VALLEY ADVOCATES *for* RESPONSIBLE DEVELOPMENT

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July 26, 2026

Attn: Brant Peterson, Deputy Regional Forester, Objection Reviewing Officer
USDA Forest Service, Intermountain Region
Hansen Federal Building, Room 4016
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Ogden, UT 84401

Electronic submittal to: https://cara.fs2c.usda.gov/Public/CommentInput?Project=58258

Kim Pierson, Forest Supervisor / Responsible Official
Caribou-Targhee National Forest
Teton Basin Ranger District

Re: Formal Objection to Forest Plan Amendments Associated with the Grand Targhee Master Development Plan Projects Final Environmental Impact Statement and Draft Record of Decision, Caribou-Targhee National Forest (May 2026), submitted pursuant to 36 CFR Part 219, Subpart B – Commenter 457

Dear Reviewing Officer and Forest Supervisor Pierson:

Pursuant to 36 CFR Part 219, Subpart B, we submit this timely objection to the six amendments to the 1997 Revised Targhee Forest Plan approved in connection with the Grand Targhee Master Development Plan Projects Final Environmental Impact Statement (FEIS) and Draft Record of Decision ("Draft ROD"), both issued in May of 2026. We previously submitted timely, substantive comments on the Draft EIS, which the agency identified and numbered as Commenter 457 throughout Appendix E, Response to Comments (RTC), including comments specifically addressing the proposed Forest Plan amendments (see, e.g., our DEIS comment section "Forest Service Plan Amendments Required to Accommodate GTR's Proposed Action"). We have standing to object under 36 CFR 219.53 because our prior comments were submitted within the applicable comment period and are directly related to the issues raised below.

This objection addresses the Forest Plan amendments only. We have submitted a separate, companion objection under 36 CFR Part 218 addressing the underlying project-level decision. We file these amendments as a distinct objection because the programmatic management-prescription conversion at issue – which the Draft ROD states will remain "in effect for the life of the current Forest Plan" (Draft ROD p. 19) – applies beyond this single project and is therefore governed by the Part 219, Subpart B objection process rather than Part 218 (see 36 CFR 219.59(b)). This letter incorporates our companion

Part 218 objection by reference where the two decisions overlap, particularly with respect to ESA Section 7 consultation timing, which bears directly on the wildlife-standard amendments addressed in Section I-C below.

The FEIS fails to resolve the substantive deficiencies we identified in our Draft EIS comments regarding these amendments – detailed below. We incorporate by reference all of our comments submitted on the Draft EIS (Commenter 457, comments 457.1–457.123) and object to the six Forest Plan amendments on the following grounds.

I. Inconsistency with the 1997 Targhee Forest Plan and Inadequate Justification for Plan Amendments (RTC 1.18, 3.3; comments 457.19, 457.50, 457.68, 457.76, 457.78, 457.84, 457.87, 457.122)

The Project requires six amendments to the 1997 Forest Plan, including changing Management Prescription 2.8.3 (Aquatic Protection) to Management Prescription 4.2 in environmentally sensitive areas. Our comments raised concerns that these amendments do not align with the Plan's original intent and that the scoping process for identifying them afforded limited public input. The FEIS's only substantive change in response was a clarifying sentence on pages 44 and 535–537 stating that Project Design Criteria and amendments "would be applied under all action alternatives," which does not address the underlying consistency concern. The Draft ROD itself concedes the underlying problem: it acknowledges that "several elements of the Selected Alternative will not fully meet the intent of certain guidelines in the 1997 Revised Targhee Forest Plan" (Draft ROD p. 6), notwithstanding "design features and mitigation measures to maintain or restore ecological structure where feasible." An agency concession that its own selected course of action will not fully meet existing Forest Plan guideline intent is, by definition, an admission of inconsistency that amendments and exemptions are being used to paper over rather than resolve. Under NFMA, project decisions must be consistent with the governing Forest Plan, and any amendment must be substantively justified, not merely clarified procedurally. The deficiencies in the agency's justification for these six amendments are detailed further below.

