the EA on our behalf. In addition to violations of the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), and the Endangered Species Act (ESA), we've found abundant shortcomings that amount to uninformed management that will have negative impacts on the forest ecosystem and the surrounding communities.

We're concerned with how Midnight will impact the Methow Valley community - much of which we represent as organizations - that depends on the intrinsic values as well as its physical condition. We fear that Midnight has an unspoken objective of timber production, which will detract from the other objectives. Without site-specific treatments that will prioritize forest ecosystem health while complying with legal statutes and administrative designations, project objectives will not be met.

The upper Twisp River Corridor, all of which is within the Midnight Project area, is a Methow Valley Community legacy. We and members of objecting organizations will be negatively impacted both by Midnight's physical activities, and its alteration of the wild, natural quality of the Corridor. We will be harmed by the noise and danger associated with log truck traffic running through residential areas and quiet towns.

We will be impacted by the loss of present high quality recreation opportunities within a natural setting, including camping, hiking, biking, skiing, and wildlife watching. Scenic qualities would be marred. The two roads that traverse the Twisp River are recreation access roads, and have been for decades. They lead to six rustic campgrounds and nine trailheads used by us.

We will be damaged due to impacts to the economy of the Methow Valley caused by the loss of quality recreation that attracts tourists, who spend their dollars at local businesses. Few, if any local jobs would be supported by the project, and the timber removed from the watershed would be taken to faraway sawmills. Midnight will have a decidedly negative impact on local communities, and visitors.

Further, the project's rationale is based on unsupported theories, for example, "historic conditions," and an unbalanced selection of scientific papers. Research done on this forest, even by Forest Service scientists, has been ignored. Midnight is being rushed to implementation without satisfaction of many of the checks and balances required to constrain ground-disturbing projects on federal lands. If Midnight moves forward, it will result in damage to important habitats and degrade one of the most revered recreation destinations in the Pacific Northwest.

We regret to say that virtually none of the concerns we've raised in all our conversation with, and input to OWNF leaders have even been addressed. None of the accommodations we've requested for equal involvement in the public process for the development of Midnight have been honored.

This situation is particularly distressing: with an open public process and honest consideration of all ideas and issues, Midnight might have (and might yet) serve as a national model for how fuels reduction in a critical fire zone and sensitive forest ecosystem can be accomplished with care for all resources and an inclusive public process. But in all frankness, it appears the rules requiring responsible resource management have been regarded by the OWNF as obstacles to overcome rather than required guiding principles.

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POINTS OF OBJECTION

1. Departure from Northwest Forest Plan Directives for Protection of Riparian Areas and Aquatic Habitats

We note a number of discrepancies in Midnight's plans for management of stream courses and their immediate watersheds. The draft Biological Assessment and cited technical documents were not provided with the DEA and constitute new information. Therefore, all objections relating to information provided in the Biological Assessment is authorized in this Objection. In addition, the FEA Aquatics Specialist Report states that riparian buffers in the DEA and prior to the winter of 2023/2024 were "insufficient/undersized." This causes significant concerns that the Forest poorly monitors and protects riparian reserves. This is new information that was not present in the DEA.

The draft Biological Assessment cites new technical documents describing that the project area is considered landslide prone, citing the DNR landslide program manager. Unstable and potentially unstable slopes are protected under the NWFP for aquatic system health. But the knowledge that the project has logging over unstable slopes did not have an impact on the final decision. Unstable and potentially unstable areas are receiving no additional protections in the FEA.

There are three stream classifications in the NWFP that are common in the project: perennial (minimum 150 foot buffer) intermittent (minimum 100 foot buffer), and fish-bearing (minimum 300 foot buffer). Based on the maps for Midnight and our members' visits to the project, some streams do not appear protected at all. Our members also noted alluvial fans with recent washouts in areas that burned with high fire severity in the Crescent Mountain fire, and that clearly have not returned to pre-fire hydrologic conditions. In some cases, intermittent and perennial streams are running over the roads themselves and new channels are being formed. Some of these areas have no protections from heavy machinery, road building, tractor logging or commercial harvest. These areas are visible along one of two major roads in the Twisp watershed and the War Creek trailhead. How can the public have any confidence in the decisions of these public officials when they are so far removed from the reality of the on-the-ground conditions?

Where there are no impediments to fish passage, all streams connected to fish bearing streams require a 600 foot buffer on either side. It is not clear if these buffers have been provided.

In the NWFP, riparian areas are required to be protected to provide dispersal habitat for listed terrestrial species. In other words, entering these areas with logging will add to the impacts on these species from loss of critical habitat. These impacts have not been analyzed.

The Aquatic Conservation Strategy (ACS) lists nine goals to guide management for the protection of aquatic and riparian-dependent species. We do not find adequate consideration for these goals in the Midnight EA. The FEA includes two new documents that make the claim of addressing ACS objectives. But they leave a lot of unanswered questions. For example, the project would include skidding across streams, removal of large trees from riparian reserves through logging, and reductions in stream shading in a watershed currently functioning at risk. The Aquatic Specialist Report states that mitigation would minimize impacts, but the NWFP

states: “Do not use mitigation or planned restoration as a substitute for preventing habitat degradation.”

The benefits to aquatic species from logging purported in the Aquatics Specialist Report cannot be conceptualized when the project is expected to reduce canopy cover and remove wood from the riparian reserve for as long as 40 years post-implementation. The Biological Assessment provides no assurance that canopy cover and tree density will ever recover to pre-treatment levels in many areas. Yet the Biological Assessment claims that commercial logging in the riparian reserves, including logging along fish-bearing streams, meets ACS objectives.

The Twisp River is noted as a key watershed in the NWFP. It serves as refugia for bull trout and anadromous fish. Yet the Biological Assessment admits that the Midnight Project will have an adverse effect on these species.

Of particular interest is the identification of landslide-prone areas which are noted specifically in the NWFP as important to protect for aquatic ecosystem health. Ground truthing conducted by our members has revealed numerous washouts, new channel formation, and precipitation-caused soil displacement throughout areas surveyed within the project area (as of October 1, 2025). As previously noted, timber removal will occur on slopes up to 45 percent, rather than the common standard of 35 percent and will exacerbate slope instability, which is the reason that unstable and potentially unstable areas were included in the NWFP for protection.

Review of USGS stream maps by our members has revealed a tremendous number of potential streams within the project area that intercede with thinning units. We could not locate evidence that all streams have been correctly identified and appropriately classified in the Midnight EA. Our members noted numerous cases of streams that appear to meet the definition of intermittent or perennial and are within logging units with no apparent protective buffers.

NWFP standards and guidelines for determining riparian reserve widths require an assessment to determine buffer widths based on several factors. For example, for fish-bearing streams, the Riparian Reserve widths should be designated based on the maximum among the following criteria: to the top of the inner gorge, or to the outer edges of the 100-year floodplain, or to the outer edges of riparian vegetation, or to a distance equal to the height of two site-potential trees, or 300 feet slope distance (600 feet total, including both sides of the stream channel), whichever is greatest. Adequate dispersal habitat for terrestrial species must also be factored into these buffers. The Biological Assessment does not indicate that any factor other than tree height was considered.

It appears the rules required to facilitate protection of species that were nearly driven to extinction from past “management” are being ignored, or even consciously violated in order to facilitate timber extraction. These do not seem to be regarded as standards to guide management, but obstacles to be overcome.

2. The Cumulative Effects Analysis is Inadequate

The Okanogan-Wenatchee National Forest should revert to its original depiction of the Twisp and Midnight Projects as a single action, and prepare an EIS. Continuing to keep the two

projects separate, rationalized by two separate EA's, and bound only by a complicated and disjointed cumulative impacts analysis, does not satisfy the law. It only expedites the projects for the agency, and confuses the issue in the eyes of the public.

Every action undertaken in one of these projects will impact land in the other project area. They are adjacent, and in direct proximity so as to effect habitats and other resources that are conjoined. The logging units for the two projects seamlessly abut each other, even down to the scale of the narrow fuel breaks. They are also linked based on the timelines for when activities will occur. For example, if the Northern Spotted Owl requires 2,200 acres of habitat for a nesting pair, this acreage may coexist in both project areas.

The cumulative impacts analysis is flawed for two primary reasons. First, the impacts of the Midnight Project cannot be disclosed because the Midnight Decision is not final. Second, the cumulative impacts analysis represents an amendment to the Twisp Project EA, and therefore must be opened for public comment, whereafter a new Decision should be issued, and opened to objections.

3. New Information provided post-comment period for the draft EA requires a comment period on an updated draft EA or an EIS.

Significant amounts of information in the project record were released after the public's opportunity to comment on the draft EA ending on May 15, 2024. Additionally, this new information reveals there is even more information that needs to be publicly released before the public can provide informed comments (or the Forest Service can make an informed decision) on this landscape level project.

a. Failure to provide maps of the treatment areas that clearly delineate unit boundaries and the true extent of Riparian Reserves and Forest Plan Old Growth (FPOG), and failure to take a hard look at the proposed logging within these areas.

Early in the process, the USFWS apparently raised questions regarding the methods used by the FS to construct NWFP Riparian Reserves around streams. See MRP Site Potential Tree Height (SPTH) determination procedure (July 29, 2024). "Riparian Reserves include those portions of a watershed directly coupled to streams and rivers, that is, the portions of a watershed required for maintaining hydrologic, geomorphic, and ecologic processes that directly affect standing and flowing waterbodies such as lakes and ponds, wetlands, streams, stream processes, and fish habitats." NWFP, pp. B-12 and 13.

