

March 6, 2026

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Submitted via Forest Service comment portal:

<https://cara.fs2c.usda.gov/Public/CommentInput?Project=64839>

Re: **OBJECTIONS Pursuant to 36 C.F.R. § 218.8 to Skyline Healthy Forests Restoration Act Project**

Submitted electronically through the project webpage comment portal and via email.

To the Intermountain Region Objection Reviewing Officer:

The following is an objection filed by the Center for Biological Diversity to the February 2026 Environmental Assessment, Finding of No Significant Impact, and Draft Decision Notice for the Skyline Healthy Forests Restoration Act Project.

In general, we are in favor of the Forest's plan to reduce the risk of uncharacteristic wildfires, increase resilience of existing vegetation groups, and improve ecological function of vegetative communities and wildlife habitats. We also welcome the Forest Service's draft decision to adopt an alternative that eliminates tree removal in inventoried roadless areas (IRAs). However, because the environmental analysis still leaves open the possibility that the Forest Service could adopt an alternative that involves logging activities across tens of thousands of acres of IRAs, we are compelled to file this protective objection.

Project Objected To

Pursuant to 36 C.F.R. § 218.8(d)(4), the Center for Biological Diversity objects to:

Project: Skyline Healthy Forests Restoration Act Project, Manti-La Sal National Forest, Project #64839

Responsible Official and Forest/Ranger District: Barbara Van Alstine, Forest Supervisor, Manti-La Sal National Forest

Timeliness

These objections are timely filed. Notice of the Draft DN and FONSI was published in the Emery Telcon on February 4, 2026. *See* Legal Notice, in the Forest Service project file. The 30th day after the date of the February 4 notice is Friday, March 6, 2026. *See* 36 C.F.R. § 218.7(c)(iv).

Lead Objector

Per 36 C.F.R. § 218.8(d)(3), the Center designates the “Lead Objector” as follows:

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Interests and Participation of the Objector

The Center for Biological Diversity is a non-profit environmental organization with more than 1.7 million members and online activists who value wilderness, biodiversity, old growth forests, and the threatened and endangered species which occur on America’s spectacular public lands and waters. Center members and supporters use and enjoy the Manti-La Sal National Forest and the lands within the Skyline Project area for recreation, photography, nature study, and spiritual renewal.

I. Lack of Specificity Regarding Treatment Effects.

The Forest Service has failed to analyze the impacts of the proposed actions in detail and, in so doing, has violated NEPA’s hard look requirement. Despite the vast amount of information (primarily related to fire behavior), the 2026 Environmental Assessment (“EA”) fails to provide essential information, and the public is left guessing about the exact nature of the proposed action and, more importantly, what the end results will be. While the agency briefly describes desired conditions, existing conditions, and treatment types, nowhere does it answer fundamental questions essential to understanding what the effects of the proposed action would be, as outlined below.¹

Under the Draft Decision, 26,000 acres are proposed for vegetation treatments and 21,000 acres are proposed for timber stand improvement by mastication, while prescribed burning is proposed across 47,000 acres. The Biological Assessment states: “Prescribed burning would be used in conjunction with mechanical treatments or independently applied where feasible.” Skyline HFRA Project Biological Assessment (Aug. 2024) at 4 (in Forest Service project file). It states: “Prescribed burning would be implemented within different vegetation types (spruce-fir, aspen, mixed conifer, pinyon juniper and others)” *Id.*

Regarding the potential overlap of vegetation treatments and prescribed fire treatments, the EA and associated documents fail to specify the following:

¹ The Center raised this issue below in comments on the 2023 EA, and in the Center’s 2025 Objection. *See* letter of M. Garrity *et al.* (Oct. 21, 2023) at 4-13, 99; Objection of Grand Canyon Trust *et al.* (Feb. 7, 2025) at 2-3 (both in Forest Service project file).

- where this overlap occurs and the total acreage of overlap
- where there is overlap, which specific vegetation treatment(s) and fuels treatment(s) would be used
- where multiple treatments would be used, what the effects of this combination of treatments would be and how those effects might differ from using each treatment in isolation

Proposed Resolution:

- Analyze the issues raised above in detail, preferably in an EIS or in a programmatic NEPA document with subsequent tiered, site-specific NEPA analyses.

II. The “Proposed Action” Violates the Roadless Rule.

We understand that the Forest Service’s Draft Decision Notice proposes to adopt Alternative 3, the “No Treatments in Inventoried Roadless Areas Alternative.” Draft Decision Notice at 1. We appreciate the Forest Service proposing to select an alternative that is less damaging than the “Proposed Action” identified in the EA. *See* Environmental Assessment (Jan. 2026) at 15-26.

However, because it is possible that the Forest Service could nonetheless adopt the EA’s “Proposed Action” notwithstanding the Draft Decision Notice, and in an abundance of caution, we object to any Forest Service attempt to adopt the “Proposed Action” because it would violate the Roadless Rule.

The national Roadless Area Conservation Rule, adopted in 2001, generally prohibits the cutting, sale or removal of timber from National Forest Service inventoried roadless areas in Utah. 36 C.F.R. § 294.13(a), published at 66 Fed. Reg. 3244 (Jan. 12, 2001) (“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.”).

Because the Skyline Project “Proposed Action” would authorize logging and tree removal via mechanical harvesting and mastication across approximately 53,000 acres within IRAs, the Forest Service can only authorize such treatments if the agency complies with the Roadless Rule. However, the Forest Service fails to demonstrate that the “Proposed Action” will comply with that law.

