



February 28, 2026

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Via electronic online: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=68876>

RE: Comments on Twin Peaks Project Draft Environmental Assessment

Dear Ms. Schuller,

The Center for Biological Diversity, along with Wilderness Workshop, and Western Watersheds Project, submits the following comments on the Forest Service's Twin Peaks Project (hereafter "project" or "Twin Peaks"). As detailed below, the undersigned encourage the Forest Service to complete a thorough, transparent environmental review, including offering a public comment period on the final environmental assessment, and significantly revising the proposed action.

Interests and Participation of Commenting Parties.

The **Center for Biological Diversity ("Center")** is a non-profit environmental organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places. This number includes members who live and recreate in the areas in and affected by actions taken within and nearby the proposed project area. The Center uses science, policy, and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats and climate they need to survive.

Western Watersheds Project ("WWP") is a non-profit environmental conservation organization representing the interests of 50,000 members and supporters. WWP works to influence and improve public lands management throughout the western United States in order to protect native species and conserve and restore the habitats they depend on. WWP works to protect and conserve the public lands, wildlife and natural resources of the American West through education, public policy initiatives, and litigation.

Wilderness Workshop ("WW") is a 501(c)(3) dedicated to protecting the wilderness, water, and wildlife of western Colorado's public lands. WW engages in research, education, legal advocacy and grassroots organizing to protect the ecological integrity of local landscapes and

public lands. WW focuses on the monitoring and conservation of air and water quality, wildlife species and habitat, natural communities and lands of wilderness quality. WW was founded in 1967 and has approximately 800 members. Many of our members live, work, and recreate in and around, and otherwise use and enjoy lands managed by the U.S. Forest Service that would be impacted by the proposed timber sale. All members have a great interest in the protection and enhancement of natural values in the area. WW has been closely monitoring proposals, developments, and management actions on these public lands for many years.

I. National Environmental Policy Act & Administrative Procedures Act.

The National Environmental Policy Act (“NEPA”) is our bedrock environmental law. In enacting NEPA, Congress recognized the profound impacts of human activities on the environment and declared a national policy “to create and maintain conditions under which man and nature can exist in productive harmony.”¹ NEPA has “twin aims:” obligating the agency “to consider every significant aspect of the environmental impact of a proposed action,” and ensuring “that the agency will inform the public that it has indeed considered environmental concerns in its decisionmaking process.”²

NEPA promotes its sweeping commitment to “prevent or eliminate damage to the environment and biosphere” by focusing government and public attention on the environmental effects of proposed agency action.³ With NEPA, Congress mandated that federal agencies take a “hard look” at the environmental consequences of their actions and engage practicable measures to prevent environmental harm when engaging in agency action.⁴

Simultaneously, USFS’s NEPA review and final decision must conform to the Administrative Procedure Act (“APA”). This includes engaging in “reasoned decisionmaking[sic],” ensuring that a project is not only within its lawful authority, but the “process by which it reaches that result must be logical and rational.”⁵

Further, Congress incorporated within NEPA “action-forcing” provisions which require agencies to follow specific procedures in order to accomplish any federal project.⁶ NEPA requires, among other things, that USFS describe the purpose and need for the proposed action; consider a range of reasonable alternatives; and conduct environmental analysis of the direct, indirect, and cumulative impacts of proposed actions; and assess mitigation measures to reduce those impacts.

¹ 42 U.S.C. § 4331(a).

² *Balt. Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 97 (1983).

³ 42 U.S.C. § 4321.

⁴ *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976); *New York v. Kleppe*, 429 U.S. 1307, 1310–1311 (1976) (The Supreme Court “unanimous in concluding that the essential requirement of the NEPA is that before an agency takes major action, it must have taken ‘a “hard look” at environmental consequences.’”).

⁵ *Michigan v. EPA*, 576 U.S. 743, 750 (2015).

⁶ *Kleppe v. Sierra Club* at 409.

- a. The Draft EA Fails to Analysis Baseline Conditions and Take a Hard Look at the Projects Environmental Impacts.

NEPA requires that USFS understand and disclose the environmental baseline in order to analyze a proposed project's impacts and the impacts of alternatives.

Federal courts emphasize the importance of establishing the environmental baseline.

