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First name: Phillip

Last name: Fenner

Organization:

Title:

Comments: Cynthia Sandeno

Acting Forest Supervisor,

Okanogan-Wenatchee National Forest

RE: COMMENTS OF THE NORTH CASCADES CONSERVATION COUNCIL ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE MIDNIGHT RESTORATION PROJECT

Sent Electronically To: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=63933>

Hand-Delivered To: Methow Valley Ranger District; 24 W. Chewuch Rd. Winthrop, WA 98862

May 15, 2024

Dear Acting Supervisor Sandeno:

These comments of the North Cascades Conservation Council ("NCCC") on the Midnight Restoration Project ("MRP") Draft Environmental Assessment ("DEA") comply with federal rules for submitting public comments on an environmental assessment, and are timely, delivered by the comment deadline of May 16. They have been sent to the electronic addresses provided in the Notice of Opportunity to Comment, and hand-delivered to the Methow Valley Ranger District office.

We incorporate by reference the comments submitted by the Hutchinson-Cox Law Firm, and the papers of the scientists who read the DEA on NCCC's behalf and offered substantial critique: Chad Hanson, Marni Koopman, Barry Gall, Evan Frost, and Ernie Niemi.

Regarding NCCC's standing, many of NCCC's 450 members visit the Twisp River Corridor to hike, camp, and engage in other outdoor activities. Several of our members have attended tours with Methow Valley Ranger District personnel including District Ranger Chris Furr. We've engaged in two personal meetings and three conference calls with district personnel and one with former Forest Supervisor Kristin Bail, and have exchanged a number of emails. All communications were in reference to the MRP. NCCC submitted Scoping comments on June 6, 2023. Our concerns with the MRP have been documented in detail since we first learned of the project on November 3, 2021.

The Midnight Comment Guide states that the Forest Service welcomes comments. Yet NCCC has concerns over the processes used to solicit and facilitate comments. The public notice published in the Wenatchee World newspaper, and the DEA, either do not present an electronic or postal address for where comments may be sent, or they're not clearly visible. Many of our members have notified us they either cannot open links, or download the DEA, or both. We found the web site for the MRP to be inoperable for an undetermined period beginning May 11.

We found that the reader cannot perform a search of the DEA to obtain information on a specific subject. Much of the information sought, for example, what data was used to determine historic conditions, either cannot be located, or is not disclosed. On that note, we present our comments.

A Brief Summary of Our Observations and Concerns

1)Actions included in the MRP DEA that we agree with.

- 2) The public process used to develop the MRP has been prejudicial and exclusive.
- 3) There is no risk assessment that describes the ecological and social impacts that might occur from MRP implementation, as opposed to a potential wildfire.
- 4) The suspension of existing federal rules is unjustified.
- 5) The benefits described in the MRP for combating climate change are not based on a credible analysis of climate benefits against its impacts.
- 6) The DEA proposes no updated, or new measures for preventing a human-caused wildfire.
- 7) The depiction of historic conditions is based on inadequate or missing information, and vast assumptions.
- 8) The recreation and economic analyses are flawed, and exaggerate MRP benefits while downplaying its potential impacts.
- 9) The DEA fails to disclose that the Mission Restoration Project, and the Twisp Restoration Project are actions connected to the MRP that will have cumulative impacts.
- 10) The analysis of potential impacts to the habitats of seven threatened and endangered species are inadequate or nonexistent.
- 11) General Concerns.

#### 1) Points of Agreement on DEA Proposed Actions

NCCC agrees with the proposal to permanently close the roads noted in the DEA, a combined total of 55.4 miles. We also agree with the decision to improve parking and access at Gilbert. However, we have an alternate proposal for management of the South Creek Trailhead, as described in the Methow Community Alternative (MCA). We support removing all vehicle access to the South Creek Trailhead via Road 4420 (also identified on maps as Roads 4430 and 4435) on the southwest-facing side of the Twisp River. The South Creek Trail would henceforth be accessed via the bridge at Mystery Campground, and the trail that would be designated on what is now Road 4420.

We concur with the prescribed burning and thinning proposed in the Wildland Urban Interface (WUI), but advise no pile burning, only broadcast burning, and burning only outside of inventoried and uninventoried roadless areas, and Late Successional Reserves. Thinning in the WUI should be limited to trees 10" dbh and under.

#### 2) The Public Process for Development of the MRP Has Been Inequitable and Undemocratic

The Purpose and Need for the MRP states that part of the purpose is to "involve the community" in the project. The public process implemented for the MRP clearly demonstrates the contrary. While we understand much work has been invested in preparing the MRP and the subsequent DEA by many people, the Forest Service's process for public outreach and opportunity to influence the Proposed Action and subsequently the Preferred Alternative has been flagrantly inequitable.

The DEA informs us that: "As a result [of the Cedar Creek Fire], an affected area of 53,009 acres was removed from the Twisp project and initially designated as the "Midnight Restoration Project" during this re-evaluation phase." The DEA does not describe this "initial designation," when it occurred, who was notified of the

designation, and how it influenced the MRP's Proposed Action.

**Time Allowed for Public Review:** Providing only 30 days for the public to review the DEA is unreasonably short, unless the Forest Service expects people to find enough time within a 30-day period to scrutinize hundreds of pages of technical documents, plus applicable laws and regulations. Moreover, the schedule noted in the Opportunity to Comment letter allows the Forest Service only about 40 days to read all public comments and make changes to the DEA prior to the estimated start of the Objection Period. This leaves the public with little or no reasonable opportunity to fully understand and influence the MRP. To the contrary, according to public records, members of the the North Central Washington Forest Health Collaborative (NCWFHC) were deeply involved in the development of the Proposed Action, and had 20 months to gain familiarity with the MRP before the rest of the public was informed of the existence of the MRP.

**Public Involvement:** The DEA states: "The Twisp project underwent extensive survey, analysis, public engagement, and modification prior to July 2021 when the Cedar Creek Fire burned into portions of the project area." We dispute the claim of extensive public engagement. The Forest Service refused to open a public comment period after the decision to change the original Twisp Project area, and failed to reveal its intention to create the Midnight Project Proposed Action. The public was not notified of the existence of Midnight until after the Forest Service had sat in dozens of closed sessions with the NCWFHC, according to the available NCWFHC meeting minutes. There was no public engagement regarding the decision to segment the Twisp Restoration Project after the Cedar Creek Fire.

We also question why the change in the original Twisp Restoration Project excluded 53,009 acres from the project area, when the Cedar Creek Fire impacted only 10,600 acres.

**Public Notification of the Draft EA:** The majority of the people who will be impacted most by the MRP live in the Methow Valley. It strains the imagination to understand why sending the official public notice only to the Wenatchee World, and not to the Methow Valley News, which is read by far more people locally, could not be accommodated. All it would take is one additional email address added to the Notice. This implies that the Forest Service is only interested in meeting the bare minimum requirements of the law with only limited consideration for the Methow Valley Community.

