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Caribou-Targhee National Forest

Kim Pierson, Objection Reviewing Officer

1405 Hollipark Drive, Idaho Falls, ID 83401

RE: OBJECTION AGAINST THE LOWER PORTNEUF COOPERATIVE VEGETATION MANAGEMENT PROJECT

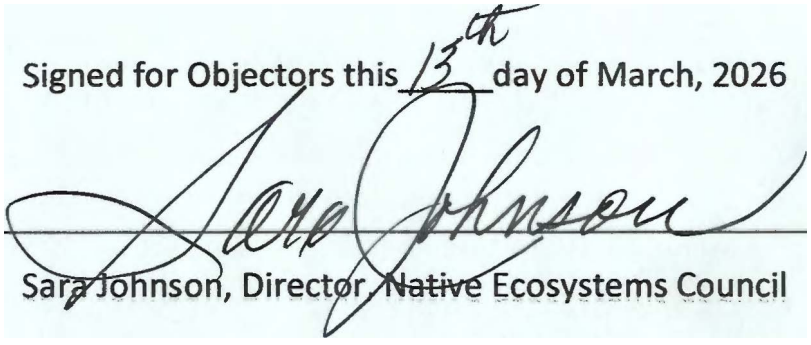
1.Name of Objectors

Lead Objector Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sjjohnsonkoa@yahoo.com.

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624; phone 406-410-3373; wildrockies@gmail.com.

Steve Kelly, Director, Council on Wildlife and Fish, PO Box 4641, Bozeman, MT 59772; phone 406-920-1831; troutcheeks@yahoo.com.

Katie Fite, Director, Wildlands Defense, PO Box 125, Boise, ID 83701; phone 208-871-5738; katie@wildlandsdefense.org.



2.Name and Location of the Project being Objected to

Lower Portneuf Cooperative Vegetation Management Project on the Caribou-Targhee National Forest, Westside Ranger District

3.Responsible Official

Chris Colt, Acting Westside District Ranger

4.Attachments

This Objection includes one attachment, Attachment #1, which includes hard copies of a number of research publications and/or reports.

5.Connection between Prior Specific Comments and Content of this Objection

On April 24, 2025, Objectors submitted scoping comments for the proposed Lower Portneuf Cooperative Vegetation Management Project (hereafter "Portneuf Project"). In those comments, we identified 13 issues and/or concerns regarding the proposed action. The first was a failure of the agency to define how what kind of treatments would be implemented for what kind of vegetation; we listed 13 specific information requests we would like to have addressed by the agency in defining this project. This issue was not addressed in the draft decision, and this issue has been brought forward into our Objection. The second concern was a failure of the agency to define bird species in the project area by habitat associations, as well as results of bird surveys conducted in the project area from 2013-2023, and to identify the conservation strategies that are being implemented for these species, especially those with an identified conservation concern. This information was not provided in the subsequent EA, so we have

carried these concerns forward into this Objection. Our third concern was the lack of any survey information on forest raptors in the project area, including sensitive species. The agency did not provide any specific survey information or specific mitigation measures for nests on birds in the project area in the draft project description, so we have carried these concerns forward into this objection. We raised a concern about the massive mortality this project will create on birds, and the failure of the agency to incorporate "beneficial practices" recommended by the USFWS for migratory birds to reduce mortality. We requested the agency to provide the specific information as to what birds are likely present in each treatment unit, and how they will be protected from project activities; we also requested the agency to estimate the expected mortality of birds per acre of treatment. Although the agency provided some information on expected mortality for 4 bird species, this did not address what the total expected mortality would be for a large number of birds with an identified conservation concern, and we brought this issue forward into our Objection. We requested the agency address the management program for aspen based on expected impacts to wildlife, especially the conversion of aspen/conifer habitats to aspen habitats. This issue was not addressed by the agency in their subsequent draft EA, so we brought this issue forward into this Objection. We requested the agency to provide an inventory and mapping of old growth forests in the project area, and in addition, how many old growth stands would be treated; we asked why understory removal in old growth forests maintained the wildlife values. With old growth treatments, we also requested the agency to identify impacts on snag habitat. We were unable to locate any Forest Plan monitoring data on either treatment effects in old growth, or treatment impacts on snag habitat. We have carried this issue forward into this Objection. We also requested that the agency define why stand replacement fire in Inventoried Roadless Lands (IRAs) needs to be prevented to protect wildlife. There was no discussion in the subsequent EA as to why stand replacement fire in IRAs is detrimental to wildlife, and we have carried this issue forward into this Objection. We requested more information as to how increased motorized activity within IRAs benefits wolverine and elk, but the agency did not provide any actual analysis data on elk habitat effectiveness of elk security. We have carried these issues forward into this Objection. We raised a concern about the agency's interpretation of maintaining "natural conditions" within IRA, given the massive disturbances planned, including massive expansion

of motorized activity required to complete treatments with machinery; also is the massive visual impact of the development of fuels treatments along 600 feet of a large mileage of trails within IRAs. The agency did not define in the subsequent NEPA documents as to why these massive visual impacts within IRAs is consistent with the Idaho Roadless Rule, and we have brought these concerns forward into this Objection. We noted there was no information as to how treatments would maintain/improve big game winter range, on how many acres. The agency provided no actual information on objectives for big game winter range management in the subsequent EA, and we are bringing this issue forward into this Objection. We also raised a concern about how the proposed project will affect local climatic conditions for wildlife, especially increases in temperature and the effects of severe precipitation events in areas where thermal cover has been severely reduced due to vegetation treatments. The agency did not address how the increased temperatures triggered by the proposed vegetation treatments will impact any wildlife, including the wolverine, and we are bringing this issue forward into this appeal. Finally, we noted that this is a programmatic program that requires completion of an EIS, with subsequent EAs developed for individual projects, projects where sufficient information and surveys can be provided as is required by the NEPA.

Rather than repeat much of the specific information we discussed in our previous scoping comments, we are instead incorporating this information "by reference" into this Objection.

