

February 14, 2026

Daniel P. Jauregui
Heber-Kamas District Ranger
Uinta-Wasatch-Cache National Forest
50 East Center Street
Kamas, UT 84036

Re: Soapstone Landscape Restoration proposal

Dear Ranger Jauregui,

Please accept these comments from me on behalf of the Alliance for the Wild Rockies, Yellowstone and Native Ecosystems Council (NEC) on the Uinta-Wasatch-Cache National Forest's Soapstone Landscape Restoration proposal.

The Alliance for the Wild Rockies and Native Ecosystems Council (collectively "Alliance") submit the following comments to guide the development of the environmental analysis for the proposal. We believe that the Forest Service must complete a full environmental impact statement (EIS) for this Project because the scope of the Project will likely have a significant individual and cumulative impact on the environment.

It appears that the Soapstone Landscape Restoration proposal mostly tiering to old EAs and DNAs which courts have repeatedly said are not NEPA documents. The Forest Service cannot use a Determination of NEPA adequacy because the NEPA documents the DNA tiers to do not fully cover all the impacts in the Proposed Action.

The proposed action is to complete timber-related treatments and restore aspen stands to improve ecosystem conditions and strengthen watershed resiliency to wildland fire, insect, and disease. How does the Forest Service define resiliency? Please prove that the project will make the watershed less susceptible to severe wildfires, insects, and disease? What is the matter with insects and disease?

The 1960 [Multiple Use-Sustained Yield Act \(MUSYA\)](#) mandated that national forests be administered for multiple, combined uses—specifically outdoor recreation, range, timber, watershed, and fish/wildlife—rather than single-purpose management. It appears that the Soapstone project is violating the Multiple Use-Sustained Yield Act, NFMA, NEPA, the APA, and the Forest Plan by trying to manage the project area only for timber production and ignoring the outdoor recreation, watershed, and wildlife and fish.

The MUSYA states: 'Multiple use' means: *The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or*

related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(b) “Sustained yield of the several products and services” means the achievement and maintenance in perpetuity of a high- level annual or regular periodic output of the various renewable re- sources of the national forests without impairment of the productiv- ity of the land.

Alliance has reviewed the statutory and regulatory requirements governing National Forest Management projects, as well as the relevant case law, and compiled a check-list of issues that must be included in the EIS for the Project in order for the Forest Service’s analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be disclosed and discussed in the EIS for the Project or in the final EA if you refuse to write an EIS.

I. NECESSARY ELEMENTS FOR PROJECT EA or EIS: A.

Disclose all Uinta-Wasatch-Cache National Forest Plan requirements for logging/burning projects and explain how the Project complies with them;

B. Disclose the acreages of past, current, and reasonably foreseeable logging, grazing, and road-building activities within the Project area;

C. Solicit and disclose comments from the Utah Division of Wildlife Resources regarding the impact of the Project on wildlife habitat;

D. Solicit and disclose comments from the Utah Department of Environmental Quality regarding the impact of the Project on water quality;

E. Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area;

F. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;

G. Disclose the snag densities in the Project area, and the method used to determine those densities;

H. Disclose the current, during-project, and post-project road densities in the Project area;

I. Disclose the Uinta-Wasatch-Cache National Forest's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;

J. Disclose the Uinta-Wasatch-Cache National Forest's record of compliance with its monitoring requirements as set forth in its Forest Plan;

K. Disclose the Uinta-Wasatch-Cache National Forest's record of compliance with the additional monitoring requirements set forth in previous DN/FONSIIs and RODs on the Uinta-Wasatch-Cache National Forest;

L. Disclose the results of the field surveys for threatened, endangered, sensitive, and rare plants in each of the proposed units;

M. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;

N. Disclose the impact of the Project on noxious weed infestations and native plant communities;

O. Disclose the amount of detrimental soil disturbance that currently exists in each project area from previous cutting, burning and grazing activities;

P. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation;

Q. Disclose the expected amount of detrimental soil disturbance in each unit after proposed mitigation/ remediation;

R. Disclose the analytical data that supports proposed soil mitigation/remediation measures;

S. Disclose the timeline for implementation;

T. Disclose the funding source for non-commercial activities proposed;

U. Disclose the current level of old growth forest in each third order drainage in the Project area;

V. Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions;

W. Disclose the historic levels of mature and old growth juniper in the Project area;

X. Disclose the level of mature and old growth juniper necessary to sustain viable populations of dependent wildlife species in the area;

Y. Disclose the amount of mature and old growth juniper that will remain after implementation;

Z. Disclose the amount of current habitat for juniper- sagebrush dependent species in the Project area;

AA. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation;

BB. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation;

CC. Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review;

DD. Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS, the inadequacy of the Forest Plan old growth juniper standard, and the failure to compile data to establish a reliable inventory of sensitive species on the Forest;

EE. Disclose the actions being taken to reduce fuels on private lands adjacent to the Project area and how those activities/or lack thereof will impact the efficacy of the activities proposed for this Project;

FF. Disclose the efficacy of the proposed activities at reducing wildfire risk and severity in the Project area in the future, including a two-year, five-year, ten-year, and 20- year projection;

GG. Disclose when and how the Uinta-Wasatch-Cache National Forest made the decision to suppress natural wildfire in the Project area and replace natural fire with logging and prescribed burning;

HH. Disclose the cumulative impacts on the Forest-wide level of the Uinta-Wasatch-Cache National Forest's policy decision to replace natural fire with logging and prescribed burning;

II. Disclose how Project complies with the Roadless Rule;

JJ. Disclose the impact of climate change on the efficacy of the proposed treatments;

KK. Disclose the impact of the proposed project on the carbon storage potential of the area;

LL. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;

MM. Please disclose how this project will enhance wildlife habitat;

NN. Please disclose how this project will degrade wildlife habitat;

OO. Please explain the cumulative impacts of this proposed project.

PP. Disclose maps of the area that show the following elements:

1. Past, current, and reasonably foreseeable logging units in the Project area;
2. Past, current, and reasonably foreseeable grazing allotments in the Project area;
3. Density of human residences within 1.5 miles from the Project unit boundaries;
4. Hiding cover in the Project area according to the Forest Plan definition;

5. Old growth forest in the Project area;

6. Big game security areas;

7. Moose winter range;

The Scoping Report indicates the project will rely on Best Management Practices. These are assumed to be effective and relied upon. However, a fundamental aspect of NEPA is to take a “hard look” at current management, conditions, assumptions and implementation.

The Forest Service appears to be trying to escape accountability for current degraded conditions it claims, such as conifer encroachment into aspen. But, what is the mechanism of this conifer encroachment and lack of recruitment in aspen stands. Is it past fire suppression? Livestock grazing?

What is the past history of this project area? What Forest actions or permitted activities play a role in the current state of aspen, wildlife habitat, watershed health and other ecosystem attributes? There is no analysis of:

- Validity of assumptions from previous NEPA processes
- Accuracy of predictions from previous NEPA processes
- Adequacy of Forest Service implementation of previous decisions
- Effectiveness of actions taken in previous decisions.

These above items are critical for effective decisions and outcomes and for the public to be informed. This can

only be done under a NEPA process. Without this critical link the validity of the current assumptions cannot be determined. Without analyzing the accuracy and validity of the assumptions used in previous NEPA processes one has no way to judge the accuracy and effectiveness of the current analysis and proposals.

The predictions made in previous NEPA processes also need to be disclosed and analyzed because if these were not accurate, and the agency is making similar decisions, then the process will lead to failure. For instance, if in previous processes the agency or permittee said they were going to do a certain monitoring plan or implement a certain type of management, meet certain goals and objectives, and these were never effectively implemented, it is important for the reader and the decision maker to know. If there have been problems with implementation in the past, it is not logical to assume that implementation will now be appropriate.

If prior projects have not been monitored to document and compare post project initiation conditions to baseline data, then there is no proof that models or BMPs are accurate, effective, or can be relied upon. What commitments have been made in the Forest Plan and subsequent project plans? Have these been realized?

The reliance on BMPs is a flawed approach that assumes they work. Ziemer and Lisle (1993) indicated that there are no reliable data showing that BMP's are cumulatively effective in protecting aquatic resources. Espinosa et al.

(1997) provided evidence from case histories in Idaho that BMP's thoroughly failed to cumulatively protect salmonid habitats and streams from severe damage from roads and logging. In analyses of case histories of resource degradation by stereotypical land management (logging, grazing, mining, roads) several researchers have concluded that BMP's increased watershed and stream damage because they encourage heavy levels of resource extraction under the false premise that resources can be protected by BMP's (Stanford and Ward, 1993 , Rhodes et al., 1994 Espinosa et al., 1997). Stanford and Ward (1993) termed this phenomenon the "illusion of technique."

