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April 27, 2026

Duane Bishop
Reviewing Officer
Willamette National Forest Headquarters
3106 Pierce Parkway Suite D
Springfield, OR 97477

Submitted online via: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=56803>

Subject: 36 C.F.R. § 218 objection of the Divide Project

Dear Reviewing Officer Bishop,

In accordance with 36 C.F.R. § 218, Oregon Wild hereby submits this objection to the Divide project ("Project"), as described below.

DOCUMENT TITLE: Decision Notice and Finding of No Significant Impact for the Divide Project ("DN/FONSI") and Divide Environmental Assessment ("EA").

PROJECT DESCRIPTION: The Project proposes to treat 1,918 acres of plantations and naturally regenerated stands. Commercial treatments include a combination of thinning, restoration harvest, skips, gaps, and dominant tree release. Plantations ranging from 33 to 60 years old make up 1,141 acres while naturally regenerated stands ranging from 105 to 120 years old make up 777 acres of the treatment area. The Project also proposes commercial shelterwood regeneration harvest to aid in sugar pine habitat restoration and approximately 488 acres of commercial thinning in Riparian Reserves. Non-commercial treatments are proposed in the Project as well and include approximately 38 acres of fall and leave treatment within Riparian Reserves, girdling in approximately 12 acres, burning and planting to accomplish sugar pine re-establishment, and approximately 11 acres of treatment in meadows. Work will be completed on approximately 94 miles of existing forest roads, and approximately 3.5 miles of new temporary roads will be constructed. **Note:** Please clarify proposed Project treatments. The DN/FONSI states that natural stands comprise 1,141 acres and plantation stands comprise 777 acres, DN/FONSI at 4, while the EA states natural stands comprise 777 acres while plantation stands comprise 1,141 acres, EA at 8.

PROJECT LOCATION (Forest/District): Willamette National Forest, Detroit Ranger District, Linn County, Oregon.

NAME AND TITLE OF RESPONSIBLE OFFICIAL:

Michelle King, District Ranger
Detroit Ranger District
Willamette National Forest
44125 North Santiam Highway SE
Detroit, OR 97342

LEAD OBJECTOR:

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REQUEST FOR MEETING TO DISCUSS RESOLUTION: Oregon Wild (“Objector”) requests a meeting to discuss potential resolution of the issues raised in this objection.

OBJECTION

1. Interests and participation of Objector.

Oregon Wild is a non-profit organization with approximately 20,000 members and supporters throughout the state of Oregon and the Pacific Northwest. Oregon Wild and its members are dedicated to protecting and restoring Oregon’s lands, wildlife, and waters as an enduring legacy. Oregon Wild’s goal is to protect areas that remain intact while striving to restore areas that have been degraded. This can be accomplished by moving over-represented ecosystem elements (such as logged and roaded areas) toward characteristics that are currently under-represented (such as roadless areas and complex old forest). Oregon Wild members use the forest areas in and near the Divide project area for hiking, recreation, wildlife viewing, nature appreciation, and other recreational pursuits.

Pursuant to 36 C.F.R. § 218.5(a), Oregon Wild submitted timely, project-specific written comments during the comment period for the Project dated December 18, 2025 (“Comments”). The comments are incorporated into this objection by reference.

2. Issues of the decision to which the Objection applies.

Objector supports various components of the Project including thinning in plantation stands ranging from 33 to 60 years old, restoration of sugar pine to the Project area, and restoration of meadow and wetland habitat. Objector is generally not opposed to thinning in young plantation stands that are characterized by dense stands of trees with limited structural complexity and limited species diversity. Additionally, restoring resilient trees, meadows, and wetlands is

important work that will benefit the ecosystem by providing and protecting important habitat and increasing resilience to climate change.

However, Oregon Wild does not support the Forest Service's proposal to commercially thin in naturally regenerated stands that provide important habitat for northern spotted owl and other species, carbon storage for climate mitigation, resistant and resilient fuel conditions, a stable supply of clean water, and scenic and recreational values. Naturally regenerated stands should be left to develop late-successional characteristics without human intervention as the negative impacts associated with commercial thinning generally outweigh the positive benefits that may be derived from thinning to accelerate development of late-successional forests.

3. DN/FONSI/EA components identified for objection.

Oregon Wild objects to the proposed commercial logging on approximately 777 acres of naturally regenerated stands in the 105- to 120-year-old age class within the Project. Oregon Wild specifically raised the issue of logging on these stands in Oregon Wild's Comments on the project stating that "Oregon Wild is generally opposed to treatment in stands over 80 years old" because "the tradeoffs associated with logging in older forests do not generally outweigh the benefits, in particular as those tradeoffs relate to snag and deadwood recruitment and associated species habitat." Comments at 4. Oregon Wild's Comments quoted scientific literature on the topics of thinning in older forests, capture of mortality through thinning, and the importance of snags and dead wood. Ultimately, Oregon Wild noted that thinning in these stands has "the potential to have significant environmental impacts on the environment." Comments at 7. Despite Oregon Wild's concerns, the Forest Service did not modify the proposed logging in naturally regenerated stands.