This raised concerns with Objectors that the FS was not adequately recognizing and protecting riparian areas. As a result, our members have repeatedly asked for detailed maps of the logging units so members can visit the units to look for themselves. The FS has refused to provide detailed maps, telling Objectors they must request them pursuant to FOIA, which can take far more time than we have to provide objections. See Exhibit A.

Despite having to use the poor quality maps provided with the Final EA, our members have still made some site visits. The visits raised concerns about whether many intermittent streams are being recognized and protected. The NWFP defines intermittent streams as "any nonpermanent

flowing drainage feature *having a definable channel and evidence of annual scour or deposition*. This includes what are sometimes referred to as ephemeral streams if they meet these two physical criteria. Including intermittent streams and wetlands within Riparian Reserves is *important* for successful implementation of the Aquatic Conservation Strategy.” NWFP, p. B-14.

During site visits, in what seemed to be commercial logging units according to the project maps, our members saw intermittent streams, i.e., existing definable channels with evidence of annual scour. There is no evidence the FS recognizes their existence or their need to be buffered from all commercial logging for at least 100 feet (200 feet total, including both sides of the stream channel). NWFP, p. C-31. *See* Exhibit B.

We cannot possibly provide informed comments or objections on the issue of whether the FS adequately considered the effects of this project on species dependent on Riparian Reserves protection if it does not have accurate, detailed maps of the commercial logging units showing whether the FS identified intermittent streams.

Also showing a lack of a hard look, is the FS’s cavalier attitude regarding its duty to protect Riparian Reserves. In response to comments related to concerns with logging in Riparian Reserves, the FS stated that “mitigation measures” in part would minimize impacts to these areas. *See* the Final Aquatic Specialist Report. Mitigation measures are not allowed under the NWFP as a substitute for *preventing habitat degradation in the first place*. NWFP, p. C-37.

This on-the-ground evidence of the FS’s apparent lack of protection of at least some intermittent streams, subjecting Riparian Reserves to commercial logging, shows that the FS has not taken a hard look at the impacts of the MRP on Riparian Reserves and the species they protect. Even more importantly, these areas are critical not only for aquatic species within the MRP, but also terrestrial species like the Northern Spotted Owl who rely on Riparian Reserves for dispersal. NWFP, p. C-13.

The FS’s inability to correctly classify streams also seriously calls into question the appropriateness of using Condition Based Management (CBM) for this project. *See* Section 8 below. CBM is supposed to allow for flexibility to account for changing conditions and update projects for current conditions. The FS is currently laying out units. This has been observed by citizens. These misclassified streams are evidence that the FS is not even aware of the current conditions.

The fact that the FS refuses to provide detailed maps of the logging units in addition to possibly underestimating or failing to recognize many streams suggests potentially significant impacts on Riparian Reserves and listed species. The FS must prepare an EIS.

With regard to Forest Plan Old Growth (FPOG), without accurate detailed maps of the logging units, objectors are also unable to provide informed comments or objections on the issue of whether the FS adequately considered the effects of this project on old growth forests or the species that rely upon them. Our members frequently visit and hike in the Twisp watershed and are aware of the conditions of many stands throughout the project area. We were surprised to see the areas designated as FPOG on the project map omit many old stands. We documented some of

these areas and noted FPOG outside of what appears to be designated FPOG according to the publicly available project maps. See Exhibit Cand Final EA, p. 51. The concern is that there is more FPOG than disclosed by the FS and these undisclosed old growth stands are subject to logging that will – contrary to the FS’s assertion – modify/degrade the habitat to the point the stands will no longer meet the definition of FPOG. The effects of degrading this rare habitat – should we be correct that far more FPOG exists outside of that designated in the project’s vague map - have not been disclosed or analyzed by the FS. We were also concerned to see some FPOG stands that may be overlapping commercial treatment units, when the DEA states that FPOG stands will retain the characteristic that make them old-growth. Logging the largest trees and removing the understory seems antithetical to retaining the characteristics of these old-growth stands.

b. Failure to take a hard look at the extent of unstable and potentially unstable areas and their role in protecting listed species.

The FS issued a report on MRP Landslide Prone and Debris Flow Analysis Methods on December 10, 2024 (“Landslide Report”). In this report, the FS acknowledged that the Northwest Forest Plan (NWFP) requires the “extent of unstable and potentially unstable areas” to be incorporated into Riparian Reserve (RR) areas for application of the ACS Objectives and NWFP standards and guidelines. RR areas should include “primary source areas for wood and sediment such as unstable and potentially unstable areas in headwater areas and along streams.” This includes unstable areas along intermittent streams.

During early conversations between the USFWS biologists and the MRP IDT, it appears that FS’s analyses in the draft EA were lacking. Landslide Report, p.1-2. More information on the project’s unstable areas and their incorporation into riparian reserve areas was apparently necessary for the USFWS. USFWS concerns included the fact that the MRP commercial logging and road construction among other activities could initiate shallow landslides that affect critical habitat directly or indirectly. Furthermore, landslides initiated above logging units could also behave differently due to flowing through newly logged or otherwise disturbed areas; the reduced number of trees in the landslide’s way could extend the slide, negatively impacting aquatic habitats.

Adding to the lack of analysis regarding landslides in general and their effects, is the fact that the project area “includes areas of naturally high erosivity.” Report, p. 2. In general, the FS admits that stability decreases and erosion probability increases moving upslope. In the last few decades, for example, near War Creek, along the south side of Twisp River valley, the area has experienced *multiple significant debris torrents*. Slope failures triggered in the headwaters *above roads and vegetation management* traveled *significant distances downslope*, damaging roads and transporting debris to the valley bottom “*multiple times in recent memory.*” Report, p.2.

The FS initially intended to identify unstable areas in part by consulting with the program manager for the Washington DNR Landslide Hazard Program, Kate Mickelson (in August 2024). Landslide Report at 2-3. Mickelson noted that “[du]e to the Twisp Watershed’s *steep topography*” the state’s landslide risk model would likely show “most of the project area is

moderate-to-high relative risk for shallow landslides.” She explained that the risk of landslides was relative, noting that “[r]oad construction *and other actions with ground disturbance* would be more likely to trigger shallow landslides in this project area.” Commercial logging is clearly an action with significant ground disturbance, and it is slated to occur throughout the MRP project area. In other words, according to the Washington State expert on landslide hazards, the proposed commercial logging is highly likely to trigger shallow landslides throughout the project area.

Rather than accept this commonsense conclusion and address how to reduce the likelihood of the commercial logging on steep slopes causing landslides, the FS declined to run the Washington DNR landslide hazard model and instead “pursue[d] other erosion identification tools.”

This, and the fact that USFWS biologists were concerned with the lack of analysis and have yet to issue any LOC or Biological Opinion, are red flags that the FS is refusing to take a hard look at the impacts of the MRP on riparian reserves and habitat for endangered and threatened aquatic species. Furthermore, Objectors cannot provide informed comments or objections on the issue of unstable areas and landslides without knowing at a minimum what USFWS thinks of the revised analysis supporting the Final EA.

The fact that the project area is of steep topography and “most of the project area” is at moderate to high risk of landslides, the IDT’s decision to decline running this model shows the agency is refusing to take a hard look at the likely impacts of the proposed logging on riparian reserves and listed species. Given the extent of commercial logging, it also suggests significant impacts on the watershed and aquatic environment.

c. Failure to take a hard look at impacts of commercial logging in LSRs on the Northern Spotted Owl

In May 2024, the FS issued an updated Late-Successional Reserve Assessment (2024 LSRA) for the Okanogan–Wenatchee National Forest. The LSRA provides design criteria for timber projects that are supposed to enhance or maintain late successional and old forest habitats, thereby ensuring compliance with the NWFP. The original LSRA was implemented in 1998. Because the comment period for the MRP *draft* EA ended May 15, 2024 the 2024 LSRA should be considered new information.

According to the NWFP, an LSR assessment should be prepared for each large Late-Successional Reserve (or group of smaller Late-Successional Reserves) before habitat manipulation activities are designed and implemented. Importantly, “Late-Successional Reserve assessments *are subject to review by the Regional Ecosystem Office [REO].*” See NWFP, p. C-11. The REO created the LSR Work Group – an interagency group of resource professionals - to “conduct reviews of proposed actions in LSRs and LSR Assessments *to ensure that these are consistent with the requirements of the Northwest Forest Plan Record of Decision.*” See Exhibit D. The LSR Work Group “frequently visits project sites to discuss proposed actions and strategies for meeting LSR objectives.” *Id.*

Despite acknowledging in the 2024 LSRA that assessments are subject to review by the LSR Workgroup and the Regional Ecosystem Office, and approval by the Regional Interagency Executive Committee, the review, and thus the approval, have not occurred. *See* Exhibit E. As such, the 2024 LSRA cannot be considered proof that the FS's subsequent timber projects – like the MRP - meet the requirements of the NWFP, including the need to establish that logging in the LSR will protect and enhance “conditions of late-successional and old-growth forest ecosystems, which serve as habitat for late-successional and old-growth related species *including the northern spotted owl.*” NWFP, p. C-11.

Of further concern is the FS's decision for the MRP to amend the NWFP related to significant logging in LSRs without the LSR Work Group's approval. Final EA, p. 58. In the Final EA, for the first time, the public learns that the FS does intend to consult with the LSR Work Group “before a final decision is signed for this project,” as it is mandated to do, but *if the Work Group concludes that the proposed logging in older LSR stands will violate NWFP standards*, rather than reduce logging or take other measures to comply, the FS will simply amend the NWFP.