The Prescribed Fires turned wildfires in New Mexico - one of which was a pile burn that smoldered and then blew up - have highlighted serious risks with activities involved in this project. Since the Soapstone proposal calls for pile burning in some of these aspen stands An EIS is needed to analyze the threat of the prescribed fires getting out of control.
<https://www.krqe.com/news/wildfires/officials-calf-canyon-fire-caused-by-pile-burn/>

We request a more detailed analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on- snow events, and increases in stream water temperature. Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas of the project activities. Where livestock are permitted to graze, we ask that you assess

the present condition and continue to monitor the impacts of grazing activities upon vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation. Livestock grazing occurs in the Project area and causes sediment impacts, trampled or destabilized banks, increased nutrient loads i, and decreased density, diversity, and function of riparian vegetation that may lead to increased stream temperatures and further detrimental impacts to water quality.

Will all WQLS streams in the project area have completed TMDLs before a decision is signed?

We also incorporate the following column by George Wuerthner into our comments.

Why Prescribed Burning Is Seldom Effective

 thewildlifeneews.com/2021/09/29/why-prescribed-burning-is-seldom-effective/

George Wuerthner September 29, 2021



Prescribed burning is often seen as a way to reduce to the large climate-driven blazes now occurring across the West, however, there are many problems that proponents fail to acknowledge. Photo George Wuerthner

It seems everyone is grasping for some “solution” to big fires. And one of the common assertions is that more prescribed burning would reduce fire spread and allow firefighters to knock down a blaze.

Increasingly we also hear that tribal people kept fires from becoming large by the frequent burning of the landscape—as if this was a secret tool no one in the fire fighting agencies knew about. The evidence suggests that tribal burning likely reduced fuels in the IMMEDIATE area around villages but seldom influenced the larger landscape fire rotation. You can read more on this at <https://www.thewildlifenews.com/2020/11/23/indigenous-burning-myths-and-realities/>

A prescribed burn, whether done by Indians for cultural purposes or a firefighter with a drip torch, may reduce fuels for a

short period. And if a fire were to encounter the burn when fuels were reduced, it might influence fire spread. However, one of the problems with prescribed burning (as well as thinning forests) is the likelihood that any blaze will encounter a “fuel reduction” when it may be effective at influencing fire spread is exceedingly rare. So most prescribed burns (as well as thinning) have no influence whatsoever.

In addition, the very fire people are anxious to stop or control are those burning under extreme fire conditions. These conditions include high temperatures, low humidity, drought and most importantly high winds. High winds, often blow embers over and through “fuel reductions” like prescribed burns. In other words, even if such prescriptions worked under low to moderate fire weather conditions, fuel reductions including thinning and prescribed burning typically fail to alter fire spread due to wind transport of embers.

Just burning enough of the landscape to have any influence on wildfires is also problematic. The window when burning is safe is frequently very narrow. Concerns about smoke dispersal add to the limitations.

Furthermore, there is always a chance that a prescribed burn will get away and burn far more of the landscape, including homes, prescribed burning increases the chances of fire losses. Due to the low possibility that any blaze will encounter a prescribed burn during the period when it could change fire behavior whether you would reduce the acreage charred is questionable.

A prescribed burn could get away from fire fighters and burn significant acreage as occurred with the [Davis Fire](#) near Canyon Creek, Montana and the Cerro Grande prescribed burn that destroyed homes in [Los Alamos, New Mexico](#). When such planned ignitions get away from fire fighters due to changing weather conditions, the District Ranger or Park Supervisor or other responsible agency personnel get blamed for the destruction of property.



This area on the Deschutes National Forest was prescribed burn the previous season. The regrowth of grasses (fine fuels) is now denser than what existed before the burn. Photo George Wuerthner

The other problem with prescribed burning is that in many ecosystems, burning stimulates plant growth. This additional biomass results from the removal of competing vegetation and release more nutrients, water, and sunlight for the remaining plants. Consequently, within a few years of a prescribed burn,

you will often get more fine fuels like grass, shrubs, and small trees than before the burn.

In addition, frequent burning was not the dominant fire regime in many ecosystems. Chaparral, sagebrush, and higher elevation conifer forests like fir, lodgepole, spruce, and others all had naturally long fire rotations and intentionally burning them harms them.

I repeatedly see around the West that agencies will perform a prescribed burn and never bother with the follow-up maintenance. While prescribed burning could be effective if strategically located by communities and repeated continuously, this seldom occurs.

The following two photos demonstrate this idea. The first photo was taken a week after the Bridger Foothills Fire swept across forests, hayfields, and pastures in September 2020. Note that the hayfield has very little grass after being mowed. But strong winds drove the fire across even one-inch stubble. The second photo taken in nearly the exact location shows how rapidly the grass regrew after a fire. In other words, without continuous “maintenance,” the burn would have little impact on slowing or stopping a fire.



Area burned by Bridger Foothill Fire near Bozeman in September 2020. Photo George Wuerthner



Same location (note the burnt fence post) a year later where grass (fuel) regrew. Photo George Wuerthner

All this said I don't oppose the strategic use of prescribed burning so long as people recognize the limitations. Reducing fuels around communities and homes can be effective if and when a blaze threatens structures. However, the idea that somehow prescribed burning is an effective panacea that can reduce or preclude climate-driven blazes is questionable.

Weeds

Native plants are the foundation upon which the ecosystems of the Forest are built, providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape,

and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the invasion of noxious weeds “devastating” and a “biological disaster.” Despite implementation of Forest Service “best management practices” (BMPs), noxious weed infestation on the Forest is getting worse and noxious weeds will likely overtake native plant populations

if introduced into areas that are not yet infested. The Forest Service has recognized that the effects of noxious weed invasions may be irreversible. Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.

Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious weeds cause harm because they displace native plants, resulting in a loss of diversity and a change in the structure of a plant community. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and surface runoff in an ecosystem. As well knapweed may alter organic matter distribution and nutrient through a greater ability to uptake phosphorus over some native species in grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures early and leads to

Weed colonization can also deplete soil nutrients and change the physical structure of soils. The Forest Service's own management activities are largely responsible for noxious weed infestations; in particular, logging, prescribed burns, and road construction and use create a risk of weed infestations.

How much logging will you do before you burn? The introduction of logging equipment into the Forest creates and exacerbates noxious weed infestations. Are roadsides throughout the project area are infested with noxious weeds? Once established along roadsides, invasive plants will likely spread into adjacent grasslands and forest openings.

Will prescribed burning activities within the analysis area cumulatively contribute to increases to noxious weed distribution and populations?

As a disturbance process, fire has the potential to greatly exacerbate infestations of certain noxious weed species, depending on burn severity and habitat type (Fire Effects Information System 2004).

Dry site vegetation types and road corridors are extremely vulnerable, especially where recent ground disturbance has occurred.

Please provide an alternative that eliminates units that have noxious weeds present on roads within units from fire management proposals.

Please address the ecological, social and ascetic impact of current noxious weed infestations within the project area. Include an analysis of the impact of the actions proposed by this project

on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to address growing noxious weed problems?

What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which includes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound's-tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the Utah COUNTY NOXIOUS WEED LIST. 1975).

Are yellow and orange hawkweeds present within the project area?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following management actions: burning and cutting of trees and shrubs

Noxious weeds are not eradicated with single herbicide treatments. A onetime application may kill an individual plant but dormant seeds in the ground can still sprout after herbicide treatment. Thus, herbicides must be used on consistent, repetitive schedules to be effective.

What commitment to a long-term, consistent strategy of application is being proposed for each weed infested area within the proposed action area? What long term monitoring of weed populations is proposed?

When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. What native plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including burn units be planted or reseeded with native plant species?

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into uninfested areas is “the most critical component of a weed management program.” The Forest Service’s national management strategy for noxious weeds also recommends “develop[ing] and implement[ing] forest plan standards . . .” and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries?

What minimum standards are in the Uinta-Wasatch-Cache National Forest Plan to address noxious weed infestations? Please

include an alternative in the that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation. The failure to include preventive standards violates NFMA because the Forest Service is not ensuring the protection of soils and native plant communities.

Additionally, the omission of an EIS alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.

Rare Plants

The ESA requires that the Forest Service conserve endangered and threatened species of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which population viability is a concern as “sensitive species” designated by the Regional Forester (FSM 2670.44). The response of each of the sensitive plant species to management activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be altered may have impacts on native vegetation, including threatened and sensitive

plants. Herbicide application – intended to eradicate invasive plants – also results in a loss of native plant diversity because herbicides kill native plants as well as invasive plants. Although native species have evolved and adapted to natural disturbance such as fire on the landscape, fires primarily occur in mid to late summer season, when annual plants have flowered and set seed. Following fall fires, perennial root-stocks remain underground and plants emerge in the spring. Spring and early summer burns could negatively impact emerging vegetation and destroy annual plant seed.

What threatened, endangered, proposed, rare and sensitive plant species and habitat are located within the proposed project area? What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project?

Describe the potential direct and indirect effect of the proposed management actions on rare plants and their habitat. Will pre-scribed burning occur in the spring and early summer; please give justifications for this decision using current scientific studies as reference.

Please explain to the public what wildlife species will be benefited by this project and what species will be harmed/ We believe that the NEPA requires the agency to adequately demonstrate that the determination that this project will benefit all wildlife species needs to be included in the public involvement process, which in this case is scoping.

Are the roadless areas in the project area currently within the natural historic range of variability?

Is the project area within natural range for wildfire conditions?

