

Data Submitted (UTC 11): 3/6/2026 7:00:00 AM

First name: Sara

Last name: Johnson

Organization: Native Ecosystems Council

Title:

Comments: March 6, 2026
Objection Reviewing Officer (Michiko Martin, Acting Regional Forester)
Skyline HFRA
EAUSFS Intermountain Regional Office
324 25th Street
Ogden, UT 84401
RE: OBJECTION AGAINST THE
SKYLINE HFRA EA1. Objectors name and address
Lead Objector Sara Johnson, Native Ecosystems Council
Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624
Jason Christensen, Director, Yellowstone to Uintas Connection
2. Name and location of project being objected to
Skyline HFRA Project, Manti-la Sal National Forest, including the Sanpete, Ferron, and Price Ranger Districts
3. Responsible Official
Barbara Van Alstine, Forest Supervisor
4. Attachments
This objection includes one attachment, Attachment #1, that includes reports and/or publications provided in support of objection topics, and copies of correspondence with agency personnel.
5. Connection between previously-submitted comments by Objectors and the proposed project
Objectors submitted scoping comments on the proposed Skyline HFRA project on October 19, 2023. Objectors submitted an Objection against the proposed Skyline HFRA project on February 7, 2025. We are incorporating these various comments and concerns, including all references previously provided with these comments, into this second Objection against this project, in order to avoid repetition. However, we will discuss the major points raised in these previous comments; In our 10/19/23 scoping comments for the Skyline HFRA project, we identified the following issues and concerns we would like to have addressed by the agency:
1. Please provide high-quality assessments of project impacts on birds. We identified a large list of birds that have various conservation concerns that we would like to have assessed as per project impacts. We note that these assessments were never subsequently completed by the agency.
2. We requested the agency to summarize pinyon-juniper treatments in the project area. This information was never subsequently provided.
3. We questioned why sagebrush and pinyon-juniper removal programs are consistent with the purpose of the HFRA. This conflict was never subsequently addressed by the agency.
4. We questioned how the HFRA requirements can be met with project activities outside the WUI; the agency never subsequently addressed this concern.
5. We questioned how only 2 alternatives could address public issue; the agency subsequently addressed this issue by adding another alternative.
6. We asked the agency to define catastrophic fire and where the potential was identified in the project area; this request was never addressed.
7. We asked how the agency identified "unnatural fuel levels" in the project area; this request was never addressed by the agency.
8. We requested the agency define why treatments in roadless lands were consistent with the Roadless Rule and wildlife management; what are the habitat objectives for wildlife within IRA; these requests were never subsequently addressed by the agency.
9. We noted that the forest needs to complete an amendment to the forest plan to evaluate how fuels treatments and logging in roadless lands will affect wildlife, and to receive public comments on such treatments.
10. We noted that the timeline for the project exceeds that allowed by the NEPA, which is 5 years, not 20-25 years as is planned; this concern was never subsequently addressed by the agency.
11. We noted that the agency needs to limit the size of proposed projects to a size that allows wildlife surveys to be completed during the public involvement process, so that this information is available to the public; this issue was not considered by the agency.
12. We raised a concern that the agency was not meeting the monitoring requirements of the Forest Plan and as required by the NFMA; we were never able to obtain any monitoring data from the Forest for MIS or sensitive species.
13. We noted that the agency was violating the NFMA by failing to demonstrate specifically how Forest Plan direction was being implemented for the Skyline HFRA project.
14. We noted that at a minimum, the scope of the project requires completion of an Environmental Impact Statement (EIS); this concern was not subsequently addressed by the agency.
15. We noted that the project lacked the required level of project descriptions to the public, including impacts to MIS, including mule deer and elk; the public needs to be provided the information as to how specific units are mapped on the ground; these concerns were not subsequently addressed by the agency.
16. Finally, we requested the agency address why fuels, and not weather, is the most important contributing factor to wild land fire; this request was never subsequently addressed by the agency.
These various issues and concerns raised by Objectors were also summarized in the Objection we filed against the project on February 7, 2025. This objection expanded upon the 16 issues and concerns identified in

the scoping comments. This previous objection also included one attachment with hard copies of 24 reports and/or publications in support of our issues and concerns. We are incorporating these previous scoping comments and previous Objection into this new Objection, in order to avoid repetition. However, almost all of the issues and concerns we previously raised during scoping were never addressed in the agency's final previous decision for the Skyline HFRA project, with the exception of adding another action alternative for no activities in roadless lands. We note in this current Objection that the agency still has only one valid action alternative, Alternative 3, which stays out of roadless lands. Until the agency completes a Forest Plan amendment to address wildlife impacts of implementing fuels reduction projects in roadless lands, these activities are illegal.⁶

Suggested Remedies As will be addressed below in the narrative description of how the proposed project will violate environmental law, regulation of policy, we are requesting that this proposal be withdrawn. This request is based on multiple legal violations this Skyline HFRA project will trigger, including multiple Forest Plan violations as per the National Forest Management Act (NFMA), such as a failure to monitor the impacts of vegetation treatments on the Management Indicator Species (MIS), the Northern Goshawk; including a National Environmental Policy Act (NEPA) failure to identify an ongoing population decline of the MIS Northern Goshawk; including both a NEPA and NFMA failure to establish habitat objectives and monitor populations for the sensitive species the Flammulated Owl and Threetoed Woodpecker; including a failure of the NEPA and the Migratory Bird Treaty Act (MBTA) to define expected impacts to a large suite of migratory birds as well as define specific mitigation measures for these migratory birds; and including a NEPA violation of including an invalid action alternative for massive vegetation treatments in Inventoried Roadless Areas without a Forest Plan amendment to disclose wildlife impacts and obtain public involvement. In addition, the agency did not demonstrate compliance with the Forest Plan direction for management of the Greater Sage-grouse. These and other legal violations also trigger a violation of the Healthy Forest Restoration Act (HFRA).⁷

Narrative description as to how environmental law, regulation or policy would be violated.