**Process for Comments:** The Notice of Opportunity to Comment states: "To meet public notification requirements of the amended Planning Rule at 36 CFR 219.16 related to Forest Plan amendments, the Okanogan-Wenatchee NF is providing a 30-day designated opportunity for the public to provide written comments (36 CFR 218.5(a)) on the analysis of proposed amendments, including substantive planning rule provisions that apply."

This implies that there are separate comment periods for the Forest Plan amendments, and the DEA, and that there will be a forthcoming separate comment period for the DEA. This is one of several confusing statements in the DEA and Notice of Opportunity to Comment. In addition, the DEA is listed as a "preliminary" Draft EA. We're never heard of this term, and it implies there is another Draft EA forthcoming.

**Public Involvement in Project Development:** The Forest Service covertly chose which publics it would work with to develop the Proposed Action for the MRP, and denied access to information and influence to NCCC. The twenty two companies, organizations and governments that are members of the NCWFHC were not only given privileged access to MRP, but assisted in its development, while NCCC's requests to be involved were rejected.

This is the very definition of the unfair process the 2009 Collaborative Act and the Federal Advisory Committee Act were intended to prevent. By deliberate exclusion of specific publics who in good faith asked to be a part of the project development process, and the minimal comment periods, the Forest Service has dictated a confrontational process whereby the only opportunity to genuinely influence the project from publics outside the NCWFHC is the expensive and time-consuming processes of submitting an objection and, if no relief is provided,

pursuing litigation.

**The NCWFHC as a Federal Advisory Committee:** We believe the NCWFHC is in fact acting as a Federal Advisory Committee. The Forest Service's outreach announcing its intent to develop the MRP went exclusively to the Collaborative. NCWFHC co-chair reasons Mike Anderson noted on November 3, 2021, "The Forest Service came to us and asked us to assist with the development of the Midnight Restoration Project." This initial approach of the Forest Service to only the Collaborative indicates the process for the MRP has been initiated and overseen by the Forest Service. Forest Service officials were in attendance at most or all meetings of the Collaborative, working on the design of the project it took the lead in developing. NCCC only discovered the existence of Midnight by happenstance, and as noted, our request to thereafter be involved in the development of the MRP was denied.

**The NCWFHC and Transparency:** We could not locate the specifics of NCWFHC involvement in the development of the MRP in the DEA, only mention of the Collaborative in the Consultation section. In fact, the NCWFHC developed the basis for the prescriptions and other important aspects of the MRP. It worked directly with the Forest Service for 20 months to create the MRP's content. This fact should be disclosed in the DEA, as should the fact that other publics were excluded.

We also note the refusal of the NCWFHC to communicate with NCCC. We were informed by Co-Chair Mike Anderson that he would no longer communicate with us. We have written two letters to the Collaborative, and neither were answered. This violates the requirement of the Collaborative Act that all Collaboratives must engage in a "transparent" process. Again, the Forest Service and the NCWFHC are responsible for the confrontational climate that now exists.

We have documented all of the actions, conversations, and events involving public process for the MRP that reflect the inequitable and unfair public engagement. This record reflects a process that does not stand up to any standard of fairness that should be expected of a federal agency. Yet the Forest Service has never shown any willingness, despite repeated objections, to pursue a democratic process with equal opportunity for all publics to be involved in MRP development.

**Exclusion of Offered Alternatives:** As previously noted, NCCC submitted the Methow Community Alternative for inclusion and analysis in the Twisp Restoration Project, and twice for the DEA. It was dismissed with the statement, "In general, the proposed actions in this alternative [the MCA] did not meet the definition of a reasonable alternative because they were outside the scope of, and/or did not meet project needs for the Midnight Restoration Project's Purpose and Needs for the Proposed Action."

The MCA would address all purposes and needs as they are stated in the DEA. It would move current vegetation structure, spatial patterns, and composition toward what the Forest Service refers to as "desired reference conditions," in the areas it proposes for treatment. It would protect and maintain wildlife habitat and complex forest dynamics in strategic places by changing the forest structure in some areas to pursue wildfire risk reduction, and allowing only natural forces to affect existing habitat in others. It would maintain an affordable, safe, and efficient transportation system, reduce sedimentation from roads on National Forest System lands by converting Road 4420 to a trail, in addition to the roads proposed for closure in the DEA. It would reduce fire risk to communities by implementing an improved prevention program, and closing the roads noted above. It would reduce hazards along ingress/egress routes by thinning and prescribed burning along roads closest to private property, and improve firefighting effectiveness within and adjacent to the wildland-urban interface by strengthening the local firefighting infrastructure.

The DEA concludes that the MCA is: "...outside of the scope of this project, used inaccurate information, and/or lacked project-specific information to provide a basis for the need." We request a detailed description of these allegations, particularly that we used inaccurate information. The DEA should have described these allegations.

Why is the MCA outside the scope of the MRP? Where is the allegedly inaccurate information? What project-specific information was lacking?

It is the Forest Service's burden to establish that an alternative offered by outside parties, or internally by the agency itself, is not reasonable. The agency's unwillingness to work with NCCC as it did with the NCWFHC in considering alternatives renders the rationale for refusing it baseless. District staff could have notified NCCC that our alternative needed adjustments to be considered within the scope of the MRP. Our consistent outreach to Ranger Furr regarding notification of, and amendments to our alternative, left an open door to such notification. However, we were never contacted, only denied out-of-hand.

Further, the reasons given for rejection of the MCA assume that any alternative submitted must comply with the Purpose and Need as presented by the Forest Service in the DEA, or any predetermined Purpose and Need established either in the scoping process, or the Draft EA. This puts the cart before the horse. Development of the Purpose and Need is part of the NEPA process, and should allow for public involvement the same as any other aspect of the project. There is no legal requirement that we know of for any alternative to meet a predetermined Purpose and Need that was developed independently, while requests for involvement at the ground level was denied. If there is a legal requirement, it must be disclosed in the Final EA.

As noted, the MRP Purpose and Need was developed in the Proposed Action, which was established covertly with the NCWFHC. It was not publicly disclosed until after the MCA was first developed. There was no opportunity for NCCC to influence the Proposed Action and subsequently the Purpose and Need.

The MCA describes a revised Purpose and Need. It should be considered legitimate since it presumes a fair process whereby all publics, not exclusively the members of the NCWFHC, should be allowed to participate in the development the Proposed Action, and by connection the Purpose and Need.

### 3) The DEA Offers No Risk Assessment

The basis for the MRP's proposed activities is to undertake actions that dramatically alter forest structure to prevent, or render less intense, a supposedly imminent and destructive wildfire. The chances such a fire may occur must be quantified, and contrasted with the potential damage to forest resources that would occur from implementation of the MRP.

The Forest Service should establish a risk assessment that describes the probability that a destructive wildfire will occur during the time frame that the project's alleged benefits would either prevent it, or render such a fire less intense.