6.Recommended Remedy

As we have identified in the following summary of how this project violates law, regulation and/or policy, we believe this project cannot be legally implemented. This "condition-based management" project cannot meet the requirements of the NEPA to provide high quality information to the public on how the project will be implemented, from descriptions of what vegetation will be treated in units, the acreage, location and timing of each specific vegetation category that will be treated, how the treatment will change the vegetation as a result of treatments, what the wildlife objectives are for each type of treatment, how treatments will create these habitat objectives, and to descriptions of what the estimated

mortality will be for bird species of conservation concern within various types of treatment units. Additionally, it is clear that the CTNF has not implemented many of the Caribou Revised Forest Plan standards and guidelines, including the monitoring program for forest owls or the Management Indicator Species (MIS) the Northern Goshawk. No Forest Plan amendment has ever been completed to allow the violation of the plan's goshawk monitoring direction. As well, the agency has failed to identify an MIS for snag habitat, and as a result, has no information on how past vegetation treatments have impacted over 20 species of birds on this Forest that require snags for nesting, including 4 bird species of some conservation concern. The agency has used an unvalidated measure of wildlife viability for snags by just counting snags to suggest a given "biological potential" for woodpeckers. To date, the agency has never provided any analysis as to why stated biological potentials of woodpeckers actually provides a valid estimate of woodpecker population densities. The agency needs to adhere to the NFMA and identify a focal species (formally MIS) for snags, and identify how vegetation treatments impact this and other species. Since the CRPF was implemented over 20 years ago, the agency has failed to monitor the impacts of vegetation treatments for a large suite of forest birds that depend upon snags. Until this flaw is corrected with a Forest Plan amendment, the agency cannot legally implement any further vegetation treatments that impact snag habitat and associated wildlife. And finally, the agency will violate the Idaho Roadless Area Conservation Rule by degrading wildlife habitat, including for sensitive species, by reducing snag habitat, hiding cover, thermal cover, and forage; by killing large numbers of birds; by reducing elk security below recommended levels, by reducing elk habitat effectiveness below recommended levels, by degrading big game winter ranges, by increasing landscape temperatures for wildlife which will increase detrimental heat stress, and by creating massive degradations of the natural visual landscape that is to occur in roadless lands.

7.How the Proposed Project violates Law, Regulation or Policy

1. The proposed project is a violation of the NEPA and the NFMA because the Caribou Revised Forest Plan (CRFP) has failed to evaluate the impact on wildlife with the objective of habitat conversion, changing mixed conifer/aspen stands to aspen habitat; this failure needs to be addressed in a Forest Plan amendment, which includes public involvement, before any additional habitat conversions are implemented, including in the Portneuf proposed project.

As is noted repeatedly in the Portneuf Project NEPA documents, one objective of the proposed vegetation treatments, including logging and burning, is to change aspen/conifer stands to aspen stands. Yet there has never been any assessment in the CFRP as to how this impacts wildlife. First, the agency has never defined why the existing amounts of aspen and aspen/conifer stands needs to be change. Table 19 of the CRPF FEIS Appendix D shows that pure aspen stands are approximately 50% of forest habitats, while aspen/conifer habitats are only 5% of forest habitats. Based on just the limited distribution of aspen/conifer forests as compared to aspen forests, the agency has never identified a wildlife rationale as to why aspen/conifer habitats should be reduced below the current 5% level of forest habitat.

The Portneuf Uplands have 15,856 acres of conifer forests and 19,292 acres of aspen forests (Silvey 2018). Thus conifer forest habitats, and those that contain interspersions of aspen, are more limited in this landscape. They would thus have a higher value to wildlife.

The snag inventory on the CTNF Silvey (2018) reported that Douglas-fir habitats average 3.3 snags per acre over 12 inches dbh; lodgepole pine habitats average 6.1 snags per acre over 12 inches dbh; subalpine fir-spruce forests average 4.8 snags per acre over 12 inches dbh; and aspen forests average 2.1 snags per acre over 12 inches dbh. Thus aspen habitats have the lowest density of larger snags.

In particular, the CFRP FEIS does not evaluate the value of these 2 different habitats for wildlife, while at the same time emphasizing aspen habitats and targeting aspen/conifer stands for conversion to aspen. Yet this analysis is a requirement of both the NEPA and the NFMA as to wildlife values. Objectives for vegetation management need to be based on wildlife habitat values. Aspen/conifer forests have a high value to at least 4 forest sensitive species, the Great Gray Owl, the Boreal Owl, the Flammulated Owl, and the Northern Goshawk. And these forests also have a high value to 3 at-risk species the Williamson's Sapsucker, Sharp-shinned Hawk, and Northern Pygmy Owl (status identified in Table 38, FEIS Appendix D). The CRFP FEIS did not address how the objective to convert aspen/conifer stands to aspen stands will impact these 7 species of conservation concern. AS such, this direction in the CRFP is a violation of both the NEPA and the NFMA. The following is a brief summary of why this analysis of conversion of aspen/conifer stands to aspen stands needs to be done in a Forest Plan amendment or revision before this program continues, including in the Portneuf proposed project.

The Great Gray Owl is identified as a sensitive species in the CRFP. It was studied on the Targhee National Forest by Franklin (1988). The size of snags with their nests averaged 25 inches dbh, with 60% of nests on snags; nests were in old growth coniferous forest; no nests were in aspen stands; breeding started in April, eggs were laid in May, and juveniles fledged in August. Aspen stands generally lack snags over 12 inches dbh on the Caribou-Targhee National Forest, and would not provide suitable snags for this species (Beck 2016). Also, aspen stands would not provide suitable coniferous forest old growth forest nesting sites. Conversion of aspen/conifer stands to aspen stands will remove nesting habitat for this sensitive species, as well as increase the potential for heat stress due to the removal of thermal cover. In addition, the loss of conifers will increase snow crusting and thus reduce the availability of owl prey obtained by snow plunging (Ehrlich et al. 1988). This species is sensitive to heat stress (Koshmrl 2013). The Targhee Revised Forest Plan identifies this owl as associated with coniferous forest old growth.

