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December 15, 2025

Jacqueline Buchanan
Regional Forester
1220 SW 3rd Avenue
Portland, OR 97204

Re: Objection to the Draft Decision Notice and Finding of No Significant Impact for the Little White Salmon Forest Resiliency and Fire Risk Mitigation Project.

Regional Forester Buchanan:

Pursuant to 36 C.F.R. Part 218, WildEarth Guardians (“Guardians”) files this objection letter in response to the Forest Service’s Draft Decision Notice (“DN”) and Finding of No Significant Impact (“FONSI”) for the Little White Salmon Forest Resiliency and Fire Risk Mitigation Project (“Little White Salmon Project” or “Project”). The Project is located on the Mt. Adams Ranger District of the Gifford Pinchot National Forest and the Responsible Official is Forest Supervisor Johanna Kovarik.

Guardians submitted timely comments on the Draft Environmental Assessment (“EA”) on October 31, 2024. On October 31, 2025, the Forest Service published the legal notice for the Final EA and Draft DN/FONSI. This objection letter is timely submitted.

Objection 1: The Forest Service should not postpone Survey and Manage wildlife surveys.

According to the Forest Service, of the 5,071 acres in the project area that require Survey and Manage wildlife surveys, 1,727 acres (34%) have yet to be surveyed.¹ Instead of committing to completing the remaining wildlife surveys *before* making a decision, the Forest Service instead “[a]dded a project-specific Forest Plan Amendment for Survey and Manage Survey Timing” in the Final EA “to allow surveys to occur *after* NEPA approval[.]” The Forest Service claims this cart-before-the-horse approach is necessary in order to “minimize impacts to project delivery[.]”² There are several problems with this.³

¹ Final EA at 7.

² *Id.* at 7-8 (emphasis added).

³ This objection is timely because it “concerns an issue that arose after the designated opportunity(ies) for comment[.]” 36 C.F.R. § 218.8(d)(6).

First, while the Forest Service claims that it intends to complete the remaining surveys prior to project implementation,⁴ that will be after the opportunity for public comment. But the agency must provide for “meaningful engagement *during* the NEPA process” to “ensure decision makers are informed by the views of the public.”⁵ Failing to disclose this “relevant environmental information”⁶ during the NEPA process deprives the public of its opportunity for meaningful engagement on this issue and to ensure the Forest Service is informed by that engagement before it makes a decision. It also fails to comply with the planning rule, which requires the Forest Service to provide an “opportunity to comment on the proposed amendment” before the objection period.⁷

Second, the purpose of an EA is to determine *whether* to prepare an EIS or a FONSI.⁸ But the proposed amendment to the Survey and Manage protocols tips the Forest Service’s hand that it has already determined that it will issue a FONSI. This is evident throughout the Final EA:

- “Added a project-specific Forest Plan Amendment for Survey and Manage Survey Timing to allow surveys to occur *after NEPA approval*.”⁹
- “Deferring a decision on these stands would *significantly delay project implementation*.”¹⁰
- “Allowing any required pre-disturbance surveys to occur *post-NEPA decision* but prior to implementation would *minimize impacts to project delivery*[.]”¹¹
- “This amendment would maintain consistency with the intent and objectives of the Survey and Manage provisions by protecting sensitive species *while enabling timely decision-making and efficient, effective project delivery*.”¹²

As these statements indicate, the Forest Service is on a specific timeline that inexorably leads to issuance of a FONSI in order to “deliver” this project. This is made even more explicit in the Forest Service’s discussion of the timeframe for completing remaining wildlife surveys.

For example, the Forest Service claims that “completing all required surveys by the end of the 2025 field season exceeds current staff and contractor capacity”¹³ and that it does not expect to complete the required surveys on these stands “until 2026 at earliest, and likely 2027.”¹⁴ Without the proposed amendment, the Forest Service claims that further administrative review following completion of the surveys would add “an additional 90+days,” which would “delay project implementation well into 2027, and potentially beyond.”¹⁵

⁴ Final EA 1 (emphasis added).

⁵ 40 C.F.R. § 1501.9(a) (emphasis added).

