

October 19, 2023

Michael Scottorn
540 North Main Street,
Ephraim, UT 84627

Dear Mr. Scottorn,

Re: Skyline Healthy Forests Restoration Act
Project

Dear Mr. Scotthorn,

Please accept these comments from me on
behalf of the Alliance for the Wild Rockies,
Yellowstone to Uintas Connection, Council
on Wildlife and Fish, Center for Biological
Diversity, and Native Ecosystems Council

(NEC) on the proposed Manti-La Sal National Forest Prescribed Fire Landscape Resiliency Project.

The Alliance for the Wild Rockies, Yellowstone to Uintas Connection, Council on Wildlife and Fish, and Native Ecosystems Council (collectively “Alliance”) submit the following comments to guide the development of the environmental analysis for the proposal. We believe that the Forest Service must complete a full environmental impact statement (EIS) for this Project because the scope of the Project will likely have a significant individual and cumulative impact on the environment. Alliance has reviewed the statutory and regulatory requirements

governing National Forest Management projects, as well as the relevant case law, and compiled a check-list of issues that must be included in the EIS for the Project in order for the Forest Service's analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be disclosed and discussed in the EIS for the Project or in the final EA if you refuse to write an EIS.

I. NECESSARY ELEMENTS FOR
PROJECT EA or EIS: A. Disclose all Manti-La Sal National Forest Plan requirements for

logging/burning projects and explain how the Project complies with them;

B. Disclose the acreages of past, current, and reasonably foreseeable logging, grazing, and road-building activities within the Project area;

C. Solicit and disclose comments from the Utah Division of Wildlife Resources regarding the impact of the Project on wildlife habitat;

D. Solicit and disclose comments from the Utah Department of Environmental Quality regarding the impact of the Project on water quality;

E. Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area;

F. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;

G. Disclose the snag densities in the Project area, and the method used to determine those densities;

H. Disclose the current, during-project, and post-project road densities in the Project area;

I. Disclose the Manti-La Sal National Forest's record of compliance with state best

management practices regarding stream sedimentation from ground-disturbing management activities;

J. Disclose the Manti-La Sal National Forest's record of compliance with its monitoring requirements as set forth in its Forest Plan;

K. Disclose the Manti-La Sal National Forest's record of compliance with the additional monitoring requirements set forth in previous DN/FONSI and RODs on the Manti-La Sal National Forest;

L. Disclose the results of the field surveys for threatened, endangered, sensitive, and rare plants in each of the proposed units;

M. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;

N. Disclose the impact of the Project on noxious weed infestations and native plant communities;

O. Disclose the amount of detrimental soil disturbance that currently exists in each project area from previous cutting, burning and grazing activities;

P. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation;

Q. Disclose the expected amount of detrimental soil disturbance in each unit after proposed mitigation/ remediation;

R. Disclose the analytical data that supports proposed soil mitigation/remediation measures;

S. Disclose the timeline for implementation;

T. Disclose the funding source for non-commercial activities proposed;

U. Disclose the current level of old growth forest in each third order drainage in the Project area;

V. Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions;

W. Disclose the historic levels of mature and old growth juniper in the Project area;

X. Disclose the level of mature and old growth juniper necessary to sustain viable populations of dependent wildlife species in the area;

Y. Disclose the amount of mature and old growth juniper that will remain after implementation;

Z. Disclose the amount of current habitat for juniper- sagebrush dependent species in the Project area;

AA. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation;

BB. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation;

CC. Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review;

DD. Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS, the inadequacy of the Forest Plan old growth juniper standard, and the failure to compile data to establish a reliable inventory of sensitive species on the Forest;

EE. Disclose the actions being taken to reduce fuels on private lands adjacent to the Project area and how those activities/or lack thereof will impact the efficacy of the activities proposed for this Project;

FF. Disclose the efficacy of the proposed activities at reducing wildfire risk and severity in the Project area in the future, including a two-year, five-year, ten-year, and 20- year projection;

GG. Disclose when and how the Manti-La Sal National Forest made the decision to suppress natural wildfire in the Project area and replace natural fire with logging and prescribed burning;

HH. Disclose the cumulative impacts on the Forest-wide level of the Manti-La Sal's policy decision to replace natural fire with logging and prescribed burning;

II. Disclose how Project complies with the Roadless Rule;

JJ. Disclose the impact of climate change on the efficacy of the proposed treatments;

KK. Disclose the impact of the proposed project on the carbon storage potential of the area;

LL. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;

MM. Please disclose how this project will enhance wildlife habitat;

NN. Please disclose how this project will degrade wildlife habitat;

OO. Please explain the cumulative impacts of this proposed project.

PP. Disclose maps of the area that show the following elements:

1. Past, current, and reasonably foreseeable logging units in the Project area;

2. Past, current, and reasonably foreseeable grazing allotments in the Project area;

3. Density of human residences within 1.5

miles from the Project unit boundaries;

4. Hiding cover in the Project area according to the Forest Plan definition;

5. Old growth forest in the Project area;

6. Big game security areas;

7. Moose winter range;

We request a more detailed analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature. Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on

these areas of the project activities. Where livestock are permitted to graze, we ask that you assess the present condition and continue to monitor the impacts of grazing activities upon vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation. Livestock grazing occurs in the Project area and causes sediment impacts, trampled or destabilized banks, increased nutrient loads i, and decreased density, diversity, and function of riparian vegetation that may lead to increased stream temperatures and further detrimental impacts to water quality.

Will all WQLS streams in the project area have completed TMDLs before a decision is signed?

Please demonstrate that the project will comply with NEPA by having detailed maps where the logging and burning will occur. If

you are building any roads or skid trails
please tell the public where these will be.