A. The proposed Skyline HFRA project will violate the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), and the Migratory Bird Treaty Act (MBTA).

1. The agency is violating the NEPA by failing to identify a significant decline of the MIS, the Northern Goshawk (hereafter "goshawk") in the Skyline project area, and violating the NFMA by providing monitoring data on vegetation treatments in goshawk post-fledging areas to support claims that these will have no significant adverse impacts on active nesting territories; the agency is also violating the NFMA by failing to provide the required analysis of goshawk territory occupancy in regards to a decline of greater than 20% over a 3-year period; these reports were required every 3 years, but no such reports are available on the agency's web page.

The project Biological Evaluation (BE) at page 11 states there are 17 goshawk territories within the project area. These include 10 no longer active, and 7 still active, as follows: Seven (7) Territories still active: Bear Creek, Blue Lake, Indian Creek, Manti Ridge, Mary's Lake, Pete's Hole, and Wrigley Creek. Ten (10) Territories not active: Canal Canyon, Duck Fork, Emery Reservoir, Enos Creek, Julius Flat, Little Horse Creek, Meadow Gulch, Six-Mile Creek, Six-Mile Ponds, and Tanager Spring. A loss of 10 of 17 goshawk active territories is approximately a 60% decline of this population based on active territories. Yet the agency does not show or acknowledge this actual decline in the Project BE. The BE text states that the population on the forest has remained relatively stable, in spite of wide fluctuations between years (BE at 13). Figure 1 of this BE shows the goshawk occupied territories across the entire forest from 1995-2023. However, what the agency is measuring is not the trend in total goshawk territories. Instead, the agency is measuring only occupied nesting territories each year. The number of territories that have become unoccupied is not measured, even though this total amount of total territory occupancy is the valid measure of goshawk population trends. An example of this failure is demonstrated for the Skyline project area, where 10 of 17 total goshawk territories have become inactive. By not measuring those territories that have become inactive, the agency is violating the NEPA by providing false, misleading assessments on this MIS. This failure to identify this huge decline in goshawks in this project area is all the more alarming given that the agency intends to do massive vegetation treatments (47,000 acres within a 173,976 acre project area (27% of the landscape), including 7-9 goshawk postfledging areas. The purpose of MIS is being totally ignored by the agency. All of the wildlife species that depend upon older forest habitats are also reflected in this 60% decline of goshawks in the Skyline project area. This huge decline needs to be addressed by the agency, not ignored so that massive vegetation projects can be implemented. These treatments include 7-9 post-fledging areas. Yet to date, the agency has not demonstrated

that treatments in post-fledging areas has maintained nesting territories. So to claim that the treatments planned for the Skyline project will have no significant adverse impacts on goshawks is clearly arbitrary and lacks any actual data due to a lack of the monitoring required by the Forest Plan. We have been unable to locate any goshawk monitoring data on the agency's web page, including effects of vegetation treatments. The agency is also violating Forest Plan direction for goshawks, where a report is required every 3 years if there has been less than a 20% decline in territory occupancy over a 3-year period. There is no record of any such analysis since the goshawk amendment was implemented in 2000. The agency is apparently not counting abandoned goshawk territories after a certain period of time, which means the true decline in territories is not being identified. As per the Skyline project area, where there has been a 60% decline in occupied goshawk territories over time (time period unknown but may be 10 years), it does not seem possible that the a decline of greater than 20% over 3 years has not been triggered across the forest. As is required by the Forest Plan, the agency needs to provide the complete data available for each goshawk territory over the last 26 years, when the amendment was implemented, and demonstrate why a decline of over 20% of occupied territories has never occurred over a 3 year average. The monitoring of vegetation treatments on goshawk breeding habitat is a Forest Plan standard that the agency has violated in the past. There were not plans identified, as well, for the Skyline project. The Goshawk Forest Plan amendment (2000) includes the following monitoring direction: goshawk territory occupancy following vegetation management will be completed to assess potential abandonment of a territory, the first full breeding period following activity in all projects where pre-project surveys determined territory occupancy; these reports were to be provided annually. However, there are no such annual reports, which would be 25, on the agency's web page that we could locate. The agency has not demonstrated that this monitoring requirement is being met. The monitoring of snag densities within goshawk territories is also not available on the agency's web page. The goshawk amendment requires that snag densities and sizes within a 100 acre block treated by mechanical or wildland fire use be monitored to ensure that 75% or more of the blocks measured meet the guideline; measurement frequency is 10% or more of the acre treated within a project area, within 2 years, following completion of vegetation treatments. The agency is not demonstrating that this monitoring requirement has been met. We requested information from the Manti-la Sal National Forest personnel about past monitoring for the goshawk, as we were unable to locate any goshawk monitoring reports on the agency's web page. On March 2 and March 4, NEC director Sara Johnson e-mailed the contact for the Skyline project, Michael Scottorn, requesting copies of Forest Plan goshawk monitoring reports. Michael responded on March 4, and noted as follows: "Sara, thanks for reaching out, sorry for the delay. Let me try to answer your email to the best of my knowledge. For the Skyline HFRA project, I don't have any biennial monitoring reports in the file. I don't typically put those documents in the project record for projects like Skyline HFRA. There might be another contact on the forest that might be able to get you that report. For the goshawk, the wildlife resource report, and the biological assessment will cover analysis, effects, design features and any associations with this project for the northern goshawk." The lack of any goshawk monitoring data in the Skyline HFRA project is inconsistent with the project BE, which at page 15 states: Monitoring requirements found within the goshawk amendment discuss the following process: Item to measure -less than 20% decline in territory occupancy over a 3-year period; measurement frequency annually (report every 3 years); ID m-2 Question: are mitigation measures (standards and guidelines) employed during vegetation management project implementation sufficient to prevent territory abandonment. Items to measure: goshawk territory occupancy following vegetation management treatments; acceptable range is no territory abandonment on projects where mitigation measures are used; measurement frequency is the first full breeding period following activity in all projects where pre-project surveys determined territory occupancy. Monitoring data for this MIS is an important component of project NEPA documents and public information; it is a NEPA violation to not provide this monitoring information when an MIS is going to be impacted by a project. 2. The agency is violating the NEPA and the NFMA by failing to provide the required baseline information for the MIS goshawk in order to demonstrate that forest plan requirements are currently being met, or can be met with the proposed action. The goshawk amendment has a guideline for general direction (e) that the desired percentage of land in goshawk habitat in mature and old structural stages be 40% in conifer forests, and 30% in aspen; where these percentages are not being met, activities in mature/old structural stages should be maintained. The agency has indicated that for goshawk habitat in the Skyline project area, the older structural stages are not being met, and that this landscape is dominated by the young/immature structural stages (1-3)