The Boreal Owl is identified as a sensitive species in the CRFP. This owl uses aspen snags with an average dbh of 13 inches, and conifer snags with an average dbh of over 15 inches, with an overall dbh average of nesting snags of 25 inches (Hayward et al. 1993). Conifers within aspen stands will provide the highest potential for suitably-sized snags being available for this owl. This species is highly sensitive to heat stress (Hayward 1997). Removal of conifers from aspen stands will reduce the potential for nesting snags, as well as will increase the potential for heat stress for this owl by removing thermal cover. The Targhee Revised Forest Plan identifies this owl as associated with coniferous forest old growth.

The Flammulated Owl was reported to use snags in Montana with an average dbh of 16 inches (Seidensticker 2000); this study noted that in order to develop reliable population estimates for this species, intensive nest searching and monitoring would be required. Conifers interspersed in aspen stands will have the highest potential to provide suitably-sized snags.

The Northern Goshawk is identified in the CRFP FEIS Appendix D as a forest-associated species. The effect of vegetation treatments that remove conifers from aspen, along with the change of mature forest conditions to immature seedling/sapling conditions, on goshawks has never been evaluated for this Management Indicator Species (MIS), however. In addition, the Forest Service does not know what the actual goshawk population trend is on the Forest as per the 2004-2022 monitoring report. The agency has altered the required protocol from monitoring a third of goshawk territories (41 known territories in the CRFP FEIS Appendix D) every year to monitoring no specified number of territories every other year (Tables 3-4 in 2004-2022 monitoring report. No Forest Plan amendment was completed for this modification. While 27 territories were monitored in 2004, only 6 territories were monitored in 2022. There are 2 goshawk territories in the Portneuf project area (Project BE). There will be 75 and 78 acres of treatments within these 2 post-fledging areas (Id). The actual type of treatment is not defined, but may include conversion of aspen/conifer mature/old stands to seedling aspen stands. In addition, the agency did not define how many acres, and what type of treatment, will occur in the 2 goshawk foraging

areas. It is unknown how many acres of these 2 foraging areas will be converted from aspen/conifer forests to seedling aspen stands. As a result, the agency is not able to meet the requirements of the NEPA and the NFMA to estimate what the impact of the aspen/conifer conversion to aspen seedling stages in goshawk habitats of the Portneuf project will be, due to a lack of monitoring. Without any actual data on what these impacts will be, the agency in turn cannot evaluate impacts on forest viability, since forest viability is unknown.

The Northern Pygmy Owl has been identified as a "species at risk" in the Caribou Forest Plan FEIS (Appendix D Table 38). This species is noted to prefer dense montane mixed coniferous/deciduous and pine-oak forests (Ehrlich et al. 1988; Geis and Forsman 2003). It nests in tree cavities. Geis and Forman (2003) reported that this own nested in snags ranging from 12-33 inches dbh, with a mean dbh of 22 inches. Removal of conifers from aspen stands will eliminate the dense habitat this species selects, as well as will reduce the availability of nesting sites provided by larger snags.

The Williamson's Sapsucker is identified as a "species-at-risk" in the CRFP FEIS Appendix D Table 38). This species is associated with mid-elevation Douglas-fir and ponderosa pine forests; in these habitats, aspen canopies may comprise from 0 -20 percent of the stand, with aspen being the preferred nesting tree; nest sites had a high density of snags of 3 per acre; aspen nest snags ranged in dbh from 7-13 inches; the small size was indication of the lack of larger snag sizes (Courtney and Martin 1993). Removal of conifers from aspen stands will eliminate habitat for this species. The Williamson's Sapsucker has recently been reported to be experiencing notable population declines (North American Bird Conservation Initiative 2022).

The Sharp-shinned Hawk is identified as a "species-at-risk" in the CRFP FEIS Appendix D Table 38). This raptor is associated with mixed conifer/aspen habitats; all nests were in coniferous trees; this singular use of conifers as nesting sites, which have long and dense crowns, is probably related to the need of this small

raptor to conceal its nests from predators (Joy et al. 1994). Removal of conifers from aspen/conifer forests will eliminate habitat for this species.

Given that the agency's proposal to convert an unidentified acreage of aspen/conifer forests to seedling aspen stands in the Portneuf project area will have clearly adverse or at a minimum, undetermined impacts on 7 forest species with identified conservation concerns, this proposal clearly requires completion of an Environmental Impact Statement. In particular, the agency needs to address why promotion of aspen stands over aspen/conifer stands will harm wildlife species that require larger snags. The CRFP Appendix D, Table 20 clearly notes that aspen forests generally lack snags over 12 inches dbh; based on this size of snags, the aspen biological potential estimated by the agency is 37% lower than mixed conifer forests (10% versus 47%), and is 17% lower than aspen/conifer forests (10% versus 27%). This table also notes that aspen/conifer forests comprise only 5% of the CNF, while aspen stands comprise 50% of the forest lands. **Promoting logging of aspen/conifer stands is clearly not a wildlife benefit**.

2. The agency needs to adhere to the NEPA and fully define and disclose the acres of aspen/conifer forests that will be converted to aspen forests with the Portneuf project.

The NEPA requires the agency to provide high quality information to the public so that the public can understand what is being proposed for management of public lands. This requirement has not been met for the Portneuf project as per the proposed treatments in aspen/conifer stands to convert them to aspen stands. The NEPA requires that each proposed treatment unit be clearly mapped for the public, along with the acres of the unit identified, the current tree species composition/basal area of the unit, and what the proposed tree species composition/basal will be following treatment.

3. The agency is violating the CRFP requirement to monitor 1/3rd of known goshawk territories every year; the current monitoring program requires completion of a Forest Plan amendment to permit the revised modifications as per the NFMA and the NEPA; due to this monitoring failure to measure vegetation treatment impacts on the MIS goshawk, the agency cannot legally complete any more vegetation treatments in goshawk territories until the required assessment of impacts is completed by additional analysis on the CTNF.