Will this prescribed Fire Project substantially alter the Roadless characteristics in the inventoried roadless areas within the project area?

An EIS must be written for this project because the proposed vegetation treatments would occur within Inventoried Roadless Areas (IRA). This qualifies as an extraordinary circumstance that invalidates use of a EA. It is the existence of a cause- effect relationship between a proposed action and the potential effects on these resource conditions and if such a relationship exists, the degree of the potential effects of a proposed action on these resource conditions that determine whether extraordinary circumstances exist (36 CFR 220.g(b)).

In relevant part, regarding the prohibition on tree cutting, the Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

36 C.F.R. §294.13 (2005).

The Roadless Rule further explains the meaning of the phrase “incidental to” in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

Page 4 of the scoping notice states: “Use of prescribed fire is proposed on the remaining national forest system lands within the Forest, which includes inventoried roadless areas.” It appears that the Project authorizes tree cutting on in roadless areas, the Project EA is not clear how the Forest Service will access those units. It is unclear whether the Forest Service will be reconstructing old roads, using illegal user-created roads, or using roads already closed by the Travel Plan in the Inventoried Roadless Area in order to conduct these activities. Please clarify what roads will be used.

The public is provided almost no information on this proposed project in regards to implementation. We are requesting that the following information be provided in a Revised draft EA.

1. Please provide a map that displays both the project area and the cumulative effects area, including locations of other ongoing and completed projects; or any other projects within a cumulative effects area or the project area, including past treatments completed between 1973 and 2025.
2. Please provide a map of the Inventoried Roadless Area (IRA).
3. Please provide a large, readable map of the proposed treatment areas so that individual treatment units can be defined to the public.
4. Please provide a summary of the wildlife inventories that were completed by the UWCF in the last 5 years, along with the mitigation measures that were implemented around raptor and Three-toed Woodpecker nesting sites.
5. Please identify each proposed treatment unit for the Soapstone Project, along with unit locations on a map, along with acres to be treated within each unit; please define if the proposal for each and which units include prescribed burning.
6. Please provide the results of wildlife inventories that have been completed for each proposed treatment unit.
7. Please define the current vegetation within each of the proposed treatment units by habitat type, tree species, canopy cover, basal area, total trees per acre, total trees per acre over 10 inches dbh, and total snags over 10 inches dbh per acre.

8. Please include the science that shows that forested habitat types can exceed their stand density/basal area, and under what conditions?

9. Please define the planned vegetation to be retained in proposed treatment units, including tree species, canopy cover, and basal area, total trees per acre over 10 inches dbh, total trees per acre, and total snags per acre over 10 inches dbh.

10. Please map all the proposed treatment areas within riparian zones, including unit number, and unit acres, and type of treatment planned, including commercial and noncommercial treatments.

11. Please define the current annual utilization level on riparian vegetation by livestock.

12. Please provide photos of the proposed riparian treatment areas for each planned treatment unit.

13. Please provide a map of all existing roads in the project area, and define their current status as per public and/or administrative access.

14. Please map any of the existing roads that will require “reconstruction” for this project to be implemented.

15. Please provide a “readable” map, along with road identification, for all planned temporary roads to be constructed for this project.

16. Please map all planned stream crossing that require new roads and/or crossing with motorized equipment.

17. Please provide a readable map of all ground disturbing activities planned for the project area, and give the details of what these entail, including descriptions of treatments, and acres of disturbances.

18. Please map the Wildland Urban Interface in the Project Area, including the location and data for each “interface” and “intermix” community-at-risk (density of human population). Please demonstrate that you are following the plain language of the Healthy Forest Restoration Act.

19. Please define which treatment units in the IRA will require the use of what motorized equipment, and what type of equipment this entails.

20. Please provide the complete silviculture prescription for each proposed logging unit, including the diameter at breast height (dbh) of the trees that will be commercially harvested.

21. Please define the nonnative tree species that are to be removed to prevent genetic contamination of native trees.

22. Please define what the priorities specifically are for implementing treatments to “protect values at risk.”

What are these values at risk that need to be protected?

23. What are the “key ecosystem services” that may be lost in the project area without the proposed treatments?

24. What are the specific, quantifiable objectives for the proposed treatments, including for wildlife?

The Soapstone project is in violation of NEPA, NFMA, the ESA, the Migratory Bird Treaty Act and the APA. The UWCNF failed to complete “hard look” and “cumulative effects” analysis and provide effective alternatives.

The Draft Decision Notice and FONSI are also in violation of the NEPA because the fact that these activities are being planned in the IRAs without and analysis of the impact of the project on wilderness characteristics is never specifically noted in the notice.

The Forest Service is violating NEPA by not telling the public where, when and what they will do and the effect of the project in violation of NEPA, NFMA and the APA. The Forest Service often refers to this new attempt to violate NEPA, “conditions based management.” Please find a attached a recent ruling by against the Custer Gallatin national Forest by the federal district court of Montana on a conditions based management project called South Plateau.

Another reason that an EIS is need is to analyze the cumulative impacts is that the Soapstone project represent a foreseeable large-scale loss and fragmentation

of habitat for many sensitive species, declining migratory birds, native carnivores and other wildlife.

The Prescribed Fires turned wildfires in New Mexico - one of which was a pile burn that smoldered and then blew up - have highlighted serious risks with activities involved in this project. (I assume they will be pile burning in some of these aspen 'treatments'? An EIS is needed to analyze the threat of the prescribed fires getting out of control.

<https://www.krqe.com/news/wildfires/officials-calf-canyon-fire-caused-by-pile-burn/>

Please find attached, the Rosenberg paper on migratory bird declines which concluded, ***Our results signal an urgent need to address the ongoing threats of habitat loss, agricultural intensification, coastal disturbance, and direct anthropogenic mortality, all exacerbated by climate change, to avert continued biodiversity loss and potential collapse of the continental avifauna.*** The Soapstone project needs to comply with the Migratory Bird Treaty Act and analyze the effect of the project on birds.

The DDN and FONSI provides little additional information on where burnings, logging will be or how the specifics on how the burning will occur. The DDN and FONSI is programmatic in that they want to log whenever and wherever for the next 10 years with no public oversight of their activities. The DDN and FONSI do not take a hard look at the potential impacts of the project. This is a violation of NEPA, NFMA, the APA, and the ESA.

Please see the article below for a ruling on a similar error by the Forest Service.

Federal court blocks timber sale in Alaska's Tongass National Forest

<https://www.adn.com/alaska-news/2020/06/25/federal-court-blocks-timber-sale-in-alaskas-tongass-national-forest/>

JUNEAU — A federal judge has blocked what would have been the largest timber sale in Alaska's Tongass National Forest in decades.

Wednesday's ruling ends the U.S. Forest Service's plan to open 37.5 square miles of old-growth forest on Prince of Wales Island to commercial logging, CoastAlaska reported. The ruling by Judge Sharon L. Gleason also stops road

construction for the planned 15-year project.

Conservationists had already successfully blocked the federal government's attempt to clear large amounts of timber for sale without identifying specific areas where logging would have occurred.

Gleason allowed the forest service to argue in favor of correcting deficiencies in its review and moving forward without throwing out the entire project, but ultimately ruled against the agency.

Gleason's ruling said the economic harm of invalidating the timber sales did not outweigh "the seriousness of the errors" in the agency's handling of the project.

The method used in the Prince of Wales Landscape Level Analysis was the first time the agency used it for environmental review on an Alaska timber sale.

The forest service, which can appeal the decision, did not return calls seeking comment.

Gleason's decision affects the Prince of Wales Island project and the Central Tongass Project near Petersburg and Wrangell.

The ruling triggers a new environmental review under the National Environmental Policy Act, said Meredith Trainor, executive director of the Southeast Alaska Conservation Council. The ruling in the lawsuit brought by the council includes a requirement for public input on specific areas proposed for logging, Trainor said.

Tessa Axelson, executive director of the Alaska Forest Association, said in a statement that the ruling “threatens the viability of Southeast Alaska’s timber industry.”

Please see the following article by the American Bar Association about the use of Condition-Based Management.

May 10, 2021

The U.S. Forest Service’s Expanding Use of Condition-Based Management: Functional and Legal Problems from Short-Circuiting the Project-Planning and Environmental Impact Statement Process

Andrew Cliburn, Paul Quackenbush, Madison Prokott, Jim Murphy, and Mason Overstreet

https://www.americanbar.org/groups/environment_energy_resources/publications/fr/20210510-the-us-forest-services-expanding-use-of-condition-based-management/

Condition-based management (CBM) is a management approach that the U.S. Forest Service has increasingly used to authorize timber harvests purportedly to increase

*flexibility, discretion, and efficiency in project planning, analysis, and implementation. The agency believes it needs this **flexible** approach because sometimes conditions on the ground can change more quickly than decisions can be implemented. In practice, however, CBM operates to circumvent the National Environmental Policy Act (NEPA) review framework by postponing site-specific analysis until the Forest Service implements the project, which effectively excludes the public from site-specific decisions, reduces transparency, and removes incentives for the agency to avoid harming localized resources. The practice should be curtailed by the Biden administration*

*NEPA requires federal agencies including the Forest Service to provide the public with “notice and an opportunity to be heard” in the analysis of “specific area[s] in which logging will take place and the harvesting methods to be used.” Ohio Forestry Ass’n v. Sierra Club, 523 U.S. 726, 729–30 (1998). Site-specific public involvement can significantly improve projects because the agency may be unaware of harmful impacts or resource concerns until the public flags them during the environmental analysis process. Nationally, the Forest Service drops about one out of every five acres it proposes for timber harvest based on information or concerns presented during the NEPA process, often due to public comments regarding site-specific information. **Public Lands Advocacy Coalition, Comments on Proposed Rule, National Environmental Policy Act (NEPA) Compliance (June 13, 2019)** (analyzing 68 projects that relied on*

environmental assessments).