(e.g., project BE at 14)). Also the BE at 14 notes that structural stages 5-6 are low in numbers or "non-existent" in the project area! Yet the proposed vegetation treatments on about 50,000 acres will likely include vast acres of goshawk habitat, including within the 7 currently active territories, where it is clearly noted that treatments will reduce structural stages to the young/immature structural stages {{1-3}. The agency needs to define the structural stages within each of the 17 goshawk territories in the project area, including active and inactive, in order to meet the requirements of the Forest Plan as well as baseline information essential to the public to understand existing goshawk habitat conditions. Guideline "l" states that if a historic nest is not associated with an active nest area, management direction for the home range should be applied. This means that the 10 abandoned goshawk nest territories in the Skyline project area still need to meet the mature/old forest structural stage compositions identified as general direction "e". The agency needs to adhere to Forest Plan guideline "f" that snag densities and sizes are being met in goshawk habitat, based on a stand level average, every 100 acres; these densities require 2 ponderosa snags at least 18 inches dbh, 3 snags at least 18 inches dbh in mixed conifer and spruce/fir stands, every 100 acres, 2 snags per acre in aspen at least 8 inches dbh per 100 acres, and 3 snags per acre in lodgepole pine at least 8 inches dbh, per 100 acres. A snag inventory is required for any acre of planned vegetation treatments in goshawk territories in order to demonstrate that this measure of habitat quality is being met; if not, the agency's proposal to reduce the green trees that create snags will be a violation of the Forest Plan direction, along with a NEPA failure of the agency to demonstrate where habitat quality for goshawks is currently insufficient in the project area; the Skyline project analyses clearly states that all most all snags will be removed with vegetation treatments (e.g., project BE at 14). The agency also needs to adhere to Forest Plan guideline "g" to maintain a given number and size of downed logs. Vegetation treatments will result in the removal of almost all existing snags, which are important for log recruitment. Also, existing logs will likely be removed due to logging treatments, and charred and destroyed with subsequent burning, or with prescribed burning without logging. The agency needs to adhere to the Forest Plan standard "m" and guideline "n" that in active nesting territories, 2 alternate and 3 replacement nest areas need to be identified, each at least 30 acres in size. The agency needs to provide maps for each goshawk nesting area of the 7 occupied territories that clearly define where each of these 6 nesting areas are identified, and readable to the public, as is required by the NEPA to provide baseline information for a project area. The agency needs to adhere to the Forest Plan guideline "r" that vegetation manipulation within active, alternate and replacement goshawk nesting habitat should be designed to maintain or improve desired conditions; use the active nest area habitat characteristics as an indicator of desired conditions. The Skyline project NEPA documents do not identify, let alone, define how vegetation treatments within the 7 occupied goshawk territories will maintain or improve the existing, alternate or replacement nest stands. These nesting areas for each currently active territory need to be mapped and clearly identified to the public, including any proposed treatments. At present, it is unknown if any of these nesting areas for these territories will be affected by the project, in violation of the NEPA. The monitoring data used to demonstrate treatments will not degrade nesting habitat also needs to be provided. The agency needs to provide required baseline information for goshawks as per Forest Plan guideline "s", where a post-fledging area of at least 420 acres, exclusive of the 180 acres of nesting habitat, needs to be identified for each of the 7 active territories in the project area. This information needs to provide a readable map for each territory, along with a specific acreage identified as postfledging areas. These maps should include the 6 nesting areas as well as the 420 acres of post-fledging habitat for each territory, at a scale that the public can see that these areas have been designated for each territory. The agency needs to adhere to Forest Plan guideline "u" to complete a landscape assessment for the Skyline project area, and identify plant communities that provide important habitat for goshawk prey species; as noted in the Amendment, landscape assessments provide sufficient information concerning resource conditions and risks to understand the effect (direct, indirect or cumulative) of a proposed site-specific project on goshawk habitat, relative to the broader landscape. In regards to the Skyline project, this landscape assessment needs to include analyses of how the proposed treatments could affect Forest Plan standards/guidelines/desired conditions), and whether or not they are currently being met. If these are not being met (e.g., a lack of older structural stages, a lack of snags, a lack of aspen regeneration), what is the rationale for further vegetation treatments, that may exacerbate habitat failures? At present, due to the lack of any landscape assessment for the Skyline project, the public is unable to make any connection between existing conditions for goshawks and proposed vegetation treatments. For example, the public has no information as to