As is noted in the 2004-2022 monitoring report, the CNF has reduced the required monitoring activities for the MIS goshawk without completing any amendments to the CRFP. This amendment requires an analysis as to whether or not the revised monitoring direction can effectively identify goshawk population trends on the forest over time. For example, the CRFP requires monitoring of a third of 41-38 known goshawk territories every year, while the current monitoring procedure as defined in the 2004-2022 monitoring report allows as few as 6 territories to be monitored every other year. The effectiveness of monitoring has thus been significantly reduced, and as is noted in the 2004-2022 monitoring report, may not actually be valid for measuring goshawk population trends. Given that the agency has not meet the requirements of the NFMA to monitor the effects of vegetation treatments on the MIS goshawk, the agency cannot legally complete vegetation treatments in the 2 goshawk territories that occur in the Portneuf project area. The CTNF currently has information on vegetation treatment impacts on goshawks as Patla's research, noted in the 2004-2022 monitoring report. At a minimum, this information needs to be evaluated as per vegetation treatments in goshawk territories, and applied to projects, including the Portneuf project, as is required by the NEPA and the NFMA.

4. The CRFP is in violation of the NFMA for monitoring of the MIS goshawk because the monitoring procedure does not measure the effects of vegetation treatments on goshawks; in order to comply with the NFMA, the agency needs to complete a Forest Plan amendment that develops a valid monitoring program for the MIS goshawk that measures actual effects of

vegetation treatments on goshawk nesting, post-fledging and foraging areas; until a valid monitoring program is developed, the agency cannot legally alter any goshawk territories via vegetation management.

The CRFP monitoring program for the MIS goshawk uses a count of occupied goshawk territories as a measure of the population trend. This does not provide any actual information as to how specific vegetation treatments, including conversion of aspen/conifer stands to aspen seedling stands, affects persistence of a goshawk territory. The unit is measure of effects of vegetation treatments needs to be within a specific goshawk territory in order to actually identify effects. Using the population trend across the entire CTNF clearly washes out the effects of vegetation treatments within individual territories, nor does it account for what type of treatment occurred or where it occurred (nesting area, post-fledging area, or foraging area). In addition, the CRFP allows logging of mature/old forest habitats in goshawk foraging habitat, as long as some mature/older trees remain. This allowance is not monitored as well. Particularly, old forest as per the goshawk guidelines is not the same as old growth defined by Region 4 of the Forest Service as per Hamilton 1993, which the CRFP identifies as the measure of old growth unless newer information is developed. There are no records of newer definitions of old growth that cancel out the Hamilton (1993) criteria. Even the requirement for old forest as per the CRFP is not clear; there could actually be no old forest, as the standard is 30% mature/old forest in foraging areas. Even the CRFP standard for at least 15% of watersheds be managed to attain old growth conditions does not actually require any old growth. As a result, there is no monitoring information ever developed on the CTNF that the CRFP standard for old growth actually maintains goshawks. Again, this demonstrates that vegetation management actions in goshawk territories is creating unknown impacts on this MIS, in violation of the CRFP and the NEPA.

The Portneuf proposal includes an undisclosed amount of vegetation treatments within 2 occupied goshawk territories. Due to a lack of any Forest Plan monitoring of the effects of vegetation treatments on the goshawk, the impact of these proposed treatments are unknown, but potentially could

result in abandonment of one or both territories. Any impacts on goshawk territories on this forest need to be known, as developed by the Forest Plan monitoring program. Thus the agency needs to adhere to the NEPA and the NFMA and actually measure the effects of vegetation treatments on the MIS goshawk. Until a valid monitoring program is developed, vegetation treatments in goshawk territories is a violation of both the NEPA and the NFMA, as the agency is failing to demonstrate that viable populations of this MIS are being maintained through the planning process.

5. The agency is violating the CRFP by failing to survey for and monitor populations of forest owls, across the forest or within the Portneuf project area.

The CRFP monitoring requirements include completing winter calling surveys (breeding season) to determine presence, trends; measurement frequency is annually; indicator or threshold for management change is a sustained downward trend for at least 4 sampling years which can be attributed to changes in habitat conditions due to vegetation management. The 2004-2022 CRFP monitoring report notes that for indicator 19 – forest owls, that owls are surveyed at the project level and design features are incorporated into the proposed action to protect individuals, nest sites and habitat. The 2004-2022 monitoring report has no information on owl population trends derived from this monitoring requirement. This monitoring requirement is not be completed by the CTNF, in violation of the NFMA. As we have previously noted, the ongoing program to convert aspen/conifer forests to seedling aspen stands has a huge impact on at least 3 sensitive forest owls, the Boreal, Flammulated and Great Gray Owl, due to a loss of larger snag habitat. Implementation of this aspen conversion program, including as planned for the Portneuf project area, is thus a Forest Plan violation due to a lack of monitoring of treatments on these forest owls.

The Portneuf project is also a violation of the CRFP by a failure to do valid surveys for 4 forest owls that may occur in the project area, the Boreal, Flammulated, Great Gray, and Northern Pygmy Owl. The project NEPA documents note that surveys were done in 2024, with no nest sites of owls identified. No nesting

locales were identified as well. Given that the project area includes 32,697 acres, there are likely many owl nesting sites that could be impacted by treatment on about a third of this landscape. The agency did not provide any information as to how owl surveys were done (e.g., timing, protocol). It is questionable whether any valid surveys were done, including within roadless lands, during the winter/early spring breeding season for these owls, with the exception of the Flammulated Owl. Adherence to the CRFP requires the agency to demonstrate that Forest Plan direction is being adhered to, which is not the case of owl surveys. The NEPA also requires the agency to provide "high quality" information on project information, and this includes how required surveys were completed in order for the public to understand these surveys were of a quality high enough to actually identify areas occupied by forest owls.

6. The agency is violating the NEPA by claiming that no significant adverse impacts will occur to 4 forest owls with an identified conservation concern.