Oregon Wild appreciates that the Forest Service considered an alternative that limits or avoids treatment of naturally regenerated stands, but Oregon Wild does not completely agree with the Forest Service's characterization that stand conditions and characteristics associated with mature and old stands are not present in the units proposed for treatment. See EA at 7. The EA describes the naturally regenerated stands' structure as "homogenous and exceptionally dense with small average diameters (average 13.8" dbh) relative to trees of this age class in western Oregon." *Id.* While this characterization is true of some of the naturally regenerated stand units, this characterization is not true of all of them. Oregon Wild visited the Project area and observed different conditions amongst the different naturally regenerated stand units, as shown and described in more detail below. The different stand characteristics will lead to different environmental effects resulting from the proposed action. The Forest Service must analyze impacts with more site-specific detail rather than assuming that environmental impacts will present the same across all naturally regenerated stands. Impacts to northern spotted owl, snag and dead wood recruitment, and fire risk may present differently depending on which naturally regenerated stand unit is being treated. Accordingly, Oregon Wild objects to the proposed treatment in naturally regenerated stands absent further unit-specific analysis.

i. Field Observations

The following photos from different naturally regenerated stand units demonstrate differing stand conditions, and that the Forest Service's broad characterization of the naturally regenerated stands is not entirely accurate. The following photos are from Units 340, 13, 310, and 53.



Figure 1. Unit 340



Figure 2. Unit 340

Unit 340 demonstrates a homogenous stand structure with dense, small-diameter trees as described by the Forest Service in the EA. Oregon Wild agrees that this stand does not exhibit late-successional characteristics typically associated with mature and old-growth stands. While this unit contains abundant downed wood, it is small in diameter. This unit also appears deficient in snags. The Project Silvicultural Prescription describes Unit 340 as 108 years old, with 413 TPA $\geq 7"$, 338 BA $\geq 7"$, and 93% CC $\geq 7"$.



Figure 3. Unit 13

Unit 13 also demonstrates a somewhat homogenous stand structure with dense, small-diameter trees. However, this photo demonstrates more variability in trees sizes within Unit 13 compared to Unit 340 as several larger trees are interspersed within the small-diameter trees. This unit is demonstrating more variability than is described in the EA. The Project Silvicultural Prescription describes Unit 13 as 120 years old, with 479 TPA $\geq 7"$, 347 BA $\geq 7"$, and 98% CC $\geq 7"$.



Figure 4. Unit 310



Figure 5. Unit 310



Figure 6. Unit 310

Unit 310 does not exhibit the homogenous, dense, small-diameter stand characteristics described in the EA. Instead, Unit 310 exhibits a cohort of larger, taller trees with a more open canopy and a cohort of younger trees growing in the midstory. Late-successional forest characteristics associated with mature and old-growth forests are present and developing in Unit 310, including a multi-layer canopy, large-diameter trees, and abundant downed wood. The Project Silvicultural Prescription describes Unit 310 as 107 years old, with 188 TPA $\geq 7"$, 397 BA $\geq 7"$, and 90% CC $\geq 7"$.



Figure 7. Unit 53



Figure 8. Unit 53

Like Unit 310, Unit 53 does not exhibit the characteristics described in the EA. Unit 53 contains a cohort of trees larger than those found in Units 340 and 13 as shown above, and the trees in Unit 53 are not as dense. Unit 53 also contains abundant larger-diameter downed wood and some larger snags. These characteristics are associated with late-successional forests. The Project Silvicultural Report describes Unit 53 as 115 years old, 273 TPA $\geq 7"$, 307 BA $\geq 7"$, and 88% CC $\geq 7"$.

As demonstrated by the photos above, there is considerable variability amongst the naturally regenerated stand units that the EA collectively describes as homogenous and exceptionally dense. Field observations confirm variability that is presented in the Project's Silvicultural Prescription. For the naturally regenerated stands, the Silvicultural Prescription shows trees per acre $\geq 7"$ ranging from a low 163 in Unit 34 to a high of 484 in Unit 14, basal area $\geq 7"$ ranging from a low of 187 in Unit 5 to a high of 455 in Unit 72, and canopy cover percentage $\geq 7"$ ranging from a low of 81% in Unit 3 to a high of 99% in Unit 14. Silvicultural Prescription at 35-36. The Forest Service's broad characterization of these stands justifies the proposed logging but ignores the realities on the ground and the differences in environmental impacts that will be borne in

different units. Ultimately, the proposed action is not supported by the record, and Oregon Wild objects to the proposed action as it concerns naturally regenerated stands. The following sections raise issues that the Forest Service's limited analysis fails to fully consider.

ii. Impacts to northern spotted owl.