⁶ 40 C.F.R. § 1500.1(b).

⁷ 36 C.F.R. § 219.5(a)(2)(ii).

⁸ 40 C.F.R. § 1508.1(j).

⁹ Final EA at 1.

¹⁰ *Id.* at 7.

¹¹ *Id.* at 8.

¹² *Id.*

¹³ Draft DN at 12.

¹⁴ Final EA at 7.

¹⁵ *Id.*

Of course, a finding of significance would necessitate the preparation of an EIS, which would also delay project implementation and delivery in a similar manner. This indicates that the issuance of a FONSI is a foregone conclusion. Indeed, it would be odd for the agency to seek a project-specific amendment to “minimize impacts to project delivery” and then issue a finding of significance, completely vitiating the whole purpose of the amendment. That can only mean that the Forest Service has already determined that it will issue a FONSI before the NEPA process has concluded. This does not constitute a “hard look.”¹⁶

Third, the Forest Service is not permitted to approve a project first and verify compliance with legal requirements at some point in the future.¹⁷ But that is precisely what the Forest Service proposes to do here. The proposed amendment is therefore unlawful.

Fourth, the notion that completing required wildlife surveys will “significantly delay project implementation” is belied by the implementation schedule itself. The Forest Service anticipates the project will be implemented over the next *two decades*.¹⁸ Even assuming that completion of the wildlife surveys does delay implementation until 2027 (about a year), that is just 5 percent of the overall implementation timeline. That is far from a “significant delay.”

It seems the Forest Service’s efforts to “minimize impacts to project delivery” is driven in large part by the relentless pressure to meet assigned timber targets and comply with Executive Order (EO) 14225 (Immediate Expansion of American Timber Production).¹⁹ In April 2022, the Forest Service issued a report outlining how it could “achieve and sustain” a higher timber target.²⁰ At the outset, the agency explained that it had already increased timber volume output to an average of 3.08 BBF over a 5-year period ending in FY21, “higher than any period in the previous few decades.”²¹

This increase in timber volume had already “outpaced the agency’s ability to prepare enough project areas and has exhausted most of the agency’s available NEPA-approved projects.”²² Despite that, the Forest Service acknowledged there were “additional increases planned for the upcoming years” and the agency was “increasing [its] effort in preparatory work to achieve and sustain” even “higher volume sold output[s].”²³ In order to “develop, implement, and administer more timber sales to attain an increased target,” the Forest Service stated that “a reallocation of

¹⁶ See *Metcalf v. Daley*, 214 F.3d 1135, 1142 (9th Cir. 2000) (explaining the “hard look” mandated by NEPA “must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.”).

¹⁷ See *WildEarth Guardians v. Jeffries*, 370 F. Supp. 3d 1208, 1234 (D. Or. 2019) (“The duty to demonstrate Forest Plan consistency applies at the time of the decision, not at a speculative future date.”); *accord Ctr. for Biological Diversity v. U.S. Forest Serv.*, No. 9:23-cv-00110-DWM, slip op. at 19 (D. Mont. Dec. 11, 2025) (citing *Ecology Ctr. v. Austin*, 430 F.3d 1057, 1071 (9th Cir. 2005)).

¹⁸ See Final EA at 77.

¹⁹ See 90 Fed. Reg. 11,364 (Mar. 3, 2025).

²⁰ Timber Target Report, 1 (Ex. 1); also available at <https://www.fs.usda.gov/about-agency/budget-performance/fy22-appropriations> (click on “Agency Timber Target” and then click on “Report”).

²¹ *Id.*

²² *Id.*

²³ *Id.*

agency support staff for administrative, human resources, finance, information technology, and related functions must also be prioritized to support this effort.²⁴ The Forest Service singled out the Pacific Northwest as one of three regions that “should have the *greatest increase* in total volume sold” in order to attain and sustain higher timber targets.²⁵

Documents obtained by Guardians through the Freedom of Information Act (FOIA) reveal in stark terms how much pressure Forest Service staff are under to meet assigned timber targets.²⁶ For example, in notes provided to an incoming Acting Assistant Director in 2015, regional staff explained that the Washington Office “will probably have continued asks for more volume” and that forests are “SOL if they can’t get the NEPA done.”²⁷ The push to avoid being a forest that is “SOL if they can’t get the NEPA done” almost certainly means that corners are being cut, resulting in unanticipated and needless environmental impacts.