*We also incorporate the following column
by George Wuerthner into our comments.*

*Why Prescribed Burning Is Seldom
Effective*

thewildlifenews.com/2021/09/29/why-prescribed-burning-is-seldom-effective/

George Wuerthner September 29, 2021



*Prescribed burning is often seen as a way
to reduce to the large climate-driven blazes*

now occurring across the West, however, there are many problems that proponents fail to acknowledge. Photo George Wuerthner

It seems everyone is grasping for some “solution” to big fires. And one of the common assertions is that more prescribed burning would reduce fire spread and allow firefighters to knock down a blaze.

Increasingly we also hear that tribal people kept fires from becoming large by the frequent burning of the landscape—as if this was a secret tool no one in the fire fighting agencies knew about. The evidence suggests that tribal burning likely reduced fuels in the IMMEDIATE area around villages but seldom influenced the larger landscape fire rotation. You can read more on this at <https://www.thewildlifenews.com/2020/11/23/indigenous-burning-myths-and-realities/>

A prescribed burn, whether done by Indians for cultural purposes or a firefighter with a drip torch, may reduce fuels for a short period. And if a fire were to encounter the burn when fuels were reduced, it might influence fire spread. However, one of the problems with prescribed burning (as well as thinning forests) is the likelihood that any blaze will encounter a “fuel reduction” when it may be effective at influencing fire spread is exceedingly rare. So most prescribed burns (as well as thinning) have no influence whatsoever.

In addition, the very fire people are anxious to stop or control are those burning under extreme fire conditions. These conditions include high temperatures, low humidity, drought and most importantly high winds. High winds, often blow embers over and through “fuel reductions” like prescribed burns. In other

words, even if such prescriptions worked under low to moderate fire weather conditions, fuel reductions including thinning and prescribed burning typically fail to alter fire spread due to wind transport of embers.

Just burning enough of the landscape to have any influence on wildfires is also problematic. The window when burning is safe is frequently very narrow. Concerns about smoke dispersal add to the limitations.

Furthermore, there is always a chance that a prescribed burn will get away and burn far more of the landscape, including homes, prescribed burning increases the chances of fire losses. Due to the low possibility that any blaze will encounter a prescribed burn during the period when it could change fire behavior whether you would reduce the acreage charred is questionable.

A prescribed burn could get away from fire fighters and burn significant acreage as occurred with the [Davis Fire](#) near Canyon Creek, Montana and the Cerro Grande prescribed burn that destroyed homes in [Los Alamos, New Mexico](#). When such planned ignitions get away from fire fighters due to changing weather conditions, the District Ranger or Park Supervisor or other responsible agency personnel get blamed for the destruction of property.



This area on the Deschutes National Forest was prescribed burn the previous

season. The regrowth of grasses (fine fuels) is now denser than what existed before the burn. Photo George Wuerthner

The other problem with prescribed burning is that in many ecosystems, burning stimulates plant growth. This additional biomass results from the removal of competing vegetation and release more nutrients, water, and sunlight for the remaining plants. Consequently, within a few years of a prescribed burn, you will often get more fine fuels like grass, shrubs, and small trees than before the burn.

In addition, frequent burning was not the dominant fire regime in many ecosystems. Chaparral, sagebrush, and higher elevation conifer forests like fir, lodgepole, spruce, and others all had naturally long fire rotations and intentionally burning them harms them.

I repeatedly see around the West that agencies will perform a prescribed burn

and never bother with the follow-up maintenance. While prescribed burning could be effective if strategically located by communities and repeated continuously, this seldom occurs.

The following two photos demonstrate this idea. The first photo was taken a week after the Bridger Foothills Fire swept across forests, hayfields, and pastures in September 2020. Note that the hayfield has very little grass after being mowed. But strong winds drove the fire across even one-inch stubble. The second photo taken in nearly the exact location shows how rapidly the grass regrew after a fire. In other words, without continuous “maintenance,” the burn would have little impact on slowing or stopping a fire.



***Area burned by Bridger Foothill Fire near
Bozeman in September 2020. Photo George
Wuerthner***



Same location (note the burnt fence post) a year later where grass (fuel) regrew. Photo George Wuerthner

All this said I don't oppose the strategic use of prescribed burning so long as people recognize the limitations. Reducing fuels around communities and homes can be effective if and when a blaze threatens structures. However, the idea that somehow prescribed burning is an effective panacea

that can reduce or preclude climate-driven blazes is questionable.

Weeds

Native plants are the foundation upon which the ecosystems of the Forest are built, providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape, and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the

invasion of noxious weeds “devastating” and a “biological disaster.” Despite implementation of Forest Service “best management practices” (BMPs), noxious weed infestation on the Forest is getting worse and noxious weeds will likely overtake native plant populations if introduced into areas that are not yet infested. The Forest Service has recognized that the effects of noxious weed invasions may be irreversible. Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.

Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious

weeds cause harm because they displace native plants, resulting in a loss of diversity and a change in the structure of a plant community. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and surface runoff in an ecosystem. As well knapweed may alter organic matter distribution and nutrient through a greater ability to uptake phosphorus over some native species in grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures early and leads to

Weed colonization can also deplete soil nutrients and change the physical structure of soils. The Forest Service's own

management activities are largely responsible for noxious weed infestations; in particular, logging, prescribed burns, and road construction and use create a risk of weed infestations.

How much logging will you do before you burn? The introduction of logging equipment into the Forest creates and exacerbates noxious weed infestations. Are roadsides throughout the project area are infested with noxious weeds? Once established along roadsides, invasive plants will likely spread into adjacent grasslands and forest openings.