When conducting an environmental analysis of a proposed action under NEPA, an agency compares the action's projected environmental effects to the existing condition of the environment. Through that comparison, the agency can ascertain the magnitude of the proposed action's environmental impacts. The agency's choice of the baseline for comparison matters a great deal. If the baseline is artificially high, the agency might erroneously conclude that even highly disruptive actions will have minimal incremental environmental effects.⁷

Reviewing courts assess whether an agency EA "has adequately considered and elaborated the possible consequences of the proposed agency action when concluding that it will have no significant impact on the environment, and whether its determination that no EIS is required is a reasonable conclusion."⁸ This requirement is known as the "hard look."⁹ While an EA requires a less in-depth analysis than an EIS, USFS must still weight available information, analysis, and the potential for environmental impacts, in making informed decisions to implement an action or alternative.¹⁰ When taking a hard look at potential impacts, and ultimately deciding whether or not the action may have significant environmental impacts, agencies must take into account the direct, indirect, and cumulative impacts of the action.¹¹ Court decisions interpreting the NEPA shortly after its adoption and CEQ guidance before the adoption of Council's 1978 regulations reached this conclusion.¹²

NEPA requires that the Forest Service include cumulative impacts analyses for all analyzed resource values. Courts have found in NEPA's statutory text the requirement to consider cumulative impacts and "focus concern on the 'big picture' relative to environmental problems."¹³ In *Swain*, the Seventh Circuit observed NEPA "expressly requires recognition of

⁷ *Marin Audubon Soc'y v. FAA*, 121 F.4th 902, 915-16 (D.C. Cir. 2024). See also *Great Basin Res. Watch*, 844 F.3d 1095, 1101 (9th Cir. 2016) ("Without establishing the baseline conditions ... before a project begins, there is simply no way to determine what effect the project will have on the environment and, consequently, no way to comply with NEPA.") (citations and quotations omitted).

⁸ *Cascadia Wildlands v. United States BLM*, 153 F.4th 869, 902 (9th Cir. 2025) (internal citations omitted); see *Diné Citizens Against Ruining Our Env't v. Haaland (Diné)*, 59 F.4th 1016, 1034 (10th Cir. 2023).

⁹ *Id.*; *Kleppe v. Sierra Club* at 410 n.21.

¹⁰ *Kleppe v. Sierra Club* at 410 n.21.

¹¹ *Diné* at 1034.

¹² See *Hanly v. Kleindienst*, 471 F.2d 823, 830-31 (2d Cir. 1972); *Minn. Pub. Interest Research Grp. v. Butz*, 498 F.2d 1314, 1322 (8th Cir. 1974).

¹³ *Swain v. Brinegar*, 517 F.2d 766, 775 (7th Cir. 1975).

the worldwide and long-range character of environmental problems.”¹⁴ Thus, NEPA recognizes that “each ‘limited’ federal project is part of a large mosaic of thousands of similar projects and that cumulative effects can and must be considered on an ongoing basis.”¹⁵

To that end, courts have also recognized that cumulative impacts analysis is necessary to put a proposed action’s effects into meaningful context and fulfill NEPA’s informed decisionmaking purpose. In other words, a cumulative impacts analysis is integral to ensuring that an agency has taken a “hard look” at the environmental consequences of a proposed action.¹⁶

In *Hanly v. Kleindienst*, the court stated that agencies are required to consider “the absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area.”¹⁷ “[E]ven a slight increase in adverse conditions that form an existing environmental milieu may sometimes threaten harm that is significant. One more factory polluting air and water in an area zoned for industrial use may represent the straw that breaks the back of the environmental camel.”¹⁸

In the Tenth Circuit,

A meaningful cumulative impact analysis must identify five things: (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are

¹⁴ *Id.*

¹⁵ *Id.*; see *Kleppe v. Sierra Club* at 409-410 (“comprehensive impact statement may be necessary” for agency to meet its duties under NEPA; “[w]hen several proposals ... will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together”).

¹⁶ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

¹⁷ 471 F.2d at 830-31.