For example, in a 2017 audit of the Malheur National Forest’s timber program, the Regional Office made a striking admission:

In the past 3-4 years, several forests in the region have had timber sales containing units that have not been analyzed in the NEPA document and/or were inconsistent with the preferred NEPA decision. Three common factors between these sales were: the lack of frequent and open communications as the project moved from design to implementation, no review of the contract or task order package prior to advertisement or award, and little involvement by line officers.²⁸

Which forests were these? Did this include the Gifford Pinchot National Forest? In addition to the “three common factors,” what other factors led to timber sales in these forests “containing units that have not been analyzed in the NEPA document and/or were inconsistent with the preferred NEPA decision?”

Despite its knowledge that timber sale implementation on “several forests in the region” included “units that had not been analyzed in the NEPA document and/or were inconsistent with the preferred NEPA decision,” the Regional Office continued to push forests to do more to increase timber volume output, even to the point of reminding staff that their jobs depended on it. In December 2017, former Regional Forester James Pena sent a letter to forest supervisors in Region 6 stating:

²⁴ *Id.* at 2.

²⁵ *Id.* (emphasis added).

²⁶ Guardians published a StoryMap based on some of the documents obtained through this FOIA request as well as the Timber Targets Report and incorporates it by reference. *See* Forest Service Top Priority: Getting the Cut Out – How the Forest Service Is Cutting Forest Protections to Boost Logging in the Pacific Northwest (Mar. 11, 2025), <https://storymaps.arcgis.com/stories/95e01949e33341a993f977c57cbf3c20>.

²⁷ Notes for Nancy in her Acting Assistant Director Detail, 3 (Ex. 2) (obtained in response to FOIA Request #2024-FS-R6-04259-F). Note that although the document is undated, it appears to have been produced sometime in 2015 as it references the “initial budget” for FY16. *See id.* at 2.

²⁸ Regional Product Accountability Audit and Timber Program Review – Malheur National Forest, 7 (May 8-12, 2017) (Ex. 3) (obtained in response to FOIA Request #2024-FS-R6-04259-F).

[I]t is critical that we take advantage of all the tools that we have available to us to implement an integrated restoration program. These include, but are not limited to, **simpler NEPA analysis**, virtual boundaries, weight scaling, DxP and DxD, Good Neighbor, Tribal Forest Protection Act and stewardship contracting authorities. **Just as use of these types of tools are part of my performance standards, they will also be part of your performance standards.** Please expect a request to all Forest Supervisors and the Area Manager specifically identifying the tools that you are currently using and those that you plan to implement during FY 2018.²⁹

Just a few months after Regional Forester Pena's letter, the Acting Threatened and Endangered Species (TES) Program Manager for Region 6 sent an email stating the Mt. Baker-Snoqualmie National Forest was "very concerned of not meeting this year's timber target as a result of T&E issues."³⁰ The TES Program Manager stated that they were "trying to help them find options" but "am really at a loss for ideas" and "I feel horrible for that."³¹ It should go without saying that the focus of the manager of the Region's TES Program should be for threatened and endangered species, not whether a national forest meets its timber target.

In February 2023, the Regional Office unveiled a new "3+1 Model" intended to "expedite the pace and scale of vegetation management" in the Pacific Northwest.³² The "3" refers to "three minimum years of NEPA-approved shelf-stock, which could be "one large-scale project or multiple smaller projects that clear timber volume actions over a multi-year window."³³ The "1" refers to "one year of sale prep shelf-stock, which is a NEPA-approved project readied for project implementation." According to the Forest Service that means that "all the prep work done—all the field work is done; the units have been identified; the timber is marked; you've got a cruise that provides a volume. You're ready to put together the contract and the maps" for implementation.³⁴ Executing the 3+1 Model required "all hands on deck to do what is needed to move the machine forward."³⁵

That same month, the Regional Office ordered a timber target increase in the middle of the fiscal year, assigning an additional 73 million board feet (MMBF) for eight national forests to sell by the end of that fiscal year. Internal comments about the mandated increase for one of these forests, the Siuslaw National Forest, registered "complaints" from staff that the agency was

²⁹ James Pena letter (Dec. 21, 2017) (emphasis added) (Ex. 4) (obtained in response to FOIA Request #2024-FS-R6-04259-F).