In other words, the FS intends to go forward – with or without LSR Work Group approval - with the commercial logging in the MRP project area's LSRs, purportedly implementing project design criteria from the 2024 LSRA, despite neither the MRP nor the LSRA having been reviewed (to date) or approved by the LSR Work Group.

Given that the Work Group's focus is on protecting and managing late-successional forests and is tasked with reviewing proposed actions within LSRs to ensure alignment with the [NWFP]'s requirements,” Final EA, p. 58, the decision to extensively log the LSR regardless of whether the agency receives the *mandated* approval by the REO/LSR Work Group raises red flags. The agency's decision to do so suggests that the proposed action will adversely affect the threatened Northern Spotted Owl. The agency's refusal to obtain and disclose to the public the LSR Work Group's opinion shows the agency does not want to take a hard look at the MRP impacts and is denying the public the opportunity to provide meaningful informed comments on this matter.

Adding to this, the FS concedes that the LSR logging will likely adversely affect northern spotted owl critical habitat. Indeed, the September 2025 draft biological assessment – also new information – shows that the MRP will remove approximately 3,000 acres of suitable nesting, roosting, and foraging spotted owl habitat. *See* Draft Biological Assessment, pp. 122 and 131. Yet the Biological Assessment notes that the FS identified in 2024 a pair of spotted owls approximately 10 miles from the project area that was not followed up in 2025 due to “reduced staffing.” Biological Assessment, p. 109. Had this pair produced offspring, the juvenile owls could have moved into the MRP. *See* Revised Recovery Plan for the NSO, p. II-3 (median dispersal distance is 12-17 miles).

As for the MRP, the FS has not taken a hard look at whether northern spotted owls inhabit the project area. It has not surveyed the project area to protocol since 2020. *See* Wildlife Specialist report, p. 51. Since then, all the FS has done is “spot check” for spotted owls – and this is all it intends to do until implementation of the MRP is complete. *Id.* “Spot check” surveys will continue during project implementation in the project area at all stations where barred owls were detected until project implementation is completed. *Id.* Checking for spotted owls in known

barred owl locations seems to be the best way to ensure no spotted owls are detected since barred owls displace spotted owls.

The reduction in suitable spotted owl habitat and the decision not to properly survey for the owls suggest there may be significant impacts from the MRP on this threatened species. Either an EIS should be prepared to address these significant impacts or the FS should drop all logging units that will result in the significant loss of suitable owl habitat.

Finally, despite the proposed logging in Riparian Reserves reducing critical dispersal habitat for northern spotted owls, the FEA includes no analysis on this issue. The Riparian Reserves *improve travel and dispersal corridors for many terrestrial animals*, including the northern spotted owl, and provide for greater connectivity of the watershed, including between Late-Successional Reserves. NWFP, p. B-13. Given the likelihood that many Riparian Reserves will be commercially logged due to the agency failing to recognize numerous streams (see NCC's Objections related to Riparian Reserves), the effect on owl dispersal could be significant.

For many reasons, we are concerned with the rush to expedite the Midnight Project without completion of tasks associated with the NWFP. Further, there is an ongoing process to revise the NWFP. Why couldn't this project wait for the revision?

The harvest of about 3,000 acres of suitable Northern Spotted Owl habitat as part of the proposed action calls into question the finding of "No Adverse Effect" on the Northern Spotted Owl. Even more concerning is that the Biological Assessment notes the presence of an owl pair residing approximately 10 miles from the project. As noted above, the draft recovery plan for the Northern Spotted Owl indicates that median dispersal distances are between 12.7 and 17.2 miles. Thus, important habitat for an existing pair would be directly impacted for decades to come.

The estimates of suitable owl habitat in the Biological Assessment differ from those in the wildlife specialist report. An explanation is not provided for why these estimates differ.

The wildlife specialist report states: "To support northern spotted owl, there is a need to retain the existing ... forest structure...." The report goes on to say there is a need to "maintain" spotted owl habitat. The report does not appear to have any effect on Midnight's timber extraction plans. Removal of 3,000 acres of owl habitat through logging is not retaining and maintaining spotted owl habitat.

The wildlife specialist report indicates that owls were surveyed using current protocol, and that the most recent surveys were completed in 2021. However, the protocol states that surveys are required in the survey season immediately before project implementation. During the meeting of the last NCWFHC, Forest Service staff stated that the first sale from Midnight would occur in 2026. Therefore, surveys should have been conducted in 2025 to meet compliance.

Based on the modeling provided in the Biological Assessment, Midnight's riparian reserve treatment is designed to reduce canopy cover to forty percent, which would be maintained for many areas until at least 2026. Yet the FEIS for the NWFP assumed that riparian reserves would serve as dispersal corridors for owls and in general would provide forested areas with greater than forty percent canopy cover. The analysis of "no jeopardy" in the NWFP Biological

Assessment and Biological Opinion assumed that this dispersal habitat in riparian reserves would be available to “satisfy the needs for foraging, roosting, and protection from predators.” Providing adequate habitat for the dispersal of owls was one of the primary concerns in this analysis. The analysis also assumed that forests would follow the NWFP. Individual forests cannot opt in or out of the Forest plan without affecting the conclusion of “no jeopardy” for all forests.

4. The Decision’s Finding Of No Significant Impact (FONSI) is Unjustified

The Final EA and Decision fail to explain the rationale for the FONSI determination, leaving it only as an arbitrary and subjective determination by the Deciding Officer. It is the responsibility of the agency to explain how a project of this magnitude in both context and intensity *will not* have a significant impact on resources within the project area. It is not the burden of the public to prove the project *will* have significant negative impacts. But the EA fails to even vaguely carry out this task.

One dictionary definition of “significant” is: “*sufficiently great or important to be worthy of attention; noteworthy.*” How can any reasonable person make the determination that the impacts of Midnight are not important, worthy of attention, or noteworthy? The EA provides no alternate definition of “significant.”

Another definition of “Significant” is offered from a variety of dictionaries: “Large enough to be noticed or to have an effect; having or likely to have influence or effect; likely caused by something other than mere chance.”

We can all define the term “significant” through different lenses, and declare what is significant and what isn’t. But we look at this situation more from a commonsense standpoint than a legal one.

The FEA describes a forest condition that is so out of whack, the most drastic of actions is required to fix it. How can a project of this scope, with public safety and the determination of endangered species at stake (for example), not be worthy of a patient, inclusive, and thoughtful process— an EIS? The FONSI precludes a full, detailed analysis of multiple alternatives and full disclosure environmental impacts at a critical time in the determination of natural forest ecosystems.

One would expect that a federal agency would err on the side of caution and prepare an EIS. Or alternately, offer an objective determination of what constitutes “significant.” Instead, given the FONSI ruling for Midnight, the OOWNF could label as “insignificant” virtually any project regardless of size, the activities authorized, and the adverse consequences to the public.

The classification of Midnight as an “insignificant” action, and thus not worthy of a full EIS, is arbitrary, capricious, and defies logical interpretations of what is “significant.”

To further elaborate, the Midnight Project is significant because it enables commercial logging activities in a presumed protected roadless area, and in areas protected under the NWFP, including LSR’s; it impacts 53,009 acres of public land via a variety of treatments, and by

extension 77,000 acres after considering the adjacent Twisp Restoration Project; it will directly impact designated critical habitat for species listed under the Endangered Species Act; it will result in roughly 12,000 log trucks traveling through residential areas and rural villages; and it will remove thousands, maybe millions of tons of carbon sequestration.

That's only a snapshot of the activities that will have "a significant impact on the human environment...requiring federal agencies to assess and publicly disclose the environmental consequences of their proposed major federal actions."

The public notice announcing Midnight states the project is a "Landscape-scale wildfire risk reduction and terrestrial restoration project." What standard would classify this as an insignificant action? If the identified problem with the resource is so significant as to require a project of such immense scale and intensity, then it stands to reason the solution must also have significant effect on the resource.

5. Providing Only One Action Alternative is Unjustified

Presenting only one action alternative fails to give the public (or the deciding officer) any choices to work with. It is hubris to suggest that presenting different actions, or differing intensities of the same actions, are unnecessary. Presenting only one action alternative and a no action alternative dictates the false choice of either taking only the action the agency wants to take, or doing nothing at all to address what has been identified as a "problem" (as described in the Purpose and Need) and therefore requires ambitious action to fix.

We don't feel it necessary to dwell on the innumerable options that could be developed to address the Purpose and Need. We could easily come up with dozens. One obvious option is to reduce fire risk broadcast burning and judicious small diameter thinning.

Further, a public alternative offered in good faith, specifically the Methow Community Alternative, has been rejected from consideration in the EA. The OWNF claims this Alternative does not address the Purpose and Need as the agency describes it. However, meeting only one of the Needs as described in the EA is sufficient to make an alternative reasonable, and as previously noted, there are ulterior motives not disclosed in the Purpose and Need.

The Methow Community Alternative was presented in the Midnight scoping comments of NCCC. Then-NCCC representative Ric Bailey also asked District Ranger Chris Furr if it could be included in the EA during a tour of the Mission timber sale, and was verbally denied.

In the Midnight Draft EA, the Methow Community Alternative is also rejected for consideration based on the contention that it is "...beyond the scope of the Midnight Restoration Project." We cite by reference the full text of the DEA on pages 9-10 to explain rejection of the Methow Community Alternative. If it would affect resources in the project area, it is within the scope given the onerous nature of the scope.