In spite of the potential severe adverse impact on forest owls due to the loss of suitable snag nesting habitat, there is also a high potential for owl nesting activity to be disrupted by vegetation treatments, with a loss of reproductive success. Romin and Muck (2002) identified the recommended buffer distances for these owls to protect them from disturbances; these are 0.25 miles for the Boreal Owl, 0.25 miles for the Flammulated Owl, and 0.25 miles for the Northern Pygmy Owl. They did not identify a buffer distance for the Great Gray Owl, but at a minimum, it would be at least 0.25 miles as per the 3 other owl species. The seasonal buffers for these 3 owl species were identified as 2/1-7/31 for the Boreal Owl, 4/1-9/30 for the Flammulated Owl, and 4/1-8/1 for the Northern Pygmy Owl. For the Great Gray Owl, Franklin (1988) noted that on the Targhee National Forest, this owl started breeding in April, with young being able to fly after fledging in August. So at a minimum, the required buffer period would be 4/1-9/1.

Given that all 4 owl species have an identified conservation concern, that all 4 owl species may occur in the Portneuf project area, and that no nesting sites/locales have been identified for any owl within the project area, the agency cannot make any assessment as to the number of owl nesting attempts will be disrupted

through logging, mastication, or burning, or the number of flightless owlets that will be killed during vegetation treatments. The only way effects can be estimated is based on valid surveys that locate nesting owls, as well as monitoring results from past activity impacts on nesting owls. Since none of this information is available, any effects of the Portneuf project on these 4 forest owl species is impossible to determine, but at a minimum, could be potentially severe. As such, agency claims that the project will have no significant adverse impacts on these 4 owl species is as violation of the NEPA.

7. The agency is violating the NEPA, the NFMA and the MBTA by claiming the Portneuf project will have no significant adverse impacts on wildlife, including forest raptors, forest songbirds/woodpeckers, and aridland/shrubland birds; there are approximately 44 bird species with an identified conservation concern that may occur in the Portneuf project area; these species could all be impacted by this project.

Although the Portneuf project BE notes that declines in North American landbirds is a documented concern, this concern is brushed aside for the analysis of the Portneuf project. Examples of recent documentations of significant declines in birds includes one by Rosenberg et al. (2019), where over 3 billion bird losses have occurred since the mid-1970s; these declines include declining trends in 64.2% of 67 species of western forest birds, and a 56.5% decline in aridland birds, which would include woodlands/shrublands. The North American Bird Conservation Initiative in 2022 reported that 32 species of aridland birds are in decline, while about half of 38 species of western forest birds have declined, with current declining population trends. And more recently, The Guardian (2025) reported that collapsing bird numbers in North American prompt fears of ecological crisis; studies using citizen data finds three-quarters of nearly 500 species are in decline, with steepest trend in areas where they once thrived.

We previously noted that the Portneuf project could adversely impact 4 sensitive species on the CTNF, including the Northern Goshawk, Boreal Owl, Flammulated

Owl, and Great Gray Owl. It could adversely impact the Northern Pygmy Owl and Sharp-shinned Hawk. The project BE also notes that 4 Species of Conservation Concern (BCC) identified by the USFWS could be impacted by the project, including the Cassin's Finch, Evening Grosbeak, Olive-sided Flycatcher, and Pine Siskin. This comes to at least 11 bird species of conservation concern that may be impacted by the Portneuf project. However, the total number of bird species that have some level of conservation concern that could be impacted by this project is much higher. For example, the FEIS for the CRPF in Table 38, Appendix D-62, lists the following bird species associated with forests and/or aridlands (woodlands, wooded-shrublands-shrublands) that occur on the CTNR as "at risk species" (those with an * have already been identified as a species of conservation concern):

> *Black-chinned Hummingbird, Calliope Humming, Rufous Hummingbird, Dusky Flycatcher, Lesser Goldfinch, Sage Thrasher, Sage Sparrow, Brewer's Sparrow, Swainson's Hawk, Short-eared Owl, Lark Sparrow, Columbia Sharp-tailed Grouse, Ferruginous Hawk, Gray Flycatcher, Black-throated Gray Warbler, Plumbeous Vireo, Western Scrub Jay, Virginia's Warbler, Ruffed Grouse, Sharp-shinned Hawk*, Northern Pygmy Owl*, Williamson's Sapsucker*, Brown Creeper, Western Tanager, Olive-sided Flycatcher, Hammond's Flycatcher, Boreal Owl*, Flammulated Owl*, Great Gray Owl*, Northern Goshawk*, Three-toed Woodpecker, and Golden Eagle.*

These bird species include additional forest raptors that have identified nest buffer requirements. Romin and Muck (2002) noted that the Golden Eagle, a migratory bird species, requires a 0.5 buffer protection, and nests from 1/1-8/31; the Short-eared Owl requires a buffer of 0.25 miles, with a nesting period of 3/1-8/1. No identified surveys have been completed for these raptors in the Portneuf project area.

In addition to the Species-at-Risk identified in the CRFP FEIS Appendix D Table 38, the USFWS identified the following Birds of Conservation Concern in the Bird

Conservation Region 9 (USFWS 2021) that could occur in forest, woodland and shrubland habitats in the Portneuf project area:

> *Calliope Hummingbird, Rufous Hummingbird, Broadtailed Hummingbird, Northern Harrier, Flammulated Owl, Long-eared Owl, Short-eared Owl, Lewis's Woodpecker, Olive-sided Flycatcher, Sage Thrasher, Evening Grosbeak, Cassin's Finch, and Virginia's Warbler.*

In an updated report by the Idaho Department of Fish and Game (Idaho State Wildlife Action Plan 2023), the following bird species that could occur in the forest/woodland/shrubland habitats of the Portneuf project area include the following Species of Greatest Conservation Need:

> *Golden Eagle, Ferruginous Hawk, Great Gray Owl, Lewis's Woodpecker, Olive-sided Flycatcher, Canada Jay, Clark's Nutcracker, Sage Thrasher, Cassin's Finch, Grasshopper Sparrow, Brewer's Sparrow, Sagebrush Sparrow, and Wilson's Warbler.*

The sensitive bird species identified in the CRFP FEIS Appendix D Table 65 include the Flammulated Owl, Boreal Owl, Great Gray Owl, Northern Goshawk, Three-toed Woodpecker, and Columbian Sharp-tailed Grouse. Although the project BE for the Portneuf project claims there are no Three-toed Woodpeckers in the project area, this is a questionable claim due to the lack of actual survey data. And the Columbian Sharp-tailed Grouse occurs on the edge of the project area, and may be present within the project area as well.