³⁰ Anne Poopatanapong email (May 3, 2018) (Ex. 5) (obtained in response to FOIA Request #2024-FS-R6-04259-F).

³¹ *Id.*

³² '3+1 Model' to equate to stable timber volumes at 1 (Feb. 2023) (Ex. 6) (obtained in response to FOIA Request #2024-FS-R6-04259-F). Notably, this internal document explains how proposed project undergo NEPA analysis, "ensuring protection of natural and cultural resources, *prior* to the issuing [of] signed NEPA decisions to proceed." *Id.* (emphasis added).

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 5.

“sacrificing aquatics” for additional 5 MMBF of timber volume sold.³⁶ Undeterred, the Regional Office met with the Federal Timber Purchasers Committee (FTPC) two months later to assure the timber industry that the agency is “seeking efficiencies with NEPA documents” and is “**going to be as aggressive as possible** in meeting the 575 [MMBF] target” for FY23, even while acknowledging that it is a “high bar to meet.”³⁷

That aggressiveness to get projects approved and timber sales under contract is evident in a June 2023 “timber target check-in” meeting. During this meeting, Region 6 leadership bluntly told its staff that “[w]e either meet our target or not, period” and they had “a lot of ground to make up” before the end of the fiscal year because their “numbers are dismal.”³⁸ In order to drive the point home, Region 6 leadership explained that because they “came up short last year” it “set a bad precedent that R6 is not a good investment.”³⁹ As a result, Region 6’s “NFTM dollar were reduced and sent to R8 & 9.”⁴⁰ In other words, the Forest Service’s Washington Office punishes regions that do not meet their assigned timber target, creating a perverse incentive to be “as aggressive as possible” to meet that target, even perhaps, if it means “sacrificing aquatics” and disregarding impacts to threatened and endangered species.

And all of this was *before* the mandate to “immediately expand” timber production even further under EO 14225. The region’s timber target for FY26 is 622 MMBF,⁴¹ an 8 percent increase from just two years ago, which the Regional Office already considered a “high bar” that would require its staff to be as “aggressive as possible” to meet. It seems apparent that the Forest Service’s rush to authorize this project before Survey and Manage wildlife surveys are completed is to lock in the anticipated 75 MMBF of timber the agency expects to offer over the next twenty years.⁴²

Whatever kind of “management” this is, it is certainly not “the most judicious use of the land.”⁴³ Rather, it is evidence that the agency’s decisionmaking process is improperly influenced on what “will give the greatest dollar return or the greatest unit output” of timber.⁴⁴ And when timber targets are increased even in the face of agency personnel voicing concerns about “sacrificing aquatics” to sell an addition 5 MMBF, it is clear that such decisions are not “without impairment of the productivity of the land.”⁴⁵

³⁶ FY23 R6 Final Timber Volume Sold Target Assignment to Units (Column G), 2-22-23 (Ex. 7) (see Row 8, Column I. Note that the author wrote “sacraficing auatics,” which was clearly intended to mean “sacrificing aquatics”) (obtained in response to FOIA Request #2024-FS-R6-04259-F).

³⁷ Draft FTPC R6 Breakout Discussion (Apr. 19, 2023) (emphasis added) (Ex. 8, p. 257) (obtained in response to FOIA Request #2024-FS-R6-04259-F).

³⁸ Timber target check-in 6/9/2023 (Ex. 9) (obtained in response to FOIA Request #2024-FS-R6-04259-F).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See American Forest Resource Council, Washington DC Update, p. 5 (Oct. 2025) (Ex. 10) (noting that the draft timber target for Region 6 in FY26 is 622 MMBF).