The Forest Service appears to be abandoning the site-specific analysis model in favor of CBM. CBM projects use an overarching set of “goal variables”—predetermined management criteria that guide implementation—that Forest Service staff apply to on-the-ground natural resource “conditions” encountered during the course of project implementation, a period that can span years or even decades: essentially, when the Forest Service finds X resource condition on the ground, it applies Y timber harvest prescription. However, basic information regarding the project’s details—such as unit location, timing, roadbuilding, harvesting methods, and site-specific environmental effects—is not provided at the time the Forest Service conducts its NEPA environmental review (when the public can weigh in), nor when it gives its final approval to a project (when the public can seek administrative review). Instead, site-level disclosures are made after NEPA environmental and administrative review is complete, depriving the public of opportunities to comment and influence the decision based on localized conditions.

While CBM is not a new management tool, the Forest Service has employed it for over a decade and it was used sparingly during the Obama administration. However, its use accelerated during the Trump administration and shows no sign of slowing. To date, dozens of ForestService projects across the country have used CBM. See, e.g., [Red Pine Thinning Project](#), [Ottawa National Forest](#); [Medicine Bow Landscape Vegetation Analysis](#), [Medicine](#)

Bow-Routt National Forest; [Sage Hen Integrated Restoration Project](#), Boise National Forest.

As the Forest Service's use of CBM continues, questions remain about its legality. Public-lands advocates argue that CBM violates NEPA's mandate that agencies take a hard look at the consequences of their actions before a project commences. This "look before you leap" approach was the primary purpose of NEPA and remains the statute's greatest strength. NEPA works by requiring an agency to consider alternatives and publicly vet its analysis whenever its proposal may have "significant" environmental consequences, 42 U.S.C. § 4332(2)(C), or implicates "unresolved conflicts" about how the agency should best accomplish its objective. Id. at § 4332(2)(E). However, CBM allows the Forest Service to circumvent the effects analysis process when exercising discretion about where and how to log decisions that often may have "significant" environmental consequences.

Only two federal cases have addressed CBM's legality. In *WildEarth Guardians v. Connor*, 920 F.3d 1245 (10th Cir. 2019), the Tenth Circuit approved a CBM approach for a logging project in southern Colorado in Canada lynx habitat. The environmental assessment utilized CBM and analyzed three different alternatives, one of which was a worst-case scenario. For the worst-case scenario, the Forest Service assumed that the entire lynx habitat in the project area would be clear-cut. The Forest Service "took the conservative approach" because it "did not know precisely" where it would log in the lynx habitat areas. *WildEarth Guardians*, 920 F.3d at 1255. Based on this

conservative approach, coupled with a comprehensive, region-wide lynx management agreement and its associated environmental impact statement, the court agreed with the Forest Service that its future site-specific choices were “not material” to the effects on lynx—i.e., that no matter where logging occurred, “there would not be a negative effect on the lynx.” Id. at 1258–59.

However, a second case addressing CBM found that site-specific analysis was needed to satisfy NEPA’s “hard-look” standard. In Southeast Alaska Conservation Council v. U.S. Forest Service, 443 F. Supp. 3d 995 (D. Ak. 2020), the court held that the Forest Service’s Prince of Wales Landscape Level Analysis Project—a 15-year logging project on Prince of Wales Island in the Tongass National Forest—violated NEPA. The project would have authorized the logging of more than 40,000 acres, including nearly 24,000 acres of old growth, along with 643 miles of new and temporary road construction, but it “d[id] not include a determination—or even an estimate—of when and where the harvest activities or road construction . . . w[ould] actually occur.” Id. at 1009. The court found that this analysis was not “specific enough” without information about harvest locations, methods, and localized impacts. Id. at 1009–10. The court further held that a worst-case analysis could not save the project, because site-specific differences were consequential. Id. at 1013.

The Forest Service’s widespread use of CBM also creates compliance challenges under the Endangered Species Act (ESA). Section 7(a)(2) of the ESA requires federal

agencies to consult with the Fish and Wildlife Service and/or National Marine Fisheries Service whenever a proposed action “may affect” listed species or destroy or adversely modify its critical habitat to ensure that the action is “not likely to jeopardize” these species. 16 U.S.C. § 1536. CBM conflicts with that statutory requirement because it does not allow agencies to properly determine whether an action “may affect” or is “likely to jeopardize” a listed species when the consulting agencies do not know the specifics of when or where the action will be implemented, or what the site-specific impacts of the action may be.

For some projects, the Forest Service has tried to avoid this tension by conducting section 7 consultation prior to each phase of a CBM project, but this approach has run headlong into the general rule against segmenting project consultation duties under the ESA. See, e.g., Conner v. Burford, 848 F.2d 1441, 1457 (9th Cir. 1988). With few exceptions, section 7 consultation must cover the overall effects of the entire project at the initial stage before the project can commence. Thus, regardless of whether agencies choose to consult up front or to consult in stages, the Forest Service is likely to face significant legal hurdles when its CBM project “may affect” listed species. CBM is not only legally dubious, but also unnecessary.

The Forest Service already has NEPA-compliant methods to deal with situations that require a nimble response to the needs of a dynamic landscape. In these cases, the Forest Service can complete a [single “programmatic” analysis](#) to which future site-specific decisions will be

tiered. This programmatic approach allows the Forest Service to speed the consideration and implementation of site-specific, step-down proposals. Unlike CBM, this approach allows for public review of site-specific decision-making and administrative review of those decisions.

*Surveying the regulatory horizon, the future of CBM in the Forest Service system is uncertain. The national forests face a host of complex challenges including climate-related crises, insect and forest pestilence, protecting and restoring biodiversity, and wildfire management. These challenges are made **worse** by budget and staff restrictions. Without adequate funding, the Forest Service must rely on imperfect tools like commercial logging, which can cause more harm than good in the wrong places.*

*But this is not the time to shortchange the most consequential decisions that the agency must make: determining where and how to act. During the final two years of the Trump administration, the Forest Service attempted to explicitly codify CBM provisions in **revisions to its NEPA regulations**, although those provisions were dropped from the **final rule**. Simultaneously, other federal-land-management agencies like the Bureau of Land Management have started to use **CBM analogues in their NEPA-related planning documents**. Although it is still early, the Biden administration's newly appointed Council on Environmental Quality team has yet to weigh in on CBM. If use of CBM continues in a manner that undermines public participation and NEPA's "hard look"*

standard, some of our riskiest land management projects may not receive proper environmental oversight. The project is not taking a hard look as required by NEPA. Please withdraw the EA until site specific prescriptions and unit boundaries are firmed up, then issue and take comments on an EIS with appropriate prescriptions.

The DDN and FONSI are in Violation of the Roadless Area Conservation Rule and the NEPA.

There is no doubt the proposed Soapstone DDN and FONSI Violates the Roadless Area Conservation Rule (Roadless Rule). The unsupported “assumption” provided in the draft DDN and FONSI for this project is that fuels management activities are essential within IRAs in order to prevent “Catastrophic Fires” and “Epidemics of Insects and Diseases,” and thus are needed to maintain the “healthy” wildlife populations that existed historically.

However, there was no analysis provided to demonstrate why stand replacement fire and insect and disease epidemics harm wildlife. This is a violation of the NEPA, which requires the agency to provide more than conclusions. The agency is required to support conclusions with actual high quality information. We would like to know specifically why stand replacement fire and insects and disease epidemics degrade and/or destroy wildlife habitat within IRAs, and as such, require

management intervention to protect wildlife habitat from these ecosystem processes. This analysis needs to include the citation of published, peer-reviewed scientific articles where insects and disease processes, as well as stand replacement fires, did not occur historically on these forests. Also, given the ongoing plight of western forest birds as well as riparian-associated birds, with ongoing declines, the purpose of IRAs requires that these reserves provide high quality habitat to address habitat losses elsewhere on developed, roaded lands.

B. Violation of the Prohibition of Commercial Logging, Road-building, and Road-reconstruction in IRAs

The Soapstone DDN and FONSI clearly violate the Roadless Rule by implementing commercial logging activities, as well as new road construction. The fragmentation impacts to wildlife also were not discussed in the Draft Decision Notice and FONSI, in violation of NEPA.