Further, the potential impact to roadless area values and characteristics requires preparation of a full environmental impact statement.

The Center raised each of these issues below in comments on the 2023 EA, and in the Center’s 2025 Objection. *See* letter of K. McAlister *et al.* (Oct. 24, 2023) at 10-17; letter of M. Garrity *et al.* (Oct. 21, 2023) at 38-51, 91-96, 154-176; Objection of Grand Canyon Trust *et al.* (Feb. 7, 2025) (all in Forest Service project file).

A. The Skyline Project Proposes Tree Removal and Hundreds of Miles of Constructed “Trails” Within IRAs.

The Proposed Action Alternative² covers approximately 100,000 acres of tree removal, the majority of which (52,717 acres) will occur “within 15 IRAs, emphasizing two treatment types: mechanical harvest and mastication.” Skyline EA (2026) at 66. The nearly 53,000 acres of tree removal would include approximately 33,000 acres of mechanical logging and 20,000 acres of “mastication” *Id.* at 18. Logging and tree removal would occur across the majority of two IRAs, Oak Creek (where 69% of the IRA would be “treated”) and Heliotrope (52% “treated”). *Id.* More than one-third (37%) of the Big Horseshoe IRA would also see timber harvesting and mastication. *Id.* With respect to these three IRAs, the EA alleges: “Despite the broader portions of these IRAs affected, the necessity for treatment outweighs the potential impacts.” *Id.* at 66.

The EA does not appear to disclose what kind of mechanical logging will occur within IRAs under the “Proposed Action.” It does imply that “pre-commercial thinning” will occur. Skyline EA (2026) at 86, 88.

The EA also contains little discussion of what species of trees or what type of stands would be logged. The EA implies that 24,000 acres of aspen stands would be treated in IRAs under the “Proposed Action.” *Id.* at 36. The areas proposed for logging “are dominated by late seral conifer stands,” indicating that most of these IRAs are dominated by large trees. *Id.* at 10.

Although the EA alleges that “[n]o roads or temporary roads would be constructed within” IRAs under this alternative, Skyline EA (2026) at 16, 79, it also admits that IRA will be criss-crossed by hundreds of miles of constructed trails to be used by motorized vehicles:

Approximately 308 miles of forwarding trails would be utilized within IRAs. A forwarding trail is typically a *12-foot-wide travel corridor* used specifically and solely by equipment for timber removal purposes, not including any road worthy equipment, with limited blading, cuts-and-fills, and *construction*.

Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 2 (emphasis added) (in Forest Service project file). More than 50 “traditional” log “landings,” where the forest would be cleared to stack timber, would be constructed within IRAs. *Id.*

B. Legal Framework: The Roadless Rule

The Roadless Rule provides that, in general, “[t]imber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System.” 36 C.F.R. § 294.13(a). One exception to this general provision states:

² The Decision Notice proposes to implement the “No Treatments in Roadless Areas” alternative. However, the EA refers to the alternative authorizing tree removal in IRAs as the “Proposed Action.” We will use “Proposed Action” here as the EA does to refer to the alternative authorizing treatments in IRAs.

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.

36 C.F.R. § 294.13(b)(1) (emphasis added). The Roadless Rule defines roadless area characteristics as:

Resources or features that are often present in and characterize inventoried roadless areas, including:

(1) High quality or undisturbed soil, water, and air;

(2) Sources of public drinking water;

(3) Diversity of plant and animal communities;

(4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;

(5) Primitive, semi-primitive nonmotorized and semi-primitive motorized classes of dispersed recreation;

(6) Reference landscapes;

(7) Natural appearing landscapes with high scenic quality;

(8) Traditional cultural properties and sacred sites; and

(9) Other locally identified unique characteristics.

36 C.F.R. § 294.11. The rule requires a highly site-specific analysis, given the regulation's emphasis on "*locally identified unique characteristics*." *Id.* (emphasis added).

The Roadless Rule's preamble reinforces the need for such a site-specific analysis.

Because of the great variation in stand characteristics between vegetation types in different areas, a description of what constitutes "generally small diameter timber" is not specifically included in this rule. Such determinations are best made through *project*

specific or land and resource management plan *NEPA analyses*, as guided by ecological considerations such as those described below.

The intent of the rule is to limit the cutting, sale, or removal of timber to *those areas that have become overgrown with smaller diameter trees....*

[A]ll such *determinations of what constitutes “generally small diameter timber”* will consider how the cutting or removal of various size classes of *trees* would affect the potential for future development of the stand, and the characteristics and interrelationships of plant and animal communities associated with the site and the overall landscape. *Site productivity due to factors such as moisture and elevational gradients, site aspect, and soil types will be considered, as well as how such cutting or removal of various size classes of standing or down timber would mimic the role and legacies of natural disturbance regimes in providing the habitat patches, connectivity, and structural diversity critical to maintaining biological diversity.* In all cases, the cutting, sale, or removal of small diameter timber will be consistent with maintaining or improving one or more of the roadless area characteristics as defined in § 294.11.

Vegetative management would focus on removing generally small diameter trees *while leaving the overstory trees intact.* The cutting, sale, or removal of trees pursuant to 294.13(b)(1) *must be clearly shown through project level analysis to contribute to the ecological objectives described.* Such management activities are expected to be rare and to focus on small diameter trees.