Will prescribed burning activities within the analysis area cumulatively contribute to

increases to noxious weed distribution and populations?

As a disturbance process, fire has the potential to greatly exacerbate infestations of certain noxious weed species, depending on burn severity and habitat type (Fire Effects Information System 2004).

Dry site vegetation types and road corridors are extremely vulnerable, especially where recent ground disturbance has occurred.

Please provide an alternative that eliminates units that have noxious weeds present on roads within units from fire management proposals.

Please address the ecological, social and ascetic impact of current noxious weed

infestations within the project area. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to address growing noxious weed problems?

What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which includes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound's-tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the Utah COUNTY NOXIOUS WEED LIST. 1975).

Are yellow and orange hawkweeds present within the project area?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following management actions: burning and cutting of trees and shrubs

Noxious weeds are not eradicated with single herbicide treatments. A onetime application may kill an individual plant but dormant seeds in the ground can still sprout after herbicide treatment. Thus, herbicides must be used on consistent, repetitive schedules to be effective.

What commitment to a long-term, consistent strategy of application is being proposed for each weed infested area within the proposed action area? What long term monitoring of weed populations is proposed?

When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. What native plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including burn units be planted or reseeded with native plant species?

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service

concedes that preventing the introduction of weeds into uninfested areas is “the most critical component of a weed management program.” The Forest Service’s national management strategy for noxious weeds also recommends “develop[ing] and implement[ing] forest plan standards . . .” and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries?

What minimum standards are in the Manti-La Sal Forest Plan to address noxious weed infestations? Please include an alternative in the that includes land management standards that will prevent new weed infestations by

addressing the causes of weed infestation. The failure to include preventive standards violates NFMA because the Forest Service is not ensuring the protection of soils and native plant communities.

Additionally, the omission of an EIS alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.

Rare Plants

The ESA requires that the Forest Service conserve endangered and threatened species of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which

population viability is a concern as “sensitive species” designated by the Regional Forester (FSM 2670.44). The response of each of the sensitive plant species to management activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be altered may have impacts on native vegetation, including threatened and sensitive plants. Herbicide application – intended to eradicate invasive plants – also results in a loss of native plant diversity because herbicides kill native plants as well as invasive plants.

Although native species have evolved and adapted to natural disturbance such as fire on the landscape, fires primarily occur in mid to late summer season, when annual plants have flowered and set seed.

Following fall fires, perennial root-stocks remain underground and plants emerge in the spring. Spring and early summer burns could negatively impact emerging vegetation and destroy annual plant seed.

What threatened, endangered, proposed, rare and sensitive plant species and habitat are located within the proposed project area?

What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in

this project?

Describe the potential direct and indirect effect of the proposed management actions on rare plants and their habitat. Will prescribed burning occur in the spring and early summer; please give justifications for this decision using current scientific studies as reference.

Please explain to the public what wildlife species will be benefited by this project and what species will be harmed/ We believe that the NEPA requires the agency to adequately demonstrate that the determination that this project will benefit all wildlife species needs to be included in

the public involvement process, which in this case is scoping.

Are the roadless areas in the project area currently within the natural historic range of variability?

Is the project area within natural range for wildfire conditions?

Please analyze the wilderness potential of all of the roadless areas.

Will this project substantially alter the Roadless characteristics in the inventoried roadless areas within the project area?

Use of an CE or even an EA for this project is also invalid because the proposed vegetation treatments would occur within Inventoried Roadless Areas (IRA). This qualifies as an extraordinary circumstance that invalidates use of a CE or even an EA.

It is the existence of a cause- effect relationship between a proposed action and the potential effects on these resource conditions and if such a relationship exists, the degree of the potential effects of a proposed action on these resource conditions that determine whether extraordinary circumstances exist (36 CFR 220.g(b)).

In relevant part, regarding the prohibition on tree cutting, the Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be

cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;
36 C.F.R. §294.13 (2005).

The Roadless Rule further explains the meaning of the phrase “incidental to” in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and

utility corridors; or for road construction and reconstruction where allowed by this rule.

Page 4 of the scoping notice states: “Use of prescribed fire is proposed on the remaining national forest system lands within the Forest, which includes inventoried roadless areas.” It appears that the Project authorizes tree cutting on in roadless areas, the Project EA is not clear how the Forest Service will access those units. It is unclear whether the Forest Service will be reconstructing old roads, using illegal user-created roads, or using roads already closed by the Travel Plan in the Inventoried Roadless Area in order to conduct these activities. Please clarify what roads will be used.

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66 Fed. Reg. 3258.

Every one of these examples shows that the management activity itself is not any form of vegetation management, i.e. tree-cutting – instead the management activities are things like trail management, road management, firefighting, land surveys, ski runs, utility corridors, or lawful road construction. In

contrast, here the management activity itself is vegetation management, i.e. tree-cutting.

The Forest Service's interpretation of exemption (b)(2) is contrary to the explanation of "incidental to" in the Roadless Rule, and if adopted, would swallow the rule. The Forest Service could simply avoid the tree-cutting ban by labeling every tree-cutting activity in a Roadless Area as something other than tree-cutting – such as "restoration" – and thereby circumvent the ban with euphemisms. This is clearly not the intent of the Roadless Rule. 66 Fed. Reg. 3258. Accordingly, the (b)(2) exemption does not apply here.