I-A. The Need for Five of the Six Forest Plan Amendments Was Not Disclosed During Scoping

Our concern that the scoping process afforded limited public input into the identification of these amendments is confirmed by the agency's own account of its process. FEIS Appendix C states that when the Notice of Intent for this project was published on August 26, 2020, "only one Forest Plan amendment was known to be needed for this project[:] the amendment of the management prescriptions," and that "[t]he other five Forest Plan amendments were not known to be needed at the time the Notice of Intent was published; the need for the amendments became apparent during the analysis process." No supplemental Notice of Intent or reopened scoping period accompanied this expansion of the decision from one Forest Plan amendment to six, even though the five wildlife-standard amendments were not disclosed to the public until the DEIS was published on March 21, 2025 – more than four and a half years after scoping closed. The underlying survey data the agency now cites to justify these amendments, including the 2019 detections of active American goshawk, boreal owl, and flammulated owl nesting territories within the project area, predates the Notice of Intent itself, which undercuts any suggestion that the need for these amendments could not reasonably have been identified at the outset of scoping. We request that the agency explain, in any Final ROD, the specific basis on which it determined that supplemental scoping was unnecessary notwithstanding this five-fold expansion of the Forest Plan amendments required for the Project. A complete chronology of this process is set forth in the Procedural Timeline below.

Procedural Timeline

The timeline below is drawn entirely from the Draft ROD and the FEIS, including FEIS Appendix C's own account of when each amendment's need was identified. It demonstrates that five of the six amendments were added to the scope of this federal action years after public scoping had closed, without any supplemental scoping notice, even though the data supporting those amendments substantially predates scoping.

Date	Event
2019 breeding season	CTNF biologists conduct field surveys detecting active American goshawk, boreal owl, and flammulated owl nesting territories within the project area — the same survey data later cited to justify the wildlife Forest Plan amendments (Draft ROD pp. 14–15).
February 2019	CTNF accepts GTR's 2018 Master Development Plan (acceptance of the MDP itself; does not constitute approval of individual projects) (Draft ROD p. 1).
August 26, 2020	Notice of Intent ("NOI") to prepare an EIS published in the Federal Register, opening scoping. Per FEIS Appendix C, "only one Forest Plan amendment was known to be needed for this project[:] the amendment of the management prescriptions. The other five Forest Plan amendments were not known to be needed at the time the Notice of Intent was published."
August–October 2020	45-day scoping period (extended from 30 days due to COVID-19); two web-based public scoping meetings held September 8 and 10, 2020. Scoping materials reflect only the single, programmatic management-prescription amendment identified in the NOI.
Nov. 23 & Dec. 11, 2020	Interdisciplinary Team meetings review the 1,338 substantive scoping comments (from 387 letters) and use them to inform development of alternatives. At this stage, the wildlife-standard amendments are still not part of the disclosed federal action.
Undated, "during the analysis process"	FEIS Appendix C states the need for the five wildlife Forest Plan amendments (goshawk area size, goshawk season, flammulated owl and boreal owl nest-site standards, falcon disturbance restriction) "became apparent during the analysis process," sometime between the close of scoping (Oct. 2020) and the issuance of the DEIS (March 2025). No supplemental NOI or reopened scoping period accompanied this expansion of the decision space.
March 21, 2025	Notice of Availability for the DEIS published, opening a 90-day public comment period — the first point at which the five wildlife Forest Plan amendments are disclosed to the public, approximately four and one-half years after the NOI and the close of scoping.
April 11, 2025	CEQ removes its NEPA implementing regulations (90 Fed. Reg. 10,610), a mid-process change in the governing legal framework occurring after scoping and during the open DEIS comment period.
May 29, 2025	U.S. Supreme Court decides Seven County Infrastructure Coalition v. Eagle County — mid-process, after scoping and only three weeks before the close of the DEIS comment period, leaving commenters no meaningful opportunity to address its effect on the agency's analysis.
June 20, 2025	Close of the 90-day DEIS comment period. 1,341 unique comment letters (including 544 form letters) received; 2,167 substantive comments extracted, including comments addressing the wildlife Forest Plan amendments.
May 20, 2026	Formal ESA Section 7 consultation with the U.S. Fish and Wildlife Service is initiated — eight days before the FEIS is finalized, and for a project the FEIS itself determines is "likely to adversely affect" the grizzly bear, North American wolverine, and whitebark pine.
May 28, 2026	FEIS finalized and issued.