why 10 of 17 goshawk territories in the project area are not occupied. This is key information that was never provided to the public. It is clear this local population of goshawks is not doing well (a 60% decline). The required landscape assessment would provide this information to the public, including identifying what habitat problems or disturbances may have triggered territory abandonment. This is especially important information as is noted in the Skyline project BE, disturbances can cause nesting failures, and habitat for goshawks in mature and older forest structure will be reduced, even though these structures are currently below desired conditions. The agency needs to adhere to the required direction for a landscape assessment in order to evaluate how the past treatments on 12,632 acres of goshawk habitat in the Skyline project area have impacted goshawk habitat. The project BE at 16 notes that these treatments have contributed to the loss of nesting habitat; the claim that these treatments improved goshawk foraging habitat was not supported with any monitoring or science, in violation of the NEPA and the NFMA. Without this assessment of how past vegetation treatments have impacted goshawks, the agency has no basis for proposing the Skyline project. Actually, there have been far more than the 12,632 acres of past treatments in the Skyline project area that have potentially impacted the goshawk population. As per Table 3 of the BE Appendix, there have been almost 30,000 acres of salvage harvest and fuels treatments, 10,295 acres of aspen and aspen/conifer treatments, including burning, and 12,394 acres of prescribed burning in the project area. These come to almost 53,000 acres of past vegetation treatments in the Skyline project area. The agency has not completed a landscape assessment to determine how these 53,000 acres of past treatments have possibly impacted the goshawk population, which has had a 60% decline. The agency needs to adhere to the Forest Plan guideline "v" which states that where it is determined through the landscape assessment process that ungulate grazing is contributing to an identified functioning-at-risk condition relative to habitat needed to support goshawk and its prey, modify grazing practices to maintain or restore the desired seed, mast, and foliage production defined in the landscape assessment process; review success of modifications annually; if modifications are not providing the desired progression towards production objectives defined in the landscape assessment, modify practices through the next annual operating plan. Under direction for promotion of aspen regeneration, it is noted that corrective actions to meet desired aspen regeneration levels could include a change in pasture rotation, shorter season of use, or reduction in numbers of livestock. The Skyline BE notes frequently that aspen habitat is very important to goshawks, both for nesting and for prey species. For example, the project BE at page 10 notes that aspen regeneration is an important component of the life history of goshawks on the forest; the loss of aspen is concerning. It is also noted that aspen regeneration is problematic, and as such, treatment in aspen habitats need to be the size of at least 500 acres so that browsing on aspen recruitment will allow some escape and regeneration success (project BE W8). Yet this concern about aspen and its importance to goshawks, a forest MIS, is never addressed in any of the action or no action alternatives, in violation of the Forest Plan as well as the NEPA. What is never evaluated, as well, is that the proposed vegetation treatments will create severe adverse impacts to aspen viability by triggered regeneration that will be subsequently destroyed by livestock. The agency needs to evaluate how livestock grazing is impacting goshawk populations in the Skyline project area, and address these impacts through alternative development, since habitat "restoration" is one of the claimed purposes of this project.³ The agency needs to clearly define to the public how the 10 goshawk territories that have been abandoned in the Skyline project area are being managed. It is unknown what the agency direction is for goshawk territories that have been abandoned, even though there are 10 such territories in the Skyline project area. The agency has not provided any information as to how these abandoned territories are being managed in order to promote persistence of the MIS goshawk. Are any of the Forest Plan standards and guidelines, or desired conditions, still being applied to these 10 territories? If not, does this mean that once a goshawk territory is abandoned, no habitat management is required either for the goshawk or all the wildlife species "indicated" by this MIS? Given that there is a vast area of this project area that consists of abandoned goshawk territories, the agency needs to provide clear unambiguous information as to what the specific management direction is for these territories, as per both the NEPA and the NFMA. The project BE at page 4 identified W2 noting that 11 "existing" territories will continue to be monitored. What does the term "existing territories" mean? If territories are abandoned, does this mean that management for all wildlife species indicated by the goshawk is stopped?⁴ The agency is violating the NEPA and the NFMA by failing to map all the goshawk territory boundaries in the Skyline project area; this information is essential in order for the public to understand goshawk distribution and density in the project area, and how the project could impact this MIS. The Skyline