The Portneuf project BE also identified 4 bird species currently identified as Birds of Conservation Concern in this landscape, including the Evening Grosbeak, Cassin's Finch, Olive-sided Flycatcher, and Pine Siskin.

A summary of these various species that have an identified conservation concern in Idaho comes to approximately 44 species.

8. The agency is violating the NEPA/NFMA/MBTA by failing to define what the expected levels of bird mortality will be (including on 44 species of an identified conservation concern) due to the proposed project; without this analysis, the agency had no basis for claiming the project will not create significant mortality on birds present in this landscape, in violation of the NEPA/NFMA/MBTA.

The project BE estimates that for just 4 bird species alone (Olive-sided Flycatcher, Pine Siskin, Evening Grosbeak, and Cassin's Finch) there could be an estimated 1,694 birds killed during project implementation. There was no estimate for the total number of birds that may be killed by this project for the remaining 40 species with some conservation concern. This information could have been estimated, but was not. However, just based on the large number of birds that could be killed for 4 species, the potential deaths of all 44 bird species of some conservation concern would certainly be in the many thousands. The agency did not only fail to define this total estimated death of birds of some conservation concern that would occur with the Portneuf project, while at the same time determined that these undisclosed potential bird deaths would have no significant population impacts on these bird species. This are clearly a NEPA/NFMA/MBTA violation, including the failure to identify criteria when significant population impacts would be triggered for western forest birds and aridland/woodland/shrubland birds due to human-caused mortality.

The agency also failed to evaluate how the proposed massive fragmentation of the project area would impact a huge number of nesting birds by increases in cowbirds, which can significantly reduce songbird productivity due to brood parasitism (Robinson et al. 1992). The agency needs to estimate the level of increases in brood parasitism that will occur with project implementation, and

generally estimate the reduced productivity this will create on songbird populations.

9. The Portneuf project is a violation of the NEPA/NFMA/MBTA because the agency did not define habitat objectives for birds for any type of habitats to be treated; without these habitat objectives, the agency cannot measure how vegetation treatments will affect wildlife.

There is no information provided in the Portneuf NEPA documents as to what types of habitats are going to be treated, how many acres of each habitat are going to be treated, or where these habitats occur in the project area. It is unknown what the habitat objectives are for 44 bird species with some identified conservation concern for each type of treatment unit. It is unknown how many acres of each specific habitat for these species are going to be treated, what the habitat objectives are these species as per the habitats they use, or how these habitat objectives will be affected by the proposed vegetation treatments and thus impact the bird species present. In order to meet the requirements of the NEPA/NFMA/MBTA, the agency needed to provide the following "baseline" information to the public, as well as what the expected changes are with treatments:

Aspen/conifer forests: how many acres will be treated; how many treatment units and acres are planned; what birds of conservation concern occur in these habitats; what are the habitat objectives for birds; how will these habitat objectives be achieved with the proposed treatments?

Conifer forests: how many acres will be treatment; how many treatment units and acres per units are planned; what birds of conservation concern occur in this habitat; what are the habitat objectives for birds; how will these habitat objectives be achieved with the proposed treatments?

Woodlands/wooded shrublands/shrublands: how many acres of these habitats will be treated, including burning and mastication; what are the acres of

each planned unit; what birds of conservation concern occur in these habitats; what are the habitat objectives for birds in these habitats; how will these habitat objectives be achieved with the proposed treatment?

Instead of identifying habitat objectives for birds that likely occur in the various vegetative types of forest, woodlands and shrublands, the agency instead repeatedly claimed that the habitat objective for all species is to create a "mosaic" of habitats. What constitutes a mosaic was never defined. And even though a mosaic is identified in both the CRPF and FEIS for managing wildlife habitat, there is no actual definition of what the mosaic should be for each species. Certainly what mosaic benefits each of 44 bird species of a conservation concern would be different between species and habitat categories. What is clear is that undefined habitat objective can actually be accomplished with any level of vegetation management, including any of the proposed vegetation treatments in the Portneuf project. This habitat objective is also contradictory as per several CRFP standards/guidelines, that require that larger patches of old forest (200 acres) and 320 acres of contiguous shrublands. In summary, the claimed habitat objective of creating a "mosaic" of habitats for wildlife with vegetation treatments is not measurable or based on habitat needs of specific wildlife, and is thus a violation of the NEPA/NFMA/MBTA.

10. The agency is violating the NEPA, NFMA and MBTA due to providing false assessments to the public on claimed protections of various birds of conservation concern in the Portneuf project area.

The agency claims that many birds will not have nesting activity adversely impacted because treatment activities will not occur from May 1-July 15 in the project BE. However, the maximum recommended protection of bird nesting activity as per the USFWS (2020) is from December through August. The minimum recommended protection of bird nesting activity is from April 1 through July 15. The Portneuf project BE states that bird nesting will be mitigated from May 1 through July 15, or one month shorter than the minimum recommended

protection period. The basis for this reduced protection period for migratory birds was not identified, even though it is below recommended levels as per the current best science. And it is also noted that these protection periods may not actually be implemented. It was noted that these protection periods for nesting may or may not be applied. The agency needs to define specifically what the time period of activity will be for each proposed vegetation treatment unit, as is required by the NEPA, including the rationale as to why the recommended protection period for nesting by the USFWS (2021) will not be applied. What is the rationale for not applying the nesting protections?