¹⁸ *Id.* at 831; see also *Minn. Pub. Interest Research Grp. v. Butz*, 498 F.2d 1314, 1322 (8th Cir. 1974) (“There has been increasing recognition that man and all other life on this earth may be significantly affected by actions which on the surface appear insignificant.”); *Nat. Res. Def. Council v. Callaway*, 524 F.2d 79, 88 (2nd Cir. 1975) (Congress intended “to instill in the environmental decisionmaking process a more comprehensive approach so that long term and cumulative effects of small and unrelated decisions could be recognized, evaluated and either avoided, mitigated, or accepted as the price to be paid for the major federal action under consideration.”); *Swain v. Brinegar II*, 542 F.2d 364, 370 (7th Cir 1976) (finding illegal segmentation of highway project, because “the combined statements of course do not consider the overall environmental effects of the 42-mile freeway.”); *id.* at 368 (“although the individual environmental impact might be slight, the cumulative consequences could be devastating”); *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 994 (9th Cir. 2004) (“Cumulative impacts of multiple projects can be significant in different ways. The most obvious way is that the greater total magnitude of the environmental effects ... may demonstrate by itself that the environmental impact will be significant. Sometimes the total impact from a set of actions may be greater than the sum of the parts.”). Accordingly, for decades courts have held that NEPA reviews “must give a realistic evaluation of the total impacts and cannot isolate a proposed project, viewing it in a vacuum.” *Grand Canyon Trust v. FAA*, 290 F.3d 339, 342 (D.C. Cir. 2002); see also *Healthy Gulf v. FERC*, 107 F.4th 1033, 1043 (D.C. Cir. 2024) (“NEPA’s mandate to consider the cumulative effects of a project makes sense: A project’s incremental emissions do not exist in a vacuum, and requiring consideration of the overall state of the surrounding environment helps ensure that agencies do not overlook the full impact of those emissions.”).

expected in that area from the proposed project; (3) other actions—past, present, and proposed, and reasonably foreseeable—that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.¹⁹

USFS can only take the required ‘hard look,’ and determine avoidable, irreversible, or excessive degradation by utilizing the best available scientific data and analysis. NEPA requires that all federal agencies:

- (i) “utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man’s environment.”²⁰
- (ii) “ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document.”²¹
- (iii) “make use of reliable data and resources in carrying out this Act.”²²
- (iv) “initiate and utilize ecological information in the planning and development of resource-oriented projects.”²³

i. Wildfire Risk.

The Twin Peaks Draft Environmental Assessment (“DEA”) fails to consider the baseline fire risk conditions in the project area and the direct, indirect, and cumulative impacts of the proposed action on fire risk. Failure to address these deficiencies before choosing the proposed action would violate the APA because the Forest Service will have breached its duty to engage in reasoned decision making and ensure that the proposed project is logical and rational.²⁴

As the agency tasked with managing our national wildland fire strategy and the largest number of forested public lands, the Forest Service should have environmental analysis for wildland fire risk down to a science. Yet, in the DEA and vegetation specialist report are devoid of scientific literature citations and make no analysis of the project areas existing fire risk. The lack of baseline data on fire risk is concerning given two out of the three purposes of the project relate

¹⁹ *San Juan Citizens All. v. Stiles*, 654 F.3d 1038, 1056 (10th Cir. 2011) (citations omitted).

²⁰ 42 U.S.C. § 4332(A).

²¹ *Id.* § 4332(D).

²² *Id.* § 4332(E).

²³ *Id.* § 4332(K); *See also* CEQ Feb. 2025 Guidance at 2-3 (describing provisions of NEPA following Congress’s 2023 amendments).

²⁴ *Michigan v. EPA*, 576 U.S. 743, 750 (2015).

wildfire planning and conditions management—forest resilient to disturbance events and fire fighter safety.²⁵

1. Baseline Conditions.

The DEA and specialist reports fail to address the baseline fire risk conditions of the project area. Without baseline conditions, it's impossible for the Forest Service to determine whether the proposed treatments will have a positive, negative, or neutral effect on fire risk.

For instance, the baseline fire risk of the project area is needed to make the statement that intermediate treatments will improve resistance to fire and limit fire spread. While the Forest Service needs to make its own fire risk analysis for the project, it is worth noting the Pitkin County Community Wildfire Protection Plans ("CWPP") has a fire risk map that includes the project area.²⁶ This map suggests the baseline fire risk conditions for most of the project area are in the low or lowest risk bracket.²⁷

2. Direct, Indirect, and Cumulative Impacts to Fire Risk.

The DEA and vegetation report lump treatments into three categories: uneven aged treatments, even aged treatments, and thinning.²⁸

Uneven aged treatments.