C. Violation of the Function of Roadless Lands to Provide Undisturbed Habitat for Wildlife

Roadless lands are some of the few areas on National Forest lands where wildlife habitat is maintained in a natural, undisturbed condition. One of the benefits of these areas is that wildlife habitat is not removed by management activities. This includes nesting habitat for sensitive raptor species as the Northern Goshawk, Boreal Owl, and Flammulated Owl. At best, the agency “claims” that nesting sites for owls and goshawks will be located prior to treatments, and protected. If there were actual

agency requirements for raptor surveys, why haven't these already been done? The completion of valid, reliable surveys for owls and goshawks is a very labor-intensive process, requiring hundreds if not thousands of survey hours.

If the agency is going to claim that reliable wildlife surveys will be done for the Soapstone Project, they need to demonstrate that this has previously been done for other projects in this IRA and show them to the public before a decision is signed.

What is clear is that the proposed treatment units are just "random habitat removal" for forest raptors. These treatment areas have been designed without any information on forest raptors on these 7,736 acres. And even if actual valid wildlife surveys are done, only the nest tree and surrounding area will be protected during treatment activities. A small nesting area is not all the habitat that these species need. In general, this project will remove 7,736 acres of habitat for 3 sensitive raptor species, and the sensitive Three-toed Woodpecker. This demonstrates that treatments within roadless lands do not protect wildlife, but instead are just a continuation of the same processes that destroy wildlife nesting areas and habitat in roaded lands. It is also clear that proposed treatments in IRAs triggers considerable other mortality levels to wildlife, in addition to the loss of nesting sites and nesting habitats for sensitive forest raptors. One would not expect the agency to promote mortality of forest birds in protected IRAs.

However, many forest and riparian bird nests will be destroyed during cutting/slashing/logging activities. Any prescribed burning activities will also kill an untold number of birds due to smoke toxicity, and if birds are not killed, their fitness would be reduced, reducing long-term survival. Added to these mortality impacts would be the increased nesting loss due to cowbirds, who benefit from forest thinning and forest fragmentation. As well, there will be increased mortality of both young and mature forest birds due to reduced thermal and hiding cover in forest stands. Predation on sensitive forest owls may increase from Great Horned Owls and Red-tailed Hawks, birds that prefer open forest habitats. And the loss of thermal cover will increase bird mortality from not only increasingly severe weather events, including precipitation and winds, but as well, due to high heat levels within forest stands in the summer, and colder heat levels in the winter, due to forest thinning. All of these increased mortality risks to birds will add to existing population declines in recent years, as well as what appear to be massive population losses the last several years from the avian bird flu. It is not clear why the proposed management intervention, or a continuation of this management intervention, into the Lakes IRA is a benefit to existing ecosystems, which of course include birds.

The Forest Service recognizes the value of forestland unencumbered by roads, timber harvest, and other development. Sometimes these areas are known as

“inventoried roadless areas” if they have been inventoried through the agency’s various Roadless Area Review Evaluation processes, or “unroaded areas” if they have not been inventoried but are still of significant size and ecological significance such that they are eligible for congressional designation as a Wilderness Area.

Roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3,244, 3,245 (Jan. 12, 2001) (codified at 36 C.F.R. Part 294). They provide large, relatively undisturbed landscapes that are important to biological diversity and the long- term survival of many at-risk species.

Roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. *Id.* They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research. *Id.* Other values associated with roadless areas include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing cultural properties and sacred sites; and other locally identified unique characteristics.

The Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

...

36 C.F.R. §294.13 (2005)(emphases added).

The Roadless Rule further explains the meaning of the

phrase “incidental to” in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

66 Fed. Reg. 3258.

Are the roadless areas in the project area currently within the natural historic range of variability? Is the project area within natural range for wildfire conditions? Will this prescribed Fire Project substantially alter the Roadless characteristics in the inventoried roadless areas within the project area?

Use of an EA for this project is also invalid because the proposed vegetation treatments would occur within Inventoried Roadless Areas (IRA). This qualifies as an extraordinary circumstance that invalidates use of a EA. It is the existence of a cause- effect relationship between a proposed action and the potential effects on these resource conditions and if such a relationship exists, the degree of the potential effects of a proposed action on these resource conditions that determine whether extraordinary

circumstances exist (36 CFR 220.g(b)).

In relevant part, regarding the prohibition on tree cutting, the Roadless Rule mandates: Prohibition on timber cutting, sale, or removal in inventoried roadless areas. 1. Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section. 2. Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent. 1. The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11. 1. To improve threatened, endangered, proposed, or sensitive species habitat; or 2. To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period; 2. The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart; 36 C.F.R. §294.13 (2005).

The Roadless Rule further explains the meaning of the phrase "incidental to" in subsection (b)(2) above as follows: Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise

prohibited by this rule. Examples of these activities include but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

The Project authorizes tree cutting on in roadless areas, the DDN and FONSI are not clear how the Forest Service will access those units. It is unclear whether the Forest Service will be reconstructing old roads, using illegal user-created roads, or using roads already closed by the Travel Plan in the Inventoried Roadless Area in order to conduct these activities. Please clarify what roads will be used. Every one of these examples shows that the management activity itself is not any form of vegetation management, i.e. tree-cutting - instead the management activities are things like trail management, road management, firefighting, land surveys, ski runs, utility corridors, or lawful road construction. In contrast, here the management activity itself is vegetation management, i.e. tree cutting. The Forest Service's interpretation of exemption (b)(2) is contrary to the explanation of "incidental to" in the Roadless Rule, and if adopted, would swallow the rule. The Forest Service could simply avoid the tree-cutting ban by labeling every tree-cutting activity in a Roadless Area as something other than tree-cutting - such as "restoration" - and thereby circumvent the ban with

euphemisms. This is clearly not the intent of the Roadless Rule. 66 Fed. Reg. 3258. Accordingly, the (b)(2) exemption does not apply here.

It appears the UWCNF is not being truthful to the public in violation of NEPA and the Roadless Rule.

The Soapstone project is in violation of the Roadless Conservation Rule, NEPA, NFMA, and the APA.

The Roadless Rule states: “Timber may not be cut, sold, or removed ...”

The project will still remove trees even you don’t call it a commercial timber sale in violation of the roadless rule.

The SoapStone Project violates the Roadless Rule because, among other things: Neither the Soapstone project’s DDN and FONSI nor any of the UWCNF's supporting documents defines what constitutes a “small diameter” tree for any of the stands within the project area’s Inventoried Roadless Areas except to write in the roadless report that the average diameter at breast height for a Douglas fir tree that will be removed is anticipated to be up to 36 inches . Under regional guidance the smallest diameter non-saw merchantable timber is 8” Diameter at Breast Height (DBH). But the Forest Service’s justification is not part of the roadless rule.

The decision also has no limit on the size of a tree that they can cut in violation of the Roadless Rule, NEPA, NFMA and the APA.

Neither the DDN and FONSI nor any of the UWCNF’s supporting documents limits the cutting, sale, or removal of

trees in Inventoried Roadless Areas to generally small diameter trees.

What will happen to the trees that are removed? If you remove trees that can be cut up by a mill will you give them the trees?

Please withdraw the Draft Decision Notice and FONSI and write and EIS that fully complies with the law.

Overall, the scoping letter is devoid of any useful information to the public as to why this project enhances wildlife habitat, or is needed to maintain natural ecosystem processes within an IRA. It seems readily apparent that this project requires at a minimum an Environmental Impact Statement in order to comply with the NEPA, including the provision of valid, reliable information to the public when the Forest Service is planning resource management activities.

The scoping letter does not provides stand-level data for inventoried roadless areas to allow the public or the decision-maker to discern either the size of trees in stands in the project area, or the size of trees to be removed.

Nothing the UWCNF has shown the public demonstrates that stands proposed for logging are “overstocked” with small diameter trees that require thinning

NEPA and its implementing regulations require federal agencies, including the Forest Service, to take a “hard look” at the environmental consequences of proposed actions and the reasonable alternatives that would avoid or

minimize such impacts or enhance the quality of the human environment. See 42 U.S.C. § 4332(2)(C)(i); 40 C.F.R. Parts 1502 and 1508 (1978). Agencies must take a hard look at the direct, indirect, and cumulative impacts of a proposed agency action and all alternatives in an EA. 40 C.F.R. §§ 1508.7, 1508.8 (1978). The information presented in the EA must be of high quality and include “accurate scientific analysis,” and disclose that information and analysis, and its limitations, to the public. 40 C.F.R. § 1500.1(b)–(c) (1978).

NEPA also requires environmental analysis to disclose existing conditions in the project area to provide a baseline against which the impacts of alternative courses of action can be compared.

The Forest Service failed to take the required “hard look” to consider and disclose the Project’s direct, indirect, and cumulative impacts, including impacts of logging in Inventoried Roadless Areas.

For example, the NEPA and its implementing regulations require federal agencies, including the Forest Service, to take a “hard look” at the environmental consequences of proposed actions and the reasonable alternatives that would avoid or minimize such impacts or enhance the quality of the human environment. See 42 U.S.C. § 4332(2)(C)(i); 40 C.F.R. Parts 1502 and 1508 (1978). Agencies must take a hard look at the direct, indirect, and cumulative impacts of a proposed agency action and all alternatives in an EA. 40

C.F.R. §§ 1508.7, 1508.8 (1978). The information presented in the EA must be of high quality and include “accurate scientific analysis,” and disclose that information and analysis, and its limitations, to the public. 40 C.F.R. § 1500.1(b)–(c) (1978).