project BE at 8 noted that goshawk territory boundaries have been mapped by the agency, based on aerial photos maps using the best judgement of forested areas around the nest areas that may be used by goshawks; these boundaries are good representations of the suitable territory habitat. Yet there are no territory maps for goshawks in the Skyline NEPA documents, either for occupied or abandoned territories. This information is essential in order for the public to understand how this MIS is distributed across the project area, and as well, how adverse project effects may change this distribution. The cumulative impacts of vegetation treatments within nesting areas, post-fledging areas, and foraging habitat cannot be understood by the public without a mapping of these areas that shows where vegetation treatments will occur within each territory. This information is also essential to the public in order for them to understand how the agency is managing abandoned goshawk territories. Once abandoned, does the agency consider that no management for goshawks is required? This would directly contradict the purpose of MIS, to reflect habitat for a variety of species indicated by an MIS, not just the MIS. Until the agency provides high quality readable maps of each goshawk territory, both occupied and abandoned, including the nesting, post-fledging and foraging areas, the agency is violating both the NEPA and the NFMA.⁵ The agency is violating the NEPA by failing to correctly identify the impacts on goshawk habitat the Skyline project will have. The agency claims in the BE at 15 that the Skyline project alternative 3 will only impact 3,502 acres of goshawk foraging habitat. Yet there are a stated 17 goshawk territories in the project area. With an average of 6,000 acres per goshawk territory (Reynolds et al. 1992), this would indicate there are 102,000 acres of goshawk habitat, or were, in the project area of 174,000 acres. It is unclear why only 3,502 acres of goshawk habitat outside of IRAs will be impacted by this project. The agency stated that goshawk territories for this landscape have been defined, so the total goshawk acres is generally known for this project area. It appears that the goshawk territories that are not currently occupied are not being included as per impacts on goshawk habitat. This in turn leads one to believe that the agency is not maintaining goshawk habitat once territories are not occupied. This management strategy has not been identified in the Forest Plan amendment for goshawks. And it is clearly a violation of the NFMA, since goshawk habitat is being eliminated across the forest even though this is an MIS for many other wildlife species. In addition, with a failure to maintain goshawk habitat in unoccupied territories, future occupancy is being ruled out. So if population increases do occur, this degraded habitat will not be available for occupancy. The strategy of eliminating MIS habitat if it is not currently occupied is clearly a violation of the NFMA. The agency needs to clearly define what the strategy is for currently-unoccupied goshawk territories, and how this ensures continued viability of this MIS and indicated species.⁶ The agency needs to complete an Environmental Impact Statement (EIS) for the proposed Skyline project to address the current significant habitat impacts that exist for the MIS goshawk, which will be exacerbated by Alternative 3. As is noted in the Skyline EA and BE, the goshawk population in the project area has declined by 60% in recent years (a loss of 10 of 17 active territories). The agency notes that the proposed Skyline project will degrade goshawk foraging habitat for 5-15-years (BE 14), and that goshawks will lose habitat in the shortterm (BE 2). So in spite of the huge decline of goshawks in the project area, the agency is planning to trigger further reductions in habitat. This will clearly be a cumulative significant impact on this forest MIS, an impact that requires completion of an EIS.⁷ The agency is violating the NEPA by failing to provide a meaningful description of the proposed project to the public. There is no clear map of the Skyline Project Area. EA maps 1, 5 and 6 show multiple project area designations; it is unclear what these different designations for project areas mean. There is no clear description to the public of the size of the project area. Instead, the actual project area size is difficult to determine, as it is only incidentally noted in the EA and BE. The EA at 44 states the project area is 173,976 acres. There is no information as to what the acreage of IRAs is within the 173,976 acre project area. There is no information provided as to what the acreage of non-IRA lands is within the 173,976 acre project area. The public cannot understand what the intensity of proposed treatments outside the IRA lands will be as a result of this lack of information. What percentage of non-IRA lands will be impacted by this project for Alternative 3? Also, the public cannot understand what the effect of past treatments and fire is within non-IRA lands of the Skyline Project. These past treatments have been extensive, as was noted in the project BE in Table 3 of Appendix A. These past activities include 29,494 acres of salvage, 6,746 acres of fuels treatments, 10,295 acres of treatments in aspen and aspen/conifer stands, and prescribed burning on 12,394 acres. The public cannot locate units on the ground, due to the microscopic maps provided for treatment areas. The schedule for treatment of units is never provided in order that the public can understand how localized disturbances for wildlife will be managed,

including for MIS mule deer and elk. The public cannot see where the vast number of new roads will be located for this project. As a result, the public cannot have a relative idea as to what the localized road densities will be during project implementation, and how these will impact the MIS mule deer and elk during summer, when build-up of fat reserves is critical, or in the fall, when security for elk is key to avoid displacement to private lands. The agency has not identified where big game calving, fawning and winter range areas are located, so the required non-disturbance zones for these key big game areas are never identified to the public. There are no maps of Greater Sage-grouse priority management areas, or summaries of existing conditions as per the Forest Plan direction; claimed avoidance of these priority areas needs to be demonstrated by valid, readable maps provided to the public. There are no maps of the 17 goshawk territories that have been documented for this project area. There have been no surveys for the sensitive Flammulated Owl and Three-toed Woodpecker in the Skyline project area, so occupied habitats are unknown; this baseline information is important in order for the public to have a general understanding of population viability of these 2 sensitive species in this landscape where significant new vegetation treatments are planned. Given the extensive past acreage that has been impacted in the Skyline project area from salvage harvest, logging, fuels treatments and prescribed burning, the current distribution of these sensitive species is key information that should be provided to the public as per the agency's demonstration that the NFMA requirement that viable populations of these species are being maintained.

There is no map of the Wild land Urban Interface for the project area.

8. The agency is violating the NEPA and the NFMA by failing to implement habitat objectives for two sensitive species, the Flammulated Owl and Three-toed Woodpecker, in the Skyline HFRA project area.

Forest Service Manual direction 2670.32 states that for sensitive species, the agency will establish management objectives when affected habitat may have significant adverse effects (BE 8). The agency has not identified suitable habitat for the Flammulated Owl in the Skyline HFRA project area. Nor have there been no surveys for the Flammulated Owl in the project area. The agency claims no such owls are present due to a lack of suitable habitat (BE 10).

The impacts to the Flammulated Owl are unknown, but potentially significant not only due to the current loss of nesting habitat, but due to the additional losses of nesting habitat. As is noted in the project BE at 10, the Flammulated Owl nests in large snags, generally over 20 inches dbh. AS is noted in the BE at 14, the structural stages that provide large snags (stages 5-6) are low or absent across the project area. The EA at 43 notes that the project area is dominated by structural stage 3, which have diameters of 5-10 inches. The proposed project will result in the removal of most all of the snags in treatment units (BE 14), while older structural stages with larger snags will be reduced to structural stage 3, where snags will be 12 inches dbh or smaller. This is likely why the BE at 2 notes that owls will lose habitat with the proposed project. Past salvage activities (29,494 acres), past fuels treatments (6,746 acres), past aspen treatments (10,295 acres) and past prescribed burning (12,394 acres) in the project area (BE Table 3 Appendix A)} will have removed vast amounts of nesting snags for this cavity nesting bird on up to over 50,000 acres in the project area. However, there was no analysis for the Skyline project area for adherence to the Forest Plan snag standard of 2-3 per acre over 18 inches dbh. Thus the availability of habitat for this sensitive species appears very limited in the project area. Without addressing this existing habitat level, the agency cannot proceed with up to another 50,000 acres of snag removal while claiming this sensitive species will not be significantly impacted by this project. This claim is a violation of the NEPA. In addition, the project emphasis to remove both snags and insects and disease will reduce habitat for woodpeckers, even though the project BE at 10 notes that the Flammulated Owl depends upon larger woodpeckers to create nesting cavities. It is clear that the lack of any valid conservation strategy for the Flammulated Owl is a violation of the NFMA. Any vegetation activities that remove habitat for this owl cannot legally proceed until the agency amends the Forest Plan to include conservation measures (habitat objectives)} for this sensitive species.