Uneven aged treatments are planned for the largest area of the project or 1,963 acres.²⁹ Despite representing the majority of the project area, the DEA and vegetation report make no analysis of the treatments likely effect on fire risk or behavior.³⁰ While this seems to be a glaring issue with the project analysis and justification for choosing the proposed action, the Forest Service's decision making is further flawed by the fact that there is no analysis of the baseline fire conditions of Units 1 and 2 where the uneven aged treatments are planned. The group selection treatments are likely to increase fine and coarse downed woody material, similar to the effects of post-fire logging.³¹

Even Aged Treatments.

The discussion of even aged treatments effects on fire behavior are brief and inadequate. The Forest Service simply states that clearcutting will remove ladder fuels and prevent canopy fire spread.³² While this may be true immediately after the project, the DEA fails to address other

²⁵ Twin Peaks Draft Environmental Assessment ("DEA") at 17.

²⁶ Pitkin County Community Wildfire Protection Plan ("CWPP") at 3 (2023).

²⁷ *Id.*

²⁸ DEA at 20–24.

²⁹ *Id.* at 20.

³⁰ To the extent the Forest Service relies on the Lakeview Project documents, these documents cannot account for the baseline conditions of the project area.

³¹ Donato, 2006; *also see* Morici & Bailey, 2021.

³² DEA at 23.

temporal scales. Research has shown that large openings, such as those proposed for clear cutting and fuel breaks, have “increased light availability” and combined with “ground disturbance from logging, can lead to rapid establishment of dense growth of woody shrubs and small trees, which in turn leads to higher surface fuel loads that are more likely to burn at higher severity compared to older forests.”³³ These areas also tend to create “warmer/windier/drier conditions that are more conducive to wildfire spread and growth.”³⁴ To meet NEPA’s ‘hard look’ requirement the Forest Service must analyze the direct and indirect effects of clearcutting on fire risk, compared to baseline conditions, and address the project’s flame length benefits at various temporal scales.

Intermediate Treatments.

The Forest Service reports that intermediate treatments will improve resistance to wildfire and limit fire spread.³⁵ While this sounds like a substantial benefit to the project, there are two issues with it. First, the Forest Service cites no research to support these claims. The broad narrative that beetle outbreaks, and other infestations leading to tree mortality, influence fire severity or frequency has largely been debunked.³⁶ With the significant negative ecological impacts sanitation logging, these results suggest that active management of beetle killed trees is not finically efficient, does not benefit fire management goals, and does not benefit stand resilience.³⁷ Second, the Forest Service has made no analysis of the fire risk of the project area. The Forest Service must reconcile how it made this fire risk determination without scientific support and without analyzing the baseline conditions of the project area.

Additionally, the purpose of intermediate treatments ignores the reality that the modern detrimental effects of drought and increase insect outbreaks is driven by a changing climate.³⁸ As such, management should also include consideration of forest adaptation. Six et al., suggests that western forests facing increase insect outbreaks and drought need to prioritize adaptation, not resilience and resistance.

When humans thin forests, they typically manage for resistance and resilience, rather than adaptation which involves genetic change. It is very important to distinguish between resistance, resilience, and adaptation, as each have different goals and operate on different temporal scales. Resistance is a short-term holding action where we try to maintain an existing state. Approaches focusing on resistance often require massive interventions and increasing physical and financial investments over time. Such approaches may set forests up for future outbreaks and even catastrophic failure as they surpass thresholds in a

³³ Frost & Enser, 2024 at 53.

³⁴ *Id.*

³⁵ DEA at 24.

³⁶ Andrus, 2016; *see also* Hart et. al., 2015.

³⁷ Six et. al., 2014.