The public is not required to fully develop alternatives for the Forest Service that comply with its guidelines, it merely has to demonstrate that a viable alternative exists and was unexplored.

Please see *Environmental Defense Center*, 36 F.4th at 876. It is the Forest Service's obligation to comply with NEPA, not Objector's. *Earth Island Institute v. U.S. Forest Service*, 87 F.4th 1054, 1063 (9th Cir. 2023) (citing *Dep't of Transp. v. Public Citizen ("Public Citizen")*, 541 U.S. 752, 765 (2004)).

The efforts to "rigorously explore" and "objectively evaluate" alternatives in the Midnight EA consist of language designed to avoid doing a full and honest assessment via an EIS, and cannot by any standard be considered either rigorous, or objective.

If the OWNF wished, it could have instructed NCCC as to the guidelines required for submitting an alternative, but did not.

From a legal standpoint, in its decision on the lawsuit against the Twisp Restoration Project, the Ninth Circuit Court of Appeals articulated the necessity of a cumulative impacts analysis "...to determine whether an EIS is necessary." This should have some bearing on whether the OWNF rationale for refusing an offered alternative, and refusing to write an EIS, is reasonable.

6. Project Purpose and Need Are Incomplete

We reference the February 6 story in *Columbia Insight Magazine*, "EXCLUSIVE: The Forest Service is using the threat of wildfires to meet timber targets," as strong evidence that the Goals and full scope of the Objectives of Midnight were not disclosed. If this story is inaccurate or misleading, we would expect a clarifying counter to be issued by the agency.

Please see: <https://columbiainsight.org/exclusive-the-forest-service-is-using-the-threat-of-wildfires-to-meet-timber-targets/>.

This story is based on information disclosed in internal Forest Service memos obtained through the Freedom of Information Act. The story describes the agency's intent to satisfy timber production quotas from the national forests using the principle of "fuels reduction" as covert rationale.

This instills a false sense of fire security among the general public and casts a pall upon the rationale for the project, and how regulatory constraints and acts of Congress are being ignored in pursuit of maximizing timber yield.

Given this development, at least part of the motivation for, and purpose of the Midnight Project was not disclosed in the EA. It fails to disclose what influence the pursuit of a timber target had on project design, and ultimately, the degree of fire safety the project would provide as tempered by the amount of sawtimber produced.

We offer the meeting minutes for the August 6, 2025 NCWFHC, which validate the Collaborative's overemphasis on meeting timber production quotas. The minutes state: "OWNF wants to be a donor forest by exceeding forest [timber production] targets and having enough to help other Forests reach their targets." This indicates that meeting timber targets are the priority,

and the Midnight's purpose is to help meet those quotas regardless of the impacts to other natural resources.

Given the undisclosed timber quota objective and the failure of the EA to include an alternative that analyzes it, after which it could be compared with an alternative(s) where the timber quota was not a consideration, may represent a NEPA violation.

Insofar as the timing involved in raising this issue, the *Columbia Insight* story was published after the comment period on the Midnight DEA was closed. So it could not have been raised in DEA comments.

Finally, we have serious issues with the FEA's reference to restoring "historic," or "desired" conditions. We do not believe historic conditions can be identified in the context of forest evolutionary cycles. Forest conditions are not static, and evidence from a snapshot in time fails to consider that. We do not believe it can be established that mechanical alteration of the ecosystem is a proven method of restoring alleged "historic" conditions, nor that the present forest condition is unnatural. There is no study we know of that articulates the degree to which past federal timber sale activities and fire suppression policies have altered the OWNF forest ecosystem. We also take issue with the contention that future forest conditions can be manipulated, or even predicted given climate change.

7. Forest Plan Amendments are Not Justified

We regard forest plan amendments as an option allowing the agency to respond to new information that would impact the resources that exist under the auspices of a Plan. It appears such amendments in Midnight are designed to only enable commercial logging in areas that were presumed off limits.

The Midnight Project proposes seven amendments to the OWNF plan. Is this consistent with NFMA guidelines governing forest plans? A project that requires seven forest plan amendments to proceed should not be conducted without amending said forest plans.

Of significant concern is an amendment in the FEA to log stands over 80 years old in the LSR. Yet even if the forest "amends" the NWFP to harvest in stands over 80 years old, there are three additional pages of standards and guidelines that direct the management of LSRs that are inconsistent with the logging in the LSR. For example, how does the project comport with the requirement that LSR's not be prevented from playing an effective role in the objectives for which they were established?

We ask why the public should have faith in the forest planning process when the provisions they work to enact for the protection of national forest resources can be arbitrarily amended only to allow an activity desired by their appointed stewards?

8. Condition Based Management and Designation by Description are Inappropriate

We disagree with the Draft Decision for Midnight for all the reasons set forth in this Objection, and do not believe that eliminating Condition Based Management (CBM) and Designation by

Description (DxD) will make the project acceptable. Nonetheless, we offer this critique given that these directives will presumably be applied in Midnight. (We could find no authorization for the use of these provisions in the FEA, nor any disclosure that they will not be applied.)

We note the US District Court decision on the Colville National Forest *All. for the Wild Rockies v. United States Forest Serv*, 2025 U.S. Dist. LEXIS 181687 (E.D. Wash. Sept. 16, 2025) found CBM is a violation of NEPA because it does not allow the public to know where the treatment units are, what trees will be removed, or whether there are intermittent streams or other areas of concern in the units. As is the case in the Midnight FEA, the project maps for the Colville project are vague or unreadable.

Both the CBM and DxD provisions only increase the chances the prescriptions as designed will not be carried out accurately. They pave the way for overcutting and subversion of NEPA.

One of the implications of CBM is that it allows dated data to be used to determine conditions on the ground. We are in the age of climate change, and forest ecosystems are changing in unexpected ways on a yearly basis. Present field observation of the existing conditions is imperative.

CBM also renders the NEPA analysis irrelevant. If the prescriptions can be changed after the EA is written and the Decision is signed, the actual ecological impacts are changed and the jeopardy to important resources is increased.

We can only speculate that CBM is being employed so that if a timber sale does not sell, the cutting prescriptions can be increased to make the sale more lucrative to prospective bidders.

We understand that crews are already paint-marking timber in the project area, as they have been observed by citizens. Why then, does the OWNF not eschew DxD, the consequences of which would only require marking more trees? With marking by professional foresters, compliance with the prescription can be verified, the public will know what will be done, and the contractor is discouraged from removing more and larger trees than allowed.

Since the contractor is being paid with trees, DxD is an inherent conflict of interest. We found no guarantee that an authorized agency representative will be with the logging crew at all times to verify compliance. We found no evidence that the OWNF requires the contractor and their crews to be educated in the reading logging and burning prescriptions. How will compliance be verified?

There is no good reason to apply CBM and DxD except to put the effectiveness of the prescriptions in question, and to increase the chances that there will be minimal protection of non-timber resources.

9. The FEA is Illegible and Disorganized

“The documents requested did not load.” This was the message we repeatedly received when attempting to access the FEA via the link provided. This underscores a much broader problem

with public understanding of the FEA, particularly given the timelines allowed for comment. We recognize writing NEPA documents is not an easy task. However, this EA is nearly impossible to fully comprehend.

We struggled with the FEA because of errors and duplications of page numbers, which are mind-boggling. In addition, there are 28 supporting documents listed in the project folder, some more than 240 pages in length. There are 3,250 pages of text (not including maps). There are 15 specialist reports, and a lot more supporting documentation that is not listed. We count 51 documents total, and 32 maps.

Pardon our frankness, but it appears a boatload of information was heaped into a big electronic pile to try and support the activities planned in Midnight. Even more frankly, expecting the general public to be able to read all these documents in 30 days (DEA) or 45 Days (Objection) is not rational, let alone reasonable.

Expecting local residents and visitors to the Methow Valley who use the OWNF for a wide variety of non-consumptive purposes, but are not versed in forestry or NEPA process to read and understand the Decision and EA, is absurd. They are apparently expected to drop everything in their lives with no forewarning, to pore through thousands of pages of technical documents in a few weeks.

In addition, the maps provided with the FEA were so small as to be nearly useless for the public to discern anything on the ground. Our members recreate and visit this watershed regularly. Some have grown up here and are intimately familiar with the landscape, but they could not use the maps provided with the FEA to navigate around the project area due to terrible resolution and a lack of any definitive landmarks or unit boundaries. When we requested shapefiles to enable our GIS specialist to generate maps for our members to visit the project, we encountered a series of difficulties. First, the project website erroneously listed contact information for an individual who had retired. After contacting the Forest Supervisor, we were referred to another staff member who told us he would send the files. After two weeks, when we inquired for an update, we were told by the District Ranger that we would be sent no shapefiles. We would have to initiate a FOIA request to be able to provide maps for our members to visit the project area.

The Decision also does not provide a simple summary with answers to the primary questions people will have, like the total amounts of commercial and noncommercial logging (harvest), the amount of the LSR that will be impacted, the stream buffers, and amount of overstory removal.

The organization of the Midnight FEA does not meet common standards that people who are interested in management of their national forests would expect in a public document. To point out every flaw in the organization of, and language used in the FEA would require a lengthy Objection that the time allotted does not allow for.

For this reason, we believe the EA and FONSI for Midnight do not comply with NEPA. Caselaw in *Northwest Coalition for Alternatives to Pesticides v. Forest Service* found that if a NEPA document was not readable to a person with a high school education, it fails to comply. <https://law.justia.com/cases/federal/district-courts/FSupp/614/657/2141939/>

In this case, a federal court found that a discussion of toxicity wasn't clear to the Chair of the Harvard Physics Department, so it certainly wasn't clear to the average American with an 8th grade education.