⁴² See Final EA at 28.

⁴³ 16 U.S.C. § 531(a).

⁴⁴ *Id.*

⁴⁵ *Id.*

When Congress enacted NFMA, it recognized that because “the majority of the Nation’s forests and rangeland is under private, State, and local governmental management,” it is those “nonfederally managed renewable resources” that provide the basis for “the Nation’s major capacity to produce goods and services”—not publicly owned and federally managed lands.⁴⁶ Congress therefore required the Forest Service to “*reduce* pressures for timber production from Federal lands.”⁴⁷

Instead of seeking ways to “reduce pressures for timber production from Federal lands,” EO 14225 does the exact opposite by mandating the Forest Service to “fully exploit our domestic timber supply” and “facilitate increased timber production” from National Forest lands in a manner that “reduce[s] time to deliver timber” to market.⁴⁸ This arbitrary and reckless edict subordinates other uses and values of our national forests to timber production, which was already at its highest level in decades.

This incessant push for the “immediate expansion” of timber production from National Forests is impermissibly based on what “will give the greatest dollar return or the greatest unit output” of timber in violation of NFMA. And with so much of the Forest Service’s staff cut this year, the agency cannot ensure that this “immediate expansion” of logging is being done “without impairment to the productivity of the land,” particularly when EO 14225 directs it to “reduce time to deliver timber” to private industry. The proposed amendment is specifically intended to “minimize impacts to project delivery” as directed by EO 14225.

Finally, in October 2025, the Regional Forester issued guidance regarding Survey and Manage surveys in the context of projects falling under the Emergency Action Determination Authority.⁴⁹ That guidance claims that national forest lands “within the geographic boundary of the ESD” fall under the Survey and Manage “unusual circumstances” exception.⁵⁰ As such, the Regional Forester has directed regional staff to apply the “unusual circumstances” exception and forego pre-disturbance surveys in order to expedite implementation of projects throughout the region.⁵¹

While the Forest Service here is proposing a project-specific amendment, Guardians is concerned that the agency could decide to apply the “unusual circumstances” exception to this project. In the event that occurs, Guardians objects to this project falling under the “unusual circumstances” exception and to the issuance of the guidance.

⁴⁶ 16 U.S.C. § 1600(5). *See also* Butler and Sass, Wood Supply from Family Forests of the United States: Biophysical, Social, and Economic Factors, Forest Science (2023) (Ex. 11) (as of 2018, 88% of annual timber production in the U.S. is sourced from private forestlands), https://www.fs.usda.gov/nrs/pubs/jrnl/2023/nrs_2023_butler_001.pdf.

⁴⁷ 16 U.S.C. § 1600(7) (emphasis added).

⁴⁸ EO 14225.

⁴⁹ USFS-Pacific Northwest Region, Guidance for Consistent Application of Survey and Manage Pre-Disturbance Survey Requirements while Applying the Emergency Action Determination Authority (Oct. 28, 2025) (Ex. 12).

⁵⁰ *Id.*

⁵¹ *Id.*

Proposed Resolution to Objection 1: The Forest Service should withdraw the proposed amendment to the Survey and Manage standards and complete the required wildlife surveys before making a final decision. The Forest Service also should not apply the “unusual circumstances” exception to this project.

Objection 2: The Forest Service’s analysis does not adequately consider impacts to northern spotted owl and its habitat.

Guardians expressed concerns in its comments on the Draft EA that the Forest Service’s analysis did not adequately consider impacts to northern spotted owl.⁵² Following the close of the comment period on the Draft EA, the Forest Service and U.S. Fish & Wildlife Service (FWS) consulted on the impacts of the Little White Salmon Project on northern spotted owl. Guardians continues to have significant concerns about how implementation of this project will impact northern spotted owl and its habitat.

Approximately 40% of the action area is considered mature or old-growth forest that provides spotted owl suitable habitat for nesting, roosting, and foraging.⁵³ Another 35% of the action area is considered dispersal habitat, “contributing to connectivity across the landscape.”⁵⁴ Approximately 57,728 acres of this area are designated critical habitat.