The final EA should present documented examples of forest management activities that prevented or minimized a fire, affected fire spread or intensity, and that such fires were affected by the management actions, not firefighting efforts. It should also present examples where fuels reduction projects using logging failed to impact the spread or intensity of a wildfire.

The Forest Service should: (a) present the rationale for assuming a destructive wildfire will occur, explaining the "not if, but when" philosophy; (b) establish when such a fire might occur and if it would be within the time frame of MRP effectiveness; (c) determine the probability the expected fire will be unusual or destructive, threaten communities and decrease old growth forest habitat; (d) examine the chances that an expected fire will not be one that benefits the ecosystem; (e) quantify the chances that present firefighting infrastructure may stop, or decrease the spread and intensity of the anticipated fire.

The information above should be measured against the ecological impacts that could or would occur with implementation of the MRP over the time frame from when project implementation occurs, to when its possible

benefits would expire.

The risk assessment should also contrast the effects of both wildfires of varying scope and intensity, and the logging prescribed in the MRP, both positive and negative. For example, impacts or benefits of each toward forest fish and wildlife habitat, effects on soils and water quality, climate change effects, and disturbance of vegetation other than trees.

Without a risk assessment, the projected benefits, and possible adverse effects of the MRP would not be quantified so that it could be compared with the benefits and possible adverse effects of a wildfire. The present analysis does not establish the MRP's effectiveness, and are based solely on speculation, not facts.

#### 4) The Proposed 'Suspension' of Administrative and Legal Directives is Not Authorized

The Notice of Opportunity to Comment states: "Treatments [logging and burning] are proposed in Forest Plan Old Growth, Late Successional Reserves, Riparian Reserves, and the Sawtooth Inventoried Roadless Area...(T)he proposal for the Midnight Restoration Project includes project-specific amendments that would temporarily suspend specific Standards and Guidelines in the Okanogan National Forest Land and Resource Management Plan (Forest Plan) and Northwest Forest Plan (NWFP)."

There is no legal basis for the "suspension" of these rules. Doing so would directly impact wildlife and plant species that require complex forest stand structure, and which the rules proposed for suspension were intended to protect. Specifically, it will directly impact marten and fisher. A fisher was sighted and photographed in the project area in April, 2024.

Roadless Area Rule: The DEA proposal to temporarily suspend" the directives of the Roadless Area Policy is unsupported by any rule or precedent we are aware of. This policy is codified in the Code of Federal Regulations. It prohibits road construction, road reconstruction, or timber harvesting activities, except in the event of "...an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property." Its temporary suspension would be a direct violation of the rule, since MRP implementation would result in irreversible actions.

The DEA fails to establish that a wildfire is "imminent." The Webster's Dictionary defines "imminent" as an event "near at hand," or "likely to occur at any moment." Predicting a wildfire without providing a time frame based on analysis of studies or other pertinent information, is arbitrary. "Imminent" in this context should be construed to mean that ongoing or proposed human activities are what pose a threat, not unpredictable natural events.

Northwest Forest Plan: The NWFP dictates that: "[A]ctivities in older stands may be appropriate [only] if: (1) the proposed management activities will clearly result in greater assurance of long-term maintenance of habitat, (2) the activities are clearly needed to reduce risks, and (3) the activities will not prevent the Late-Successional Reserves from playing an effective role in the objectives for which they were established."

The DEA fails at these tests, which is likely why the DEA proposal is to suspend this rule. There is no scientific proof that the proposed management activities, logging and burning, will clearly result in the long-term maintenance of habitat unless infringing on, and changing the habitat to guard against an impossible-to-predict event is legal. It is not. The "risk" described in the NWFP seems to indicate a foreseeable risk. An unusual wildfire is not a risk that can be quantified. The MRP would prevent LSR's from playing an effective role in the Plan's objectives because it allows cutting trees up to 20," and 24.9" under vague circumstances.

The Ongoing Northwest Forest Plan Revision: A Federal Advisory Committee has been assembled to amend the NWFP. By what logic does the Forest Service propose to temporarily suspend the directives of the present NWFP in order to authorize a single project, and not wait until NWFP amendments are complete?

With the upcoming NWFP amendments, its directives will likely be changed. Will the Forest Service then temporarily suspend the new NWFP to authorize the MRP? Why is it unreasonable to instead suspend the MRP to wait for the NWFP amendments?

The proposed suspension of the Roadless Area and NWFP rules would be an arbitrary action that, based on Forest Service rationale in the DEA, may be applied at will to void any legally-required constraints placed upon agency actions in any project. If there is precedent for this suspect temporary suspension proposal, it must be disclosed.

The DEA describes impacts on LSR's via the prescription as: "In LSRs, no live or dead trees 21.0-24.9 inches dbh would be cut, except: 1) Where a stand exceeds the minimum density objectives for trees >20 inches dbh as described in the Restoration Strategy (USDA Forest Service, 2012); 17 TPA in stem exclusion open canopy and stem exclusion closed canopy, or 11 TPA in young forest multi-story and understory reinitiation); 2) Where needed to meet ecologically based structural, composition, or spatial pattern objectives; and 3) If the trees meet hazard tree criteria or as necessary for safe operation."

We request the Forest Service explain how anyone but a person educated in forestry could understand this statement. We perceive it to mean that in LSR's, trees of any size over 24.9" dbh can be removed under certain (vague) circumstances. This is an open-ended directive that renders void the protection of old growth forests in LSR's. Even trees up to 24.9" could fit the description of old growth, depending on their age. The allowance of logging medium-sized trees up to 24.9" dbh to meet an arbitrary "density" objective is not supported by science. It appears to be a commercial objective for the described production of sawtimber in the DEA that flies in the face of responsible management of old growth forests.

There should be no logging of any kind in LSR's, because the justification for its "suspension" is unauthorized, and because the need for it has not been established in the DEA, and there is no scientific consensus regarding logging medium-sized trees to protect old growth forests from fires or anything else.

Consideration of Scientific Studies and Forest Plan Amendments: The proposed Forest Plan amendment states: "Research since the 1989 Forest Plan found that selective thinning and prescribed fire helps sustain old-growth stands by reducing the potential for stand-replacing wildfires..."

This apparently undisclosed research would likely be contradicted by a number of studies, including: "Have western USA Fire Suppression and Megafire Active Management Approaches Become a Contemporary Sisyphus?" by DellaSala, et-al. and, "Does Increased Forest Protection Correspond to Higher Fire Severity in Frequent-Fire Forests of the Western United States?" by Bradley, et-al. Plus, "Does Increased Forest Protection Correspond to Higher Fire Severity in Frequent-Fire Forests of the Western United States?" by Odion, et-al. Finally, "Severe Fire Weather and Intensive Forest Management Increase Fire Severity in a Multi-Ownership Landscape" by Zaid and Dunn.

The exclusion of these and other studies for consideration in amending the Forest Plan Old Growth Allocation and Riparian Reserves, represents cherry-picking of studies that support the Preferred Alternative, and excludes contrary studies. This renders the justification for the MRP arbitrary and capricious.