We reference the Objection of forest scientist Chad Hanson, who has a PhD and a doctorate in jurisprudence, who has disclosed that the language of the FEA is in many places unclear to him.

The Methow Valley is surrounded by the OWNF on all sides. The people of the Valley in particular have a vested interest in the FEA due to the thousands of local residents who obtain their drinking water, recreation, inspiration, scenery, wildlife and a variety of intrinsic resources within the project area. The ability of the local public to understand the FEA is paramount to the local public interest. The EA fails to convey even basic information.

What the general public wants to know is what the activities authorized in Midnight will be, and what direct impact it will have on the natural resources of the area. We have repeatedly suggested to the OWNF that it provide a summary in the EA and/or decision that explains in simple terms what actions are proposed to be taken and what impacts can be expected. Without a clear explanation, people must rely on attorneys, experts, and organizations familiar with this type of document to interpret for them.

10. The Process for Development of the FEA was Undemocratic

There were no public meetings conducted for Midnight (only an “Open House” that was announced only 24 hours prior, and which provided for no public discussion), no publication of the Decision in the *Methow Valley News*, and only the participation of a special interest group—the North Central Washington Forest Health Collaborative (NCWFHC)—in project conception.

Throughout development of the Midnight Project, the doors of the OWNF and the NCWFHC have been closed. Even FOIA requests from NCCC have gone unanswered. We have repeatedly raised this issue with OWNF officials with no relief.

This situation is exacerbated by the fact that the general public and Objectors have requested involvement in the development of the Proposed Action, but were denied. This privilege was reserved for the NCWFHC.

We have documentation of the Collaborative’s refusal to communicate with Objectors. This group regularly retreats into closed sessions where the public is asked to leave. Our members have electronically sat in on Collaborative meetings but were not allowed to speak, and were kicked out after the closed session began. During our monitoring of NCWFHC meetings, we’ve never heard any discussion of proposed treatments for Midnight, although Collaborative meeting minutes indicate such discussions did occur.

We are not suggesting the reviewing officer parse whether a public process is legal or not under applicable laws such as FACA and the 2009 Forest Restoration Act. We only suggest that if a public involvement process is not fair by common standards in America, it should be repudiated.

With the Midnight public process, the NCWFHC was given privileged access to influence and information that was denied to other publics. Since the Collaborative is composed of businesses and trade groups as well as organizations, this constitutes an actual conflict of interest, as some or all of the Collaborative members have a financial interest in OWNF projects.

Once the Proposed Action is developed, the NCWFHC and Okanogan-Wenatchee staff have invested in it, and thus it will constitute the bulk of substance of the Decision with little opportunity for significant changes. Thus, the public is only given the opportunity to comment on a single plan of action, while the Collaborative begins its involvement from a clean slate with no sideboards.

Attached to this Objection is a summary documenting the unfair public process employed by the OWNF for the Midnight Project. *See* Exhibit F.

11. Impacts to Recreation Use are Not Disclosed

The unwieldy organization of the FEA makes it difficult to locate important pieces of information. We can only assume that if we could not find specific discussion of impacts, it is not contained in the document. One glaring omission is the impacts to recreation use in the Twisp River Corridor and the economic impacts to the town of Twisp.

The Twisp Corridor contains six semi-primitive campgrounds, and nine trailheads that shepherd hikers and equestrians into one of the largest expanses of protected wilderness in the lower 48 states: the North Cascades Ecosystem. There appears to be no analysis of impacts from the physical logging operations themselves during recreation use periods, nor from the loss of natural scenery via the resulting logging debris left on the Twisp River Road.

We could not locate a study of the economic benefits of recreation use to the town of Twisp, so a reasonable analysis of Midnight's impacts to primitive and semi-primitive recreation should have been conducted in the EA. These include commercial logging operations dominating various sections of the 10-mile Corridor (from Camp Creek to Road's End) for up to 20 years, including commercial logging of the campgrounds themselves. These operations would impose mechanical noise, log truck traffic, and heavy equipment upon the visitor. Helicopter logging is proposed and this will result in a negative impact on recreation and the economy of the area. How will the public be able to enjoy a weekend trip to camp, fish, hunt, or hike with helicopters shuttling logs overhead? It would also result in a significantly changed landscape from predominantly wild to one impacted by stumps, log decks, ripped topsoil, and slash piles. This would convert a natural gateway to an incredible wilderness into just another commercially logged landscape.

Recreation users seek solitude and the existing natural ambiance to begin their unique experience rather than competing with an industrial resource extraction operation. At least one alternative should have been presented that involved a much less intensive logging operation and would result in less alteration of the landscape. Presently, there is no temperance to logging and other activities due to impacts on recreation.

Our description of the activities and general forest condition represents a fair depiction of what will occur based on the logging that has occurred on the Mission Project, ongoing for five years in the same and adjacent watersheds. Its near-clearcuts and general logging debris have impacted Buttermilk and Libby Creeks in many ways, and the logging operations have disrupted the lives and impacted the personal safety and solitude of area residents.

The Twisp River Corridor is the primary outdoor recreation and tourist attraction of the town of Twisp. Thousands of log trucks rolling down Twisp River Road and through town, competing with bicyclists, foot traffic, and skiers on Twisp River Road will present safety concerns that are not even given lip service in the FEA.

What does the Town of Twisp get out of thousands of loaded and unloaded log trucks driving along local streets, tearing up rural roads and waking people at 2:30 am, as is now occurring? It will certainly not result in any economic benefit, but rather an impediment.

12. Impacts from Recent Wildfires, and Road Impacts are not Analyzed

There is no analysis of the impacts of the Crescent Mountain and Cedar Creek fires, which burned portions of the project area, and interconnected lands adjacent to it. The impacts of these fires when combined with pending impacts from the project have not been considered. In fact, we find little evidence of current field work of any kind being conducted in the project area.

Spread out over various sections of the FEA, we located data which when combined indicates there will be a total of eight miles of new road constructed, while 30 miles of road will be reconstructed. There appear to be no prisms for existing roads indicating what their present condition is. Some may well be no more than overgrown trails or tracks. Others, like the War Creek Road, have major, impassible washouts many feet deep and reconstructing this road will have detrimental impacts for aquatic species that are not analyzed.

The Midnight Project is mostly concentrated in a narrow strip of land approximately two miles in width from either edge of the Chelan-Sawtooth Wilderness. This magnifies the impacts of these roads, including soil disturbance, habitat loss, wildlife disturbance, weed spread, and illegal off-trail use. The FEA does not even consider why logging the largest, live trees that survived recent fires need to be removed. These are precisely the trees the Forest should retain to reduce fire risk to the community.

These roads will degrade wildlife habitat, including for the incoming grizzly bear. We found no standards in the FEA which indicate whether, how, and when each of these roads will be closed, or what constitutes “decommissioning.” It fails to consider that depending on the status of post-project funding, these roads may never be closed or re-closed.

13. Logging Activity Locations and Compliance with Standards are Unclear

We identified 22 different types of “thinning.” There are commercial and non-commercial thins, other logging techniques and strategies not called “thinning,” for example shaded fuel breaks,

and thins designated for certain NW Forest Plan allocations. It is extremely difficult for the public to determine specifically what's going to be done, and where.

Implicit in the objective of restoring "historic conditions" (a dubious principle we address in following pages) is the effort to greatly reduce the presence of Douglas fir trees based on an alleged overabundance of this species. However, the historic frequency of Douglas fir cannot be established via a baseline established by the information provided. It fails to articulate the natural occurrence of this species over extended time frames.

There are loopholes that allow the removal of Douglas fir trees of any size if they are impacted by dwarf mistletoe or deemed "hazards, yet there is no information which indicates there is an overabundance of mistletoe in the project area, or why their removal is allegedly necessary. The scoring for identification of Dwarf Mistletoe is inconsistent. Hazard trees have such a broad definition as to include the majority of trees on the landscape.

To eliminate thousands of Douglas firs removes habitat, threatens soil stability, decreases water retention, and eliminates shade.

There are several shortcomings in the EA with regard to how and where the various types of logging will occur, and how existing standards will be met. Logging with ground-based equipment will be allowed on slopes up to 45 percent, when 35 percent is the common state and federal standard.

On an October 29 tour, we found washouts and landslides in areas where there was no well-defined stream course and lacked protective buffers as per the NWFP. Logging these areas will *increase* landslides in the future. Our members also noted stream classifications appear to be based on no particular standard. Some that appear to be intermittent by NWFP definitions or contained water had no protective buffers indicated.

We reiterate that there must be justification for the removal of mistletoe-infected trees by establishing that it presents a specific problem at present levels. Mistletoe has been identified as contributing to wildlife habitat, including for northern spotted owls, and it is important for snag recruitment.

NWFP guidelines for firewood gathering must be followed, which limit firewood gathering in the LSR. We found no standards for snag retention or recruitment. Firewood gathering appears to be unregulated, without limits or monitoring. There must be protection of standing snags, especially in heavily logged areas, because wood cutters will remove these. We've documented this in areas of the Mission Project.

The maps of logging and burning units do not show unit boundaries in the upper seven miles of the Twisp River. The poor quality of the maps provided make understanding the how's and where's of activities near impossible. We cannot comprehend how people interested in the management of their national forests, yet unfamiliar with the language and organization of NEPA documents, can offer concerns or ideas.