Even though the agency failed to identify which treatment units in which habitat categories will be treated during May 1-July 15, they made the unlikely claim that in these instances, nesting birds will be surveyed and located, and thus protected during the nesting/fledging period from treatment activities. There was no information provided on how many such surveys will occur each nesting season, what these surveys entail, and how many acres per nesting season can be effectively surveyed to locate nesting birds. Locating nesting birds is clearly a very labor-intensive activity, yet the agency has not identified how this will be done, on how many acres, and what type of protective buffers will be implemented. It seems quite clear that bird nesting surveys are unlikely to actually occur in areas treated during the nesting season. The NEPA requires that the effectiveness of mitigation measures be addressed in project evaluations. This has not happened for the Portneuf project as per surveys for nesting birds. So the impact of vegetation treatments on bird/fledgling mortality is unknown for this project.

Another factor that was not addressed in the expected impacts on birds was the mortality effects of smoke toxicity caused from prescribed burning. AS was noted by the Defiance Canyon Raptor Rescue (2022), birds are highly vulnerable to the effects of smoke toxicity due to the following:

> *"A bird's respiratory system is more sensitive to toxins, including smoke, than a mammals' respiratory system. This is because birds have a higher*

oxygen demand than mammals and a birds' lungs are 10 times more efficient at capturing oxygen. The rapid efficiency of gas exchange in bird lungs makes them more susceptible to inhales toxic agents, including smoke. Inhaled toxin, such as smoke, can cause irritation and damage the respiratory system. It also can compromise the immune system, make the bird more susceptible to infections. This is especially true in young birds in the nest that are unable to escape the smoke. Smoke inhalation toxicity in birds is caused by irritant gases (aldehydes, hydrogen chloride, and sulfur monoxide, carbon dioxide, and hydrogen cyanide) released by combustion."

When the impacts of vegetation treatments, from logging to mastication to prescribed burning are cumulatively considered, it seems readily apparent that the potential mortality to birds in general, and to 44 species of an identified conservation concern, could be very high. AS such, the agency claims that this project will adhere to the NEPA/NFMA/MBTA are clearly false.

11. The CRFP has no valid monitoring program for birds that require snags for nesting and foraging; any projects, such as the Portneuf project, that impact habitat for birds that require snag habitat cannot be legally implemented until the CTNF corrects this NFMA failure so that populations of cavity-nesting birds are not only monitored via a focal/MIS species, but the impacts of vegetation treatments on them are measured, as is required by the NFMA.

There are approximately 25 forest birds on the CTNF that use snags for nesting (USDA 2018, Franklin 1988):

American Kestrel, Black-capped Chickadee, Boreal Owl, Brown Creeper, Downy Woodpecker, Flammulated Owl, Hairy Woodpecker, House Finch, House Sparrow, House Wren, Lewis's Woodpecker, Mountain Bluebird, Western Bluebird, Mountain Chickadee, Northern Flicker, Northern Pygmy

Owl, Red-breasted Nuthatch, Red-naped Sapsucker, Northern Saw-whet Owl, Three-toed Woodpecker, Tree Swallow, Violet-green Swallow, Williamson's Sapsucker, Western Screech Owl, and Great Gray Owl.

The CTNF does not monitor the population levels of any of these 25 snag-dependent bird species. No population monitoring has occurred for these 25 bird species since the CRFP was implemented. Instead of monitoring any bird populations dependent upon snags, the agency instead counts the number of snags per forest type as a measure of bird population levels. Snag levels are used to define the Biological Potential for 7 woodpecker/sapsucker species (Tables 13-15, CRFP FEIS Appendix D). The Biological Potential was based on the number of snags per 100 acres that each of the 7 woodpecker/sapsucker species requires for nesting. To provide a 100% Biological Potential, there supposedly needs to be from 828-979 snags per 100 acres at least 12 inches dbh (Table 15). If there is only 20% Biological Potential for these woodpeckers/sapsucker, there will be only 166-196 snags per 100 acres. The current measure of the CTNF Biological Potential for these 7 species is 3.3 for Douglas-fir forests, 6.1 for lodgepole pine forests, 4.8 for alpine fir/spruce forests, and 2.1 for aspen forests (Silvey 2018)**. The question is, what do these measures of snag densities/sizes across the CTNF indicate for populations of the 24 bird species that require snags as habitat?** The agency has never provided any analysis or science to define what snag numbers mean for population levels of 25 associated bird species, including for the Portneuf project. The analysis for this specific project is simply a reflection of the CRFP direction for snags. This is a NEPA/NFMA violation, as any proxy that uses habitat levels as a measure of population levels of wildlife must reflect actual population levels. To date, the CTNF has never provided any science or monitoring data to define what biological potential levels actually mean for populations of snag-associated wildlife. Until the agency amends the Forest Plan to adhere to the NFMA to monitor focal/MIS species in habitats affected by agency management activities, the Forest cannot legally implement vegetation activities that impact habitat for 25 bird species associated with snags.

In addition to the failure of the Portneuf project NEPA documents to evaluate how 25 bird species associated with snags will be impacted by the project, the agency stresses the CRPF direction that vegetation management needs to reduce insects and diseases, as well as stand-replacement fire, or the processes essential to these 25 bird species. The high dependence of these species on insects and disease is clearly identified in Beck (2016) and Silvey (2018), monitoring reports for the CTNF. In addition, there is current science that demonstrates that stand-replacement fire is also highly important to many bird species, including those that require snags as habitat (Hutto 1995).The CRFP objectives and goals to reduce the incidence of insects and disease has been evaluated as per impacts on the 25 bird species that benefit from these ecosystem processes, as well as from stand replacement fire. AS a result, there are only "passive" management objectives for these 25 bird species, or the protection of natural habitats within landscapes protected from management, such as Wilderness Areas, Research Natural Areas, and Inventoried Roadless Lands. There is no analysis in the CRFP as to the value of these undeveloped areas to these 25 species of birds that depend upon snags, insects and disease, and stand-replacement fire for viability. As such, the agency's decision to complete expansive vegetation management actions within 2 IRAs of the Portneuf project area is a NEPA/NFMA violation due to a lack of analysis in the CRFP and associated FEIS. These interventions will eliminate what are likely **essential reserves of natural habitat** where insects and diseases, and stand-replacement fires, help maintain bird populations that require these processes for nesting and foraging. Until the CTNF amends the CRFP to correct this severe flaw, the agency cannot legally implement vegetation management activities within currently undisturbed unroaded lands, including the RNA and 2 IRAs in the Portneuf project area.

