

UNDISCLOSED PROJECT-LEVEL EFFECTS OF “NON-REGULATORY” SPECIES LISTS AND SWAP COORDINATION

Comment on the Blue Mountains Forest Plan Revision

Submitted by: ___Loren Stout_____

Date: ___8/27/_2026_____

This submission is intended as a substantive formal comment under 36 CFR 219.62 and requests specific disclosure, analysis, and corrective action.

The Forest Service’s description of the added species lists as “non-regulatory” is incomplete and potentially misleading. Although placing a species on a list may not directly close a road or prohibit a project, the list can become the basis for forest-plan standards, guidelines, habitat protections, surveys, buffers, seasonal restrictions, mitigation requirements, road closures or decommissioning, and modifications or cancellation of future projects.

These consequences could affect timber harvest, grazing, mineral exploration and development, recreation, fuels treatment, wildfire response, and public access. The Draft Environmental Impact Statement should analyze these reasonably foreseeable practical effects rather than relying on the narrow statement that the species lists themselves are non-regulatory.

The Forest Service has also not adequately disclosed whether Oregon’s State Wildlife Action Plan (SWAP), SWAP-funded information, recommendations from the U.S. Fish and Wildlife Service, or information supplied by participating nongovernmental organizations were used to select Species of Conservation Concern or develop associated plan provisions. Each program or list may be characterized separately as non-regulatory, while their combined use in federal planning and project review may produce substantial restrictions.

The Forest Service should explain how the U.S. Fish and Wildlife Service and the State of Oregon will use Forest Service Species of Conservation Concern, Oregon SWAP species, and associated habitat priorities during future project review. In particular, the following questions should be answered:

1. Which species would trigger formal Endangered Species Act consultation, and which species could instead result in informal consultation, technical assistance, inter-agency coordination, surveys, buffers, seasonal restrictions, mitigation requirements, road restrictions, or project modifications?
2. Did the Forest Service use Oregon’s SWAP, SWAP-funded data, U.S. Fish and Wildlife Service recommendations, or information provided by participating nongovernmental organizations to select any Species of Conservation Concern or develop associated standards and guidelines?
3. What consultation, coordination, or information exchange occurred among the Forest Service, U.S. Fish and Wildlife Service, Oregon agencies, and nongovernmental organizations concerning the added species and their habitat requirements?
4. Which specific forest-plan standards, guidelines, monitoring requirements, management-area provisions, or other components were derived from these species lists or outside recommendations?

5. Would recommendations from the U.S. Fish and Wildlife Service or the State of Oregon be mandatory or discretionary, what legal authority would support them, and which agency would make the final decision?
6. How could these provisions affect the timing, cost, access, feasibility, modification, or approval of timber, mining, grazing, fuels-management, recreation, and road projects under each alternative, particularly Alternative 3?

The Forest Service should provide a species-by-species crosswalk identifying the information source for each added species, the habitat concern attributed to it, and every resulting plan component. It should also disclose the relevant agency communications and analyze the direct, indirect, and cumulative project-level consequences of incorporating these priorities into the revised plans.

If this information is not presently available to the public, the Forest Service should provide it before issuing a final decision and allow a meaningful opportunity for public review and comment. Failure to disclose how these supposedly non-regulatory lists will be applied prevents the public from understanding the actual consequences of the proposed plan and comparing the alternatives meaningfully.

Requested Resolution

Revise or supplement the Draft EIS and proposed plans to provide the requested disclosures and effects analysis, clearly distinguish formal ESA consultation from other agency coordination, and identify safeguards preventing non-regulatory species lists from becoming undisclosed or unsupported barriers to lawful multiple-use activities and public access.