14. Concerns with Consultation and Impacts to Additional Listed Species

The project area contains known populations of whitebark pine. The Biological Assessment does not state whether the project will have an adverse effect on the species. The Biological Assessment says that consultation on whitebark pine will be programmatic, but no copy of this is provided. An effects determination is not made, and the programmatic document is not listed in the literature cited.

The wildlife specialist report says the project will have an effect on grizzly bear habitat and on individuals, and that grizzly bear would be affected by disturbances. However, the project Biological Assessment concludes “no effect” for grizzly bear, even after the intrusion of 38 miles of new or reconstructed roads.

The project does not provide an overview of the near-term negative effects of treatments on lynx foraging habitat and this calls into question the claims that the treatments would benefit prey species. Activities that remove understory vegetation as well as road building are known for having negative effects on lynx prey. The project includes forest thinning, fuel reduction, and road building in lynx critical habitat. These activities are known to negatively affect lynx critical habitat, but the project concludes no adverse effects to lynx critical habitat. This determination should be changed.

The project claims it will have both adverse and beneficial effects to mule deer, but the adverse effects are not described in sufficient detail to understand effects on gray wolf. The DEA then goes on to state that the project will not have adverse effects on gray wolf. A project that has negative effects to gray wolf prey, involves opening numerous closed roads, and involving significant increases in human disturbance in the form of logging operations and helicopter flights is likely to adversely affect wolves and this determination should be changed.

15. There is No Fire Prevention Plan

Addressing the danger to communities from wildfire is noted as a project objective. It would then seem reasonable to expect the OBNF would initiate a fire prevention program as a component of Midnight. Many studies have concluded that 90 percent of wildfires are human-caused.

Midnight is being implemented in a high recreation use area. Intensive on-site prevention programs would assist with the prevention objective. Yet no such plan is mentioned, nor are the impacts of opening of 38 miles of new road, thus increasing the possibility of increases in human-caused fires.

Harvesting trees as large as 21 to 25 inch diameter that survived the Crescent Mountain and Cedar Creek fires does not protect our homes and communities from fire. Thinning old-growth stands that currently serve as fire refugia does not make our members feel more protected from fire. Quite the opposite. Instead, after harvest, these open stands with 20-40% canopy cover devoid of their large, fire-resistant trees will fill with shrubs which will carry fire more readily than the large old trees that were removed.

This issue emphasizes the divergent approaches and attitudes of the people involved in fire safety. While prevention is a non-invasive approach, the OWNF chooses to invest its resources into attempting to control fire by remodeling the forest ecosystem, an invasive process that inevitably results in various adverse impacts to other forest resources.

The Methow Community Alternative details a prevention program, but was not considered as part of the Midnight EA. Some of the aspects of such a plan would include establishing evacuation routes, bolstering local firefighting infrastructure, educating the recreating public as to the dangers associated with any kind of open flame, and ramping up patrols of key recreation sites.

Many Methow Valley residents are participating in programs for home hardening and the creation of defensible space. Precluding them, and the fire safe associations that are being established, from offering ideas for fire safety, and prevention measures, is a regrettable omission.

The lack of attention to fire prevention renders the Midnight Project limited in its approach to achieving one of its key objectives.

Remedies: The Midnight and Twisp Restoration Projects should be combined, and, whether combined or not, an EIS should be prepared disclosing and discussing the impacts of both projects. The projects should be designed consistent with Forest Plans. The public involvement aspects of the EIS process should be adhered to, and the OWNF should allow and encourage widespread public involvement, with public meetings, tours, and other means of providing information and accepting input on the record.

Thank you for considering this Objection. We look forward to working with you to shape a project that effectively addresses wildfire risks in the project area while improving and maintaining forest ecosystem health and compliance with federal laws.

s/ Phil Fenner

Philip Fenner

President

North Cascades Conservation Council

On Behalf of All Objectors

Acknowledgements

The Objectors received assistance from numerous individuals including Brenna Bell, CRAG Law Center; Jennifer Schemm, former NEPA Attorney; Chad Hanson, John Muir Project; and Amber Reggiatore.

EXHIBIT A

----- Forwarded message -----

From: Umphries, Tara - FS, WA <tara.umphries@usda.gov>

Date: Wed, Nov 19, 2025 at 4:14 PM

Subject: RE: [External Email]Request for information and extension of time for
Objections on the Midnight Project

To: Phil Fenner <pfitech.seanet.com@gmail.com>

CC: Leininger, Daniel - FS, WA <Daniel.Leininger@usda.gov>, Seifried, Rosemary - FS,
WA <rosemary.seifried@usda.gov>, Farmer, David - FS, WA

<David.Farmer@usda.gov>, Furr, Chris - FS, WA <Christopher.Furr@usda.gov>

Hi-

The Final EA, Draft DN/FONSI, project maps, and specialist reports are available on the [project webpage](#). I apologize for the incorrect link in the previous response. Please see correct link below.

- IRA GIS data is publicly available on the Forest Service's EDW website here:
https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW_InventoriedRoadlessAreas2001_01/MapServer
- There are additional shape files here as well:
<https://apps.fs.usda.gov/arcx/rest/services/EDW>

In addition, we are adding several additional documents that you have requested to this project webpage.

1. Humling, M. A., and R.L. George. 2024. "Midnight Restoration Project Landslide Prone & Debris Flow Analysis Methods." Okanogan-Wenatchee National Forest.
2. Humling, M. A., E. Pederson, and C. Camenson. 2024. MRP Site-Potential Tree Height (SPTH) Determination Procedure. Project File Memo. U.S. Department of Agriculture, Forest Service, Okanogan-Wenatchee National Forest, Methow Valley Ranger District.

If you would like to request additional information, you may submit a FOIA request to the Region 6 FOIA inbox at: SM.FS.R6FOIA@usda.gov.

EXHIBIT A



Tara Umphries
Forest Supervisor

Forest Service

Okanogan-Wenatchee
National Forest

p: 509-664-3223
c: 720-618-2543
tara.umphries@usda.gov

[215 Melody Lane](#)
[Wenatchee, WA 98801](#)

From: Phil Fenner <pfitech.seanet.com@gmail.com>
Sent: Wednesday, November 19, 2025 9:20 AM
To: Seifried, Rosemary - FS, WA <rosemary.seifried@usda.gov>
Cc: Umphries, Tara - FS, WA <tara.umphries@usda.gov>; Leininger, Daniel - FS, WA <Daniel.Leininger@usda.gov>
Subject: Re: [External Email]Request for information and extension of time for Objections on the Midnight Project

You don't often get email from pfitech.seanet.com@gmail.com. [Learn why this is important](#)

Rosemary,

Chris is off for a couple of weeks and left an auto-reply with your name and email.

We need confirmation that per Chris, the Methow RD will not supply any information without a FOIA request, which seems excessive to us based on much more cooperative responses we have received from other RDs and other NFs. (The link he provided below has no actual GIS shapefiles.)

@Tara, do you concur with Chris's position on this?

EXHIBIT A

Here is what we asked Chris for:

- GIS shapefile of Logging Units in Midnight Project
- GIS shapefile of Inventoried Roadless Areas in Ok-Wen NF

Phil

On Tue, Nov 18, 2025 at 1:50 PM Furr, Chris - FS, WA <Christopher.Furr@usda.gov> wrote:

Phil-

Thank you for your message and interest in Midnight Restoration. You will need to submit a FOIA request through the Forest Service's FOIA Service Center: SM.FS.R6FOIA@usda.gov to get copies of these shapefiles and documents. Lots of the spatial data you requested are available through the Forest Service's public-facing webpages. For example, IRA maps are here: <https://www.fs.usda.gov/managing-land/planning/roadless/state-maps>.

There is no legal mechanism for extending the objection filing period under the 218 regulations.

Chris



Chris W. Furr
District Ranger

Forest Service

Okanogan-Wenatchee National Forest

Methow Valley Ranger District

p: 509-996-4027

c: 575-779-4776

christopher.furr@usda.gov

EXHIBIT A

24 West Chewuch Rd.
Winthrop, WA 98862

From: Phil Fenner <pfitech.seanet.com@gmail.com>
Sent: Saturday, November 15, 2025 1:02 PM
To: Umphries, Tara - FS, WA <tara.umphries@usda.gov>
Cc: Furr, Chris - FS, WA <Christopher.Furr@usda.gov>; Leininger, Daniel - FS, WA <Daniel.Leininger@usda.gov>
Subject: [External Email]Request for information and extension of time for Objections on the Midnight Project

[External Email]

If this message comes from an unexpected sender or references a vague/unexpected topic;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Tara,

North Cascades Conservation Council is working to prepare its objections to the Midnight project, but we are missing some critical information which we have requested from the Methow District officer in charge of the project, who replied that there are delays in providing the information we need due to the recent Federal Government shutdown. See below for the email string.

We cannot reasonably object without this information.

We still have not received the requested information (see list below), so we need more time to wait for this info and then analyze it once it is received. A minimum of an additional 45 days from the current Objection deadline of Dec. 5, 2025 should be granted, thus the new deadline would be approx. Jan. 15, 2026.