May 2026	Draft ROD issued, approving the programmatic amendment and all five wildlife Forest Plan amendments — before Section 7 consultation has concluded and before any Biological Opinion has been issued.

I-B. The Programmatic Amendment's Significance Determination Does Not Satisfy 36 CFR § 219.13(b)(3)

36 C.F.R. 219.16(a)(2) provides that ['f]or a new plan, plan amendment, or a plan revision for which a draft environmental impact statement (EIS) is prepared, the comment period is at least 90 days, except for an amendment that applies only to one project or activity." Furthermore, 36 CFR 219.13(b)(3) provides: Amend the plan consistent with Forest Service NEPA procedures. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects. Except for an amendment that applies only to one project or activity, a proposed amendment that may create a significant environmental effect and thus requires preparation of an environmental impact statement is considered a significant change in the plan for the purposes of the NFMA and therefore requires a 90-day comment period for the proposed plan and draft environmental impact statement (§ 219.16(a)(2)), in addition to meeting the requirements of this section.

Here, the agency's NEPA documentation for the programmatic amendment is an EIS--necessarily so, since the 90-day comment period applied for the programmatic amendment portion of the DEIS. Therefore, the programmatic amendment is deemed a significant change in the plan for NFMA purposes. The programmatic amendment was afforded the exact procedural treatment for significant changes while finding no significance. The draft ROD, however, does not explain this.

The FEIS and Draft ROD support the conclusion that the programmatic amendment converting 694 acres from Management Prescription 2.1.2 and 2.8.3 to Management Prescription 4.2 is not “significant” for purposes of 36 CFR § 219.13(b)(3) by reference to a single metric: that the converted acreage is “less than a tenth of a percent” of the total acreage of the Caribou-Targhee National Forest (Draft ROD p. 19). Aquatic Influence Zone's are by definition a small fraction of any forest's acreage. A test that measures the significance of the loss of any acreage against the total forest acreage can never return a finding of significance – no Aquatic Influence Zone conversion of any size would likely clear a tenth of a percent. The Aquatic Influence Zone acreage loss should be compared to more meaningful metrics: the total Aquatic Influence Zone acres in the plan area; the Aquatic Influence Zone acreage within the affected 6th-field HUCs, and the total Management Prescription 2.8.3 acreage on the Teton Basin Ranger District.

Moreover, our DEIS comments identified the same underlying amendment, there described as approximately 741 acres under Management Prescription 2.1.2 and 125 acres under Management Prescription 2.8.3. Here, the FEIS has since consolidated these into a single 694-acre conversion figure. Neither the public nor the Responsible Official can evaluate the significance of eliminating an Aquatic Influence Zone designation without knowing how much Aquatic Influence Zone is being eliminated.

This bare ratio does not address the duration of the amendment, which the agency itself states will remain “in effect for the life of the current Forest Plan” (Draft ROD p. 19) – a permanent, indefinite land-allocation change, not a temporary or project-bounded one – nor does it address the qualitative significance of eliminating the Aquatic Influence Zone designation, whose stated purpose is to “minimize adverse effects to aquatic and riparian dependent species” from the converted acreage. A single forest-wide percentage, without more, does not satisfy the duration, ecological-sustainability-risk, and cumulative-relationship factors that 36 CFR § 219.13(b)(3) requires the Responsible Official to consider.

I-C. The Wildlife Forest Plan Amendments Are Inconsistent with NFMA's Diversity and Viability Mandate

The five project-specific Forest Plan amendments exempt the Project from standards protecting American goshawk, boreal owl, and flammulated owl nesting habitat, and peregrine falcon disturbance buffers – standards that implement

