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May 30, 2023

Reviewing Official
Region 6 Regional Forester
Pacific Northwest Region
USDA Forest Service
Attn: 1750/1950 Objections
1220 SW 3rd Avenue
Portland, OR 97204

Re: Objection to Forest Supervisor Jody Weil's Draft Decision Notice and Finding of No Significant Impact for the North Fork Stillaguamish Landscape Analysis Project on the Darrington and Mt. Baker Ranger Districts of the Mt. Baker-Snoqualmie National Forest.

To the Reviewing Official:

Pursuant to 36 C.F.R. § 218, WildEarth Guardians ("Guardians") files this objection to the U.S. Forest Service's Draft Decision Notice ("DN") and Finding of No Significant Impact ("FONSI") for the North Fork Stillaguamish Landscape Analysis Project in the Mt. Baker-Snoqualmie National Forest. Guardians submitted timely comments on the Draft Environmental Assessment ("EA") on March 16, 2023. As such, Guardians is a proper Objector under Part 218. Pursuant to 36 C.F.R. § 218.8, Guardians hereby states that the following content of this Objection demonstrates the connections between the comments noted above for all issues raised herein, unless the issue or statement in the DN and/or FONSI arose or was made apparent after the opportunity for comment closed.

WildEarth Guardians is a nonprofit conservation organization with offices in Washington, Oregon, and five other states. WildEarth Guardians has nearly 200,000 members and supporters across the United States and works to protect and restore wildlife, wild places, wild rivers, and the health of the American West. WildEarth Guardians and its members have specific interests in the health and resilience of public lands and waterways.

I. The Draft Decision Notice and FONSI result in environmental effects that are “highly controversial” and “highly uncertain or involve unique risks or unknown risks.”

Regulations implementing the National Environmental Policy Act (NEPA) require the Forest Service to consider several factors in determining whether an action significantly affects the environment. One of those factors is the “degree to which the effects on the quality of the human environment are likely to be highly controversial.” 40 C.F.R. § 1508.27(b)(4). Another factor is the “degree to which the possible effects on the human environment are highly uncertain or involve unique risks or unknown risks.” *Id.* at 1508.27(b)(5). The Forest Service failed to satisfy these two factors with respect to its proposal to use variable density thinning (VDT) to thin certain stands down to as low as 20 trees per acre.

In its comments on the draft EA, Guardians questioned the Forest Service’s reliance on Hayes, et al. 1997 to support its proposal to thin stands to as low as 20 trees per acre. *See* Guardians Comments at 2. In response, the Forest Service said that it relied on “the best available and most applicable science” and directed Guardians to several pages in the silviculture specialist report. *See* Draft DN/FONSI at 22; Response to Comments at 165. But nothing in those pages of the silviculture specialist report adds support for thinning stands to as low as 20 trees per acre.

In fact, the silviculture specialist report said that “heavy thinning” would “remove trees down to approximately 50 trees per acre,” which is consistent with Hayes, et al. 1997 as long as critical structural components, such as dead wood, are maintained. *See* Draft Silviculture Analysis at 22. But the draft EA allows the Forest Service to thin stands to as low as 20 trees per acre. *See* Draft EA at 11. There is no support for that in either Hayes, et al. 1997 or the agency’s own silviculture specialist report.

A project is considered “highly controversial” if “there is a substantial dispute [about] the size, nature, or effect of the major Federal action rather than to the existence of opposition to a use.” *Bark v. U.S. Forest Serv.*, 958 F.3d 865, 870 (9th Cir. 2020) (alteration in original; internal quotations and citations omitted). A substantial dispute exists “when evidence . . . casts serious doubt upon the reasonableness of an agency’s conclusions.” *Id.* (internal quotations and citations omitted). Here, serious doubt exists as to the reasonableness of the Forest Service’s conclusion to thin stands to as low as 20 trees per acre when neither Hayes, et al. 1997 nor the silviculture specialist report provides support for that level of thinning.

In determining whether the possible effects of a proposed action are “highly uncertain or involve unique or unknown risks,” the “lack of data” regarding the evaluation of potential environmental effects of the proposed action supports the need for an EIS. *Env’tl Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 36 F.4th 850, 880 (9th Cir. 2022). Here, there is a “lack of data” to support the Forest Service decision to thin stands to as low as 20 trees per acre.