EXHIBIT A

Please issue this extension and inform us as soon as possible, and provide the information already requested below. Note that we also need the following:

- GIS shapefile of Logging Units in Midnight Project
- GIS shapefile of Inventoried Roadless Areas

Thank you,

Philip Fenner, President

North Cascades Conservation Council

www.northcascades.org



NORTH CASCADES CONSERVATION COUNCIL

Past email string:

From: Philip Fenner <philf@northcascades.org>
Sent: Tuesday, November 4, 2025 10:20 AM
To: Leininger, Daniel - FS, WA <Daniel.Leininger@usda.gov>
Subject: [External Email]Need shapefiles
Daniel,

Please send me the Midnight Project treatment GIS shapefiles, riparian reserves, and the shapefiles the Forest Service uses to identify NWFP stream types (referencing page C-30 of the NWFP standards and guides, these include fish bearing, perennial, & intermittent streams).

EXHIBIT A

...

Thank you.

Philip Fenner, President
North Cascades Conservation Council
www.northcascades.org

----- Forwarded message -----

From: Phil Fenner <philf@northcascades.org>
Date: Wed, Nov 12, 2025 at 10:32 AM
Subject: Re: [External Email]Need shapefiles
To: Leininger, Daniel - FS, WA <Daniel.Leininger@usda.gov>

Thanks for the update.

A couple other things we need, too:

These 2 documents are referenced in the Midnight EA:

-Humling, M. A., and R.L. George. 2024. "Midnight Restoration Project Landslide Prone & Debris Flow Analysis Methods." Okanogan-Wenatchee National Forest.

-Humling, M. A., E. Pederson, and C. Camenson. 2024. MRP Site-Potential Tree Height (SPTH) Determination Procedure. Project File Memo. U.S. Department of Agriculture, Forest Service, Okanogan-Wenatchee National Forest, Methow Valley Ranger District.

And we need copies of the Spotted Owl Surveys that were done in the Midnight project area from 2018-2021.

Thank you very much for your

Phil

On Wed, Nov 12, 2025 at 8:58 AM Leininger, Daniel - FS, WA
<Daniel.Leininger@usda.gov> wrote:

Hi Phil,

We have not forgotten about your request. However, things are moving slowly because of the shutdown-- I'll keep you updated.

Dan Leininger

=====
LIST OF INFO ALREADY REQUESTED in emails to Dan Leininger:

Humling, M. A., and R.L. George. 2024. "Midnight Restoration Project Landslide Prone

EXHIBIT A

& Debris Flow Analysis Methods.” Okanogan-Wenatchee National Forest.

Humling, M. A., E. Pederson, and C. Camenson. 2024. MRP Site-Potential Tree Height (SPTH) Determination Procedure. Project File Memo. U.S. Department of Agriculture, Forest Service, Okanogan-Wenatchee National Forest, Methow Valley Ranger District.

Copies of the Spotted Owl Surveys that were done in the Midnight project area from 2018-2021.

Midnight Project treatment GIS shapefiles, riparian reserves, and the shapefiles the Forest Service uses to identify NWFP stream types (referencing page C-30 of the NWFP standards and guides, these include fish bearing, perennial, & intermittent streams).

The spotted owl LiDAR model - the GIS shapefile.

- 1) The grizzly bear Bear Management Unit shapefile, and**
- 2) Road shapefile.**

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EXHIBIT B

NCCC ground-truthing of riparian areas in Midnight Project area, upper Twisp River,

Nov. 16, 2025 Map with numbered photo locations:



Photos:

1.



2.



EXHIBIT B

3.



4.



5.



6.



EXHIBIT B

7.



8.



9.



10.



EXHIBIT B

Descriptions of photos:

Photos 1-2. An unprotected stream channel and intermittent stream washing onto the road. This part of the road washed out a couple years ago and has new gravel and culverts but it is washing out again since they did that roadwork. This looks like "LSR Moist" thin on the map and a new fuelbreak.

Photo 3. This was a stream coming down off of the steep slope but has no buffers or protections. It is in a mixture of SI thin and LSR thin.

Photo 4. This is War Creek road to the war creek trail. The road has washed out in several places and streams are running over the roadbed. this whole slope is unstable. It looks like a mix of SI thin and LSR thin. The FS will have to repair the road to access the units and disturb soil and it will put sediment into the streams and river. The whole slope will be logged according to the map.

Photos 5-8. Driving to Williams Creek there are many streams - some dry and but with rocks and logs and wetland vegetation. This area is fuelbreak and LSR thin. The streams in these photos don't look like they have protective buffers. There is a busted out culvert below the road at the third photo and the stream runs over the road in spring.

Photos 9-10. They are logging the Poplar Flat campground which has a stream bed right east of it. This looks like a combination of matrix dry thin, SI thin, and riparian reserve thin. Don't understand why they are they logging a stream through the campground.

EXHIBIT C

NCCC ground-truthing of Forest Plan Old Growth in Midnight Project area, upper Twisp River, Nov 20, 2025.

Map with numbered site locations.



EXHIBIT C

Site 1. We hiked along the Twisp River trail and stopped at this point because we thought it was designated as old growth on the maps and also going to be logged. There are a lot of large and medium sized trees and shrubs.



EXHIBIT C

Site 2. As far as we could tell from the maps this is not listed as old growth forest and was in a logging unit. We stopped at this point with a lot of large and medium diameter trees of various heights.



EXHIBIT C

Site 3. As far as we could tell from the maps this is not listed as old growth forest and was in a logging unit. We stopped at this point with a lot of large and medium diameter trees.



EXHIBIT C

Site 4. As far as we could tell from the maps this is not listed as old growth forest and was in a logging unit. We stopped at this point with a lot of large and medium diameter trees. Hiking pole is 4 feet 4 inches.



EXHIBIT C

Site 5. As far as we could tell from the maps this is not listed as old growth forest and was in a logging unit. We stopped at this point with a lot of large and medium diameter trees of various heights. Hiking pole is 4 feet 4 inches.



EXHIBIT C

Site 6. As far as we could tell from the maps this is not listed as old growth forest and was in a logging unit. We stopped at this point with a lot of large and medium diameter trees of various heights.



EXHIBIT D

Regional Ecosystem Office (REO) - Northwest Forest Plan

Land Use Allocations: Late-Successional Reserve Work Group



What We Do

The **Late-Successional Reserve (LSR) Work Group** is an interagency group of resource professionals chartered by the [Regional Interagency Executive Committee](#) to [conduct reviews of proposed actions](#) in LSRs and LSR Assessments to ensure that these are consistent with the requirements of the Northwest Forest Plan Record of Decision. The work group evaluates proposed actions by using [a set of criteria](#) that the field units review in order to determine if their project requires review. Recommendations for each review are compiled by the work group and forwarded onto the Regional Ecosystem Office for final review.

The LSR Work Group frequently visits project sites to discuss proposed actions and strategies for meeting LSR objectives. Review [exemptions](#) have been developed for some silvicultural treatments. LSR assessments have been completed for most LSRs. Contact individual National Forests or BLM Districts for copies of the LSR Assessments.

Who We Are

Work Group members are from a variety of agencies including:

- USDA Forest Service
- USDI Bureau of Land Management
- USDI Fish and Wildlife Service

Late Successional Reserve Work Group Contacts

- **Region 6 (OR/WA):**
 - Contact: Andrea Lyons
 - Phone: 509-433-4473
 - Email: andrea.lyons@usda.gov

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Regional Ecosystem Office (REO) - Northwest Forest Plan

Land Use Allocations: Late-Successional Reserve Reviews



2023 Reviews

Date	Agency/Office	Document Name
12/15/2023	FS	Rattail Project, Six Rivers National Forest
08/04/2023	FS	Larison Potential Operational Delineation (POD) Project, Middle Fork Ranger District, Willamette National Forest
05/05/2023	FS	North Fork Stillaguamish Landscape Analysis Project, Mt. Baker-Snoqualmie National Forest
04/26/2023	FS	Upper Wenatchee Pilot Project, Wenatchee River Ranger District, Okanogan-Wenatchee National Forest
02/23/2023	FS	Buckeye Project, Tiller Ranger District, Umpqua National Forest

2022 Reviews

Date	Agency/Office	Document Name
07/22/2022	FS	REO Review of the Sudden Oak Death Treatments, 2022 Gold Beach Ranger District, Rogue River-Siskiyou National Forests
05/16/2022	FS	REO Review of the Rebuilding of Recreation Residences, Willamette and Shasta Trinity National Forests
04/29/2022	FS	REO Review of the Bear Country Project, Klamath National Forest

2021 Reviews

Date	Agency/Office	Document Name
08/10/2021	FS	Review of the Sudden Oak Death Treatments 2021, Gold Beach Ranger District, Rogue River-Siskiyou National Forest
07/28/2021	FS	Review of the Deadhorse Road Relocation Project, Mt. Baker-Snoqualmie National Forest

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Date	Agency/Office	Document Name
06/03/2021	FS	<u>Review of Twin Restoration and Vegetation Management Project, Deschutes National Forest</u>
04/12/2021	FS	<u>Late-Successional Reserve Work Group Review of the North Fork Nooksack Project, Mt. Baker-Snoqualmie National Forest</u>

2020 Reviews

Date	Agency/Office	Document Name
11/04/2020	FS	<u>FS Sudden Oak Death Treatments 2020, Rogue River-Siskiyou National Forest</u>
8/20/2020	FS	<u>FS Stella Landscape Restoration Project, Rogue River-Siskiyou National Forest</u>
7/2/2020	FS	<u>FS Juanita Restoration Project, Klamath National Forest</u>
6/12/2020	FS	<u>FS Lowell Country Project, Willamette National Forest</u>
2/24/2020	FS	<u>FS Calf-Copeland Project, Umpqua National Forest</u>