Forest Service, Roadless Area Conservation Rule, 66 Fed. Reg. 3244, 3257, 3258 (Jan. 12, 2001) (emphases added). In adopting the Roadless Rule, the Forest Service thus anticipated that logging in IRAs under this specific exception would only occur following a project-level NEPA analysis that evaluated *stand-specific conditions*.

As the Ninth Circuit Court of Appeals has summarized the Roadless Rule’s requirements:

“[w]hether the [Forest] Service may harvest timber in an inventoried roadless area is a three-step inquiry.” *All. for the Wild Rockies v. Krueger*, 950 F. Supp. 2d 1196, 1214 (D. Mont. 2013), *aff’d sub nom. All. for the Wild Rockies v. Christensen*, 663 F. App’x 515 (9th Cir. 2016). “First, the timber to be harvested must be ‘generally small diameter.’ Second, the harvest must be needed for one of two listed purposes [as defined in 36 C.F.R. § 294.13]. Third, the harvest must maintain or improve one or more of the roadless area characteristics as defined in § 294.11.” *Id.*

Los Padres ForestWatch v. United States Forest Serv., 25 F.4th 649, 656 (9th Cir. 2022).

C. The Forest Service Fails to Demonstrate That the “Proposed Action” Will Comply with the Roadless Rule’s Prohibition on Road Construction within IRAs.

The Roadless Rule prohibits road construction within IRAs except in a narrow number of circumstances, none of which apply to this project, and none of which the EA invokes. 36 C.F.R. § 294.13.

While the EA asserts that under the “Proposed Action” “[n]o roads or temporary roads would be constructed within inventoried roadless areas,” Skyline EA (2026) at 16, 79, other information in the record paints a less clear picture. The “Proposed Action” would involve on-the-ground establishment, including by construction, of 379 miles of “forwarding trails.” *Id.* at 15. These “travel corridors” will be 12 feet wide, the size of a lane on the US’s interstate highway system. See Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 24; Wikipedia entry for “Lane,” <https://en.wikipedia.org/wiki/Lane> (“In the United States, the Interstate Highway standards for the Interstate Highway System use a 12 ft (3.7 m) standard lane width”). These routes will involve “limited ... construction,” Skyline EA (2025) at 76, and “some ... surface blading.” Skyline EA, Appendix A (2026) at 1. They will be traveled by logging equipment, presumably wheeled vehicles. These “forwarding trails” appear to include many aspects of “roads.” Yet by labeling these travel routes as “trails,” the Forest Service purports to escape the prohibition on road construction in IRAs.

Proposed Resolution:

- If the Forest Service intends to adopt the “Proposed Action,” the Forest Service should demonstrate, with evidence, that no roads will be constructed within any of the IRAs. Specifically, the Forest Service should explain why and how the hundreds of miles of constructed “forwarding trails” within the IRAs do not amount to “roads” prohibited by the Roadless Rule.

D. The Forest Service Fails to Ensure that Roadless Area Logging Will Be “Infrequent” under the “Proposed Action.”

The Roadless Rule “expects” that logging (tree removal) in roadless areas for any purpose will “be infrequent.” 36 C.F.R. § 294.13(b). The “Proposed Action” contains contradictory statements about the frequency of treatments the agency expects to undertake in the 15 IRAs.

The EA states:

The proposed actions are infrequent, stands affected by insects and disease such as spruce beetle occur at an approximately frequency of 250-300 years. The need for a treatment as outlined in the proposed action would not be needed at least another 150-200 years. Fuels reduction in these areas would be a one-time entry. Intermediate treatments such as pre-commercial thinning or timber stand improvement activities would also be planned.

Skyline EA (2026) at 79. Certainly, logging occurring only once every 1.5 centuries appears to be “infrequent.” But the final sentence in this paragraph muddles the picture. If “intermediate treatments such as pre-commercial thinning or timber stand improvement activities would also

be planned” within IRAs, how often would they take place? It is impossible for the decision maker or the public to understand whether logging in IRAs for this and subsequent projects will be “infrequent” if the agency provides no definition of, or estimate of the frequency of, “intermediate” treatments. Neither the EA nor any other document provided to the public defines that term.

Proposed Resolution:

- If the Forest Service intends to adopt the “Proposed Action,” the Forest Service must prepare a new NEPA analysis, preferably an EIS, that ensures that any tree removal is “infrequent,” and explains how it would be so, including estimating how often “intermediate treatments such as pre-commercial thinning or timber stand improvement” would occur in the future in the 15 IRAs, and what those treatments would entail.

E. The Forest Service Fails to Ensure that Logging under the “Proposed Action” Would Be Limited to “Generally Small Diameter Timber.”

The EA asserts:

The proposed action meets the criteria for exception(s) to the policy. The proposal includes limited and infrequent timber removal, focusing on small-diameter trees, with a goal of enhancing characteristics of the roadless area, restoring ecosystem structure and composition, and reducing the risk of uncharacteristic wildfires. Although it is consistent with the 2001 Roadless Rule, IRAs may be adversely affected in the short-term but are expected to be beneficially affected in the long term from the proposed action.

Skyline EA (2026) at 66.