³⁸

warming climate. In contrast, practices that promote resilience attempt to allow forests the ability to adjust to gradual changes related to climate change and to recover after disturbance. However, like resistance, resilience is not a long-term solution. In the long term, forests must be able to adapt to change. Adaptation involves genetic change driven by natural selection. Currently, much of forest management, including bark beetle management, focuses on resistance and resilience, mainly through direct and indirect management, respectively. However, neither approach allows for true adaptation. For long term continuity of our forests, it will be imperative to begin to incorporate this aspect of management into our approaches.³⁹

The Forest Service should explain how the proposed treatments will further reduce fire risk in a project area which is already considered low or lowest risk of wildfire.⁴⁰ Of equal importance, the Forest Service should address the concern that treatments, in particular clear cutting and group selection, will increase fire risk in the project area. This analysis should also address concern that indicates that the proposed new temporary roads will increase in road density, in turn increasing the risk of human wildfire ignitions.⁴¹ Finally, this analysis should include discussion the cumulative impacts to fire risk from the proposed project and Black Hills Energy pipeline replacement project.⁴²

In summary, the project documents fail to fulfill the Forest Service's statutory duties under NEPA and the APA by not disclosing baseline conditions, failing to take a 'hard look' at environmental consequences of the proposed action, and failing to engage in reasoned decision making. In the final EA the Forest Service must look at the direct, indirect, and cumulative impacts of the proposed action on fire risk.

ii. Hydrology.

1. Baseline.

The EA appears to rely on very old discharge measurements and monitoring data. *See e.g.*, EA at 35 (citing USGS discharge data from the 1950s and 1960s). While the EA suggests that little has changed in the area to undermine the old data, it also lists numerous vegetation treatment projects and timber sales that have occurred in the project area. EA at 27 (listing projects including the 2009 Sunshine and 2018 County Line Projects, and gladding at the Sunlight Ski Area), 40 (noting 11 timber harvest and vegetative treatment activities have occurred in the Thompson Creek Watershed). This information raises several concerns.

³⁹ Six et. al., 2014.

⁴⁰ *See* CWPP at 3.

⁴¹ Aplet, et al, 2026.

⁴² DEA at 28.

First, agency decisions should be based on the best available information. It is hard to believe that data dating back 60 to 70 years is the best available.

Second, given the number of timber and forestry projects in the area that were undoubtedly approved and managed by the U.S. Forest Service, it is clear that the agency should be doing more to assess the impacts of its own activities on public lands.

Third, to the extent that this project will generate funds, those funds should be used to monitor potential impacts of the project on sensitive public land values (e.g., wildlife, water quality/quantity).⁴³ Information gleaned from monitoring data should then be used to better inform resource management in the future.

2. Water Quality.

The DEA ignores and/or downplays short-term impacts of this project on water quality, despite the fact that water quality in the area is already degraded. The DEA also raises questions about whether water quality in the project area will remain degraded after the project is done. The Forest Service must take a hard look at the potential near term impacts and consider modifying the project to ensure thresholds for significant impacts are not exceeded when the project is finished.

The DEA uses Connected Disturbed Areas (CDAs) to measure existing conditions and potential hydrologic impacts of the proposed action.⁴⁴ The EA makes clear that portions of the project area already exceed the 10% CDA threshold prescribed by the Forest Service Watershed Conservation Practices Handbook (WCPH), and others are very close to that threshold.⁴⁵ The EA also makes clear that, in the near term, these conditions may get worse.⁴⁶ However, there is no meaningful discussion about those impacts.

The Forest Service analysis omits any analysis or disclosure of the near-term impacts associated with implementation of the proposed action and jumps directly to the conclusion that after the project is complete, provided that BMPs and PDFs are implemented, CDAs could decrease. Even

⁴³ See EA at 11-12 (discussing the Knutson-Vandenberg Act and how a portion of timber receipts collected from the proposed operations would be deposited in a cooperative account for future use in improving natural resources within the project area).

⁴⁴ See DEA at 33 (“Increasing CDAs within 3rd order watersheds resulting in expansion of the existing stream network by 10% or more causes measurable changes in stream sediment load and water quality. “).

⁴⁵ See e.g., Cole Green-Smith, USFS, Hydrology and Water Resources Report – Twin Peaks (Jan. 28, 2026), at 16 (Table 5 shows the N. Fork of Thompson Creek currently exhibits channel network expansion of 16.7% and the Middle Fork exhibits 9.1%).