If the 35 year-old Okanogan-Wenatchee Plan is outdated (it is), the entire plan should be revised, not repeatedly amended. There is no disclosure of how many times the Plan's old growth allocation has been amended, and thus, the entire Plan is outdated, and its revision in an EIS is required prior to implementing the MRP.

No scientific consensus exists as to the effectiveness of logging to protect ancient forest stands, or prevent alleged "unusual" wildfires. There is no disclosure we could find in the DEA that describes examples of where

logging positively, or negatively affects wildfire. Moreover, the DEA must establish that the removal of medium-sized trees will protect larger trees without impacting complex forest structure that provides important habitats; that it will not exacerbate the chances of massive blowdown; and will not result in fire-prone, even-aged stands in the future by removing the old growth trees that will in time replace the existing stands.

**Stand Replacement Fires:** There have always been stand-replacement fires in the Methow Ranger District, and according to the study titled: "Contemporary Wildfires Are Not More Severe Than Historical Fires in Western United States Dry Forests" by William L. Baker, stand replacement fires are not above the historical average. The burden is on the Forest Service to prove otherwise. Claiming such fires can be prevented or their severity can be decreased with logging does not stand up to research, or reason. Again, the Forest Service is proceeding with a definite impact allegedly to prevent an unpredictable event where the scientific validation is disputed.

**Suspension of Forest Protection Rules:** For decades, forest advocates have worked hard to protect what's left of ancient forest on public land. The past timber sale programs (that are referred to as "past management activities") of the Forest Service severely depleted this habitat. The MRP proposes to toss aside these supposed guarantees for protecting irreplaceable resources, and proceeding to engage in the same activity-commercial logging-that degraded the resource and inspired the need for the protections in the first place.

#### 5) Project Influence Over Climate Change is Misrepresented

The Purpose and Need for the MRP claim the project is designed to reduce climate change impacts. However, the DEA fails to provide a scientifically-justified estimate of the reduction in carbon storage that would occur given the removal of 69 million board feet of timber. It also fails to quantify the carbon discharge that would result from MRP implementation. It bases the claim that the removal of forest will combat climate change on the pronouncement that wildfires which may decrease carbon storage will allegedly be decreased in frequency and intensity. We know carbon storage will be reduced due to the project based on a wide body of science, carbon discharge will be increased, and reduced carbon storage might occur if a large wildfire were to break out.

**Predicting Natural Wildfire Events:** The Forest Service has not established it can accurately predict in the long-term when wildfires will occur, how expansive or intense they will be, whether they will reduce carbon storage, or whether modern firefighting efforts could prevent the spread and intensity of fires. Nor does the DEA propose to reduce the risk of human-caused fires.

The claim that the MRP would combat climate change is purely speculative. It is not based on the aforementioned risk assessment that measures the probability of a wildfire that might reduce carbon storage versus the loss of carbon sequestration and increase in carbon discharge that would unquestionably occur via MRP implementation. The DEA also does not quantify the carbon loss that would occur in a wildfire.

Logic justifies that naturally-ignited wildfires are a part of forest evolution, even stand-replacement fires, which are not increasing in frequency. The DEA also provides no articulation of how a balance between allowing fire to perform its natural and necessary role in ecosystem evolution, and prevention of large wildfires will be struck.

There is ample reason to believe that a wildfire occurring in the project area could be a low-intensity fire that would do the job wildfires have always done, shape the ecosystem in a positive way.

In general, the contention that climate change will be mitigated by the MRP cannot be quantified because the progression of climate change, whether it will continue to get worse, or if ongoing carbon reduction measures may positively affect it, cannot presently be determined. Thus, the DEA assumptions are slanted toward the unproven supposition that wildfire would have a negative impact on climate change, and the proposed logging will not.



## 6) The MRP Proposes No Updated Fire Prevention Program

The University of Colorado, Boulder's Earth Lab uses Forest Service data to conclude that 84 percent of wildfires are human-caused. Recently in the Methow Watershed, the expansive Diamond Creek, and Cub2 Wildfires were human-caused. Yet the DEA proposes virtually no program to initiate new measures or improve existing measures for the prevention of human-caused fires. However, the MCA proposes extensive measures for preventing human-caused fires.

Prevention Measures: Such actions might include, but are not limited to: (a) increased patrols during times of high fire danger in areas where most recreation use occurs. (b) Making pamphlets designed for the recreating public that warn of the dangers of wildfire and outline measures to prevent them, mandatory. These could be available at the ranger station, at local venues, at all trailheads and campgrounds. (c) Increased and more definitively-worded signage along travel routes and at all Forest Service facilities. (d) suspending all industrial activities when fire season begins. (e) Developing an improved policy for managing prescribed burns.

Prescribed Burning: The DEA fails to assess the potential impacts of a wildfire that could result from prescribed burning. The 341,000-acre Calf Canyon/Hermits Peak Fire, and the Cerro Pelado Fire in New Mexico were among several recently caused by Forest Service prescribed burns. The DEA should include measures for human-caused wildfire prevention either in the Preferred Alternative, or through an alternative that focuses more on prevention than the MRP-proposed ecosystem reconstruction.

## 7) The DEA's Depiction of "Historic Conditions" is Not Justified

The "Purpose and Need" for the MRP states in part, "The Midnight Restoration Project area has several vegetation characteristics that are currently departed from the desired conditions that would be resilient to disturbances, such as wildfire, insects and disease, and the effects of climate change. Landscape-level assessments show that the structure of stands, their spatial patterns, and fuel loads currently favor larger, more severe disturbances relative to historical baselines and impede adaptation to climate change. Restoration toward desired conditions would promote a resilient landscape, help protect key resources, and reduce risks to communities, forest visitors, and wildland firefighters, while also providing an opportunity to involve the community..."

Historic Baselines: We do not accept the contention that the present structure of timber stands is facilitating the chance of larger and more severe disturbances relative to "historic baselines," because there is not enough information to determine what historic baselines are.

We could not locate information in the DEA that explains how the historical baselines used in the DEA were established. Whatever information is used, the presentation of these baselines as a snapshot of conditions that existed since the settlement era, and within the time frame where data could have been documented, does not reflect the fact that forest ecosystems are dynamic, and constantly changing. The present condition may have existed many times in the past due to changing climactic conditions and thus, could be considered natural. Information from a single point in time fails to show a forest condition that would be expected to remain constant. The forests of the project area have been evolving and changing for an estimated 12,500 years since the retreat of the last major ice age, and presumably, fires of varying intensity have always occurred.

Static Forest Conditions: NCCC disputes the contention there is a static overall condition that should exist throughout the entire forest ecosystem of the Twisp River Watershed over the long term. Again, the DEA fails to note how the presumed "desirable" condition will be maintained over time once the MRP is completed. In fact, during the virtual presentation to receive input on the MRP, Forest Service, project manager Meg Trebon disclosed that the forest will need "continued maintenance."