Here, the EA suggests that the “Proposed Action” may meet multiple “exception(s)” to the general prohibition on tree removal in IRAs, although it does not identify which specific subsection of the Roadless Rule the Forest Service is invoking. The EA appears to assert that 36 C.F.R. § 294.13(b)(1)(ii) applies; that subsection authorizes the logging of “generally small diameter timber” where necessary “[t]o maintain or restore the characteristics of ecosystem composition and structure.”³

The EA also contains some language that alleges that the “Proposed Action” will remove generally small diameter timber, although the rationale that the Forest Service provides does not comply with the Roadless Rule. The EA states:

³ Elsewhere, the EA alleges that the project will comply with special management area law and regulations including the “Roadless Area Conservation Rule, 36 CFR 249.12(b)(2).” Skyline EA (2026) at 79. No such regulation exists. Even if the Forest Service meant to cite 36 C.F.R. § 294.12(b)(2), that subsection of the Roadless Rule authorizes road construction in IRAs if a road is needed to conduct a “response action” pursuant to the Superfund law, or “to conduct a natural resource restoration action” under Superfund, the Clean Water Act or the Oil Pollution Act. That provision is irrelevant to this project. Any subsequently prepared NEPA analysis must correct or clarify this citation.

In order to reduce fuels to a level deemed low risk, much of the biomass must be removed or consumed with fire. Historical markets show 10-14 inches diameter at breast height (DBH) is the smallest diameter considered feasible for harvest. *Generally small-diameter trees* with an average DBH of 14 inches or less would be removed from the IRA. Under regional guidance the smallest diameter merchantable is 8 inches DBH. The removal of smaller diameter timber, specifically an average of 14 inches DBH or less, aligns with the following established definitions. The Vegetation Structural Stage (VSS) classification system serves as a standardized framework for both the public and Forest Service employees, allowing for a shared understanding of the various stages of forest development. This system includes six classifications: grass-forb/shrub (0 - 1 inch DBH); seedling-sapling (1 - 5 inches DBH); young forest (5 - 12 inches DBH); mid-age forest (12 - 18 inches DBH); mature forest (18 inches DBH and larger); and old growth.

Furthermore, according to Hamilton (1993), old growth for spruce and fir in Utah is characterized by a DBH of 20 inches or more. Interior Douglas fir, old growth is defined as having a DBH greater than 24 inches on good sites and over 18 inches on poorer sites.

Skyline EA (2006) at 78 (emphasis added). This statement ignores the plain language of the Roadless Rule and its preamble in numerous ways.⁴

First, the EA appears to base its definition of “small diameter” trees based on what the Forest can sell *as commercial timber*. “Historical markets show 10-14 inches diameter at breast height (DBH) is the smallest diameter considered *feasible for harvest*. Generally small-diameter trees with an average DBH of 14 inches or less would be removed from the IRA. Under regional guidance the smallest diameter *merchantable* is 8 inches DBH.” *Id.* The “Comment Consideration” document appears to make a similar argument, though the figures it uses are inexplicably different, asserting that “8 inches diameter is the absolute smallest size considered harvestable.” Skyline HFRA Comment Consideration (Jan. 2025) at 17 (in project file). The Forest Service contends that “[t]he timber industry considers 8-15 inches diameter small diameter.” *Id.*

Nothing in the Roadless Rule or its preamble supports this commercially-based definition of “generally small diameter.” As discussed above, the Rule’s preamble uses the term “tree” and “timber” interchangeably, and states plainly that “[t]he intent of the rule is to limit the cutting, sale, or removal of timber to those areas that have become overgrown with smaller diameter *trees*.” Forest Service, Roadless Area Conservation Rule, 66 Fed. Reg. at 3257 (emphasis added). “Vegetative management would focus on removing generally small diameter *trees* while leaving the overstory trees intact.” *Id.* at 3258 (emphasis added). Further, the Rule makes clear that what is considered a small diameter tree must be based upon a site-specific, stand-level analysis based on the nature of the trees, not on what industry hopes to profit from. Any assertion by the Forest Service that the “Proposed Action” can comply with the Roadless Rule by

⁴ A report in the project file specifically invokes the “generally small diameter” tree exception. See M. Jeffs, Skyline HFRA Recreation, Visuals and Inventoried Roadless Areas Effects Analysis (Dec. 2, 2024) at 4. Available in Mati-La Sal NF project file.

authorizing the removal of the smaller end of what the Forest as a whole has been able to sell as merchantable timber therefore is unsupported by, and would violate, the Roadless Rule.

Second, and for much the same reason, the Forest Service's statements, without analysis, of the Vegetation Structural Stage (VSS) classification system provide no basis for identifying what should be considered a "small diameter" tree on the specific roadless areas within this National Forest. *See Skyline HFRA Comment Consideration* (Jan. 2025) at 17 ("The removal of smaller diameter timber, specifically an average of 14 inches DBH or less, aligns with the following established definitions," and citing VSS classification). While the VSS may provide a broad framework for providing some understanding that larger trees are older, it is not intended to, and cannot, substitute for a species-specific, site-specific analysis of what constitutes small, understory trees that the Roadless Rule requires. (The Roadless Rule preamble nowhere mentions either "VSS" or "structural stage.") Further, it is beyond dispute that a small, medium, or large aspen is not the same size as a small, medium, or large Douglas fir, ponderosa pine, or Engelmann spruce, and that soil, aspect, and slope can impact the size of trees at a particular site. Thus, the VSS classification system is irrelevant to the question of what constitutes a "generally small diameter" tree for this project area, or any of the stands within it.

Third, the citation to a study that identifies varying sizes for old growth for a couple of species of trees is also irrelevant to a definition of "small diameter" trees. It does not follow that all trees besides old growth are "generally small diameter," and the Forest Service provides no basis for such a determination.