The Montana federal district court recently addressed a similar issue. *Hunters v. Marten*, 470 F.Supp.3d 1151, 1167-1169 (D. Mont. 2020). The Court held: "It is simply not true that the Forest Service had no duty to communicate its transportation plan to the

public. NEPA imposes upon the agency the duty to take a 'hard look' when it plans its actions and 'to provide for broad dissemination of relevant environmental information.'" Id. The Court further held:

"[Plaintiffs] contend that the final EIS is inadequate because it is misleading. []. The Court agrees with the latter. Having already discussed at length why the Forest Service's treatment of the roadwork in the final EIS is inadequate and indicates bad faith, there is little more to say on the second issue. On remand, the Forest Service will be required to thoroughly develop its plan to bring heavy machinery into the roadless area."

What scientific analysis did the Forest Service do to find that the National Forest System lands on the Manti-La Sal are departed from the natural range of variability?

Please see the attached paper by Dr. William Baker titled:

“Are High-Severity Fires Burning at Much Higher Rates Recently than Historically in Dry-Forest Landscapes of the Western USA?”

Please also find attached Baker 2023.

Dr. Baker writes: “Programs to generally reduce fire severity in dry forests are not supported and have significant adverse ecological impacts, including reducing habitat for native species dependent on early-successional burned patches and decreasing landscape heterogeneity that confers resilience to climatic change.”

Dr. Baker concluded: “Dry forests were historically renewed, and will continue to be

renewed, by sudden, dramatic, high-intensity fires after centuries of stability and lower-intensity fires.”

The purpose of the Skyline Healthy Forest Restoration Act (HFRA) Project is to reduce the risk and extent of, and increase the resilience to, insect and disease infestation; and to reduce hazardous fuels.

Please also find attached Baker 2023.

. Based on Dr. Baker’s papers, the proposed action will not meet the purpose and need of the project.

Dr. Baker’s papers are the best available science. Please explain why this project is not following the best available science.

Much of the acreage that has burned in the Rockies is higher elevation lodgepole pine and subalpine fir forests that have long fire

rotations of hundreds of years and have not been influenced to any great degree by fire suppression.

Furthermore, fuel treatment often enhances fire advancement by increasing the fine fuels (needles, branches, grass growth) on the surface. Plus, opening the forest by thinning can lead to greater drying and wind penetration, both major factors in fire spread.

The advocates for thinning continue to ignore that most large fires around the West, including those in mixed conifer and ponderosa pine, have occurred in lands under "active forest management." That includes the Manti-La Sal Fire and Bootleg Fires, which were among the two largest blazes this past summer in California and Oregon.

For instance, 75% of the Bootleg fire, which burned over 400,000 acres, had previously been "treated" by some form of "fuels

management" with no discernible effect on fire spread.

There is plenty of proof from numerous fires where active forest management had no apparent effect on fire behavior or fire spread.

A review of 1500 fires across the West found that as a generalization, areas under "active forest management," which includes thinning and prescribed burning, tend to burn at higher severity than lands like wilderness areas where "fuel treatments" are prohibited.

There is an equally strong consensus among scientists that wildfire is essential to maintain ecologically healthy forests and native biodiversity. This includes large fires and patches of intense fire, which create an abundance of biologically essential standing dead trees (known as snags) and naturally stimulate regeneration of vigorous new stands of forest. These areas of "snag forest

habitat” are ecological treasures, not catastrophes, and many native wildlife species, such as the rare black-backed woodpecker, depend on this habitat to survive.

Fire or drought kills trees, which attracts native beetle species that depend on dead or dying trees. Woodpeckers eat the larvae of the beetles and then create nest cavities in the dead trees, because snags are softer than live trees. The male woodpecker creates two or three nest cavities each year, and the female picks the one she likes the best, which creates homes for dozens of other forest wildlife species that need cavities to survive but cannot create their own, such as bluebirds, chickadees, chipmunks, flying squirrels and many others.

[More than 260](#) scientists wrote to Congress in 2015 opposing legislative proposals that would weaken environmental laws and increase logging on National Forests under

the guise of curbing wildfires, noting that snag forests are "quite simply some of the best wildlife habitat in forests."

We can no more suppress forest fires during extreme fire weather than we can stand on a ridgetop and fight the wind. It is hubris and folly to even try. Fires slow and stop when the weather changes. It makes far more sense to focus our resources on protecting rural homes and other structures from fire by creating "defensible space" of about 100 feet between houses and forests. This allows fire to serve its essential ecological role while keeping it away from our communities.

For all of these reasons, the Project violates the Roadless Rule and the Project Scoping documents fail to take hard look and provide accurate information and analysis to the public regarding Roadless Rule compliance, in violation of the APA, NFMA, the Migratory Bird Treaty Act, the Bald and

Golden Eagle Protection Act, the ESA, and NEPA.

Please explain why forest logging, masticating, and prescribed burning will not significantly affect the area's value to wildlife. We contend that the proposed thinning and burning will have significant adverse impacts on many wildlife species, impacts that are not currently present within IRAs. Please explain any adverse impacts that have been identified to wildlife from the current habitat conditions in IRAs. Since the current conditions are beneficial to wildlife, and the proposed conditions will be detrimental to wildlife, this means that the proposed action will eliminate existing values of the IRA. This would be a cause-

effect relationship, invalidating the use of a EA.

Please explain include a discussion of the following:

1. Baker and Shinneman. 2004. Fire rotation for high- severity fire in juniper is estimated at 400-480 years.

2. Floyd and others. 2004. Stand replacing fires in juniper 400 years or longer.

3. Bauer and Weisberg. 2009. The fire cycle in pinyon- juniper was estimated at 427 years.

What evidence do you have that shows fire has been suppressed in the area?