The EA explains, "No administrative action in a dynamic ecosystem does not imply that forest processes remain static." This stands the presentation of a dynamic ecosystem on its head. We already know forests change, and that natural forces are always at work, while the Preferred Alternative purports to create a condition that is presumed to remain static. The Forest Service must disclose future actions that will be needed to maintain the changed condition, because they are foreseeable future actions, whether they are specified or not.

We also note that the DEA analysis does not identify where there are no unusually dense stands, and which dense stands were created by fire suppression and past logging, and which are natural. Some dense stands are always present and provide important habitats.

Further Climate Change Considerations: It is established science that climate change has altered the entire fire/forest equation. Whether the conditions that exist now are, or are not caused by climate change cannot be determined. The MRP cannot be expected to mitigate existing or future climate change because the future impacts of climate change cannot be determined.

Insects and Disease: We further dispute that the alleged static condition the MRP proposes to create would be resilient to wildfire, insects, and disease. These are aspects of forest succession that cannot be predicted. All are factors that have shaped Twisp Watershed's forests for millennia.

The Forest Service must establish these are not essential components of overall forest health, or are undesirable based on scientific validation. It appears the rationale given in the DEA for "improving" the forest via logging is that a healthy forest is a forest where all the trees are "healthy," and where no disease, or supposedly destructive insects are present. This assumption is contradicted by a wide body of science. The DEA should show that there is presently an unnatural occurrence of these factors in order to justify the MRP.

The scientific evidence to suggest that fire suppression has resulted in an unbalanced condition to the degree where logging is allegedly necessary to temporarily adjust the condition, or that logging can replace the role of wildfire, is scant and at best, disputed. Modern wildfire suppression with aircraft has been occurring only post World War II, and has not suppressed all fires. When this fire suppression time frame is considered against the time frame of wildfire frequency common to Twisp forests, the indication is that fire suppression has not had a major impact on forest conditions.

Overstocked Stands: The DEA states: "Stand density in both overstocked young stands (presently 39% of the project area) and other stands would continue to increase causing greater competition and stress on all trees." Again, the need of some species of wildlife for dense stands is disregarded. "Overstocked stands" is a forestry term, not an ecological term. It passes judgement on natural forest evolution, disregarding that natural fire will reduce dense stands over time.

#### 8) The DEA Economic and Recreational Analyses are Flawed

As stated in the "No-Action" Alternative: "...recreation resources would remain vulnerable to the effects of uncharacteristic wildfires in the future." The theme throughout the DEA with regard to recreation and economic impacts is the supposedly-imminent, "uncharacteristic" wildfire that would negatively impact them.

Impact on Recreation Resources: The speculation about wildfire frequency, "uncharacteristic wildfires," and the impacts of a fire to the recreation resources of the area, are not explained in any detail. We could not find where the DEA explains what structures might be impacted, or what their value is. It apparently fails to disclose whether recreation users will be significantly affected by the supposedly imminent fire's impacts on facilities, including roads and trails, or why recreating in or around an area affected by fire is undesirable. The Twisp Corridor is extremely popular with recreation users, with its seven campgrounds and nine trailheads. The impacts to these facilities of the logging in their general vicinity is brushed off.

Again, these assumptions need to be quantified by an analysis that measures the possibility of such an uncharacteristic wildfire, and the supposed damage that may occur, versus the damage that will occur due to the logging and prescribed burning that's proposed in the MRP. Further, the public perception of whether a wildfire is more disruptive to recreation use than a major logging operation should be determined.

The DEA appears not to consider that with the No Action Alternative, the present and often-effective firefighting capabilities that could reduce or eliminate its impacts on recreation and the local economy, would still be in place. In addition, we could find no notation that the chances a wildfire would occur are increased due to fire being ignited by the logging operation. The assumption that a naturally-ignited fire would be destructive to existing recreation use, and recreation facilities is not justified.

Existing Economic Analysis: The analysis of the impacts to recreation and the local economy of MRP activities,

and the supposed economic benefits, are apparently based on an economic model that ignores a highly pertinent recent study: the 2021 economic study of the Methow Valley authorized by TwispWorks.

This study accounts for outdoor recreation-based tourism as constituting 25 percent of the Methow Valley economy. The income generated by forest management or related activities was apparently not significant enough to warrant mention. The study also indicates the importance of environmental quality among the people locating to the Valley-environmental concerns outranked social concerns five-to one.

Impacts of the MRP on Recreation Use: The DEA's proposed long-term logging and burning, and other ground-disturbing activities will create dust, disturb soils, reduce ground vegetation, and remove standing trees. It will create mechanical noise, and authorize industrial activities including timber falling, log skidding, slash piling, and log truck traffic. The impact of these human activities on, for example, the use of trailheads, campgrounds, sightseeing, mushrooming and birdwatching in the Twisp Corridor are not quantified.

The DEA contention that, "Other recreation activities, such as hiking, camping, hunting, horseback riding, and mushroom hunting, would continue under this [Preferred] alternative, though there could be some disruptions during implementation." The determination of what constitutes "some disruption" is not documented and seems a vast understatement. The post-implementation impacts of the project's transformation of the forest from a natural setting to a forest where intensive logging occurred, is not explained.

The DEA continues: "The Proposed Action would have no substantial effect on recreation resources." It goes on to state that, "Implementation of the Proposed Action would have mostly short-term adverse effects on recreation." Yet there is no disclosure of the reality that most recreation users who hike and camp likely prefer a natural setting that would be severely disrupted by the MRP, with the resulting long-term impacts of slash piles, skid trails, stumps, and loss of flora diversity post-project. The DEA presents no data that justifies this statement.

These statements must be validated by a recreation use analysis. The DEA does not disclose the recreation use that occurs in natural, or predominantly natural areas, versus areas that have been logged. The impacts of the logging operation would be far longer than "short-term."

The potential decrease in the income to local businesses derived from outdoor recreation, and the tourist dollars they depend on, must be analyzed.

Recreation Facility Improvements: The vague disclosure of recreation impacts suggests that recreation use under the no-action alternative would be negatively impacted because the parking areas at Gilbert and South Creek Trailheads would not be improved. This supposes that these improvements would not be possible without all the actions prescribed in the Preferred Alternative. It raises the question of why there is no alternative that would allow for these recreation improvements without implementing the other aspects, or some of the other aspects, of the MRP that would degrade the recreation resource. This again speaks to the need for multiple alternatives.

Scenic Impacts: Under impacts on scenic resources, the DEA states, "With no action, existing scenic resources on NFS lands would remain at their current quantity and quality levels. This includes maintaining denser forest conditions, which are more susceptible to moderate- to high-severity wildfires common to the project area, and which are more likely to substantially alter scenery in scenic travel corridors, recreation use areas, and viewsheds." Again, the qualifying statement added at the end of this proclamation prejudices the No-Action Alternative via the undocumented assumption that an uncharacteristic wildfire will occur, and that it will adversely impact scenery.