NEPA also requires environmental analysis to disclose existing conditions in the project area to provide a baseline against which the impacts of alternative courses of action can be compared. *Id.*

The Forest Service failed to take the required “hard look” to consider and disclose the Soap Stone Project’s direct, indirect, and cumulative impacts, including impacts of logging in Inventoried Roadless Areas.

For example, the UWCNF fails to demonstrate that the forest stands within Inventoried Roadless Areas where tree removal can occur are overstocked with small trees, or where specific types of logging will occur within Inventoried Roadless Areas, thus making it impossible for the Forest Service or the public to understand the impacts of the proposed action, especially whether the SoapStone project DDN and FONSI complies with the Roadless Rule.

Will and new roads be built for this project?

The Forest Service’s failure to take the required “hard look” at the Soapstone Project’s baseline, and the direct, indirect, and cumulative impacts and the agency’s action

violates NEPA. By relying on the DDN and FONSI for its decision, the Forest Service's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and accordingly the Decision Notice and EA must be held unlawful and set aside. 5 U.S.C. § 706(2)(A). The UWCNF fails to disclose the nature of forest stands within Inventoried Roadless Areas where tree removal can occur, or where specific types of treatments will occur within Inventoried Roadless Areas, thus making it impossible for the Forest Service or the public to understand the impacts of the proposed action, especially whether the Soapstone Project can comply with the Roadless Rule.

The Forest Service's failure to take the required "hard look" at the Soapstone Project's baseline, and the direct, indirect, and cumulative impacts and the agency's action violates NEPA. By relying on the DDN and FONSI for its decision, the Forest Service's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and accordingly the Decision Notice and EA must be held unlawful and set aside.

Please see the attached paper by Dr. William Baker titled: "Are High-Severity Fires Burning at Much Higher Rates Recently than Historically in Dry-Forest Landscapes of the Western USA?" Dr. Baker writes: "Programs to generally reduce fire severity in dry forests are not supported and have significant adverse ecological impacts, including reducing habitat for native species dependent on early-successional

burned patches and decreasing landscape heterogeneity that confers resilience to climatic change.”

Dr. Baker concluded: “Dry forests were historically renewed, and will continue to be renewed, by sudden, dramatic, high-intensity fires after centuries of stability and lower-intensity fires.”

The purpose of this project is to improve big game and grouse habitat and to make the forest more resilient and plan for a more historic fire regime. Based on Dr. Baker’s paper, the proposed action will not meet the purpose and need of the project.

Please find attached DellaSala et al 2022. Please also find attached, Baker 2023.

Countering Omitted Evidence of Variable Historical Forests and Fire Regime in Western USA Dry Forests:

The Low-Severity-Fire Model Rejected

William L. Baker 1,*

, Chad T. Hanson 2, Mark A. Williams 3 and Dominick A.

DellaSala 4

1 2 3 4

* Correspondence: bakerwl@uwyo.edu Abstract: The structure and fire regime of pre-industrial

(historical) dry forests over ~26 million ha of the western USA is of growing importance because wildfires are increasing and spilling over into communities.

Management is guided by current conditions relative to the historical range of variability (HRV). Two models of HRV,

with different implications, have been debated since the 1990s in a complex series of papers, replies, and rebuttals. The “low-severity” model is that dry forests were relatively uniform, low in tree density, and dominated by low- to moderate-severity fires; the “mixed-severity” model is that dry forests were heterogeneous, with both low and high tree densities and a mixture of fire severities. Here, we simply rebut evidence in the low-severity model’s latest review, including its 37 critiques of the mixed-severity model. A central finding of high-severity fire recently exceeding its historical rates was not supported by evidence in the review itself. A large body of published evidence supporting the mixed-severity model was omitted. These included numerous direct observations by early scientists, early forest atlases, early newspaper accounts, early oblique and aerial photographs, seven paleo-charcoal reconstructions, ≥ 18 tree-ring reconstructions, 15 land survey reconstructions, and analysis of forest inventory data. Our rebuttal shows that evidence omitted in the review left a falsification of the scientific record, with significant land management implications. The low-severity model is rejected and mixed-severity model is supported by the corrected body of scientific evidence. Dr. Baker’s and Della-Sala’s paper are the best available science. Please explain why this project is not following the best available science.

Please explain include a discussion of the following:

1. Baker and Shinneman. 2004. Fire rotation for high-severity fire in juniper is estimated at 400-480 years.
2. Floyd and others. 2004. Stand replacing fires in juniper

400 years or longer.

3. Bauer and Weisberg. 2009. The fire cycle in pinyon-juniper was estimated at 427 years.

What evidence do you have that shows fire has been suppressed in the area?

Baker and Shinneman (2004), Bauer and Weisberg (2009), and Floyd et al. 2004) that demonstrate that the fire cycle in juniper woodlands is very long, up to 400 years or longer, and has not been impacted by any fire suppression actions since settlement. In addition, Coop and Magee (Undated) noted that low-severity fire is not generally considered to have played an important role in shaping patterns of pre-settlement pinyon-juniper woodland structure, where fire regimes were mostly characterized by rare stand-replacing fire; as a result, they noted that direct management interventions such as thinning or fuel reductions may not represent ecological restoration.

Please find Schoennagel et al (2004) attached.

Schoennagel states: “we are concerned that the model of historical fire effects and 20th-century fire suppression in dry ponderosa pine forests is being applied uncritically across all Rocky Mountain forests, including where it is inappropriate.

Schoennagel et al (2004) states: “High-elevation subalpine forests in the Rocky Mountains typify ecosystems that experience infrequent, high-severity crown fires []. . . The most extensive subalpine forest types are composed of Engelmann spruce (*Picea engelmannii*), subalpine fir (*Abies lasiocarpa*), and lodgepole pine (*Pinus contorta*), all thin-barked trees

usually killed by fire. Extensive stand-replacing fires occurred historically at long intervals (i.e., one to many centuries) in subalpine forests, typically in association with infrequent high-pressure blocking systems that promote extremely dry regional climate patterns.”Schoennagel et al (2004) states: “it is unlikely that the short period of fire exclusion has significantly altered the long fire intervals in subalpine forests.

Furthermore, large, intense fires burning under dry conditions are very difficult, if not impossible, to suppress, and such fires account for the majority of area burned in subalpine forests.

Schoennagel et al (2004) states: “Moreover, there is no consistent relationship between time elapsed since the last fire and fuel abundance in subalpine forests, further undermining the idea that years of fire suppression have caused unnatural fuel buildup in this forest zone.”

Schoennagel et al (2004) states: “No evidence suggests that spruce–fir or lodgepole pine forests have experienced substantial shifts in stand structure over recent decades as a result of fire suppression. Overall, variation in climate rather than in fuels appears to exert the largest influence on the size, timing, and severity of fires in subalpine forests []. We conclude that large, infrequent stand replacing fires are ‘business as usual’ in this forest type, not an artifact of fire suppression.”.

Schoennagel et al (2004) states: “Contrary to popular opinion, previous fire suppression, which was consistently effective from about 1950 through 1972, had only a minimal effect on the large fire event in

1988 []. Reconstruction of historical fires indicates that similar large, high-severity fires also occurred in the early 1700s []. Given the historical range of variability of fire regimes in high-elevation subalpine forests, fire behavior in Yellowstone during 1988, although severe, was neither unusual nor surprising.”

Schoennagel et al (2004) states: “Mechanical fuel reduction in sub- alpine forests would not represent a restoration treatment but rather a departure from the natural range of variability in stand structure.”

Schoennagel et al (2004) states: “Given the behavior of fire in Yellowstone in 1988, fuel reduction projects probably will not substantially reduce the frequency, size, or severity of wildfires under extreme weather conditions.”

Schoennagel et al (2004) states: “The Yellowstone fires in 1988 revealed that variation in fuel conditions, as measured by stand age and density, had only minimal influence on fire behavior. Therefore, we expect fuel-reduction treatments in high-elevation forests to be generally unsuccessful in reducing fire frequency, severity, and size, given the overriding importance of extreme climate in controlling fire regimes in this zone.

Thinning also will not restore subalpine forests, because they were dense historically and have not changed significantly in response to fire suppression.

Thus, fuel- reduction efforts in most Rocky Mountain sub- alpine forests probably would not effectively mitigate the fire hazard, and these efforts may create new ecological problems by moving the forest structure

outside the historic range of variability.”

Likewise, Brown et al (2004) states: “At higher elevations, forests of subalpine fir, Engelmann spruce, mountain hemlock, and lodgepole or whitebark pine predominate. These forests also have long fire return intervals and contain a high proportion of fire sensitive trees. At periods averaging a few hundred years, extreme drought conditions would prime these forests for large, severe fires that would tend to set the forest back to an early successional stage, with a large carry-over of dead trees as a legacy of snags and logs in the regenerating forest natural ecological dynamics are largely preserved because fire suppression has been effective for less than one natural fire cycle.