⁴⁶ See *id.* at 15 (Short term effects may include increases sediment loads and turbidity).

still Table 5 in the Hydrology and Water Resources Report projects that post-project CDAs in the North Thompson watershed would still exceed 10%.⁴⁷

To satisfy the agency's obligations under NEPA, the near-term impacts must be considered and disclosed. The agency should also consider alternative actions or modifications to the proposed action that would ensure CDAs in the project area do not exceed thresholds of significance after the project is complete.

iii. Impacts to Elk Habitat.

The DEA discusses habitat effectiveness (HE) in analyzing potential impacts to elk, but the discussion is inadequate for several reasons. First, the DEA makes clear that "HE for this DAU is currently unavailable."⁴⁸ Obviously, any conclusions about potential impacts on HE are dubious without baseline information. Second, the analysis focuses on permanent road density even though HE predicts an area's ability to provide cover, forage, and security—which are values implicated by temporary roads too, not just permanent roads. The DEA acknowledges that temporary roads "may have a short-term impact on the habitat effectiveness."⁴⁹ But it fails to acknowledge the long-term impacts of temporary roads, which alter cover and forage until a road prism is completely revegetated (that may take 80 years!). Impacts include direct habitat loss and changes in landscape patterns. The EA also fails to acknowledge the long-term security impacts associated with cutting new prisms into the backcountry and opening those areas up to new uses, including new forms of recreation. These prisms change movement patterns for elk, as well as other wildlife species, predators, and hunters. The reality is that temporary roads have long-term impacts on elk and habitat effectiveness that have not been considered or even acknowledged in the DEA.

The DEA also confirms that the project will not comply with the WRNF Forest Plan 5.43 guideline for elk summer concentration.⁵⁰ Timber operations will proceed during months when summer concentration areas are supposed to be closed pursuant to the Forest Plan. The analysis says that "Elk would be displaced to other high quality summer concentration habitat on a short-term basis when operations are occurring."⁵¹ The DEA does not, however, include any discussion or analysis of other projects that may be proposed or approved elsewhere in the broader DAU and may contribute to cumulative impacts on elk during this period. That must be considered.

⁴⁷ See Cole Green-Smith, USFS, Hydrology and Water Resources Report – Twin Peaks (Jan. 28, 2026), at 16 (Table 5 shows that tributaries of N. Fork of Thompson Creek will still exhibit channel network expansion of 11.5% post project).

⁴⁸ DEA at 32.

⁴⁹ *Id.*

⁵⁰ DEA at 58.

⁵¹ DEA at 33.

b. The Forest Service’s reliance on USDA’s Interim Final NEPA Regulations is Ultra Vires.

The Forest Service risks project vacatur if it anchors NEPA compliance on the Department’s interim final NEPA regulations, which were issued without full notice-and-comment and are already the subject of legal controversy. Under the Administrative Procedure Act, agencies may bypass notice-and-comment only with a narrowly construed “good cause” showing, USDA’s interim final NEPA rules—overreached that exception, inviting projects approved under them to be joined to the already active litigation over these violations. Relying solely on these APA deficient regulations exposes this project to vacatur because the project documents and final decision will rest on unlawfully promulgated rules.

As such, the Forest Service should also evaluate a full range of reasonable alternatives, including a conservation alternative, to reduce litigation risk and comply with the legal requirements of NEPA. USDA’s 2025 Interim Final Rule significantly narrowed analytical requirements, allowing the Forest Service to offer action-versus-no-action alternatives for the first time. This approach falls short of NEPA’s requirement that federal agencies thoroughly explore and objectively assess all reasonable alternatives to a proposed plan of action.⁵² When an unresolved conflict exists over the use of resources, the Forest Service should study, develop, and describe all reasonable alternatives.⁵³

To meet the alternatives requirement, the Forest Service should consider a fire safe alternative. This alternative would still meet the purpose and need. The fire safe alternative should include the following modifications to the proposed action:

- Protection for mature and old-growth forests, because of their importance for retaining forest resilience to fire and drought;
- Removal of all clearcut and group selection treatments outside of PODs, because these treatments are likely to increase fire risk in the project area;
- Removal of all new temporary project road because national forest roads increase the risk of human wildfire ignitions;
- Avoid increased road density.