The following statement demands an explanation: "With the Proposed Action and project design features applied, the amount of change seen on the landscape and/or any given viewshed, would not alter scenery as viewed from sensitive travel corridors and recreation use areas in the long term (>25 years) and would minimize the impact of

management activities to the viewer. The project area would continue to have a forested environment with natural- appearing to slightly altered landscape character in the long term."

Where is the documentation to explain the MRP would result in a "slightly altered landscape." These statements seem to draw from vast assumptions about how the public values scenery, and what constitutes desirable scenic qualities, or undesirable conditions. It downplays the impacts of a large-scale logging operation on scenery. This is belied by the conditions created by recent logging on the Mission Project, which mirrors the treatments proposed in the MRP, which has seriously damaged the viewshed.

A (presumed) wildfire would present varying levels of burning, an effect common to all forests, and should not be considered detrimental. Once again, there appears to be no information to support the judgment of wildfire undesirability via surveys or other verifiable information. There should be a citation of research that indicates recreation users are more disturbed by fire-influenced landscapes than logged landscapes.

Direct Economic Effects: In the economics section, the curious statement that "Alternative 1 [no action] would have no positive direct financial effects [on economics]" implies that not implementing the project would damage the local economy. Yet this does not confirm that implementing the MRP would help, or not damage the local economy.

The DEA's statement that, "With no action, there would be no mitigation of undesirable future condition effects," is another unjustified assumption about that supposed future fire and its supposed impending negative impacts. This seems a draconian reference to the alleged undesirability of leaving the area alone to produce the same recreational enjoyment it always has, and that a wildfire would create undesirable impacts.

Presentation of Economic Benefits: The DEA claims that having no money generated from timber sales via the no-action alternative will result in a negative economic impact, and that the proposed timber sales will "create and maintain" jobs. A proposed activity that could provide jobs differs significantly from jobs and income that would be lost. The local economy does not presume large logging operations will occur, and that if they do not occur, there will be an overall loss, particularly with consideration for the loss of recreation opportunities and recreation-based income.

This assumption fails to consider that the local workforce that might be involved in MRP-enabled activities would likely continue working whether the MRP is implemented or not. In particular, we note the many Washington State DNR logging projects ongoing, and in the planning phase, and the work available via fuels reduction work on private property. Further, the DEA fails to consider that the work which would be created by an alternative that would not involve the intensity of logging that is proposed in the only action alternative, would produce the same number of jobs. Work that involves contracts for thinning, prescribed burning, lopping, limbing, and other more holistic forest management actions, would likely be filled by local small businesses.

The DEA does not give credence to a number of variables that would have a direct effect on the economic assumptions. There is no guarantee that a local company will receive the logging contract, and there are no sawmills in the Methow Valley. The MRP would result in a decrease in recreation facilities based on the rationale that recreation users would find the use of these facilities in the Twisp Corridor undesirable during, and after a major logging operation, thus negatively impacting the recreation-based economy.

The removal of 69 million board feet of timber from the Twisp Watershed, plus the ongoing Mission, and pending Twisp Restoration Projects, and the upcoming Upper Methow Project, relegates the Methow Valley to a resource colony for faraway sawmills.

More poignantly, the DEA fails to consider that there may be no desirability among the local community for the direct social impacts related to MRP activities. For example, a long and persistent stream of log truck traffic on

local roads. There is certainly a local mindset that views expansion of certain consumptive economic activities as detrimental to the culture and lifestyle of the Methow Valley.

The present economic outlook and recreation-based economy of the Methow Valley may well be preferable to local residents and visitors over the expansion of commercial logging, and its associated impacts. The DEA economic analysis should inspire alternatives that would be less impacting to the recreational and economic condition. Yet no alternative that seeks to satisfy the latter objectives without intensive commercial logging is offered.

9) NEPA Violations: Cumulate Impacts from Connected Actions, Only a Single Action Alternative, and No EIS  
The DEA states: "Connected actions include construction of temporary roads for log hauling, road maintenance and/or reconstruction of the NFS and/or unauthorized roads for log hauling, using existing rock borrow pits for materials to maintain roads, dust abatement on NFS roads, and building fire line around prescribed fire units." This is a precariously limited presentation of 'Connected Actions.'

Connected Actions, Cumulative Impacts: The DEA dismisses the fact that the MRP and the Twisp Restoration Project (TRP) were once a single project that was being analyzed under one EA. When the original TRP was separated into two distinct projects, its EA failed to disclose that the MRP was in the planning phase, and its environmental and social impacts would eventually be exacerbated by the impacts of the MRP.

The DEA fails to disclose the combined pending impacts of the MRP and the TRP to water quality, recreation usability, wildlife habitat, and other environmental factors as a consideration in the MRP, nor the ongoing impacts of the Mission Project-particularly the Buttermilk Creek section-which is within the Twisp River Watershed. The DEA analyzes MRP impacts as if the MRP and the Mission Project do not exist.

Caselaw regarding connected actions and the analysis of the cumulative impacts of those actions is well-established, and the Forest Service should be well-aware of these cases. From the standpoint of law, the Mission Project, the Twisp Project, and the MRP are a single action connected in location and time frame, that should be analyzed in an EIS.

One Action Alternative: The fact the DEA contains only a single action alternative implies there is only one way to achieve the MRP Purpose and Need, which is frankly ludicrous, particularly when other options have been presented to the Forest Service.

There are unlimited options for alternatives, including varying combinations among the actions proposed, and the innumerable suggestions from the public. In particular, the global urgency of climate change, and consideration of how to address it in terms of forest management, demands a number of options based on the wide range of climate science. For example, the EA should include alternatives that vary its prescribed activities in location, and intensity.

The impacts to ESA listed species also demands a variety of options to determine whether there are more ecologically sensitive means of addressing the Needs that do not involve disturbing, or that would limit disturbance to the habitat of the seven listed species.

Having no variety of alternatives hampers the options of the Deciding Officer by providing only one choice: either approve the one plan of action that's provided, or do nothing. It fails to inform the public as to all the available options for wildfire safety. The fact that Congress has allocated hundreds of millions of dollars for forest management action and wildfire risk reduction removes any consideration that funding issues would preclude additional alternatives, or an EIS.

Scientific Considerations: The MRP claim of reduction of wildfire risk is not supported by any studies that provide reasonable surety that logging can replace the role that wildfire historically played, or disclose that it could actually increase the likelihood of more intense fires that would result from decreased canopy that would exacerbate the drying of ground fuels and increase in wind velocity. This fact demands an EIS to analyze all related studies to determine whether the actions proposed in the DEA are legitimate. Differing science should inspire differing alternatives.

Fire vs. Logging: Logging operations build erosive roads; remove large, commercially valuable trees; disturb topsoil and ground water; reduce wildlife habitat; leave flammable slash on the ground; open the forest canopy resulting in drying of ground fuels, and promote weed spread. Conversely, fire can thin out ground fuels,

replenish soil nutrients, create wildlife and plant habitat, and reduce invasive plants.