Thinning for restoration does not appear to be appropriate in these forests. Efforts to manipulate stand structures to reduce fire hazard will not only be of limited effectiveness but may also move systems away from pre-1850 conditions to the detriment of wildlife and watersheds.” “Fuel levels may suggest a high fire ‘hazard’ under conventional assessments, but wildfire risk is typically low in these settings.”

Likewise, Graham et al (2004) states: “Most important, the fire behavior characteristics are strikingly different for cold (for example, lodgepole pine, Engelmann spruce, subalpine fir), moist (for example, western hemlock, western redcedar, western white pine), and dry forests. Cold and moist forests tend to have long fire-return intervals, but fires that do occur tend to be high-intensity, stand-replacing fires. Dry forests

historically had short intervals between fires, but most important, the fires had low to moderate severity.”

According to Graham et al (2004), thinning may also increase the likelihood of wildfire ignition in the type of forests in this Project area: “The probability of ignition is strongly related to fine fuel moisture content, air temperature, the amount of shading of surface fuels, and the occurrence of an ignition source (human or lightning caused) There is generally a warmer, dryer microclimate in more open stands (fig. 9) compared to denser stands. Dense stands (canopy cover) tend to provide more shading of fuels, keeping relative humidity higher and air and fuel temperature lower than in more open stands. Thus, dense stands tend to maintain higher surface fuel moisture contents compared to more open stands. More open stands also tend to allow higher wind speeds that tend to dry fuels compared to dense stands. These factors may increase probability of ignition in some open canopy stands compared to dense canopy stands.”

Please see the attached report titled: “Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus?” By Dominick A. DellaSala,

* , Bryant C. Baker^{b,c}, Chad T.

Hanson^d, Luke Ruediger^{e,f}, William Baker ^g

The EA and Draft Decision Notice did not provide any evidence that logging roadless areas will make the forest healthier for fish and wildlife. Nor did it discuss the role

of mixed severity and high severity fire – what are the benefits of those natural processes?

How have those processes (mixed and high severity fire) created the ecosystems we have today? Over how many millennia have mixed and high severity

fire have been occurring without human intervention?

What beneficial ecological roles do beetles play? You didn't answer this in violation of NEPA, NFMA, the Roadless Rule and the APA.

There was also no decision on the effect of removing snags and if the project would comply with the Forest Plan requirements and the requirements of sensitive old growth species such as flammulated owls and goshawks?

We wrote in our comments:

A. Failure to Evaluate Project Impacts on Climate Change

The draft EA makes some very limited, conclusionary statements regarding project impacts on climate change.

A much more detailed accounting of the project effects on climate change are required as per the NEPA. These include an estimate of the average summer temperature increase in treated stands as opposed to existing summer temperatures, and how this affects the thermal tolerance of birds, including forest owls, such as the Boreal Owl, that are very heat sensitive. Also, how will the increased temperatures triggered from this project affect the threatened wolverine, a species that is also very sensitive to heat. What estimated increase in summer heat levels is considered a “nonsignificant impact” of this proposal? From ongoing temperature increases that have occurred

due to climate change, what is the cumulative expected increase in summer temperatures in treated stands and affected streams?

What is the estimated reduction, per acre, in tons of photosynthetic carbon uptake that will occur as a result of this project? What is the expected increase in carbon emissions that will result from cutting/burning existing vegetation? What is the expected increase in carbon emissions that will result from all the motorized activities required for this project, including cutting/burning trees, constructing roads, logging trees, and constructing PODs, for example.

What will be the differences in contributions of carbon emissions and/or photosynthetic uptake of carbon between the action and no action alternative? Why does or doesn't the proposed action alternative address climate change, which is considered a global threat? The Forest Service responded:

Climate change, GHG, and carbon sequestration analysis for this project was conducted with guidance in effect when this project was scoped and analyzed and did incorporate elements of CEQ guidelines. The Uinta-Wasatch-Cache Forest Carbon Assessment whitepaper, incorporated as reference in the EA, identifies baseline carbon stocks and flux, factors influencing forest carbon, and future carbon conditions. The EA describes potential effects of the Proposed Action and No Action Alternative on carbon emissions and climate change which is in compliance with EO 14057 and EO 14008.

There are no requirements for identifying average

summer temperature in treated stands vs nontreated, thermal cover tolerance for bird species, estimated summer heat levels, temperature effects to streams, reduction per-acre in tons of carbon uptake, specific carbon emissions from project activities, difference in carbon emissions vs. photosynthetic update in law, policy, or regulation.

The federal district court of Montana recently ruled against the Kootenai National Forest on the same boiler plate analysis, writing: Ultimately, greenhouse gas reduction must happen

quickly, and removing carbon from forests in the form of logging, even if trees are going to grow back, will take decades to centuries to re-sequester. Put more simply, logging causes immediate carbon losses, while re-sequestration happens slowly over time, time that the planet may not have.

Please find the court's order attached.

Please follow NEPA and take a hard look at the impact of the project on climate change.

The UWCNF has not yet accepted that the effects of climate risk represent a significant issue, and eminent loss of forest resilience already, and a significant and growing risk into the "foreseeable future?"

It is now time to speak honestly about unrealistic expectations relating to desired future condition. Forest managers have failed to disclose that at least five common tree species, including aspens and four conifers, are at great risk unless atmospheric greenhouse gases and associated temperatures can be contained at today's levels of

concentration in the atmosphere. This cumulative (“reasonably foreseeable”) risk must not continue to be ignored at the project-level, or at the programmatic (Forest Plan) level. Global warming and its consequences may also be effectively irreversible which implicates certain legal consequences under NEPA and NFMA and ESA (e.g., 40 CFR § 1502.16; 16 USC §1604(g); 36 CFR §219.12; ESA Section 7; 50 CFR §§402.9, 402.14). All net carbon emissions from logging represent “irretrievable and irreversible commitments of resources.”

It is clear that the management of the planet’s forests is a nexus for addressing this largest crisis ever facing humanity. Yet the EA fails to even provide a minimal quantitative analysis of project- or agency-caused CO₂ emissions or consider the best available science on the topic. This is immensely unethical and immoral. The lack of detailed scientific discussions in the FSEIS concerning climate change is far more troubling than the document’s failures on other topics, because the consequences of unchecked climate change will be disastrous for food production, sea level rise, and water supplies, resulting in complete turmoil for all human societies. This is an issue as serious as nuclear annihilation (although at least with the latter we’re not already pressing the button).

The EA provided a pittance of information on climate change effects on project area vegetation. The FSEIS provides no analysis as to the veracity of the project’s Purpose and Need, the project’s objectives, goals, or desired conditions. The FS has the responsibility to inform the public that climate change is and will be bringing forest change. For the Galton project, this did not happen, in

violation of NEPA.

The FEA fails to consider that the effects of climate change on the project area, including that the “desired” vegetation conditions will likely not be achievable or sustainable. The EA fails to provide any credible analysis as to how realistic and achievable its desired conditions are in the context of a rapidly changing climate, along an unpredictable but changing trajectory.

The Forest Plan does not provide meaningful direction on climate change. Nor does the EA acknowledge pertinent and highly relevant best available science on climate change. This project is in violation of NEPA.

The EA does not analyze or disclose the body of science that implicates logging activities as a contributor to reduced carbon stocks in forests and increases in greenhouse gas emissions. The EA fails to provide estimates of the total amount of carbon dioxide (CO₂) or other greenhouse gas emissions caused by FS management

actions and policies—forest-wide, regionally, or nationally.

Agency policy-makers seem comfortable maintaining a position that they need not take any leadership on this issue, and obfuscate via this EA to justify their failures.

The best scientific information strongly suggests that management that involves removal of trees and other biomass increases atmospheric CO₂. Unsurprisingly the FSEIS doesn’t state that simple fact.

The EA fails to present any modeling of forest stands under different management scenarios. The FS should model the carbon flux over time for its proposed stand management scenarios and for the various types of vegetation cover

found on the CGNF.

The EA also ignores CO₂ and other greenhouse gas emissions from other common human activities related to forest management and recreational uses. These include emissions associated with machines used for logging and associated activities, vehicle use for administrative actions, and recreational motor vehicles. The FS is simply ignoring the climate impacts of these management and other authorized activities. The Committee of Scientists, 1999 recognize the

importance of forests for their contribution to global climate regulation. Also, the 2012 Planning Rule recognizes, in its definition of Ecosystem services, the “Benefits people obtain from ecosystems, including: (2) Regulating services, such as long term storage of carbon; climate regulation...”

We have no more time to prevaricate, and it’s not a battle we can afford to lose. We each have a choice: submit to status quo for the profits of the greed-iest 1%, or empower ourselves to limit greenhouse gas emissions so not just a couple more generations might survive.

The District Court of Montana ruled in Case 4:17-cv-00030- BMM that the Federal government did have to evaluate the climate change impacts of the federal government coal pro- gram.