Oregon Wild previously raised concerns regarding impacts to northern spotted owls, stating "Oregon Wild is concerned about the impacts of the proposed action on northern spotted owl as continued habitat loss and barred owl competition drive the species to extinction." Comments at 14. Further, Oregon Wild noted canopy cover percentages required for the species and that the "Forest Service should aim to provide higher canopy cover in all of the older, naturally regenerated stands." Comments at 15. Oregon Wild cited to several studies concerning spotted owl habitat use in thinned forests; association between spotted owl foraging and snag and dead wood volume, both of which are adversely affected by commercial logging; and the effects of commercial thinning on prey species. See Comments at 15-16. Oregon Wild asked the Forest Service to further analyze the effects of the proposed action on the northern spotted owl, and to distinguish between the young plantations and the older, naturally regenerated stands. Comments at 17. Given that the naturally regenerated stands demonstrate more variability than described in the EA, the impacts to northern spotted owl as presented in the EA require further analysis.

According to the EA, the Project will thin approximately 651 acres of suitable habitat. Moderate thinning on about 622 acres would maintain suitable habitat with an average of 60% canopy cover, and about 29 acres of heavy thinning would temporarily downgrade suitable habitat in the project area inside two units but still provide dispersal habitat. Further, about 771 acres of moderate thinning would maintain dispersal habitat with an average of 40% canopy cover. EA at 78. How does the Forest Service classify the habitat in units 310 and 53, two units that display some characteristics of suitable habitat including multi-layered canopies, large trees, snags, and downed wood? And how does this classification compare to other units, such as 340 and 13, which lack some of these suitable habitat characteristics and instead are composed of dense, small-diameter trees with little structural diversity? The EA's treatment of all naturally regenerated stands as similar in composition precludes meaningful analysis of the Project's impacts to northern spotted owl. A more detailed analysis that distinguishes between naturally regenerated stands as described in the EA and naturally regenerated stands that exhibit late-successional characteristics will help paint a better picture of suitable habitat within the Project area and how the proposed treatments will ultimately affect northern spotted owl.

iii. Impacts to snag and dead wood recruitment.

Oregon Wild previously raised concerns regarding impacts to snag and dead wood recruitment from thinning in older, naturally regenerated stands: "a big concern for thinning in older stands is decreased recruitment of snags and deadwood that provide habitat and stand complexity, and ultimately characteristics of late-successional forests." Comments at 4-5. Oregon Wild cited to Anderson 2013 for the proposition that conventional thinning removes or delays development of dead wood as snags or down wood; to Hansen et al. 1991 to demonstrate the association of snags and down wood with wildlife habitat; and to Spies and Franklin 1991 regarding differences

between number and volume of snags and logs in managed plantations compared to natural stands. See Comments at 4-6.

The analysis performed by the Forest Service in the EA is deficient concerning snag and down wood recruitment because the EA treats all naturally regenerated stands as the same without analyzing the impacts to snag and down wood recruitment for individual units. In response to concerns raised regarding effects on snags and down wood, the Forest Service responded that the effects of the Project do not meet the threshold for significance, as demonstrated by the analysis in the EA, and that the silvicultural prescription was based on broad criteria that informed assessments of ecological function which was found to be similar between the plantation and naturally regenerated stands. EA at 128-29. Not only did the Forest Service treat all naturally regenerated stands the same for purposes of its impacts analysis, but it treated naturally regenerated stands and plantations the same. Such an analysis ignores the differences amongst the different units and how different stands will respond to the proposed thinning.

iv. Impacts to fire risk.

Oregon Wild previously raised concerns regarding increased fire risk posed by thinning in naturally regenerated stands. Oregon Wild stated “The beneficial effect of thinning on fire hazard likely depends on how heavy-handed the thinning prescription is, and the effects are likely different for the younger plantations compared to the older, naturally regenerated stands.” Comments at 13. Oregon Wild cited to an Oregon State Extension Service guide discussing the effects of opening up a stand and such action may increase surface fire intensity and rate of spread. *Id.*

The EA contains a fire and fuels analysis which states that there would be an increase in potential wildfire behavior following timber harvest due to an increase in fine fuel loads. EA at 61. Like other parts of the analysis, the EA does not distinguish between effects that will result from plantation vs naturally regenerated stands, or between the different stand conditions of just the naturally regenerated stands. The proposed logging in naturally regenerated units that exhibit late-successional characteristics, like unit 310, will likely increase fire risk by removing larger, fire resistant trees and opening up the stand to growth of surface and ladder fuels. The Forest Service should aim to retain more fire resilient stands and individual trees that exist today rather than log in those stands which will increase potential wildfire behavior. Instead, the Forest Service should focus thinning in the dense plantations that will benefit most from thinning.

v. Requirements under NEPA, ESA, and APA.