Baker and Shinneman (2004), Bauer and Weisberg (2009), and Floyd et al. 2004) that demonstrate that the fire cycle in juniper woodlands is very long, up to 400 years or longer, and has not been impacted by any fire suppression actions since settlement. In addition, Coop and Magee (Undated) noted that low-severity fire is not generally considered to have played an important role in shaping patterns of pre- settlement pinyon-juniper woodland structure, where fire regimes were mostly characterized by rare stand-replacing fire; as a result, they noted that direct management interventions such as thinning or fuel reductions may not represent ecological restoration.

Please explain why a lack of fire has degraded wildlife habitat. One has to assume that the presence of juniper woodlands is considered an adverse impact on wildlife, and if burned up, would improve wildlife habitat. We have cited a number of publications, just as examples, that in fact identify the high value of juniper woodlands to wildlife. This value includes forage for mule deer, a species that is to be emphasized on this identified winter range. The value of juniper species to mule deer was identified long ago. For example, Lovaas (1958) reported that the primary winter forage for mule deer in the Little Belt Mountains of Montana were several species of juniper. More recently, this importance was again identified in a published research article.

Coe et al. (2018) reported that juniper trees are important to mule deer on their winter ranges in Oregon. There is no information in the notice that indicates why juniper removal will benefit mule deer or elk or any wildlife.

Juniper woodlands are also important habitat for many nongame birds (Coop and Magee undated; Reinkensmeyer 2000; Magee et al. 2019).. Coop and Magee (undated) noted that juniper removal treatments substantially reduced the occupancy of pinon-juniper specialists and conifer obligate species, including the pinyon jay. There One such species, the pinyon jay, is a species of conservation concern who is associated with juniper habitats (Boone et al. 2018); this

paper warns of the detrimental impacts to this declining species due to juniper thinning projects. More recently, Magee et al. (2019) reported that juniper removal projects resulted in decreased occupancy of many associated bird species, including the pinyon jay. These research reports are consistent with a 2000 report by Reinkensmeyer that juniper woodlands provide important habitat for many bird species, with bird species diversity and density increasing as woodlands progress into old growth juniper. Given the documented high value of old growth juniper forests to wildlife, the EA or EIS at a minimum needed to discuss how old growth juniper is being managed in this landscape. The Intermountain Region recognizes old growth juniper (Hamilton

1993). How much old growth juniper is believed as essential for optimal non-game bird management, and where is this old growth juniper going to be maintained in this IRA and project?

How will this project effect pinyon jays?

Please see the attached petition to list the pinyon jay for protection under the Endangered Species Act.

Please find the FWS 90-DAY FINDING ON A PETITION TO LIST THE PINYON JAY (*Gymnorhinus cyanocephalus*) AS A THREATENED OR ENDANGERED SPECIES UNDER THE ENDANGERED SPECIES ACT attached.

The FWS wrote on page 8 of their findings:

The petition presents credible evidence that reducing the extent and density of

piñon-juniper woodlands, often with complete tree removal, is taking place across the majority of the range of the pinyon jay (Bombaci et al. 2017, 63; Defenders of Wildlife 2022, 66-78) (1) to improve wildlife habitat (e.g. Greater Sage-Grouse, mule deer) (Bender et al. 2013, 55-56; Bergman et al. 2014, 449; Bombaci and Pejchar 2016, 40; Kramer et al. 2015, 30 and 33; Boone et al. 2018, 191) and livestock forage (Aro 1971, entire), (2) to reduce fuels and support fire mitigation plans (Schoennagel and Nelson 2011, 273-275), (3) to improve watershed function and reduce soil erosion (Jacobs 2015, 1427), and (4) increase plant community heterogeneity (Miller et al. 2014, 479).

The project will violate NEPA, NFMA, the Forest Plan and the APA. Pinyon jay's will

be affected by more than just burning nesting habitat. The project will also burn up their food source, pinyon pines.

The project will destroy pinyon jay habitat throughout the Manti-La Sal National Forest.

The project is in violation of NEPA, NFMA and the APA.

The scoping documents do not adequately demonstrate that the project is complying with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act). Please demonstrate that the project will comply with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act).

The agency does not address the likely adverse impacts of climate change on the persistence of juniper woodlands or values of forests as carbon sinks.

Please explain how climate change could affect the long-term persistence of juniper woodlands. If the persistence of these woodlands will be adversely impacted by climate change, juniper thinning operations will promote the long-term demise of this important conifer. This impact was noted by Coop and Mcgee (Undated). Indeed, a recent newspaper article by Maffly (2018) reported on the mystery of why junipers are dying in Utah; widespread loss of junipers would

have far- reaching consequences for southern Utah's fragile desert environments.

In addition to the concern about juniper mortality resulting from climate change, we also note that forest thinning in general exacerbates climate change. Milman (2018) recently reported on this issue, noting that scientists say halting deforestation is just as urgent as reducing emissions to address climate change, given the function they provide as a carbon sink. Forest thinning reduces this carbon sink function.

Please explain the impact of juniper treatments on the spread of noxious weeds.

There is a considerable awareness today regarding the problems of noxious weed

infestations on public lands. One activity that is clearly promoting noxious weeds are fuels reduction and prescribed burning projects. We cite only a few examples at this time. One example is a Joint Fire Science Report by Coop and Magee (Undated), where they note that fuels and juniper reduction treatments resulted in rapid, large and persistent increases in the frequency, richness and cover of 20 non-native plant species including cheatgrass; exotic plant expansion appeared linked to the disturbance associated with treatment activities, reduction in tree canopy, and alterations to ground cover; exotic species were much more frequently encountered at treated than control sites, occurring at 86% of sample plots in treatments and 51% of

untreated sample plots; richness of exotic species in treatments was more than double that of controls. What is also interesting in this study is that cheatgrass showed a negative effect of tree canopy, which means that cheatgrass was benefited by canopy removal. They noted that models for cheatgrass alone and all non- native species together indicate strong negative associations with tree canopies, indicating that increased light availability, or perhaps below-ground resources such as moisture or nitrogen, enhance colonization and growth in treatments. Increases in exotic plant species in treatment areas was one of the reasons these researchers concluded that managers need to be cautious about implementing treatments in light of the

persistent, negative ecological impacts that accompany woodland thinning in pinyon pine- juniper ecosystems; this includes an increase in fire frequency.