NFMA's mandate that Forest Plans "provide for diversity of plant and animal communities" 16 U.S.C. § 1604(g)(3)(B). These are not exemptions from generalized or unoccupied habitat protections: the FEIS documents an active American goshawk breeding pair occupying territory R04F15D56T17 for four consecutive years (2019–2022), two boreal owl nesting areas detected in 2019, and several flammulated owl nesting areas in the Mono Trees, Peaked, and Sacajawea terrain. The agency's own analysis concedes that the Project "could result in the abandonment of territory R04F15D56T17" – i.e., that the specific, identified population the underlying standard protects may be permanently displaced. The agency's no-loss-of-viability finding relies instead on forest-wide habitat totals (e.g., 266,224 acres of potential goshawk habitat across the Targhee Planning Area) without establishing that this habitat is accessible to, or a substitute for, the specific occupied territory being impacted. Nor does the FEIS analyze the cumulative effect of removing all five raptor-protective standards simultaneously within a single, geographically concentrated project area, as opposed to evaluating each amendment in isolation. As noted above, these amendments also cannot rationally be finalized until the ESA Section 7 consultation and Biological Opinion addressed in our companion Part 218 objection are complete, since the consultation directly concerns the same species and habitat these standards protect.

I-D. The Record Does Not Show That Design Alternatives Avoiding the Need for These Amendments Were Considered

The FEIS documents substantial project redesign undertaken to reduce impacts to other resources, including removal of the South Bowl East and South Bowl Connector Lifts and reduction of the South Bowl and Mono Trees boundaries. That redesign is affirmative evidence that the project layout was not fixed during the analysis, and that the Forest Service was both willing and able to relocate lift alignments and contract terrain boundaries when a resource concern warranted it. No comparable design-avoidance analysis appears in the record explaining whether realigning the Mono Trees Lift, the North Boundary Lift, or specific trail segments to avoid the documented goshawk nest area, the owl territories, or the falcon eyrie buffer was considered and rejected before resorting to standard exemption. This omission is conspicuous because these are among the most readily avoidable constraints in the project area: each are fixed and spatially discrete. Nothing in the record indicates that even a coarse alignment-sensitivity analysis was performed to determine how far the proposed infrastructure would have to move to achieve conformance. The agency's unexplained willingness to redesign around other resources while declining to test any redesign around Forest Plan wildlife standards is differential treatment of comparable concerns that the record does not rationally explain. See Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).

The regulatory framework compounds the problem. Section 219.15(c) sets out four available responses to a project inconsistent with the plan, and modifying the project to conform is the first. An amendment under § 219.15(c)(4) is a mechanism for departing from an otherwise-applicable Forest Plan standard; it is not a substitute for adequately demonstrating that the underlying inconsistency could not have been avoided through project design. Because the record contains no analysis of the modification option, the selection of amendment is a default rather than a reasoned choice among the alternatives the regulation supplies. The defect carries into NEPA as well: the FEIS analyzes no alternative that accomplishes the purpose and need without triggering the plan inconsistency, even though the agency's own redesign work establishes that avoidance is technically feasible.

I-E. The Aquatic Influence Zone Conversion Is in Tension with the FEIS's Clean Water Act Compliance Representations

The programmatic amendment formally removes the Management Prescription 2.8.3 Aquatic Influence Zone designation from the 694-acre conversion area, notwithstanding the FEIS's representation elsewhere that Clean Water Act compliance is achieved through Project Design Criteria and Best Management Practices applied within the converted Management Prescription 4.2 designation (see our companion Part 218 objection, Section V). The FEIS does not reconcile how the permanent removal of the protective AIZ designation itself – as opposed to mitigation measures applied after the fact – is consistent with the agency's representations of continuing aquatic resource protection.

I-F. The South Bowl and Mono Trees Boundary Reductions Were Not Subject to Supplemental Analysis or Public Comment

The Draft ROD reduces the South Bowl SUP boundary expansion from 266 to 235 acres and the Mono Trees expansion from 600 to 459 acres (Draft ROD pp. 5, 7) – reconfigurations that first appear in the Draft ROD itself, after the close of the DEIS comment period. While the Draft ROD asserts these reductions respond to "concerns raised by the public and other agencies," it does not identify any supplemental environmental analysis of the specific, newly drawn 235-acre and 459-acre boundaries, nor any opportunity for the public or cooperating agencies to comment on the environmental consequences of these specific configurations as opposed to the larger areas analyzed in the FEIS (266 acres and 600 acres, respectively). Our DEIS comments raised the SUP boundary expansion into South Bowl and Mono Trees generally; because the specific reduced footprints did not exist until the Draft ROD, this aspect of the objection arises from new information within the meaning of 36 CFR 219.54. Because these reduced boundaries define the precise footprint of the Management Prescription 4.2 conversion at issue in Sections I through I-E above, the agency's failure to subject them to supplemental analysis or comment directly affects the adequacy of the programmatic Forest Plan amendment.