Considering this alternative is especially important for buffering the project against claims that the agency relied on unlawfully promulgated rules—while demonstrating that the Forest Service commitment to community wildfire risk reduction.

⁵² See *NRDC v. United States Forest Serv.*, 421 F.3d 797, 813 (9th Cir. 2005); *City of Carmel-by-the-Sea v. United States Dep’t of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997).

⁵³ 42 U.S.C. § 4332(H); See *NRDC* at 813; *City of Carmel-by-the-Sea* at 1155.

II. National Forest Management Act.

The National Forest Management Act (“NFMA”) prescribes that national forests will be managed under a robust and thoughtful planning process. “NFMA establishes a two-step process for forest planning. First, the Forest Service prepares a forest plan” that sets out “general, forest-wide planning goals.”⁵⁴ “Second, the Forest Service is required to implement the forest plan by approving or disapproving specific projects. Project must be consistent with the governing forest plan.”⁵⁵

NFMA compliance includes the development and strict adherence to the Land and Resource Management Plan (“LRMP” or “Forest Plan”).⁵⁶ As the Forest Service moves forward with the planning of the project there is an obvious fork in the road. The project as described does not adhere to the LRMP, so the Forest Service must either change the project to conform to the LRMP or amend the LRMP.⁵⁷

a. The Proposed Action Violates the Forest Plan.

The proposed action is inconsistent with the LRMP road density standards related to Colorado River Cutthroat Trout and elk.

i. Colorado River Cutthroat Trout.

The White River National Forest’s 2002 Land and Resource Management Plan (“LRMP”) includes this standard related to management activities that may impact Colorado River Cutthroat Trout:

When implementing management activities in 6th field Hydrologic Unit Codes (subwatersheds) containing cutthroat trout identified as recovery populations in the Colorado River Cutthroat Recovery Plan, maintain or reduce existing net density of roads (open or closed) to restore or prevent alteration of the hydrologic function of the sub-watershed. Temporary roads must be decommissioned upon project completion.⁵⁸

The proposed project includes construction of 2.1 miles of temporary road in the Thompson Creek watershed, which contains recovery populations of cutthroat.⁵⁹ This new road construction would increase the net density of roads in the Thompson Creek watershed in violation of the Forest Plan standard.

⁵⁴ *Silverton Snowmobile Club v. United States Forest Serv.*, 433 F.3d 772, 785 (10th Cir. 2006).

⁵⁵ *Id.* (citing 16 U.S.C. § 1604(i)).

⁵⁶ 16 U.S.C. § 1604.

⁵⁷ *See* 36 C.F.R. § 219.15(c).

⁵⁸ White River National Forest Land and Resource Management Plan (“LRMP”) at 2-25 (2002).

⁵⁹ *See e.g.*, R. Clay Ramey, USFS, Biological Evaluation for Aquatic Species related to the Twin Peaks Project EA (12/15/25), at 5, 8-9.

ii. Elk.

The Biological Evaluation for Wildlife suggests that the proposed action may increase road density beyond the “travelway density of one-half mile per square mile” prescribed by the Forest Plan.⁶⁰ This proposed increase in road density appears to violate the Forest Plan.

Because the project violates enforceable LRMP standards (road density, cutthroat trout, elk habitat), the Forest Service must either (1) modify the action to comply, or (2) initiate a formal Forest Plan amendment. Proceeding without either step violates NFMA and is arbitrary and capricious.

III. Additional Information Needed for Informed Participation.

For the reasons discussed below, the Forest Service should supply the public with the requested information, accept additional public comments on the DEA, and accept comments on the final EA.

a. Disclosure of Old Growth and Mature Trees in Project Area.

The harvesting of old growth and mature trees on National Forest is highly controversial. Indeed, even the original Forest Plans adopted in 1984 for neighboring National Forests acknowledged their unique and important ecological function.⁶¹ There is a robust consensus from the scientific community and the Forest Service that old growth on public lands is best left in the ground and undisturbed. Treatments, including the ones proposed in the Twin Peaks project, would be considered highly controversial if old growth and mature trees exist in the planning area or project units. We ask the Forest Service to disclose the presence of old growth and mature trees in the project area, including the creation of a map showing the project area and existing old growth and mature forest conditions. Without this disclosure and the opportunity for the public supply supplemental comments, the Forest Service’s public participation on the Twin Peaks project will be inadequate.

b. Disclosure of Existing Grazing BMP.