Kerns and Day (2014) also reported that juniper treatments resulted in at least a short-term conversion of juniper woodlands to an exotic grassland. And Kerns (undated) reported similar findings in another Joint Fire Science Program report; she stated that it is a significant challenge for land managers to apply thinning and burning fuel treatments in a manner that does not exacerbate existing weed and associated resource problems due to the reduction of ecological resistance that fuel reduction activities created, combined with the

aggressive nature of exotic species present. Kerns also noted that weed problems were also caused in slash pile burning, which is planned for the Rowley Canyon project.

Perchemlides et al. (2008) reported similar problems with juniper thinning projects in Oregon; exotic annual grass cover increased, whereas cover by native perennial grasses did not, in treatment areas; they noted that fuel reduction thinning may have some unintended negative impacts, including expansion of exotic grasses, reduction in native perennial species cover, persistent domination of annuals, and increased surface fuels.

Please show scientific documentation that conversion of juniper woodlands to

grasslands, including cheatgrass, improves habitat for all wildlife species.

The agency notes that the project will not only reduce juniper, but various shrubs as well. Although we noted above that juniper woodlands have a very high value to many wildlife species, it is not clear that replacing juniper with grasses, including cheatgrass, balances out the loss of wildlife species removed due to juniper removal by replacement with other wildlife species that use only grasses as habitat. For example, the scoping notice did not identify that mule deer on this winter range use grasses as winter forage. The value of cheatgrass to elk in the winter is also not demonstrated. Cheatgrass seeds are extremely sharp, and

use by elk in the winter seems unlikely. Cheatgrass use by wildlife in the summer is also unlikely after early spring, since this grass cures out by summer. The seeds of cheatgrass are also responsible to mortality through blinding of grassland birds (McCrary and Bloom 1984).

General comments on the proposal are as follows:

Parts of this very large project area are big game winter range as per the Forest Plan. Please define what the specific habitat objectives are for this winter range, including hiding and thermal cover, as well as forage. Juniper and sagebrush are key forage plants for big game on winter ranges. What are the objectives for these forage

species? The Forest Plan direction for this management area is binding. If the agency is going to claim that the Forest Plan is being implemented, you need to specifically define how this is being done, instead of simply claiming that juniper and shrub removal is improvement on big game winter range.

Also, the science and monitoring behind this claim need to be provided. Currently mule deer populations have been in decline across the western U.S.. We haven't seen any science that reported increases of mule deer populations following removal of juniper and shrubs on their winter ranges.

Please explain what shrubs are present, and will be targeted for masticating and burning. Do these control efforts include sagebrush?

There is extensive documentation that sagebrush is highly valuable to both elk and deer on winter ranges (Wambolt 1998, Petersen 1993). Removing sagebrush to increase grasses on winter range, as is suggested in the scoping notice, does not promote mule deer and elk. Sagebrush has a high protein content of almost 13% in the winter, while dormant grasses have a protein content of less than 4% (Peterson 1993).

There can be no valid reason to remove sagebrush and replace it with grasses for big game winter forage. The actual replacement species the agency claims are going to be managed for are never identified. But at a minimum, the rationale for removing shrubs and replacing them with grasses on winter

range needs to be documented, as is required by the NEPA.

The claim that this project will increase diversity is pure unsupported rhetoric. There is no definition as to what constitutes diversity. What criteria are being used to measure diversity, and why isn't this information provided to the public? For example, what is the criteria for a diversity of age classes in juniper woodlands or sagebrush, and what is this based on? The NEPA requires that the agency provide reliable, valid information to the public on projects. This claim that removing juniper and shrubs will improve diversity is a clear violation of the NEPA, as there is no actual basis for it. Worse, it is not clear why

eliminating trees and shrubs increases diversity as per the standard definitions.

What science claims that a grassland has higher habitat diversity than a woodland or forest, or shrubland? One likely factor driving the proposed project is not promotion of big game species and wildlife, but instead is being done for livestock.

Please explain in the EA or EIS the impact of current livestock grazing practices in this landscape.

The claim that thinning and removing juniper will increase resiliency of this area is highly questionable. First, these forests are not highly flammable as per the current science. Second, thinning will likely increase flammability by increasing wind

speeds and vegetation drying due to a reduction of shade. Third, flammability will surely be increased over current conditions due to an increase of grasses, including exotic species as cheatgrass. Please provide evidence that any actual published scientific papers that show that prescribed on such a large scale will reduce fires, and thereby increase “resiliency” of this winter range.

Please provide in the EA or EIS monitoring data on the effect of the fire on as winter range, or how this fire affected the extent of exotic vegetation, such as cheatgrass and other weeds. Since the proposed actions will be somewhat similar in effect, it would seem to be important for the agency to provide this information to the public.

Please provide in the EA or EIS any monitoring data, or references any current science, as to what the specific problems are in this landscape for wildlife. How did the agency determine that the current conditions are causing problems for wildlife? In general, one would not expect trees to be a problem for wildlife, especially juniper which is a highly valuable resource for wildlife, not just for forage, including berries, but as hiding and thermal cover. How has the agency determined that hiding cover are too high in this winter range? What are the objectives for hiding and thermal cover which are the target for management intervention?