2019 Reviews

Date	Agency/Office	Document Name
9/13/2019	FS	<u>Akerwoods Fuels Reduction Project, Six Rivers National Forest</u>
9/9/2019	FS	<u>Taneum Restoration Project, Okanogan Wenatchee National Forest</u>
9/9/2019	FS	<u>Little Crow Project, Okanogan Wenatchee National Forest</u>

2018 Reviews

Date	Agency/Office	Document Name
8/17/2018	FS	<u>REO Review of the Chalk Mountain Plantation Thin and Underburn Project Shasta-Trinity National Forest</u>
6/22/2018	FS	<u>Swauk Pine Restoration Project, Okanogan Wenatchee National Forest</u>
6/12/2018	FS	<u>REO Review of the Lucky Penny Late Successional Reserve Restoration Project, Klamath National Forest</u>

2017 Reviews

Date	Agency/Office	Document Name
8/24/17	FS	<u>REO Review of Shasta Agness Landscape Restoration Project Gold Beach Ranger District, Rogue River-Siskiyou National Forests</u>
6/29/17	FS	<u>Elk Creek Restoration Project, Umpqua National Forest</u>
6/1/17	FS	<u>Waterman Ridge Risk Reduction Project, Six Rivers National Forest</u>

2016 Reviews

Date	Agency/Office	Document Name
5/11/16	BLM	<u>Stouts Creek Salvage, South River Field Office, Roseburg BLM</u>
4/13/16	BLM	<u>Upper Cow LSR Project, Grants Pass Field Office, Medford BLM</u>
4/6/16	FS	<u>Kimball Thin, Gold Beach RD, Rogue-Siskiyou NF</u>
3/23/16	FS	<u>Elk LSR Enhancement Project, Shasta-Trinity NF</u>
3/21/16	FS	<u>Dobbyn Creek Sudden Oak Death Treatment – Amendment, Six Rivers NF</u>
2/1/16	FS	<u>Lemon Butte, North Umpqua RD, Umpqua NF</u>

2015 Reviews

Date	Agency/Office	Document Name
7/28/15	FS	<u>Westside Fire Recovery Project, Klamath NF</u>
7/6/15	FS	<u>Dobbyn Creek Sudden Oak Death Treatment, Six Rivers NF</u>

2014 Reviews

Date	Agency/Office	Document Name
9/9/14	BLM	<u>Half-n-Half Thin, Roseburg District BLM</u>
5/6/14	FS	<u>Lower Steamboat Thin, North Umpqua RD, Umpqua NF</u>

EXHIBIT F

Description of the Public Process for Developing the Midnight Proposed Action

With the conception and planning for the Midnight Project, the North Central Washington Forest Health Collaborative (NCWFHC) was given exclusive, privileged access to information and influence. NCWFHC was invited to be involved in the process of developing the Midnight Proposed Action, while other publics were denied. Moreover, the NCWFHC is not been responsive to requests for information and access. Following is a record of this claim:

November 3, 2021: In a meeting of the North Central Washington Forest Health Collaborative (NCWFHC), co-chair Mike Anderson announces the Collaborative has been contacted by the Forest Service and asked to participate in the development of a “Midnight Restoration Project.” Anderson says the Collaborative has commissioned a study to develop logging prescriptions for the 53,000 acre project area.

December 8, 2021: After discovering the existence of the Midnight Project via reading the NCWFHC minutes, Phil Fenner and Ric Bailey participate in a conference call with Methow District Ranger Chris Furr. They ask that North Cascades Conservation Council (NCCC) be included in project planning meetings. Furr refuses, saying only that they will get a chance to comment on the proposal once it is released to the public, and that they should “get involved with the Collaborative” if they want more information.

January 12, 2022: Okanogan-Wenatchee National Forest Supervisor Kristin Bail agrees during a conference call that NCCC should not have to contact the NCWFHC to get information about Midnight project development. However, she does not respond to the request that all publics should be allowed to participate in the planning for Midnight.

January 26, 2022: Ranger Chris Furr announces that he has reduced the size of the Twisp Restoration Project from approximately 77,000 acres to 24,000 acres. But he does not disclose that the Forest Service already has a plan well into the development phase for the 53,000 acres excised from the Twisp project (Midnight).

February, 2022: The Forest Service rejects calls for a new public comment period for the Twisp Project after it was split into two separate projects— Twisp and Midnight.

April 7, 2022: In a letter to North Cascades Conservation Council, Forest Supervisor Kristin Bail states: “The Forest Service is regularly invited to attend NCWFHC’s Quarterly Meetings to provide updates on projects as they are planned and implemented.” But she does not acknowledge that the Collaborative is not only being provided with information, it is actually helping the Forest Service create Midnight. She does not respond to NCCC’s concern that the Collaborative is being given exclusive access to information and influence, and its input is not limited to official comment periods as is the case with all other publics.

EXHIBIT F

September 15, 2022: NCCC sends a letter to the Collaborative's five conservation organization members. No response is received.

September 16, 2022: Twisp Watershed residents attend a tour of the Mission Project logging operation with Chris Furr and other Forest Service employees. Furr emphasizes the meeting is "not part of the public record" because the comment period for the project has passed. When asked by Ric Bailey why the Forest Service allows the Collaborative to help develop projects outside the comment periods, and will not accept an alternative prepared by NCCC, Furr only answers that he will not accept NCCC's alternative.

January, 2023: The NCWFHC continues to conduct "closed sessions." The public outside the Collaborative and the Forest Service are not allowed to attend, or listen in. NCCC has requested minutes for the closed sessions, but have never received a response. The Collaborative has not posted meeting minutes on its web site in nearly two years.

January 12, 2023: NCWFHC co-chair Mike Anderson answers an email from Ric Bailey asking to attend a closed session of the Collaborative. Anderson responds: "Ric, sorry, but I probably won't be able to communicate with you as long as the N3C lawsuit is pending. Have a good day!"

February 6, 2023: Forest Supervisor Kristen Bail states in a letter: "...any individual or organization is welcome to submit comments, suggestions, and proposals to the Forest Service during project development." However, both she and District Ranger Chris Furr stated clearly during a tour on September 30, 2023, that public input outside of official public comment periods, and statements made at tours and meetings "...are not a part of the public record."

February 9, 2023: After learning Forest Service Chief Randy Moore would be in Wenatchee, Ric Bailey calls his office number and leaves a voice mail asking for a meeting with North Cascades Conservation Council leaders. Bailey follows up three days later with an email. No response is received.

March 22, 2023: Bailey leaves another voice mail and sends another email to Chief Moore asking for a meeting. There is no response.

May 5, 2023: The Forest Service announces a scoping process to receive public comments on the Midnight Proposed Action. This is the first notice to the public of the existence of Midnight, while the NCWFHC has been meeting regularly with the agency for 20 months to develop the Proposed Action. However, the public is allowed only 23 days to comment on the massive document from the time the scoping notice is published in the Wenatchee World, and is given only 24 hours notice of an "open house."

EXHIBIT F

July 27, 2023: Ric Bailey emails NCWFHC co-chairs Mike Anderson and Chris Branch, asking for an explanation as to why the Collaborative continues to conduct closed sessions. They do not respond, but defer to Tiana Luke, a staff person who is organizing meetings. She replies: "...the second half of the meeting was open to Steering Committee members and invitees only. So, it's not an executive session, just normal business. The intent is not to exclude people but rather to hold business conversations privately."

September 8, 2023: NCCC submits a revised Methow Community Alternative to District Ranger Furr, the original of which was submitted during scoping. They explain that their alternative has been revised, based on the input of scientists. Ranger Furr responds that he cannot accept the corrections because they were submitted after the close of the comment period. NCCC writes back stating that the alternative was submitted with their original comments, and has only been amended. Ranger Furr issues a one-word response: "received." Meanwhile, the Forest Service continues to hold regular meetings with the Collaborative outside the comment period.

September 30, 2023: The Forest Service conducts a public tour of the Mission Project logging units. Forest Supervisor Kristin Bail and District Ranger Chris Furr emphasize that this meeting is not a part of the public record and that the agency is not "officially" required to consider the public comments offered at the event.

March 25, 2024: Ric Bailey sends a letter to the NCWFHC co-chairs asking for information about their newly proposed "Collaborative Engagement Agreement" with the Forest Service, and asking for meeting minutes that for closed sessions. They do not respond.

The Forest Restoration Act authorizes the Collaboratives, but requires a "transparent" process. The process engaged by the Forest Service has been a closed, insider affair that has excluded thousands of citizens of the Methow Valley. The determination of fire risk reduction is a matter of life and death to many Valley residents, and directly impacts their use of, and relationship with the ecosystems in the Okanogan-Wenatchee National Forest.

Further, the process used to develop Midnight was funded in part by the National Forest Foundation. This includes the Collaborative itself, and individual collaborative members. This fact has not been disclosed by the Forest Service, and indicates a covert agenda to authorize a project with the appearance of "collaborative public involvement," when it was anything but. It shows that financial considerations were an influencing factor in the decisions made by the Collaborative, and subsequently the Forest Service.

The fact of federal funding being channeled to the insider groups for privileged access is a violation of FACA and 16 U.S. Code § 7303 - Collaborative Forest Landscape Restoration Program. The worst part of this arrangement is not that it is technically illegal, but that the Forest Service would have the audacity to authorize a project by

EXHIBIT F

subverting a process that, according to federal rules, is intended to enable: "...A transparent and inclusive democratic processes and, at a smaller scale, more engagement with local communities." (Margerum 2011: 6)