In 2023, the Forest Service conducted bioacoustics surveys to determine if northern spotted owls were in the action area. The results of these surveys “indicated that a male spotted owl was present in one territory (321).”⁵⁵ However, the Forest Service only surveyed seven of 22 known historical spotted owl territories, less than one-third of the known historical territories.⁵⁶ According to FWS, “[g]iven the lack of surveys” conducted by the Forest Service, FWS had to resort to carrying capacity models “to estimate the number of northern spotted owls in the action area.”⁵⁷ The results of that modeling estimated that “there are potentially two pairs of northern spotted owls in the action area” and “at least one single spotted owl in addition to the estimated two resident pairs.”⁵⁸

If the project is approved and implemented in its current form, there will be a decrease of 2,515 acres of suitable habitat in the analysis area.⁵⁹ This “habitat loss will reduce the overall habitat capacity to successfully support northern spotted owls for at least 10-20 years.”⁶⁰ The analysis provided in the Final EA and Biological Opinion is insufficient to determine the severity of impacts to northern spotted owl.

⁵² See Draft EA Comments at 17-18.

⁵³ FWS, Biological Opinion at 4.

⁵⁴ *Id.*

⁵⁵ *Id.* at 5.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Final EA at 75. This is from a 1,230-acre decrease in nesting, roosting, and foraging habitat and a 1,285-acre decrease in foraging habitat.

⁶⁰ BiOp at 9..

Despite the noted “lack of surveys” and long-term habitat loss, “the USFS does not foresee that additional surveys will be done during the 20-year term of this Project.”⁶¹ Also, the Forest Service “will not apply [conservation measures]” to protect spotted owls in six unsurveyed territories, nor in suitable habitat surrounding any of the 22 spotted owl territories within the action area.⁶² Finally, the Forest Service did not adequately consider cumulative effects, stating vaguely that there are “large patches of suitable habitat and dispersal habitat” on State lands and “[r]elatively small patches of suitable or dispersal habitat” on private timber industry land.⁶³ None of this suffices as a “hard look” at the impacts to northern spotted owl and approving the project in its current form would violate NEPA and the Endangered Species Act.

Proposed Resolution to Objection 2: The Forest Service should complete additional bioacoustics surveys in known spotted owl territories and apply conservation measures in all known territories and suitable habitat surrounding those territories.

Objection 3: The Forest Service should reconsider the need for a Programmatic EIS.

Guardians previously raised the issue of the need for a programmatic EIS (PEIS) because the Little White Salmon Project is part of a much broader plan being coordinated and executed with the Washington Department of Natural Resources (DNR).⁶⁴ Specifically, the Alignment Strategy includes “spatially explicit prioritization of areas” where logging will be used to purportedly “implement forest health and fuels treatments” across eastern Washington.⁶⁵ In response, the Forest Service claims a PEIS is not required because the Alignment Strategy “does not represent a dual agency plan or agreement, is not a decision document, and does not authorize action.”⁶⁶ These statements are either inaccurate or irrelevant regarding the need for a PEIS.

First, the Alignment Strategy *is* a dual agency plan or agreement. As the name implies, the strategy aligns DNR’s Forest Health Strategic Plan (FHSP) with the Forest Service’s Wildfire Crisis Strategy (WCS) in order to “identify similar geographies as high priorities for treatment.”⁶⁷ This “shared agreement” and “strong alignment and synergy” is intended to “leverage additional resources and ultimately accomplish more together than each agency can on its own.”⁶⁸ According to the agencies, they have “clear agreement on the highest priority locations” to implement their plans.⁶⁹

The Alignment Strategy even cites the specific “agreement” that the Forest Service and DNR are operating under to execute the dual plan.⁷⁰ That agreement discusses the “collaborative development of project scale priorities across pilot areas in Eastern Washington State” with the

⁶¹ *Id.* at 7.

⁶² *Id.*

⁶³ Final EA at 76.

⁶⁴ See Draft EA Comments at 1-10.

⁶⁵ *Id.* at 1.

⁶⁶ Final EA, App. J at 121.

⁶⁷ Alignment Strategy at 1 (included as Exhibit 1 in Guardians’ Draft EA comments).