Please explain what species of shrubs are going to be slashed and burned. Why aren't these shrubs being used by wildlife?

NEPA requires that the Forest Service provide the public is provided information as to why this project will benefit wildlife. At a minimum, the agency needs to demonstrate to the public that this is in fact the case. The EA or EIS must document any scientific information as to how the resource specialists determined that the project will not lead to any significant effects on wildlife. These conclusions need to be documented for the public, including criteria that were used and evaluated to measure levels of significant impact. As just one question, if the Forest Plan standard to

manage this area to promote big game species on their winter range is not being followed, this would most likely trigger significant impacts. It seems like that this is an intentional Forest Plan violation to promote livestock grazing over wildlife in this landscape. Juniper removal has been a long- standing practice to promote livestock grazing, not wildlife. Please discuss the current grazing use of this area by livestock. This information needs to be included as important information to the public.

The project will violate NEPA activities are being planned in the IRAs are done without an analysis of the impact of the project on wilderness characteristics.

Please provided as to what the vegetation types are in the areas not proposed for treatment. What was the basis for determining areas for treatment? It seems likely that the nontreatment areas lack any shrubs and trees. If this is the case, the claims that diversity will be increased by expanding treeless areas in this winter range

Please provide information to the public as to why this project enhances wildlife habitat, or is needed to maintain natural ecosystem processes within an IRA. If juniper is so flammable, it is not clear why it has to be slashed before it can be burned. It is clear that this project requires much more information to be provided to the public, and much more documentation to justify

vegetation management within IRAs. And as previously noted, the criteria which the resource specialists used to estimate the level of impact needs to be provided, as well, to the public. It seems readily apparent that this project requires at a minimum an environmental assessment in order to comply with the NEPA, including the provision of valid, reliable information to the public when and where the Forest Service is planning resource management activities.

The best available science, Christensen et al (1993), recommends elk habitat effectiveness of 70% in summer range and at least 50% in all other areas where elk are one of the primary resource considerations. According

to Figure 1 in Christensen et al (1993), this equates to a maximum road density of approximately 0.7 mi/sq mi. in summer range and approximately 1.7 mi/sq mi. in all other areas.

Do any of the 6th Code watersheds in the Project area meet either of these road density thresholds? It appears the

Project area as a whole also far exceeds these thresholds. Please disclose this type of Project level or watershed analysis on road density.

Christensen et al (1993) state that if an area is not meeting the 50% effectiveness threshold of 1.7 mi/sq mi, the agency should admit that the area is not being managed for

elk: “Areas where habitat effectiveness is retained at lower than 50 percent must be recognized as making only minor contributions to elk management goals. If habitat effectiveness is not important, don't fake it. Just admit up front that elk are not a consideration.” The Project EIS does not make this admission.

The Forest Service should provide an analysis of how much of the Project area, Project area watersheds, affected landscape areas, or affected Hunting Districts provide “elk security area[s]” as defined by the best available science,

Christensen et al (1993) and Hillis et al (1991), to be comprised of contiguous 250 acre blocks of forested habitat 0.5 miles or

more from open roads with these blocks encompassing 30% or more of the area.

Please provide a rational justification for the deviation from the Hillis security definition and numeric threshold that represent the best available science on elk security areas.

What best available science supports the action alternatives?

Schoennagel et al (2004) states: “we are concerned that the model of historical fire effects and 20th-century fire suppression in dry ponderosa pine forests is being applied uncritically across all Rocky Mountain forests, including where it is inappropriate.

Schoennagel et al (2004) states: “High-elevation subalpine forests in the Rocky

Mountains typify ecosystems that experience infrequent, high-severity crown fires []. . . The most extensive subalpine forest types are composed of Engelmann spruce (*Picea engelmannii*), subalpine fir (*Abies lasiocarpa*), and lodgepole pine (*Pinus contorta*), all

thin-barked trees easily killed by fire.

Extensive stand-replacing fires occurred historically at long intervals (i.e., one to many centuries) in subalpine forests, typically in association with infrequent high-pressure blocking systems that promote extremely dry regional climate patterns.”

Schoennagel et al (2004) states: “it is unlikely that the short period of fire exclusion has significantly altered the long

fire intervals in subalpine forests.

Furthermore, large, intense fires burning under dry conditions are very difficult, if not impossible, to suppress, and such fires account for the majority of area burned in subalpine forests.

Schoennagel et al (2004) states: “Moreover, there is no consistent relationship between time elapsed since the last fire and fuel abundance in subalpine forests, further undermining the idea that years of fire suppression have caused unnatural fuel buildup in this forest zone.”

Schoennagel et al (2004) states: “No evidence suggests that spruce–fir or lodgepole pine forests have experienced substantial shifts in stand structure over

recent decades as a result of fire suppression. Overall, variation in climate rather than in fuels appears to exert the largest influence on the size, timing, and severity of fires in subalpine forests [].

We conclude that large, infrequent standreplacing fires are ‘business as usual’ in this forest type, not an artifact of fire suppression.”.

Schoennagel et al (2004) states: “Contrary to popular opinion, previous fire suppression, which was consistently effective from about 1950 through 1972, had only a minimal effect on the large fire event in 1988 [].

Reconstruction of historical fires indicates that similar large, high-severity fires also occurred in the early 1700s []. Given the

historical range of variability of fire regimes in high-elevation subalpine forests, fire behavior in Yellowstone during 1988, although severe, was neither unusual nor surprising.”

Schoennagel et al (2004), please find attached, states: “Mechanical fuel reduction in subalpine forests would not represent a restoration treatment but rather a departure from the natural range of variability in standstructure.”