We note that a federal appeals court decision demonstrates that to comply with the Roadless Rule, the Forest Service must undertake a site-specific analysis defining "small diameter" trees, support that definition with site-specific data, and generally limit such logging to those small diameter trees. In *Los Padres ForestWatch v. United States Forest Serv.*, 25 F.4th 649 (9th Cir. 2022), the Forest Service approved the Tecuya Ridge logging project in a roadless area, setting a limit of logging trees less than 21 inches diameter at breast height (dbh), arguing that trees of such width constituted "generally small diameter timber." *Los Padres ForestWatch*, 25 F.4th at 656-57. The court found that the Forest Service failed to support its conclusion that a 21-inch DBH tree constituted a "small diameter" tree, noting among other things that "the Forest Service did not attempt to articulate this explanation or, indeed, provide any information at all on the average dbh of the trees located within the ... Project area." *Id.* at 658. The court therefore found the agency violated the Roadless Rule and remanded the project back to the Forest Service for further explanation as to what constitutes a small diameter tree. *Id.* at 659.

Here, the Manti-La Sal National Forest has done just what the Forest Service did in *Los Padres ForestWatch*. The Forest Service chose a number - an average of 14 inches dbh - without providing data as to the nature of the trees in the project area. Neither the EA nor the supporting documents purport to define what constitutes a "small diameter" tree on a stand-by-stand basis within the massive project area, let alone within IRAs. Because the Forest Service provides no stand-level data for the project (including roadless areas), neither the public nor the decision-maker can discern the size of trees in stands in the project area, or the size of trees to be removed. Thus, as with the project at issue in the *Los Padres ForestWatch* case, a reviewing court is likely to set aside the "Proposed Action" for violating the Roadless Rule.

It is also unclear how the figure the Forest Service chose – an *average* of 14 inches dbh – will result in the logging of “generally small diameter” trees. It is thus not a valid method for ensuring Roadless Rule compliance. The 14-inch average figure here is not a cap that ensures that as a general rule the trees removed will be 14 inches dbh or less. The agency could, for example, remove an equal number of trees being 2 inches dbh, and the other half being 26 inches dbh, the latter category likely being some of the largest trees within the IRAs. “Generally” means “usually.” *See* Merriam-Webster’s online dictionary. A “guideline” that allows the agency or its contractors to remove an equal number of unusually large and small trees could not in any way be considered to “generally” remove small diameter trees. As another example, the agency could remove trees 40% of which are 8 inches in diameter and 60% of which are 18 inches in diameter to meet the 14-inch average. This would result in “generally” larger trees being logged, violating the Roadless Rule.

Nor does the Forest Service explain how design features will limit the “Proposed Action’s” logging in IRAs to small trees, while the EA implies just the opposite. For example, the EA admits that the areas proposed for logging “are dominated by late seral conifer stands,” indicating that most of these IRAs are dominated by large trees, and thus that large trees are likely to be removed. Skyline EA (2026) at 10. Timber stand improvement by mastication will remove “all live conifers 66 feet from any live aspen,” with no limits on the size of trees to be removed, or any discussion of the nature of the forest in that 66-foot zone. *Id.* at 17. “Mechanical harvesting” treatments will target trees difficult to masticate or burn, identified as trees “greater than 8-inch diameter,” *id.* at 15, meaning such treatments will specifically *avoid* small diameter trees and target *larger* ones, the opposite of the Roadless Rule’s command. The proposal intends to “reset many mixed conifer stands to an early successional stage,” *id.* at 36, meaning that the purpose is to eliminate large trees in favor of small, young trees.

The EA further fails to explain how the 14-inch average suggestion will intersect with logging of aspen and pinyon-juniper. The 2025 EA indicated that old growth aspen and P-J are those trees 12 inches diameter and greater and of a certain age. Skyline EA (2025) at 24.⁵ Thus logging stands that are an average of 14 inches diameter in IRAs in these forest types would eliminate, on average, the very largest and oldest trees, rather than those with generally small diameter. In addition, the 2026 EA discloses that the “Proposed Action” would “treat” 24,000 acres of aspen stands within IRAs, Skyline EA (2026) at 36, and that at least some of these treatments will include “regeneration” logging which will remove *all* trees in chunks at least 500 acres in size. Skyline EA (2026) at 24, 37. In other words, the “Proposed Action” will clearcut nearly square-mile swaths without regard to the size of aspen, whether the trees are large or small diameter. The EA states that “increasing the proportion of early successional habitats is beneficial.” *Id.* at 29. This means that logging will target older, larger trees to retain or encourage the growth of younger, smaller ones. This turns upside-down the Roadless Rule’s command that larger trees be preserved while removing smaller ones. Other treatments to address aspen communities “may involve removing competing vegetation and managing conifer density” to “prevent[] conifer dominance.” *Id.* at 29, 34. Such treatments usually involve removing larger conifers that are

⁵ The 2026 EA removed this design feature without explanation. *See* Skyline EA (2026) at 19-25. The failure to explain this change is itself arbitrary and capricious.

competing with understory aspen, which again contradicts the Roadless Rule’s favoring the protection of overstory trees.

It is also difficult to square the 14-inch diameter average proposal as focusing on “generally small diameter” trees with the Biological Assessment’s statements that the beetle epidemic has meant “many of the [spruce-fir] stands no longer contain trees with diameters greater than 12 inches,” Biological Assessment (2024) at 15, and that the epidemic “has killed over 90 percent of the Engelmann spruce greater than 8 inches in diameter between 1991 and 2015.” *Id.* at 14. Allowing logging of trees an average of 14 inches in diameter in such spruce and spruce/fir stands would appear to target the very largest remaining trees.