There is a similar lack of analysis of existing or cumulative impacts on the sensitive Three-toed Woodpecker, even while the agency claims this species will not be significantly affected by the Skyline HFRA project. As noted previously, past impacts on Three-toed Woodpecker habitat amount to about 50,000 acres in the project area. There have also been no surveys for this sensitive species in the project area (BE 8). Instead of doing any surveys, the agency has estimated that there are 8,777 acres of Three-toed Woodpecker habitat in the project area. What this habitat consists of was never defined. This is only about 5% of the project area that is suitable. There was no analysis as to why 5% habitat is enough for local population viability and persistence. The agency is not monitoring this sensitive species, but is using Breeding Bird Survey data instead, surveys which do not define woodpecker densities within the Manti-la Sal National Forest, or the Skyline project area. There have been no surveys for snag densities across the project area, to assess compliance with the Forest Plan direction. There has been no monitoring data provided to demonstrate the agency is monitoring snag densities following vegetation treatments, in order to monitor Forest Plan compliance with maintaining 2-3 snags over 18 inches dbh per acre. The agency notes that this woodpecker depends upon insects and diseases that both kill trees, then reproduce on dead trees (BE 18). In violation of the NMFA, the agency has no conservation strategy for this sensitive species. This strategy requires that specific areas of the landscape need to be preserved, without disturbances, so that natural processes, like insects and diseases, can occur and provide habitat for the Three-toed Woodpecker (Goggans et al. 1989). Given there is no actual conservation strategy for this sensitive species for the Manti-la Sal National Forest, the agency cannot legally implement any management activities that reduce/remove habitat for this sensitive species until the Forest Plan is amended to provide a conservation strategy for this sensitive species.

9. The agency is violating the NEPA and the NFMA by failing to demonstrate that treatments in old growth, or structural stage 6, will maintain habitat for both the MIS goshawk and the 20 or more other bird species "indicated" by the goshawk for old growth habitat (USDA 2018).

The Forest Plan direction for old growth, or structural stage, allows vegetation treatments within these old growth stands, including goshawk nesting, postfledging and foraging habitat old growth, as long as the following conditions are met (Guideline "h" in Goshawk Forest Plan Amendment): the percent of group acreage covered by clumps of trees with interlocking crowns should typically range from 40-70% in post-fledging and foraging areas, and 50-70% in nesting areas; groups should be of a size and distribution in a landscape that is consistent with disturbance patterns defined in Regional or local proper functioning condition assessment; clumps typically have 2 to 9 trees in the VSS 6 size class with interlocking crowns (this would be trees at least 24% in dbh). The agency has never provided any actual documentation/analysis that these conditions created by logging in goshawk old growth habitat maintain any of the goshawk habitat types, either nesting, post-fledging or foraging. As an example, the Skyline HFRA project intends to do extensive treatments in post-fledging habitats, as well as vast treatments in foraging habitat. There is no analysis as to how much current structural stage 6 goshawk habitat will be affected. In addition, there was no information provided as to how much structural stage 6 habitat in the project area has been previously treated. It is unknown whether these complex criteria for structural stage 6 logging/burning have been effective for either the old growth MIS the goshawk or 20 or more other bird species "indicated" by the goshawk, even though this guideline has been in place for 25 years. Due to a failure to monitor and demonstrate logging in structural stage 6 actually maintains any goshawk habitat, any further implementation of this Forest Plan guideline is invalid for old growth management for the MIS for old growth, the goshawk. Any treatments in structural stage 6 habitat, or old growth, cannot occur until the agency completes a forest plan amendment to evaluate whether past direction for structural stage 6 has been effective in maintaining old growth habitat values for the goshawk and at least another 20 bird species.

The agency also needs to demonstrate in this forest plan amendment for management of goshawk old growth (structural stage 6) that this structural stage is consistent with current science, including old growth descriptions and recommendations by Mehl (1992) and Pope et al. (1992).

10. The agency needs to amend the current Forest Plan to include an MIS for snags, and define a valid

conservation strategy that ensures long-term viability of this MIS and other species "indicated" by this MIS; until this is come, any further vegetation treatments and burning are illegal.