The DEA indicates that the project area falls within an active grazing allotment but does not detail grazing best management practices to minimize impacts to soil, hydrologic, and vegetative resources. Due to vegetation disturbance and compaction from forest treatments, grazing capacity is likely to be diminished after treatments and therefore should be rested from grazing until woody and herbaceous vegetation have fully recovered. Monitoring of vegetative and soil

⁶⁰ See LRMP, 5.43 Elk Habitat Infrastructure Guideline 1, at 3-61; *see also* Austin Steel, USFS, Twin Peaks Biological Evaluation (Jan. 2026), at 63-4.

⁶¹ See Pike San Isabel National Forest LRMP (1984).

condition and cumulative impacts of grazing and vegetation treatment must be incorporated into the project design.

Additionally, if treatments occur during the grazing season between June and October, grazing pressure may be displaced and concentrated on other parts of the allotment. Impacts of that displacement, including impacts to soil, vegetation, and water resources, must be assessed and disclosed.

c. Disclosure of Recreational Impacts.

The project area receives significant recreational pressure that compounds many of the impacts of the silvicultural prescriptions outlined in the DEA, including impacts on soils and hydrology, transportation patterns, and impacts on native vegetation and invasive weeds. These impacts, and their compounding effect on the proposed treatments, must be assessed and disclosed.

d. Clearly Define Terms Associated with Temporary Roads.

The DEA indicates that approximately 2.10 miles of new temporary road construction would be needed to access treatment units. It also says that “Following harvesting activities, newly constructed temporary road would be completely obliterated.”⁶² However, the DEA fails to provide a meaningful definition for “completely obliterated.”

The DEA also states that approximately 8.03 miles of existing decommissioned road templates would be used to access treatment areas. After use, the first 300 feet of existing road templates would be recontoured to deter motorized recreational use, and the remaining road template would be closed and stabilized, leaving the road template intact.⁶³

The EA should explain the difference between “completely obliterated” road prisms and those that are closed and stabilized. Analysis in the EA should explicitly disclose the different impacts associated with “completely obliterated” road prisms versus the prisms that are simply closed and stabilized.

It should be noted that new temporary roads that will be completely obliterated may still have long-term impacts to habitat effectiveness, natural vegetation, stream expansion, and other forest values. Those impacts should be honestly disclosed and discussed in the EA. Currently, they are not. The EA should acknowledge that obliterated road prisms still create new conduits for foot, mountain bike, and dirt bike traffic. In this case, they may open areas to new recreational use. The EA must consider the impacts of that new recreation and consider methods to reduce potential impacts.

⁶² See DEA at 10.

⁶³ *Id.*

It is unclear from the EA if the Forest Service might reuse temporary roads that are targeted for complete obliteration in the future, or if those roads are intended to be completely abandoned and never reopened. If there is a chance that the Forest Service may reopen temporary roads even after obliterating them, the agency should acknowledge that there really is no effective difference between obliterated roads and decommissioned roads. If obliterated roads will never be reopened, the USFS must clearly commit to permanent closure.

The Forest Service has withheld critical information necessary for informed public review—including baseline fire risk, old-growth distribution, POD justification, hydrology near-term impacts, and road prism treatment details—the agency must reissue the DEA for additional public comment

IV. Conclusion.

The Draft Environmental Assessment for the Twin Peaks Project falls short of the Forest Service's obligations under NEPA, the APA, and NFMA. The agency has not established or disclosed baseline environmental conditions for fire behavior, hydrology, wildlife habitat, vegetation structure, or disease susceptibility, preventing the required hard look at direct, indirect, and cumulative impacts. The proposed action also conflicts with mandatory LRMP standards, including road-density limits for both Colorado River cutthroat trout habitat and elk summer concentration areas. For these reasons, the Forest Service must substantially revise the DEA, fully disclose missing information, and evaluate a complete range of reasonable alternatives.

Sincerely,

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⁶⁴ We were unable to provide a final version of the Pitkin County CWPP. A draft version that is available online was attached as an exhibit to these comments.