Further, the EA indicates that the “Proposed Action” will authorize “commercial timber harvesting” as well as, and as distinct from, “thinning of understory trees” to meet project goals. Skyline EA (2026) at 29. “Thinning of understory trees” is likely consistent with the Roadless Rule, as it targets smaller trees and retains larger, overstory ones. In contrast, commercial timber harvesting usually targets larger trees for removal.

In short, the “Proposed Action’s” design implies few limits on removing the largest trees, targets large trees for removal, and fails to support the agency’s assertion that logging in IRAs will be limited to generally small diameter trees.

While the “Proposed Action” includes two “project design features” concerning the use and construction of routes and travel ways inside IRAs, Skyline EA (2026) at 23, it contains nothing that limits the logging or removal of trees to those of a certain diameter. The EA’s statement that “[g]enerally small-diameter trees with an average DBH of 14 inches or less would be removed from the IRA,” *id.* at 78, does not limit the size of trees to be logged or masticated, and provides no guarantee that the “Proposed Action” will comply with the Roadless Rule. That would require a prescription or design feature in the Decision Notice. The draft Decision Notice contains no limits on the size of trees to be removed.

The Forest Service could have clarified the issue by providing explicit design features for the “Proposed Action” that limit logging and tree removal within IRAs to comply with the Roadless Rule, providing a site-specific basis for doing so. As noted above, the Roadless Rule preamble indicates that before the agency can use the exception permitting logging within IRAs, it must undertake a *site-specific analysis* to determine the *nature of individual stands to be logged*. The EA does not reflect that the Forest Service has undertaken or will undertake such an analysis.

If the Forest Service intends to adopt the “Proposed Action,” any subsequently prepared NEPA document should include specific design features that limit logging to generally small diameter trees, based on species-specific and stand-specific information. Any such subsequently prepared NEPA document must describe, specifically, whether and how each treatment type and unit, on a stand specific basis, will comply with the Roadless Rule requirement that permits removal of only “generally small diameter trees.” Without this information, neither the Forest Service nor the public can be assured that Forest Service will limit logging within Roadless Areas to that allowed by law.

Further, for each tree species the Forest Service proposes to remove in each specific stand for the “Proposed Action,” the Forest Service must explain how the project’s provisions and design features will limit logging to small trees, define what such trees might be, and must provide stand-level data for the project (including roadless areas).

In addition, the public’s ability to understand whether the “Proposed Action” will comply with the Roadless Rule is hampered by the fact that the agency does not disclose the specific types of treatments the “Proposed Action” would undertake in IRAs aside from the general terms (e.g., “commercial timber harvesting”). It is difficult to tell if the “Proposed Action” will target small, understory trees in IRAs because the Forest doesn’t disclose what *form* mechanical logging will undertake on which acres.

We note that the Intermountain Region has required more in terms of Roadless Rule compliance than the Manti-La Sal NF did here for the “Proposed Action.” For example, the Forest Service failed to define small diameter timber by species or to provide any basis or stand-specific data supporting such a definition for the Ashley National Forest’s Aspen Restoration Project, which involved the removal of aspen and conifers within aspen stands on up to 140,000 acres of IRAs. Upon being sued for violating the Roadless Rule in 2024, the Ashley National Forest promptly withdrew the decision.⁶ We also note that a pre-decisional objection in 2024 challenged the Dixie National Forest’s Hungry Creek Project because the Dixie failed to identify and support its identification of small diameter trees in three IRAs that the Hungry Creek Project would log. The Intermountain Region found that our objection had merit and instructed the Dixie NF to define small diameter trees for the project.

We urge the Manti-La Sal National Forest not to repeat the same reversible errors as the Ashley and Dixie National Forests if it intends to adopt the “Proposed Action.”

Further, because the “Proposed Action” likely violates the Roadless Rule, the Forest Service must prepare a full environmental impact statement (EIS). *See below.* Federal courts interpreting NEPA have identified numerous factors that may require an agency to find that an action is likely to have a significant impact, and therefore requires preparation of an EIS. One of those is whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment. *See Forest Service Handbook 1909.15, Ch. 15 (2024)* (agency NEPA handbook quoting the CEQ regulations).

Proposed Resolution:

- If the Forest Service intends to adopt the “Proposed Action,” the Forest Service should:
 - prepare a new NEPA document, preferably an EIS, that describes whether and how each specific treatment type within each IRA will comply with the Roadless Rule requirement that allows removal of only “generally small diameter” trees,

⁶ *See* Complaint, Center for Biological Diversity *et al.* v. U.S. Forest Service, Case No. 2:24-cv-297 (D. Utah Apr. 24, 2024); letter of K. Groves, Ashley NF (July 2024) (withdrawing Aspen Restoration Project). Both are attached to the Grand Canyon Trust’s 2025 Objection and are thus in the project file.

with reference to each individual stand that is proposed for any type of tree removal, and must define “generally small diameter tree” within that context, not within the context of the trees industry will pay to remove. Without this information, neither the Forest Service nor the public can determine whether the Forest Service will limit logging within Roadless Areas to that allowed by law.

- include prescriptions which will limit logging to “generally small diameter” trees, as defined by species and location.