The current Forest Plan for the Manti-la Sal National Forest does not have a Management Indicator Species for snag habitat. Thus the NFMA requirement to monitor populations of bird associated with snags (at least 30 or more bird species as per USDA 2018), is not being met. The snag standard, which is several snags per acre of a minimal size as per various forest types, is not even being monitored, as demonstrated for the Skyline HFRA project and the agency's web page for monitoring. However, this snag standard is not a valid "proxy" as indicators of woodpeckers and other bird populations. There is no current science that has defined snag numbers alone as indicators for populations of cavity nesting birds. In fact, use of snag numbers as a proxy for bird populations has been identified as invalid for many years. For example, a Forest Service publication from the Pacific Northwest Research Station (Bull et al. 1997) reported over 25 years ago that snags alone do not indicate populations of associated species. And over 35 years ago, research noted that management for the Three-toed and Black-backed Woodpecker require the retention of large blocks of undisturbed forest landscapes where insects, disease and fire are allowed as natural ecosystem processes (Goggans et al. 1989). Given the vast acreage of vegetation treatments in the Skyline HFRA project area (roughly 50,000 acres), the cumulative impact on snag-associated wildlife is likely already quite high, although not actually known. The agency cannot legally implement any more vegetation activities that reduce snag habitat for wildlife until a Forest Plan amendment is completed to implement a valid conservation strategy for this large suite of forest birds, along with a monitoring program to assess effectiveness of this strategy to maintain viable populations of birds associated with snags.

11. The agency is violating the NEPA, the NFMA and the MBTA with the proposed Skyline HFRA project be failing to evaluate project direct, indirect and cumulative impacts on western forest birds and aridland birds.

We previously provided references to the agency regarding ongoing declines in landbirds of North American {{Rosenberg et al. 2019, North American Bird Conservation Initiative (2022)}. We have added one more recent publication regarding declining bird populations in North American. The Guardian (2025) published a recent article titled "Collapsing bird numbers in North American prompt fears of ecological crisis." The report notes that three-quarters of nearly 500 species of birds are in decline. One of the species identified as declining is the Williamson's Sapsucker, a cavity-nesting species present on the Manti-la Sal National Forest. A graph in this report notes that 67% of bird species in North America are in decline.

In spite of this dire situation for North American birds, including a 64.5% decline in 67 species of western forest birds, and a 56.5% decline in 62 species of arid land birds (Rosenberg et al. 2019), the Skyline HFRA NEPA documents do not consider or evaluate how the proposed treatments will affect these declining bird populations. The analyses provided simply say that some birds will be harmed, and some will be benefited in the short term, but all species will benefit in the long term due to the creation of "habitat mosaics." Apparently "habitat mosaics" is the conservation strategy for all western forest and aridland birds. What this actually means on the ground remains undefined by the agency, including in the Forest Plan EIS. Also, the claim that habitat mosaics ensure viability of all forest bird species was not actually defined for the Skyline HFRA project. Specifically, without defining habitat objectives for any groups of these birds, the agency cannot actually measure impacts of vegetation treatments. For example, what are the objectives for "habitat mosaics" for western forest and aridland birds in the project area? What is the science that demonstrates these habitat mosaics are needed for population persistence? How are these habitat mosaics measured? What monitoring data has been collected to show habitat mosaics are needed for persistence of western forest and arid land birds? How do these habitat mosaics ensure adequate hiding cover, thermal cover, nesting substrates, and forage for western forest and aridland birds? The agency claim that managing for habitat mosaics ensures viability of birds in the project area is clearly a NEPA/NFMA/MBTA violation, which invalidates this proposal.

One particular analysis failure for the Skyline HFRA project as per birds was the lack of any analysis as to past and expected mortalities that will be triggered on birds due to direct killing. This direct mortality will occur from

various vegetation treatment activities, including tree cutting, mastication, and burning. Yet without any assessment of expected mortality, or how such mortality may exacerbate ongoing declines, the agency has determined the Skyline HRFA project will not significantly impact western forest and aridland birds. The agency is required by the NEPA, the NFMA and the MBTA to evaluate what the expected direct mortality will be to birds from this project.