⁶⁸ *Id.*

⁶⁹ *Id.* at 12.

⁷⁰ *Id.* at ii, iv. (citing “agreement 22-CS-11221637-172”).

intent to “develop a road map” to develop and implement “restoration projects” like the one at issue here.⁷¹ Before implementing this plan at the project level, the plan itself should be subject to scrutiny in a PEIS so the public can scrutinize this plan and provide alternatives to achieve the agencies’ stated objectives but without the use of widespread commercial logging.

Second, the fact that the Alignment Strategy is “not a decision document” and “does not authorize action” is irrelevant to question of whether a PEIS is required. A PEIS should be prepared to “evaluate the environmental effects of policies, programs, plans, or groups of related activities.”⁷² Two specific examples provided in the NEPA regulations for when a PEIS is appropriate include “[n]ational or regional actions” and a “group of projects or related types of projects.”⁷³ The regulations even reference situations like this where there are programmatic efforts involving “more than one agency[.]”⁷⁴

Proposed Resolution to Objection 3: The Forest Service and DNR should jointly prepare a PEIS on the Alignment Strategy before any site-specific projects, like Little White Salmon, are approved.

Objection 4: The Forest Service should not defer road decommissioning or closure decisions.

According to the Draft DN, “the Regional Forester directed that travel management decision-making be deferred until further notice.”⁷⁵ As this is raised for the first time in the Draft DN, Guardians objection on this point is timely.⁷⁶

The Regional Forester’s direction is being applied arbitrarily because only action that would close or decommission roads are being deferred.⁷⁷ An unspecified amount of road reconstruction, however, is not being deferred. The Forest Service is required to “ensure that the identified [minimum road] system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.”⁷⁸ Carving out decommissioning and closure while moving forward with reconstruction is arbitrary and does not “ensure the identified system minimizes adverse environmental impacts.”⁷⁹

Proposed Resolution to Objection 4: The Forest Service should not defer road decommissioning if the project is approved.

⁷¹ Challenge Cost Share Agreement Between the Washington Department of Natural Resources and the USDA, Forest Service Rocky Mountain Research Station, Statement of Work at 2 (Sept. 2022) (**Ex. 13**).

⁷² 40 C.F.R. § 1501.11(a).

⁷³ *Id.* § 1501.11(2).

⁷⁴ *Id.* § 1501.11(a)(1).

⁷⁵ Draft DN at 3.

⁷⁶ 36 C.F.R. § 218.8(d)(6).

⁷⁷ *See* Draft DN at 3.

⁷⁸ 36 C.F.R. § 212.5(b)(1).

⁷⁹ *Id.*

Objection 5: The Forest Service should withdraw additional mature and old-growth stands or consider fuels-only treatments in these stands.