G. The “Proposed Action” Is Likely to Adversely Impact the Unique Characteristics of Roadless Areas including Wilderness Characteristics.

The “Proposed Action” may harm the potential wilderness character of roadless lands. *See* Skyline EA (2026) at 66-68. The Forest Service makes numerous statements which underscore this concern.

Under the “Proposed Action,” “[e]vidence of human activity could persist for 30 to 40 years” in the Big Horseshoe IRA, and therefore “the overall manageability of the wilderness attributes may decline due to [logging] treatments.” *Id.* at 64. *See also* Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 11 (the “Proposed Action” “would reduce manageability as wilderness. Reduced manageability is primarily due to the extent of acres treated, percent of the IRA impacted, the amount of proposed forwarding trails, and the length of time wilderness attributes may be impacted.”). “Approximately 34 miles of forwarding trails are proposed within Big Horseshoe IRA,” Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 11, or more than three miles of forwarding trails per square mile of the portion of the IRA subject to logging. *See also id.* at 23 (“The prevalence of treatment activities would leave only smaller fragmented parcels of untreated areas. This would render Big Horseshoe IRA unmanageable as wilderness. Between previously approved treatments and Skyline proposed treatments, 47% of the IRA would be manipulated.”).

Similar issues arise in the Heliotrope IRA under the “Proposed Action.” Logging treatments in the Heliotrope IRA “would render this IRA insufficient in size to be managed as wilderness. Remaining untreated acreage is so fragmented by treatment areas that opportunities to feel alone and to engage in primitive and unconfined recreation would be slow to return following treatment.” Skyline EA (2026) at 67. *See* Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 15 (within the Heliotrope IRA, “this project would reduce manageability as wilderness due to over half of the IRA receiving treatment, the extent of forwarding trails, and the length of time wilderness attributes may be impacted.”) *See also id.* at 23 (“Fifty-two percent of Heliotrope IRA is proposed to undergo treatment in Skyline HFRA, leaving only 1,896 acres of Heliotrope IRA untreated. This would render it insufficient in size to meet the minimum 5,000-acre criteria.”).

Under the “Proposed Action,” the Oak Creek IRA would also be subject to significant logging and road development which would both threaten violation of the Roadless Rule. Logging treatments in the Oak Creek IRA “would further reduce [this IRA’s] manageability as wilderness. Reduced manageability is primarily due to the extent of acres treated, percent of the IRA impacted, the amount of proposed forwarding trails, and the length of time wilderness

attributes may be impacted.” Skyline EA (2026) at 67. *See* Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 16 (within the Oak Creek IRA, “[t]he prevalence of treatment activities, situated in a way that leaves only small parcels of untreated areas would no longer be manageable as Wilderness due to it not meeting the size criteria of 5,000 acres. The 11,497 treated acres would no longer meet the naturalness criteria, at least for the foreseeable future (30-40 years).... [T]his project would reduce manageability as wilderness. Reduced manageability is primarily due to the extent of acres treated, percent of the IRA impacted, the amount of proposed forwarding trails, and the length of time wilderness attributes may be impacted.”). Note that the statement that this IRA is rated as having “low” manageability for wilderness is suspect given that one reason for that “low” rating includes “the existence of noticeable past vegetation treatments,” *id.* at 16, when that same page announces that “[t]here are no noticeable vegetation treatments in this unit.” *See also id.* at 23 (“The prevalence of treatment activities would leave only smaller fragmented parcels of untreated areas, totaling 5,246 acres. This would render Oak Creek IRA unmanageable as wilderness. Sixty-nine percent of the IRA would be manipulated under this proposal.”).

Proposed Resolution:

- If the Forest Service intends to adopt the “Proposed Action,” it should prepare a new NEPA document, preferably an EIS, that addresses, and ensures compliance with, the Roadless Rule requirement that the project’s tree removal in IRAs will “maintain or improve” one or more roadless area value.
- Further, the Forest Service can ensure compliance with the Roadless Rule in all of these respects by selecting an alternative that eliminates treatments within the IRAs, as the agency proposes to do with the 2026 Draft Decision Notice.

III. If the Forest Service Intends to Adopt the “Proposed Action,” It Must Prepare an EIS.

NEPA requires federal agencies to prepare a full environmental impact statement (EIS) before undertaking “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C). Federal courts affirm this approach.

We have held that an EIS must be prepared if ‘substantial questions are raised as to whether a project ... may cause significant degradation to some human environmental factor.’ To trigger this requirement a ‘plaintiff need not show that significant effects will in fact occur,’ [but instead] raising ‘substantial questions whether a project may have a significant effect’ is sufficient.

Idaho Sporting Cong. v. Thomas, 137 F.3d 1146, 1149-50 (9th Cir. 1998) (citations omitted) (emphasis original). *See also Ocean Advocates v. U.S. Army Corps of Eng’rs*, 402 F.3d 846, 864-65 (9th Cir. 2005) (“To trigger this [EIS] requirement a plaintiff need not show that significant effects will in fact occur, but raising substantial questions whether a project may have a significant effect is sufficient.” (internal quotations, citations, and alterations omitted)). Other circuit courts agree. “If the agency determines that its proposed action may ‘significantly affect’ the environment, the agency must prepare a detailed statement on the environmental impact of

the proposed action in the form of an EIS.” *Airport Neighbors Alliance v. U.S.*, 90 F.3d 426, 429 (10th Cir. 1996) (citation omitted) (emphasis added).