Using logging to emulate the conditions created by wildfires is an unproven concept, and the Final EA must disclose all studies related to the assumption that this is possible. As the EA claims to be using logging to mitigate the past suppression of wildfires as the cause of a problem, it must defend this assumption.

Long-Term Considerations: The MRP has no plan to restore natural fire to the ecosystem once the project is completed. The conditions created by the Preferred Alternative will not sustain over time without a plan to allow fire to resume its natural role. Not doing so would relegate the project area to perpetual management, without allowing natural forces to resume its natural fashioning of the ecosystem.

The Preferred Alternative does not articulate whether post-project plans will involve more active forest management or will allow natural fire to perpetuate the "desired condition." Moreover, the DEA does not propose a means of achieving a balance between allowing fire to resume its natural role, and protecting homes and communities from wildfires. If further Forest Service actions are needed to maintain the conditions that will result from the project, they must be disclosed as "connected actions." We again cite the statement of Meg Trebon regarding the necessity of further actions.

Condition Based Management: The DEA fails to provide an explanation that conveys to the public what Condition Based Management actually entails. The DEA notes that: "District staff identified areas considered for condition-based management by using existing vegetation and fuels data and developing criteria for the conditions that would benefit from treatment and meet the Project Needs...further site-specific data collection and/or field reviews would be conducted by district staff prior to implementation..."

This seems to indicate that, although the DEA language does not specify it, the data used to determine the prescriptions for logging and burning are not based on recent site-specific analysis and examination, but on past data that may not even be applicable to the project area at the present time.

It also seems to mean the prescriptions can be changed due to field reviews that occur after the EA is finalized and a Decision is signed. In other words, the on-site work to determine the prescriptions will not be conducted before the Decision is finalized. This defeats the purpose of NEPA, which is to analyze the specific impacts of a federal project on a specific area with current information. The condition based management approach renders meaningless the environmental review.

Regarding definitions, we also note that the general public cannot easily grasp the meanings of the various types of "thins" and other treatments proposed. Language used in the DEA describing what would actually occur on the ground must be understandable to the general public.

Future Actions: Once again, since the project area will revert back to its present, or similar condition in time without continued action, Future actions to maintain the contrived condition must be disclosed as connected actions. Assuming the project would be successful and achieve the desired outcome, the time frame of project effectiveness in reducing wildfire risk must be disclosed.

EIS Considerations: The DEA in and of itself should inspire an Environmental Impact Statement, in part because the very purpose of the MRP is to produce a significant impact on the environment: to dramatically alter the forest structure, impacting a 53,009 acre area that provides numerous important quantifiable assets. A finding of "no significant impact" for a 53,009-acre project that proposes to remove 69 million board feet of forest, would be an insult to the people who live in, and love the Twisp Corridor.

#### 10) Impacts to ESA Listed Species Are Not Adequately Analyzed

Consultation: The DEA states: "Given the nature of the Midnight Restoration Project, the Responsible Official is requesting documentation to demonstrate compliance with the following legal and regulatory considerations in addition to NEPA..." This confirms that the actions proposed in the MRP are significant. Included in this request for compliance is the Endangered Species Act. Yet we cannot locate the documentation provided to the Responsible Official, and what her/his conclusions were.

If this notation refers to consultation with the Fish and Wildlife Service and National Marine Fisheries Service, there should be no final EA revealed until consultation is completed. Consultation recommendations could require a change in the entire composition of the final EA. It should not be assumed that consultation will result in approval for the MRP as written. The final EA must incorporate the findings of these agencies. If this reference to documentation refers to interagency communications, the results must be disclosed.

The No-Action Alternative: The DEA contends: "Choosing the No Action Alternative would have a negative, long-term, moderate effect on northern spotted owl habitat because without proposed overstory (harvest) thinning and prescribed fire treatments, the project area and its northern spotted owl habitat stands would remain in their current condition and remain highly susceptible to stand-replacing wildfire. The likelihood of further habitat loss, coupled with the amount of time it would take to replace suitable habitat, would make it hard for any immigrating northern spotted owls to persist in this project area."

Once again, this the chief rationale for the MRP, and it is based on nothing but speculation, and sweeping assumptions about the possible impacts should a fire occur. The supposed impacts of letting natural forces shape the forests of the Twisp Watershed are presumed to be negative.

The portrayal of the "No Action" Alternative in the DEA is prejudiced. It repeatedly overstates, or exaggerates its supposed impacts. We cannot overstate the fact that the Forest Service does not have the capability to project that a wildfire will occur, and may be of an intensity to have adverse impacts, and that modern firefighting infrastructure may not control it. Further, in light of the impacts that will occur if the Preferred Alternative is implemented, and the scientific uncertainty that the actions taken will actually reduce wildfire risk, the MRP is justifying a definite impact to imperiled species versus an impact that might occur.

ESA Listed Species: The DEA claims that "...more whitebark pine individuals occur outside the proposed units than within the project area..." and thus no protection for this threatened species in the project area is warranted. This purports that smaller concentrations of whitebark pine in isolated areas can be sacrificed. This is directly contrary to the edicts of the ESA for protection of listed species.

The DEA claim that the project would benefit grizzly bear and gray wolf habitat due to the proposed road closures again presumes that these closures are not possible without implementing all the actions proposed in the DEA. This dismisses the impacts of the DEA's road construction, mechanical forest reconstruction, and overall impacts to the habitat for these species. The pending reintroduction of the grizzly bear, which depends largely on remote, "unmanaged" landscapes, ruins the credibility of the DEA's proclamation.

This again speaks loudly to the need for further alternatives that vary the proposed treatments, particularly with road construction and closures. More alternatives would provide the public with the variety of possible solutions for the reduction of wildfire risk in combination with the enhancement of habitat for threatened and endangered species.

Ladder Fuels: The primary action proposed to protect old growth stands is reducing "ladder fuels." In some of the units, this involves removing medium-sized trees of up to 21 inches in diameter, and up to 24.9 inches in diameter or larger in certain circumstances. Such trees are essential to providing forest diversity and the perpetuation of old growth stands. They represent the long-term sustaining of old growth habitat. This speaks against the stated concern over "...the amount of time it would take to replace suitable habitat..." By producing a stand that consists of nothing but some large trees with only seedlings to replace them, the MRP is creating a huge gap in forest succession.

The habitat value of these medium-sized trees is not represented only by ponderosa pine, but all fir species as well, which are a natural component of the forests in the Twisp River Watershed. There is no scientific justification for the assumption that fir trees are an undesirable or even an invasive species, as they seem to be treated in the DEA.

#### 11) General Concerns

Fuel Breaks: The proposed fuel breaks are not proven to be effective. They may serve to stop low-intensity fires (which are desirable), but intense, wind-driven fires won't be stopped. Spot fires are known to occur well beyond one mile from the fire front. This fact is established in many studies and is not disputed. The proposed fuel breaks do not extend for one mile. The DEA also proposes no significant measures to prevent motor vehicle use on newly created fuel breaks, which will eventually become primitive roads without proper enforcement of restrictions placed on motor vehicle use. The DEA proposes no measures for enforcement of motor vehicle exclusions on the fuel breaks.