I-G. The 36 CFR §§ 219.8–219.10 Consistency Findings Supporting the Programmatic Amendment Are Conclusory

The Draft ROD's evaluation of substantive requirements under 36 CFR §§ 219.8–219.10 (pp. 20–22) repeatedly states that impacts "will not be significant at the ecosystem scale due to the limited scope and scale of the approved management prescription conversion," without identifying the data, modeling, or analytic method by which "ecosystem scale" significance was assessed, or explaining why direct, indirect, and cumulative impacts to water resources, riparian areas, and ecological integrity acknowledged elsewhere in the FEIS (Sections 3.12–3.16) are nonetheless "negligible" (Draft ROD p. 20) at that scale. Each of the three sustainability subsections under § 219.8(a)(1)–(3) uses materially identical boilerplate language, suggesting the conclusions were not independently derived from resource-specific analysis. A finding that statutory and regulatory substantive requirements are satisfied must be supported by reasoned, resource-specific analysis in the record, not repeated conclusory assertions. This same defect underlies the Aquatic Influence Zone conversion addressed in Section I-E above, which is also inconsistent with the protective purpose of Executive Order 11990 (Protection of Wetlands) for the reasons stated there.

I-H. The Draft ROD's 10-Year Implementation Premise Is Unsupported and Further Undermines the Duration Analysis in Section I-B Above

The Draft ROD states that "implementation will occur over an approximately 10-year period from the time of approval," subject to capital availability, and "may be expedited or delayed based on economic conditions" (Appendix B). This premise matters directly to the significance determination addressed in Section I-B above, because the programmatic Forest Plan amendment converting 694 acres to Management Prescription 4.2 is approved to remain in effect "for the life of the current Forest Plan" (Draft ROD p. 19) — i.e., indefinitely, regardless of how long the underlying construction program actually takes. The 10-year figure is the only duration estimate the agency offers for the construction activity the amendment is meant to accommodate, and the record does not support that figure as realistic. Because this implementation timeline is stated for the first time in the Draft ROD's Appendix B and was not part of the DEIS on which we commented, this ground is properly raised here as new information within the meaning of 36 CFR 219.54(b).

Several constraints disclosed elsewhere in the same Draft ROD make the stated 10-year timeline optimistic on its face. Construction is confined to snow-free months and daylight hours (Appendix B, Construction Practices), a window of approximately five to six months per year. That window is further narrowed in the areas where the bulk of construction is concentrated (Mono Trees and South Bowl) by the seasonal vegetation-clearing restrictions the Draft ROD itself imposes as PDC for American goshawk (April 1–August 15), boreal owl (March 1–August 15), and flammulated owl (May 1–August 15) nest sites (Draft ROD pp. 19–20; Appendix C). Each construction season additionally requires a Forest Service-reviewed Construction Implementation Plan (Draft ROD p. 4), and several elements — new groundwater wells supplying the Fred's Mountain Top and Sacajawea facilities — require separate permitting from the Wyoming State Engineer's Office (Draft ROD pp. B-8 to B-9) that is not within the Forest Service's control and is not accounted for in the stated timeline.

The Draft ROD's implementation premise does not address how a 50-year special use authorization, built on a permanent land-allocation amendment, can be reconciled with a construction schedule the agency's own seasonal and permitting constraints make unlikely to be completed in the stated 10 years.

36 CFR § 219.13(b)(3) requires consideration of the duration of an amendment's effects. An amendment justified, in part, by reference to a 10-year construction and implementation program should not be treated as having a correspondingly bounded duration when the amendment itself is unconditional and indefinite — and when the underlying construction premise is unsupported by the agency's own disclosed seasonal and permitting constraints. We request that the Final ROD either substantiate the 10-year implementation estimate with a more specific construction sequencing plan accounting for these constraints or condition the duration or terms of the programmatic amendment on actual implementation progress rather than treating its indefinite, plan-life duration as already justified by referencing an unsupported 10-year figure.