If an agency “decides not to prepare an EIS, it must put forth a convincing statement of reasons” that explains why the project will impact the environment no more than insignificantly. This account proves crucial to evaluating whether the [agency] took the requisite ‘hard look.’” *Ocean Advoc.*, 402 F.3d at 864.

A. The “Proposed Action” Would Adversely Impact the Unique Characteristics of the Area including Wilderness Characteristics.

The “Proposed Action” meets numerous standards for “significance.” The proposal’s size alone – involving logging (tree removal) across 100,000 acres – is significant. The area to be logged under the “Proposed Action” is more than twice the size of the District of Columbia. It’s the size of more than 75,000 football fields.

The Skyline HFRA project area has unique characteristics including its habitat for flammulated owls, goshawk and three-toed woodpecker, and the fact that it is largely roadless. As we stated in our comments on scoping, all of these unique and sensitive values may be at risk from various aspects of the proposed action including logging, road maintenance, road use, and fire.

As discussed above, the “Proposed Action” may harm the potential wilderness character of roadless lands. *See* Skyline EA (2026) at 66-68. Numerous statements made in the EA and the Manti-La Sal NF WORKSHEET 1 (on Roadless Area Characteristics) emphasize this concern. In these documents the agency recognizes that this project would reduce the manageability of Roadless areas as wilderness due to the project’s size, the number of forwarding trails proposed, and “the length of time wilderness attributes may be impacted.” Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 11, 15, 16, 23. Further, the EA states “the overall manageability of the wilderness attributes may decline due to [logging] treatments.” Skyline EA (2026) at 66.

The EA concludes: “While short-term adverse effects are expected [under the “Proposed Action”], long-term benefits include accelerated ecological recovery and improved watershed health, ultimately restoring mature forest ecosystems faster than natural regeneration processes would allow.” *Id.* at 67. *See also id.* at 68 (“The need for treatment both within and near the IRAs greatly surpasses potential adverse impacts, as these IRAs sit at the headwaters of canyons that are crucial to Sanpete County’s primary water supply.”); *id.* (“The overall cumulative impact of the Skyline HFRA project and previous wildfire management efforts are designed to preserve and restore ecosystem health, thereby lowering the risk of future uncharacteristic wildfires despite the immediate adverse consequences.”).

This is exactly the kind of trade-off – weighing relative impacts; short-term harm v. long-term benefits – that indicates an EIS is necessary. Further, 40 years - more than a generation - hardly seems “short-term.” *See* Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 16 (concluding that the “Proposed Action” would result in thousands of acres of IRAs “no longer meet[ing] the naturalness criteria, at least for the foreseeable future (30-40 years).”).

B. Because the “Proposed Action” Threatens a Violation of Federal Law Including the Roadless Rule and the National Forest Management Act, the Agency Must Prepare an EIS.

As detailed above, the “Proposed Action” threatens to violate the Roadless Rule, a law meant to protect the environment. It does so by, among other things, failing to ensure that logging in IRAs will only remove generally small diameter trees, allowing unlawful road construction, and inadequately regulating the frequency of timber removal.

The proposed project also threatens a potential violation of the National Forest Management Act (NFMA). NFMA requires the Forest Service to develop a Land Management Plan. 16 U.S.C § 1604(a). Once the plan is approved, site-specific projects must be consistent with it. 16 U.S.C § 1604(i) (“Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans.”); 36 C.F.R. § 219.15(d) (“every project and activity must be consistent with the applicable plan components.”). Here, the “Proposed Action” will violate the Forest Plan Management Direction for Visual Quality. The Forest Service Plan General Direction provides that, “Forest resource uses or activities should meet the adopted VQO as displayed on the Planned Visual Quality Objective Map (reduced copy in Appendix F). Manti-La Sal Forest Plan at III-17 (1986). However, logging and “trail” construction will result in parts of the Forest no longer meeting this direction. Within the East Mountain IRA, “[t]here are 276 acres with a VQO of Retention. These treated acres would no longer meet this objective.”) Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 14. Similarly, “large sections of the treatment areas within White Knoll IRA are within the viewshed from the main Orangeville/Ephraim Road. There are 1,326 acres with a VQO of Retention. These treated acres would no longer meet this objective. It may take 30-40 years before these acres are recovered again to the point to meet this VQO objective.” Manti-La Sal NF, WORKSHEET 1 – Roadless Area Characteristics (Nov. 12, 2024) at 18.⁷

Because the “Proposed Action” threatens a violation of the Forest Plan VQO objectives and a violation of NFMA’s consistency requirement, the Forest Service must prepare an environmental impact statement.

Proposed Resolution:

- If the Forest Service intends to adopt the “Proposed Action,” the Manti-La Sal NF should prepare an EIS to fully disclose the impacts of the Skyline HFRA project.

Conclusion

The Center for Biological Diversity appreciates your consideration of the information and concerns raised in our comments and highlighted in this objection.

⁷ The Center raised this issue below in comments on the 2023 EA, and in the Center’s 2025 Objection. *See* letter of M. Garrity *et al.* (Oct. 21, 2023) at 39-52, 161, 175-76; Objection of Grand Canyon Trust *et al.* (Feb. 7, 2025) at 25-29 (both in Forest Service project file).

We request a meeting to discuss potential resolution of issues raised in this objection, pursuant to 36 C.F.R. § 218.11(a). We hope that the Forest Service will use the objection process and such a meeting as opportunities to engage with stakeholders, including the objectors here, to develop a project that is legally and ecologically sound.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Zukoski'.

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