In March 2019, U.S. District Judge Rudolph Contreras in Washington, D.C., ruled that when the U.S. Bureau of Land Management (BLM) auctions public lands for oil and gas leasing, officials must consider emissions from past, present and foreseeable future oil and gas leases

nationwide. The case was brought by WildEarth Guardians and Physicians for Social Responsibility. In March of 2018 the Federal District Court of Montana found the Miles City (Montana) and Buffalo (Wyoming) Field Office's Resource Management Plans unlawfully overlooked climate impacts of coal mining and oil and gas drilling. The case was brought by Western Organization of Resource Councils, Montana Environmental Information Center, Powder River Basin Resource Council, Northern Plains Resource Council, the Sierra Club, and the Natural Resources Defense Council. The project is in violation of NEPA, NFMA, the APA, the ESA for not examining the impacts of the project on climate change. The project will eliminate the forest in the project area. Forests absorb carbon. The project will destroy soils in the project area. Soils are carbon sinks. The Forest Service violates NEPA because it fails to take a hard look at the Soapstone Project impacts on the environment and fails to disclose sufficient information to the public.

Please take a hard look at the science of climate change and draft an EIS for this project if the Forest Service still wants to pursue it, which includes an analysis that examines climate change in the context of project activities and Desired Conditions. Better yet, it's time to prepare an EIS on the whole bag of U.S. Government climate policies.

The NFMA requires in the face of increasing climate risk, growing impacts of wildfire and insect activity, plus

scientific research findings, the FS must disclose the significant trend in post-fire regeneration failure. The forest has already experienced considerable difficulty restocking on areas that have been subjected to prescribed fire, clear-cut logging, post-fire salvage logging and other even-aged management “systems.”

NFMA (1982) regulation 36CFR 219.27(C)(3) implements the NFMA statute, which requires restocking in five years. Forest managers must analyze and disclose the fact that the UWCNF can no longer “insure that timber will be harvested from the National Forest system lands only where...there is assurance that such lands can be restocked within five years of harvest?” (NFMA§6(g)(3)(E)(ii)). The project goals and expectations are not consistent with NFMA’s “adequate restocking” requirement. Scientific research can no longer be ignored.

“At dry sites across our study region, seasonal to annual climate conditions over the past 20 years have crossed these thresholds, such that conditions have become increasingly unsuitable for regeneration. High fire severity and low seed availability further reduced the probability of post-fire regeneration. Together, our results demonstrate that climate change combined with high severity fire is leading to increasingly fewer opportunities for seedlings to establish after wildfires and may lead to ecosystem transitions in low-elevation ponderosa pine and Douglas-fir forests across the western United States.”

Wildfires and climate change push low-elevation forests across a critical climate threshold for tree regeneration,

PNAS (2018), Kimberley T. Davis, et al.

Both RPA and NFMA mandate long-range planning which impose numerous limitations on commodity production, including grazing, timber harvesting practices and the amount of timber sold annually.

These long-range plans are based on assumptions, which are based on data, expert opinion, public participation and other factors that all, well almost all, view from a historical perspective. Assumptions that drove forest planning guidance decades ago, when climate risk was not known as it is today, are obsolete today.

Present and future climate risk realities demand new assumptions and new guidance.

A proper reexamination of the assumptions relating to resilience and sustainability contained in the Forest Plan is necessary. Scientific re- search supporting our comments focus on important data and analysis. A full discussion and disclosure of the following is required: 1) trends in wildfires, insect activity and tree mortality, 2) past regeneration success/failure in the project area, and 3) climate-risk science – some of which is cited below. Our comments, and supporting scientific re- search clearly “demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection...”

The project is in violation of NEPA, NFMA, the Forest Plan and the APA.

Sec. 6. of the National Forest Management Act states:

(g) As soon as practicable, ... the Secretary shall ...

promulgate regulations, under the principles of the Multiple-Use, Sustained-Yield Act of 1960...

The regulations shall include, but not be limited to-

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which-

(E) insure that timber will be harvested from National Forest System lands only where-(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

NFMA regulations at 36 C.F.R. § 219.27 (Management requirements) state:

(a) Resource protection. All management prescriptions shall—

(1) Conserve soil and water resources and not allow significant or permanent impairment of the productivity of the land;

(b) Vegetative manipulation. Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall--

(5) Avoid permanent impairment of site productivity and ensure conservation of soil and water resources;

The project-level, and programmatic-level (Forest Plan) fail to publicly disclose the current and future impacts of climate risk to our national forests. NEPA requires cumulative effects analysis at the programmatic level, and at the project-level. The failure to assess and disclose all risks associated with vegetative-manipulation (slash andburn) units in the project area in the proper climate-risk context/scenario violates the NFMA, NEPA and the APA. In the face of increasing climate risk, growing impacts of

wildfire and insect activity, plus scientific research findings, NEPA analysis and disclosure must address the well-documented trend in post-fire regeneration failure. The project has already experienced difficulty restocking on areas that burned in the 1988 wildfire. NFMA (1982) regulation 36 CFR 219.27(c)(3) implements the NFMA statute, which requires adequate restocking in five years. Given the forest's poor history of restocking success and its failure to employ the best available science, the adequacy of the site-specific and programmatic NEPA/NFMA process begs for further analysis and disclosure of the reality of worsening climate conditions which threaten – directly and cumulatively – to turn forest into non-forested vegetation, or worse. The desired future condition described in the Purpose and Need, or in the Forest Plan is not deforestation.

The Forest Plan is based on assumptions largely drawn from our past. These assumptions must be challenged, and amended, where overwhelming evidence demonstrates a change of course is critically important. It is time to take a step back, assess the future and make the necessary adjustments, all in full public disclosure to the Congress and the American people.

The EA fails to acknowledge the likelihood that “...high seedling and sapling mortality rates due to water stress, competing vegetation, and repeat fires that burn young stands,” which will likely lead to a dramatic increase in non-forest land acres. Many acres of (conifers) trees already fail to regenerate. (Emphasis added). A map of these areas is required. In many areas, conifers haven't

shown “re- silience” enough to spring back from disturbance.

Looking to the Future and Learning from the Past in our National Forests: Posted by Randy Johnson, U.S. Forest Service Research and Development Program, on November 1, 2016 at 11:00 AM <http://blogs.usda.gov/2016/11/01/looking-to-the-future-and-learning-from-the-past-in-our-national-forests/>

Excerpt:“Forests are changing in ways they've never experienced

before because today's growing conditions are different from anything in the past. The climate is changing at an unprecedented rate, exotic diseases and pests are present, and landscapes are fragmented by human activity often occurring at the same time and place.

When replanting a forest after disturbances, does it make sense to try to reestablish what was there before? Or, should we find re-plant material that might be more appropriate to current and future conditions of a changing environment?

Restoration efforts on U.S. Forest Service managed lands call for the use of locally adapted and appropriate native seed sources. The science-based process for selecting these seeds varies, but in the past, managers based decisions on the assumption that present site conditions are similar to those of the past.”“This may no longer be the case.”

REMEDY

Suggested remedies: Choose the No Action Alternative or Forest Plan Amendments are needed to establish standards and guidelines which acknowledge the significance of cli-

mate risk to other multiple-uses. Amendments must not only analyze forest-wide impacts, but the regional, national and global scope of expected environmental changes. Based on scientific research, the existing and projected irretrievable losses must be estimated. Impacts caused by gathering climate risk (heat, drought, wind) and its symptoms, including wildfire, insect activity, and regeneration failure and mature tree mortality must be analyzed cumulatively.

The selected scientific research presented above is only a sampling of the growing body of evidence that supports the need to disclose the consequences of the proposed action in a proper context – a hotter forest environment, with more frequent drought cycles. This evidence brings into question the Purpose and Need for the project. It also requires the FS to reconsider the assumptions, goals and expected desired future condition expressed in the existing Forest Plan. Plan expectations must be amended at the programmatic level before proceeding with proposed project-level action(s).

According to best available science, implementing the project will most likely accomplish the opposite of the desired future condition. We can adjust as we monitor and find out more. However, to willfully ignore what we do know and fail to disclose it to the public is a serious breach of public trust and an unconscionable act. Climate risk is upon us. A viable alternative to the proposal is not only reasonable and prudent, but it is the right thing to do.

The draft decision is in violation of NEPA, NFMA, the ESA and the APA because the project will adversely affect biological diversity, is not following the best available

since and the purpose and need will not work. NEPA requires the Forest Service to discuss direct, indirect, and cumulative effects of the Project. 40 C.F.R. §§ 1502.16; 1508.1(g).

NEPA requires that agencies take a “hard look” at the environmental consequences of its proposed actions *before* the agency chooses a particular course of action, without favoring a pre-determined outcome.

NEPA further requires that relevant information be made available to the public so that they may play a role in both the decision making and implementation of the Project.

The Forest Service does not provide site-specific information about the SoapstoneProject or its impacts. The UWCNF does not disclose specific locations where logging, road construction, or prescribed burns will occur within the Project area.

Please adequately address the direct, indirect, and cumulative effects of the Project on the human environment.

The Forest Service therefore violates the hard-look and public disclosure requirement of NEPA and fails to provide sufficient site-specific information or analysis about the Project and it’s impacts to foster informed decision making and public participation.

The Forest Service therefore violates NEPA and is not in accordance with law and without observance of procedure required by law under the APA.

Sincerely yours,

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