Proposed Resolution: The Forest Service should withdraw its proposal to thin stands down to as low as 20 trees per acre as it is not supported by either Hayes, et al. 1997 or the silviculture specialist report. Both of those sources support thinning down to 50 trees per acre provided

critical structural components like dead wood are maintained. If the Forest Service wants to thin stands below 50 trees per acre, it should prepare an environmental impact statement (EIS).

II. The Forest Service failed to ensure that the minimum road system minimizes adverse environmental impacts.

The Travel Management Rule requires the Forest Service to “identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands.” 36 C.F.R. § 212.5(b)(1). The minimum road system (MRS) is the road system determined to be needed to:

- Meet resource and other management objectives adopted in the relevant land and resource management plan;
- Meet applicable statutory and regulatory requirements;
- Reflect long-term funding expectations; and
- Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

Id.

In the Draft EA, the Forest Service said that both action alternatives “would contribute to Travel Management . . . directions for a minimum road system by reducing the amount of Level 3 and 4 road miles, and changing the amounts of Level 1, 2 and decommissioned miles.” Draft EA at 68. But Alternative 3 would result in 47.55 miles of road decommissioning compared to the 12.12 miles in Alternative 2. *Id.* The Forest Service’s selection of Alternative 2 results in far less road decommissioning.

Guardians appreciates the Forest Service’s recognition that it has “an obligation to reduce its overall road system in order to reduce the amount of resources required for maintenance.” Draft DN/FONSI at 17. And while the agency’s commitment to decommission 12 miles of roads within the project area is commendable, we believe that many more roads could and should be considered for decommissioning. With nearly 90,000 miles of roads, the Pacific Northwest Region has by far the most roads in the National Forest System. *See Jacob Smith, Mile by Mile: Ten Years of Legacy Roads and Trails Success*, App. D (2018) (Ex. 1). The Forest Service must take every opportunity to reduce its road system, not only to restore wildlife and aquatic habitat but also to reduce its deferred maintenance.

There appears to be additional opportunities for decommissioning. For example, the Forest Service identified 3.78 miles of Forest Service Road 1891 for changes from ML 2 to ML 1 with a rationale that they are not needed for commercial timber or planned pre-commercial activities and they lead to a roadless area. *See* Draft DN/FONSI at 5. The Forest Service should consider fully decommissioning this road since it is not needed for any timber management activities and it would remove a road from an inventoried roadless area (Higgins Mountain).

The Forest Service should also consider decommissioning Forest Service Road 1820000, which creates a cherry stem in the Higgins Mountain Roadless Area, and related spur roads. The Forest

Service claims FSR 1820000 is needed for commercial timber purposes and for mining access or special use. The Forest Service should reconsider its commercial timber purposes for this area and disclose what mining or special use access is needed for this area.

Two spur roads coming off of FSR 1820000, FSR 1822000 and FSR 1820050, should also be decommissioned. The Forest Service is already proposing to decommission 0.48 miles of FSR 1822000 but should decommission the remaining 0.46 miles. Decommissioning and removing these roads would expand the Higgins Mountain Roadless area.

There also appears to be roads that should have been considered for decommissioning but may not have been included in the analysis at all. These roads include:

- 1705022 (this road is within the Pressentin Roadless Area and should have been considered for decommissioning but it does not appear to have been considered in the analysis. *See* Draft DN/FONSI, Table 3.
- 1775000 (this road creates a cherry stem within the Pressentin Roadless Area. This road does not seem to have been included in the analysis. *See* Draft DN/FONSI, Table 3. The Forest Service should have considered decommissioning this road to expand the Pressentin Roadless Area).
- 1775019, 1780000, 1781000, 1782000, 1784000, 1775030, 1775026 (these are spur roads off 1775000 and do not appear to have been included in the analysis. *See* Draft DN/FONSI, Table 3. Some of these spurs are within the Pressentin Roadless Area cherry stem created by Forest Service Road 1775000. Decommissioning these roads, along with 1775000 would expand the Pressentin Roadless Area).

Proposed Resolution: The Forest Service did not ensure that its identified MRS minimizes adverse environmental impacts. The Forest Service should withdraw the Draft DN and FONSI and consider additional opportunities to decommission roads, particularly those that are considered high risk for aquatic and wildlife resources and could expand roadless acreage. This will better ensure that the MRS minimizes adverse environmental impacts.

Sincerely,



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