The National Environmental Policy Act (“NEPA”) requires the Forest Service to disclose and analyze environmental information and the consequences of federal action. *Ctr. For Biological Diversity v. Salazar*, 695 F.3d 893, 916 (9th Cir. 2012). In other words, NEPA requires a “hard look” at project impacts. Under the now rescinded CEQ NEPA regulations that the Forest Service continues to rely on for the Project, NEPA requires that the Forest Service discuss the environmental effects of the proposed action and alternatives. 40 C.F.R. § 1501.5(c)(2)(iii).

“Effects” are defined to include direct effects which are caused by the action and occur at the same time and place; indirect effects which are caused by the action and are later in time or farther removed in distance, but still reasonably foreseeable; and cumulative effects which are effects that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions. 40 C.F.R. § 1508.1(i)(1)-(3). Failure to take a hard look at the environmental effects of a proposed action is a violation of NEPA.

Under Section 7 of the Endangered Species Act (“ESA”) and its implementing regulations, federal agencies, in consultation with U.S. Fish and Wildlife Services and the National Marine Fisheries Service, must “insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat of such species[.]” 16 U.S.C. § 1536(a)(2). In carrying out this obligation, agencies must “use the best scientific and commercial data available.” *Id.* As the Supreme Court held in *Tennessee Valley Authority v. Hill*, “the legislative history undergirding [ESA Section 7] reveals an explicit congressional decision to require agencies to afford first priority to the declared national policy of saving endangered species.” 437 U.S. 153, 185 (1978). Accordingly, agencies must ensure that the best data available, including data about habitat conditions, is relied upon in ensuring that listed species protection is prioritized in agency projects.

As a final agency action, the Forest Service’s decision to implement the proposed action must adhere to the requirements of the Administrative Procedure Act (“APA”). Under the APA, agency action must not be “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” or be adopted “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A), (D). Practically speaking, this means the Forest Service must consider all important aspects of the problem before it – i.e., all relevant factors in reaching a final decision on the Project. *Motor Veh. Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The Forest Service must also ground the explanation for its decision in the evidence before it, articulating a rational connection between the facts found and the choice made. *Id.* In sum, the final decision must have a “substantial basis in fact,” and be “fully informed and well-considered.” *Earth Island Inst. v. Hogarth*, 494 F.3d 757, 766 (9th Cir. 2007); *Friends of the Inyo v. U.S. Forest Serv.*, 103 F.4th 543, 551 (9th Cir. 2024). The APA allows a judge to hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

4. Suggested Resolution

The EA is currently deficient in its analysis of environmental impacts on certain resource conditions and values, such as listed species, snags and dead wood and fire risk, due to the EA’s mischaracterization of all naturally regenerated stands as exhibiting the same homogenous, dense, small-diameter characteristics. Not every naturally regenerated stand is the same, and the Forest Service must take a hard look at the environmental impacts from the proposed action in order to satisfy NEPA’s hard look requirement, the Forest Service’s obligations under the ESA, and requirements under the APA.

To resolve this objection, the Forest Service should supplement the EA with further analysis that distinguishes between different naturally regenerated stand units based on different stand characteristics in order to truly analyze the environmental impacts of the proposed action. The Forest Service can also identify naturally regenerated stands with late-successional characteristics and modify the silvicultural prescriptions to maintain late-successional characteristics or drop those units from the proposed action. Oregon Wild welcomes a joint field visit with Forest Service staff to view naturally regenerated units, particularly along FS-2336, to mutually understand what the conditions and characteristics of those units are on the ground and how the silvicultural prescriptions may be modified to preserve late-successional characteristics, protect northern spotted owls, and ensure that the Project is well-informed.

This objection may also be resolved if the Forest Service agrees to eliminate naturally regenerated stand units exhibiting late-successional characteristics, like Units 340 and 13, from the proposed action. In deciding which units exhibit late-successional characteristics, Oregon Wild and the Forest Service can collectively identify specific units through field visits and silvicultural report information. Additionally, the Forest Service should implement diameter limits to retain trees larger than 20" dbh in all naturally regenerated units.

Thank you for considering this objection.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pablo San Emeterio' with a stylized flourish at the end.

Pablo San Emeterio
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