This analysis needs to include what the expected impact will also be on forest raptors that may be present in the project area. Given the recommended protection buffers for forest raptors (Ramin and Muck 2002}}, what is the expected loss of reproductive success for these species given that no surveys will be completed for any of them? -Golden Eagle, 0.5 miles 1/1-8/31.-Northern Harrier, 0.5 miles 4/1-8/15.-Cooper's Hawk, 0.5 miles 4/1-8/13.-Ferruginous Hawk, 0.5 miles 3/1-8/1.-Red-tailed Hawk, 0.5 miles 3/15-8/15.-Swainson's Hawk, 0.5 miles, 3/1-8/13.-Turkey Vulture, 0.5 miles 5/1-8/15.-Prairie Falcon, 0.25 miles 4/1-8/31.-Merlin, 0.5 miles 4/1-8/31.-Boreal Owl, 0.25 miles 2/1-7/31.-Flammulated Owl, 0.25 miles, 4/1-9/30.-Great Horned Owl, 0.25 miles 12/1-9/31.-Long-eared Owl, 0.25 miles 2/1-8/15.-Northern Saw-whet Owl, 0.25 miles 3/1-8/31.-Short-eared Owl, 0.25 miles 3/1-8/1.-Mexican Spotted Owl, 0.5 miles 3/1-8/31.-Northern Pygmy Owl, 0.25 miles 4/1-8/1.-Western Screech Owl, 0.25 miles 3/1-8/15.12. The agency is violating the NEPA, the NFMA and the MBTA by failing to evaluate direct, indirect and cumulative impacts on birds associated with pinyon-juniper woodlands/forests; the agency is also violating the NEPA by failing to disclose how severe adverse effects on birds is an acceptable impact if the identified purpose of the project (fuels reduction and timber production) are still being met. The impact of the proposed degradation/removal of pinyon pine-juniper woodlands in the Skyline HRFA project was not provided to the public, even though the agency acknowledged that some birds in this vegetation type have current conservation concerns, including the Pinyon Jay. There is no conservation strategy for any bird associated with pinyon-juniper woodlands, including for the Pinyon Jay. The only measure that is proposed for these birds are claims that surveys for the Pinyon Jay will be conducted at some time in the future, and nest sites will be protected. This assumption that only nest sites need management for this species of conservation concern was not explained. In addition, the NEPA requires that mitigation measures (nest surveys) be identified to the public during the public involvement period. The results of any Pinyon Jay surveys need to be provided to the public during public involvement, not only so that the public is provided this essential baseline information, but so that the agency can demonstrate to the public that these surveys have actually been done. In addition, survey results are essential to the public so that they can see how planned vegetation treatments have been adjusted as per survey results. The public also needs to know how past pinyon-juniper treatments in the project area have possibly affected the distribution of the Pinyon Jay. The agency needs to provide good maps showing all past pinyon-juniper treatments that have occurred in the project area, along with results of Pinyon Jay surveys. The agency is violating the NEPA, the NFMA and the MBTA also by failing to evaluate the importance of pinyon-juniper habitats to birds, including many species of conservation concern. We previously provided reports/publications addressing the high value of pinyon-juniper woodlands to various birds (e.g., Somershoe et al. 2020; Gillihan 2006; and Balda and Masters 1980). We have added an additional reference (Zhoa et al, In Press) that includes Table 1 with a summary of pinyon-juniper birds identified in 10 research studies. This list 25 confirms the large number of bird species are associated with pinyon-juniper woodlands; Table SI identified the Black-chinned Hummingbird, Broad-tailed Hummingbird, Black-throated Gray Warbler, Canyon Towhee, Gray Vireo, Mountain Chickadee, Stellar's Jay, Vesper Sparrow, and Western Bluebird as species of "moderate conservation concern, while the Virginia's Warbler, Woodhouse's Scrub-Jay, Pinyon Jay, Juniper Titmouse were identified as species with a high conservation concern. We have also previously provided reports/publications regarding the imperiled status of the Pinyon Jay (Defenders of Wildlife 2022, and Magee et al. 2019). We are adding another report (Zhoa et al. In Press) that provided additional research data on the effects of thinning pinyon-juniper woodlands on birds. This report notes in the abstract that 11overall, pinyon-juniper thinning had negative effects on the species group of high and moderate conservation concerns, mainly through reduced tree density and canopy cover; pinon-juniper thinning also has negative effects on five priority species (Pinyon Jay, Woodhouse' Scrub-Jay, Juniper Titmouse, Virginia's Warbler, and Black-throated Gray Warbler) while the pathways of the effects of pinyonjuniper thinning on avian biodiversity may be complicated and multi-faceted our results clearly indicate that a reevaluation of thinning in pinyon-juniper woodlands is necessary."The Skyline

HFRA proposal did not evaluate any effects on any pinyon-juniper bird species for the proposed project. This failure means the public is not being provided with "high quality information" on project effects. The public is also not being provided a valid rationale for the purpose of the project, since severe adverse effects are not being disclosed. The purpose of a project needs to address why severe adverse effects still result in an overall project benefit to the public. If these severe adverse effects are not actually disclosed, the agency's rationale for the project is invalid. This includes the Skyline HFRA project.¹³ The agency is violating the NEPA by failing to evaluate project effects between action alternatives. The Skyline HFRA NEPA assessment includes one analysis for both action alternatives, the Proposed Action and Alternative; The effects of both alternatives are described as being essentially similar to wildlife, which is impossible given the huge difference in size of proposed vegetation treatments, as well as the vast amount of treatment proposed for the roadless lands for the Proposed Alternative versus Alternative 3. It is impossible that these different alternatives will have very similar, if identical, impacts on wildlife, as is claimed by the agency. Given the huge difference in acreage and location of planned vegetation treatments, the agency has not provided a reasonable assessment that wildlife impacts increase in acreage treated, and especially that wildlife effects will be much more severe with treatments within roadless lands. This NEPA analysis of alternatives is clearly invalid, which makes the Decision Notice and Finding of No Significant Effects (FONSI) invalid as well. In order to provide a valid NEPA document and decision document, the agency must provide a reasonable detailed comparison between action alternatives to the public.¹⁴ The agency is violating the NEPA by including an invalid action alternative, the proposed action, within the decision document (EA and DN, FONSI) for the Skyline HFRA NEPA analysis. The proposed alternative for the Skyline HFRA project is invalid because the proposed treatments within IRAs is illegal. The Manti-la Sal National Forest Plan has never evaluated the effects on birds of massive fuels reduction treatments within IRAs, nor as well, disclosed the implementation of such projects to the public. Without a Forest Plan amendment to correct this deficiency of the forest plan and the associated FEIS, the agency cannot move forward with any vegetation management actions within IRAs. It is clear that these fuels reduction activities within IRAs will create significant changes to wildlife habitat on this forest. For example, thermal cover, hiding cover, and prey habitat for the MIS goshawk will be reduced with these treatments, even though the Forest's goshawk population is in decline. These treatments will severely reduce snag habitat essential for at least 30 bird species, including 2 sensitive species on the forest, the Flammulated Owl and Three-toed Woodpecker. These treatments ensure that large numbers of migratory birds will be killed via vegetation treatment activities, due to logging, mastication, and prescribed fire. These treatments in IRAs also ensure that many forest raptor nests will be destroyed/disturbed with vegetation management activities, as no raptor surveys are required, including within IRAs. These treatments insure that vast amount of hiding cover, thermal cover, nesting sites, and forage for western forest and aridland birds will be removed/reduced, even though many are currently experiencing population declines. And these treatments ensure that old growth structural stage 6 habitat will be degraded, as these areas within roadless lands have never been mapped. Old growth forests are important for up to 22 bird species. In summary, the undisturbed natural conditions of IRAs is clearly important for the continued viability of western forest and arid land birds. The impact of eliminating these unique features provided to a vast number of birds needs to be fully evaluated in a Forest Plan amendment before this new management strategy, to manage IRAs for fuels and logging, is implemented.