I-I. The Draft ROD Fails to Apply 36 CFR § 219.8(a)(3) as Required by 36 CFR § 219.13(b)(5)

The Draft Record of Decision approves programmatic amendment, converting 694 acres from Management Prescription 2.1.2 (Visual Quality Maintenance) and Management Prescription 2.8.3 (Aquatic Influence Zone) to Management Prescription 4.2 (Special Use Permit Recreation Sites). Draft ROD p. [19]. The Draft ROD does not identify 36 CFR § 219.8(a)(3) as a substantive requirement directly related to the amendment, and it does not apply that requirement within the scope and scale of the amendment. This is inconsistent with 36 CFR § 219.13(b)(5).

Section 219.13(b)(5) requires the Responsible Official, for every plan amendment, to "[d]etermine which specific substantive requirement(s) within §§ 219.8 through 219.11 are directly related to the plan direction being added, modified, or removed by the amendment and apply such requirement(s) within the scope and scale of the amendment." Where an amendment reduces protection, the determination is mandatory: under § 219.13(b)(5)(ii)(A), the Responsible Official "must determine that a specific substantive requirement is directly related to the amendment . . . when the proposed amendment would substantially lessen protections for a specific resource or use." No presumption is available to the agency, whereas here, an EIS was prepared.

The plan direction removed by the programmatic amendment is the Aquatic Influence Zone prescription, the stated purpose of which is to "minimize adverse effects to aquatic and riparian dependent species." 1997 Revised Forest Plan. Removing that prescription from riparian ground and replacing it with a developed recreation prescription substantially lessens protections for a specific resource within the meaning of § 219.13(b)(5)(ii)(A). Section 219.8(a)(3) is therefore directly related , and the Responsible Official was obligated to apply it, which was not satisfied here.

While Section I-G above shows that the Draft ROD's general § 219.8 sustainability findings are conclusory boilerplate, that defect is distinct from the one raised here: a conclusory, forest-wide recitation of § 219.8(a)(1)–(3) is not the same as the amendment-specific determination that § 219.13(b)(5) separately and mandatorily requires, and the record does not show that the latter, distinct determination was ever performed for this amendment.

I-J. The Wildlife Standard Amendments Substitute Inadequate Mitigation for the Spatial Protections They Remove

The amendment does not simply excuse the Mono Trees Lift, North Boundary Lift, and associated trail development from the wildlife standard; it substitutes other mitigation for a spatial protection. The record does not demonstrate that the substitute is equivalent in effect (nor that it is enforceable), and on its face it is not. The standard operates by keeping disturbance and habitat alteration out of a defined area. The substituted measures operate on timing and observation, and lack defined triggers and committed management response. A seasonal restriction on construction activity does not address the permanent removal of nest and foraging habitat within the lift corridor and glading footprint, and it does not address the year-round recreational disturbance that a permanent lift alignment and skiable terrain introduce into an area the plan protects precisely because it was previously undisturbed. The FEIS does not analyze this mismatch in mechanism; it lists the measures and concludes that effects will be reduced to a level that is not significant. That is a conclusion, not an analysis, and it does not satisfy the requirement that mitigation be discussed in sufficient detail to permit an evaluation of whether it will actually be effective. See Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 (1989).

Requested Relief

For the reasons stated above, we respectfully request that the Reviewing Officer and Forest Supervisor:

1. Explain, consistent with FEIS Appendix C's own account, why no supplemental scoping was conducted before adding five new Forest Plan amendments to the decision more than four years after the Notice of Intent was published, and either conduct supplemental scoping or justify its omission on the record (see Section I-A above);
2. In the Final ROD, identify the specific date and basis on which the agency first determined that the five wildlife Forest Plan amendments would be necessary, and explain why that determination did not warrant supplemental public notice (see Section I-A above and the Procedural Timeline above);
3. Require the Final ROD to substantiate the stated 10-year implementation timeline with a construction sequencing plan that accounts for the seasonal vegetation-clearing restrictions and well-permitting requirements disclosed in the decision, or condition the duration of the programmatic Forest Plan amendment accordingly rather than treating it as indefinite (see Section I-H above);
4. Support the significance determination for the programmatic amendment under 36 CFR § 219.13(b)(3) with resource-specific analysis of duration, ecological-sustainability risk, and cumulative relationships, rather than a single forest-wide acreage percentage; and, in the alternative, limit the duration of the programmatic amendment and condition its continued effect on monitoring and periodic re-evaluation rather than authorizing an unconditional change for the life of the Forest Plan (see Section I-B above);
5. Explain why the Draft ROD affords the programmatic amendment the exact procedural treatment 36 CFR § 219.16(a)(2) reserves for changes “considered a significant change in the plan for the purposes of the NFMA” while simultaneously finding the amendment not significant, or treat the amendment as significant for purposes of 36 CFR § 219.13(b)(3) consistent with that procedural treatment (see Section I-B above);
6. Decline to approve the five wildlife-related Forest Plan amendments (American goshawk, boreal owl, and flammulated owl nest-site standards and the peregrine falcon disturbance restriction) absent record analysis showing that project design alternatives avoiding the underlying inconsistency were considered and rejected, and that forest-wide habitat totals are an adequate substitute for the specific occupied territories the amendments would exempt from protection, consistent with NFMA's diversity and viability mandate, 16 U.S.C. § 1604(g)(3)(B) (see Sections I-C and I-D above);
7. Require the Final ROD to demonstrate, with resource-specific analysis, that the mitigation measures substituted for the wildlife Forest Plan standards are equivalent in effect and enforceable, rather than concluding without analysis that effects will be reduced to a level that is not significant (see Section I-J above);
8. Decline to approve the five wildlife-related Forest Plan amendments until ESA Section 7 consultation has concluded and a Biological Opinion addressing the same species and habitat has been issued and incorporated into the record, consistent with the request made in our companion Part 218 objection (see Section I-C above);
9. Reconcile the permanent removal of the Management Prescription 2.8.3 Aquatic Influence Zone designation from the 694-acre conversion area with the FEIS's representations that Clean Water Act compliance is achieved through Project Design Criteria and Best Management Practices applied within the converted Management Prescription 4.2 designation, or condition approval of the conversion on a record showing that continuing Clean Water Act compliance does not depend on retaining the AIZ designation itself (see Section I-E above);

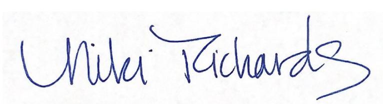
10. Disclose and subject to supplemental analysis or comment the specific South Bowl (235-acre) and Mono Trees (459-acre) boundary configurations that first appear in the Draft ROD, given that they define the footprint of the Management Prescription 4.2 conversion addressed above (see Section I-F above);
11. Support the §§ 219.8–219.10 substantive requirement findings for the programmatic amendment with resource-specific analysis rather than repeated boilerplate language, and reconcile the Aquatic Influence Zone conversion with Executive Order 11990 (see Section I-G above);
12. Determine and apply 36 CFR § 219.8(a)(3) as a substantive requirement directly related to the programmatic amendment, as mandatorily required by 36 CFR § 219.13(b)(5)(ii)(A) where an amendment substantially lessens protections for a specific resource, rather than relying on the general, forest-wide § 219.8 findings addressed above (see Section I-I above);
13. Provide a copy of, or an index and link to, the complete administrative record for this decision; and
14. Toll or extend this objection period, and the companion Part 218 objection period, until the Biological Opinion referenced in the FEIS has been issued and made part of the record, so that objectors may address its findings before either objection is finally resolved.

Note: A companion objection addressing the underlying project-level FEIS and Draft ROD has been separately submitted pursuant to 36 CFR Part 218, and is incorporated by reference where the two decisions overlap.

We reserve the right to supplement this objection consistent with applicable regulations and respectfully request that the Reviewing Officer instruct the Responsible Official to address each ground raised above prior to issuance of any Final Record of Decision.

We are available to discuss this objection and to participate in any objection resolution meeting convened under the applicable regulations. Thank you.

Respectfully,



Niki Richards
Valley Advocates for Responsible Development