Hazard Tree Removal: The DEA definition of a hazard tree is so broad, it could justify removing almost any tree, either to allegedly protect the logging crew, or the public. We cite the logging around Black Pine Lake where large trees that did not present any imminent or foreseeable hazard were removed. The logging crews did not make any effort to clean up the resultant slash. It is not enough to cite regional rules for hazard tree definitions,

because the MRP is logging in areas supposedly protected in the NWFP and roadless areas. A more stringent rule for defining a hazard tree must be established in the final EA.

**Even-Aged Stands:** All of the logging prescribed in the cutting prescriptions euphemistically refer to "thin(s)." We also noted repeated references to "stem exclusion," a term no lay person could understand. We counted 12 types of "thins," and some resemble what the Society of American Foresters refers to as "shelterwood" cuts. These would in many cases create a major size and age class time gap, leaving large trees with only seedlings to replace them. As previously noted, the gap in succession will hamper the recruitment of medium and large trees to maintain or create diverse stands. There would be no natural transition where a stable progression of various sizes and ages of trees, determined by natural growth and mortality, would occur over time. The removal of medium-sized trees will eventually result in an even-aged stand, whether the remaining large trees live for another 100 years or longer, and die intermittently rather than within a contracted time frame. Even-aged stands are a notorious fire trap.

**Logging of Large, Old Trees:** The Preferred Alternative fails to protect large, old trees. It allows trees of any size to be removed under circumstances that can be easily misunderstood. It allows removal of trees with mistletoe, but it has not been established that there is a mistletoe epidemic, and the DEA does not recognize the ecological benefits of trees with mistletoe in providing wildlife habitat. It basically allows the removal of any tree up to 24.9 inches without recognizing these trees may be over 200 years old, and thus qualify as "old growth" under common definitions. Complicating this concern is that we could not find any determination of whether locate Designation by Prescription will be applied.

**Partners:** On page A-12 and elsewhere, the DEA makes reference to "partners." We know of no official distinction between "partners" or any other publics, organizations, or agencies. The DEA should explain who these partners are, and how one gets to become a partner and receive the access partners seem to have that other publics do not.

**The Twisp River Watershed:** The forests of the Twisp River Watershed are commonly known to be a hybrid of ecological conditions common to both the east side of the Cascade Mountain Crest, and the west side. This is justified by the fact that the Okanogan-Wenatchee National Forest is the only forest east of the Cascade Crest that is included in the NWFP. The DEA is fraught with risks to the ecological integrity of the Twisp Watershed based on an inadequate presentation of the historic presence of dense timber stands, particularly fir trees, which similar to the forests of the Western Cascade Range. A distinct characterization should be applied to Twisp forests that accurately represents the conditions that are historical.

**Dense Forest Habitat:** The DEA states that 39 percent of the project area includes dense or "overstocked" stands of timber. We repeat that without completing an inventory of the natural occurrence of dense stands versus the dense stands that have occurred due to fire suppression and past logging, the species that depend on dense stands for habitat will be impacted. Some dense stands should remain untouched, but the DEA treats all dense stands as if they are undesirable.

**Prescribed Burning:** We oppose tractor piling of slash in particular and advise against hand piling. Tractor piles are an enduring eyesore and often do not burn completely, while hand piles will temporarily sterilize the soil. We favor broadcast burning, which will distribute the ecological benefits of burning through a broader area.

**Recent Twisp River Fire History:** The 2018 Crescent Mountain Fire burned across the southwest-facing slopes above the Twisp River. It did not burn into the Twisp River riparian area or flood plain. According to Forest Service fire officials, suppression efforts did not involve attempts to slow or stop fire spread toward the river, but toward the south and east slopes perpendicular to the river to protect homes in the path of the fire front. The MRP would log and burn the entire Twisp River floodplain. The MRP is proposing to log and burn in the entire area, exposing it to damage from logging and the risk of loss of control of prescribed burns, that has already demonstrated its resilience to wildfires. This shows the need for a risk assessment to determine the damage to



ecosystem components that would occur from the MRP versus the damage that could occur if an unusually intense fire were to break out, and the natural resilience of the extended riparian area.

**Funding:** There is no guarantee that funding will be available to perform the activities prescribed after the logging is done, for example, prescribed burning and closure of roads. Since funding for the Forest Service is allocated on an annual basis, there is no surety that funding will be obtained. The final EA must present a contingency that either assures funding will be available, or management activities should be suspended when adequate funding is no longer assured.

#### Conclusions/Recommendations

NCCC assumes that all the concerns we have raised in these comments will be addressed in the final EA. We further assume that the Forest Service will review the attached papers prepared by the credible scientists who have read the DEA, and seriously consider the legal and ethical considerations we have raised.

In the DEA for the MRP, we note potential, or real violations of the Endangered Species Act; the National Environmental Policy Act; the Administrative Procedures Act; the Federal Advisory Committee Act; and the 2009 Collaborative Act.

Aside from the legal deficiencies, we perceive the MRP not as a restoration project, but as a huge timber sale that uses the impossible-to-predict occurrence of a catastrophic wildfire to justify its plan of action. The MRP, TRP, and Mission Projects all seek to perform the incomprehensible task of redesigning the entire ecosystem in one fell swoop, while serving up 69 million board feet of timber in the MRP alone.

Fast-tracking the MRP has resulted in foregone opportunities for public involvement, and disregards the necessity of multiple science-based alternatives that the public can help shape, and consider as options to reduce exposure to potentially tragic wildfires. The MRP could be characterized as a means of placating the public with the unfounded assurance their homes and communities will be safer.

NCCC is composed of reasonable people who support a consensus process that provides equal opportunity for involvement. But in seeking to be involved in the collaborative process, or working with the NCWFHC, we have been shunned. NCCC's calls for a transparent and equitable public process have been virtually ignored. Due to the closed process, virtually the only option we can use to have any influence over the process for, and directives of these projects, is litigation.

NCCC contends that a "Finding of Significant Impact" must be issued, and an EIS must be authorized. In the EIS process, there must be full opportunity for public involvement that does not discriminate among interested individuals, companies, organizations, or any other entity, from the outset of the process. All alternatives must be developed from the ground level with complete transparency, and be based on field review, not old records.

If the process for developing the MRP had a predetermined planning format that involves not preparing an EIS regardless of the need, presenting only one alternative in the EA, preparing a cookie-cutter EA, minimizing public involvement, "suspending" existing environmental protection rules, and working only with the NCWFHC in order to fast-track the projects to take advantage of present funding opportunities and exploit the fear of fire, this information should be disclosed.

This concludes our comments on the Draft EA for the Midnight Restoration Project.

Sincerely,

Phillip Fenner, President  
North Cascades Conservation Council  
philf@northcascades.org