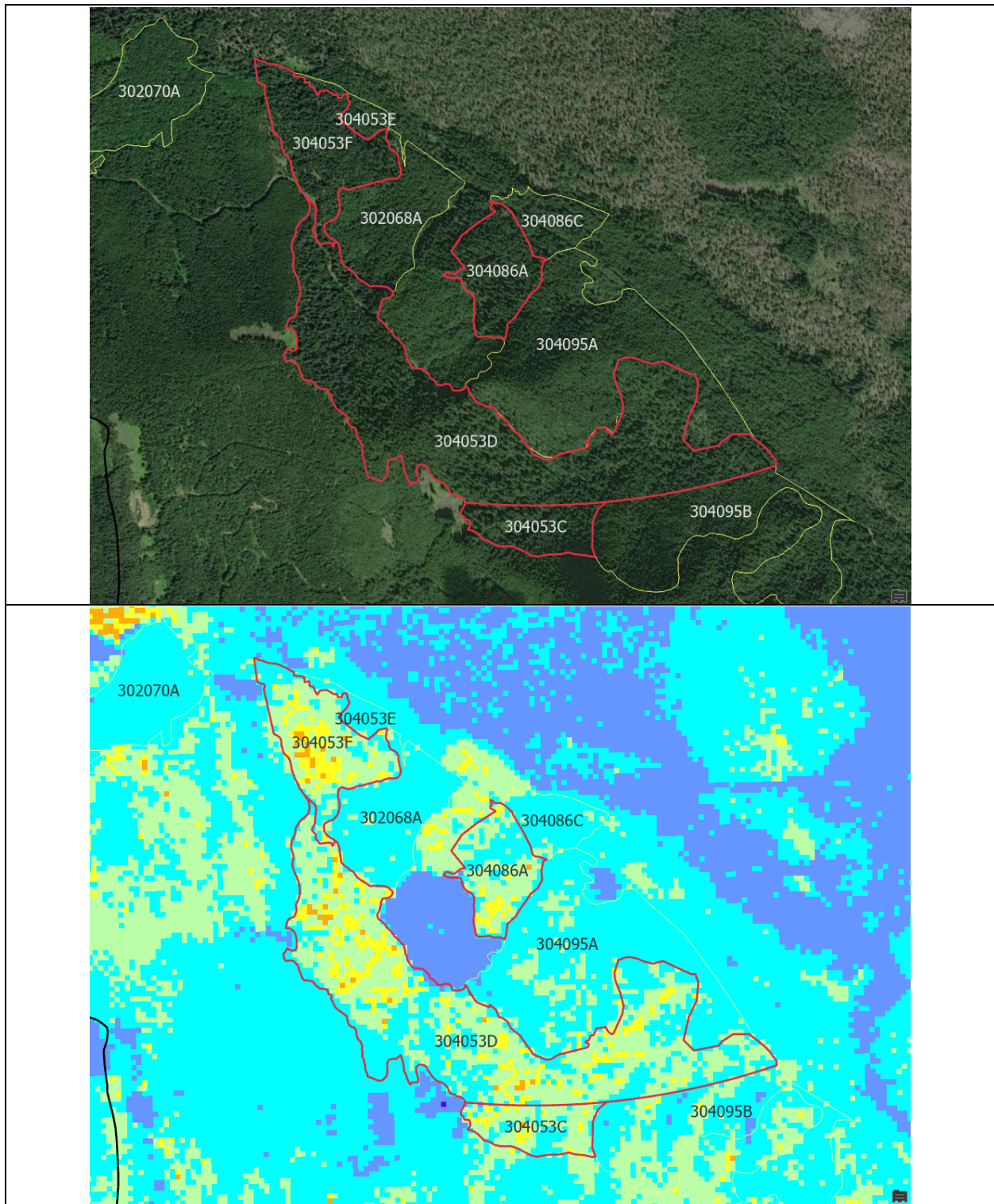
Guardians previously commented on the adequacy of the Forest Service’s review of mature and old-growth forests.⁸⁰ In response, the Forest Service “acknowledge[s] we could have missed some areas with old-growth characteristics, including portions of stand 303972A” identified by Guardians in its comments.⁸¹ Tree cores collected in this stand identified trees that were 136 years-old. The Forest Service claims that if it “find[s] other old growth areas through field validation and layout, it is our intent to exclude those areas.”⁸²

This is insufficient to constitute a hard look. Like the Survey and Manage proposed amendment, the Forest Service is planning to validate actual conditions after the project is approved. The agency needs to validate old-growth conditions before it makes a final decision. That way, the public is better informed and able to scrutinize the proposed treatments for each stand. Take the images below for instance:

⁸⁰ Draft EA Comments at 10-15.

⁸¹ Final EA, App. J at 129.

⁸² *Id.* at 130.



Stands in the top image with a red border (304053F, 304053D, 304053C, and 304086A) appear to be less uniform and have more patchiness and complexity, indicating mature and old-growth characteristics. This is supported by the bottom image, which is the same DNR data Guardians

cited in its Draft EA comments, which estimates age (green cells = 72-121 years old; yellow cells = 122-171 years old; orange cells = 172-321 years old).

Proposed Resolution to Objection 5: The Forest Service should consider withdrawing these stands from the project or conducting non-commercial fuels treatments. The Forest Service should do the same for the other stands included in Exhibit 14.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Talbott", written over a horizontal line.

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