12. The Portneuf Project is violating the NEPA and the NFMA in regards to management of big game species.

The CRFP guideline 3 for big game management is being violated for the Portneuf project. This guideline requires that where summer or fall habitat conditions, including security, are identified as a factor in not meeting State population

objectives, work with State wildlife management agencies to address the issues. Security is defined as per the Hillis Paradigm (Hillis et al. 1992) as at least 250 contiguous blocks of forest cover at least half a mile from an open road (also see RFP 3-32 and CRFP FEIS. Summer habitat conditions are defined by Christensen et al. (1993), also defined in the CRFP FEIS. Attainment of this guideline was never addressed, however, in the Portneuf NEPA documents. The current level of elk fall security is unknown, or what it will change to after treatments. Map 17 of the CRFP FEIS Appendix D-173 shows this landscape has many large blocks of security. The NEPA documents for the Portneuf project, however, do not map existing security, or how it overlaps with planned vegetation treatments and new roads, including conversion of nonmotorized trails and motorized trails for regular routes for vehicle travel (over 55 inches in width, such as for forwarding machines, masticating equipment). The CRFP FEIS notes that Hillis et al. (1991) recommends at least 30% security within a given landscape. It is unknown if this recommendation will be met with the Portneuf project.

Christensen et al. (1993) also notes that significant displacement effects occur on elk summer range when active route densities exceed 2 miles per section; any vehicle traffic on a road is considered a displacement effect on elk. It is unknow how this habitat effectiveness will change with the proposed Portneuf project, including whether significant displacement effects will be triggered on elk.

It is clear that the Portneuf project will have considerable impacts on big game species, by reducing fall elk security and summer habitat effectiveness, possibly below levels recommended by the current best science. However, the agency did not indicate that these issues were discussed with the Idaho Department of Fish and Game, which would seem imperative when a project will clearly alter the quality of big game habitat. There is no evidence that the agency adhered to this CRFP direction, in violation of the NFMA.

There is also no evidence that the CTNF adhered to the management emphasis for management area 2.7.2, regarding 1,584 acres of big game winter range. The

CRFP emphasis for this management area is to maintain or improve the quality of big game winter range; cove should be well distributed. There was no information provided to demonstrate what vegetation treatments will occur on this winter range, what the habitat objectives are for this winter range, or how the proposed treatments will improve this winter range. In addition, since elk and mule deer are not MIS for this forest, there is no monitoring being done on treatments on big game winter range. The 2004-2022 monitoring report has no information on treatments on big game winter range. So the agency has no actual data to demonstrate the proposed treatments on big game winter range adhere to the Forest Plan's emphasis on maintaining or enhancing winter range in management area 2.7.2. It appears that this plan direction is being ignored, in violation of the NFMA.

The agency is also violating the NEPA by failing to define how the Portneuf project will impact big game habitat effectiveness and security. With the massive expansion of motorized activity in the project area, it seems highly likely that the current best science recommendations for elk security and habitat effectiveness will not be met, even if they are currently being met within IRAs. In order for the agency to claim the project will have no significant adverse effects on big game species, an analysis of habitat effectiveness and security needed to be completed for the entire project area. Since this was not done, the agency is violating the NEPA by not providing the public the required information to demonstrate project impacts on big game species.

13. The proposed vegetation treatments within IRAs of the Portneuf project area are a violation of the NFMA, the NEPA, and the Idaho Roadless Area Rule.

As we have noted above, the agency will trigger numerous violations of the CRFP, which triggers a violation of the Idaho Roadless Area Rule. Forest Plan compliance is a requirement for activities in these IRAs. The agency is also violating the NEPA by failing to identify that activities within Backcountry/Restoration designations require that habitat for sensitive species is maintained or restored; this

requirement is not identified in the Portneuf NEPA documents. As we previously noted, the sensitive Great Gray Owl, Boreal Owl, Flammulated and Northern Goshawk will likely be impacted by the Portneuf project, either through direct alterations of post-fledging and foraging habitat for the Northern Goshawk, and by direct reductions in the snag habitat and thermal cover required for nesting owls. In addition, the agency is not meeting the CFRP direction to complete owl surveys prior to treatments; claimed surveys did not locate a single nesting area for any of the 3 sensitive owl species, indicating the quality of these surveys was inadequate to meet the purpose of protecting nesting areas of these sensitive species. If these sensitive owl species are not located in roadless lands where habitat alterations/disturbances are planned, it is unavoidable that these species will experience adverse project impacts, in violation of the roadless rule.

The agency is also violating the Idaho Roadless Area Rule by failing to maintain or improve one or more of the roadless characteristics over the long term. The agency NEPA documents did not identify any proposed activity that will maintain or improve the roadless characteristics, including for wildlife, which are part of the IRA ecosystem. Reduction of insects and disease, and the potential for stand replacement fire, are not beneficial effects in IRAs, as these ecosystem effects are essential to a large suite of wildlife (e.g., Beck 2016; Silvey 2018). Also as previously noted, the agency is not maintaining/improving habitat for big game species, given that both habitat effectiveness and security will be reduced, although the amount of these reductions was never disclosed. Nor did the agency define how proposed treatments will maintain or enhance big game winter range. Simply masticating and burning vegetation on big game winter ranges removes winter forage, instead of maintaining it. Thus the agency's effect on these habitat features within winter range in IRAs is unknown, but potentially quite severe.

In conclusion, the agency's vague claims that "ecosystem functions" will be enhanced with IRA intervention cannot be measured (e.g., create mosaics), while detrimental effects can be measured, including adverse impacts on 44 species of birds with conservation concerns, and big game species. The proposed management of the effected IRAs is therefore in violation of the roadless rule.