Schoennagel et al (2004) states: “Given the behavior of fire in Yellowstone in 1988, fuel reduction projects probably

will not substantially reduce the frequency, size, or severity of wildfires under extreme weather conditions.”

Schoennagel et al (2004) states: “The Yellowstone fires in 1988 revealed that variation in fuel conditions, as measured by stand age and density, had only minimal influence on fire behavior. Therefore, we expect fuel- reduction treatments in high-elevation forests to be generally unsuccessful in reducing fire frequency, severity, and size, given the overriding importance of extreme climate in controlling fire regimes in this zone. Thinning also will not restore subalpine forests, because they were dense historically and have not changed significantly in response to fire

suppression. Thus, fuel- reduction efforts in most Rocky Mountain subalpine forests probably would not effectively mitigate the fire hazard, and these efforts may create new ecological problems by moving the forest structure outside the historic range of variability.”

Likewise, Brown et al (2004) states: “At higher elevations, forests of subalpine fir, Engelmann spruce, mountain hemlock, and lodgepole or whitebark pine predominate. These forests also have long fire return intervals and contain a high proportion of fire sensitive trees. At periods averaging a few hundred years, extreme drought conditions would prime these forests for large, severe fires that would tend

to set the forest back to an early successional stage, with a large carry-over of dead trees as a legacy of snags and logs in the regenerating forest natural ecological dynamics are largely preserved because fire suppression has been effective for less than one natural fire cycle. Thinning for restoration does not appear to be appropriate in these forests. Efforts to manipulate stand structures to reduce fire hazard will not only be of limited effectiveness but may also move systems away from pre-1850 conditions to the detriment of wildlife and watersheds.” “Fuel levels may suggest a high fire ‘hazard’ under conventional assessments, but wildfire risk is typically low in these settings.”

Likewise, Graham et al (2004) states: “Most important, the fire behavior characteristics are strikingly different for cold (for example, lodgepole pine, spruce, subalpine fir), moist (for example, western hemlock, western redcedar, western white pine), and dry forests. Cold and moist forests tend to have long fire- return intervals, but fires that do occur tend to be high- intensity, stand-replacing fires. Dry forests

historically had short intervals between fires, but most important, the fires had low to moderate severity.”

According to Graham et al (2004), thinning may also increase the likelihood of wildfire ignition in the type of forests in this Project area: “The probability of ignition is strongly

related to fine fuel moisture content, air temperature, the amount of shading of surface fuels, and the occurrence of an ignition source (human or lightning caused) There is generally a warmer, dryer microclimate in more open stands (fig. 9) compared to denser stands. Dense stands (canopy cover) tend to provide more shading of fuels, keeping relative humidity higher and air and fuel temperature lower than in more open stands. Thus, dense stands tend to maintain higher surface fuel moisture contents compared to more open stands. More open stands also tend to allow higher wind speeds that tend to dry fuels compared to dense stands. These factors may increase probability of ignition in some open canopy stands compared to dense canopy stands.”

Please analyze the wilderness characteristic of the both the inventoried and uninventoried roadless areas and wilderness study areas in the project area.

The Forest Service recognizes the value of forestland unencumbered by roads, timber harvest, and other development. Sometimes these areas are known as “inventoried roadless areas” if they have been inventoried through the agency’s various Roadless Area Review Evaluation processes, or “unroaded areas” if they have not been inventoried but are still of significant size and ecological significance such that they are eligible for congressional designation as a Wilderness Area.

Roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3,244, 3,245 (Jan. 12, 2001) (codified at 36 C.F.R. Part 294). They provide large, relatively undisturbed landscapes that are important to biological diversity and the long- term survival of many at-risk species.

Roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. Id. They also serve as bulwarks against the spread of non-native invasive plant species and

provide reference areas for study and research. Id.

Other values associated with roadless areas include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing cultural properties and sacred sites; and other locally identified unique characteristics.

The Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

... .

36 C.F.R. §294.13 (2005)(emphases added).

The Roadless Rule further explains the meaning of the phrase “incidental to” in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these

activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

66 Fed. Reg. 3258.

The project is far too large to provide meaningful information or analysis to the public, and thus prevents agency transparency in management of public lands. It is not clear why the Forest Service believes that such a large project is either

needed, or can be meaningfully understood and reviewed by the public.

We request a careful analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature. Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas of the project activities. Where livestock are permitted to graze, we ask that you assess the present condition and continue to monitor the impacts of grazing activities upon

vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation.

Livestock grazing occurs in the Project area and causes sediment impacts, trampled or destabilized banks, increased nutrient loads in streams, and decreased density, diversity, and function of riparian vegetation that may lead to increased stream temperatures and further detrimental impacts to water quality.

This project is a violation of the National Environmental Policy Act (NEPA) since it is far too large for the agency to provide adequate information to the public, and far too large for the public to understand how the project will impact natural resources. As an example, we expect that there will not be anything close to valid wildlife surveys, including for the goshawk, great gray owl,

black-backed woodpecker, and other sensitive/management indicator species and Utah Species of Concern, as the brown creeper and Cassin's finch, and several species of bats.

Please identify specifically where the prescribed burns will be and where before a decision is made so that the public can understand how the agency is managing these wildlife resources.

Saying that they will decide later denies the public the information needed to make informed comments and as to occupancy of the project areas by wildlife, which is a NEPA violation.

The Project will violate the NEPA if there are no valid snag surveys done for the project area both within and outside proposed harvest units.

The project will violate the NEPA if there are no valid surveys for old growth habitat within each project area, old growth types need to be defined and quantified by timber types, such as lodgepole pine, Douglas-fir, mixed conifer, spruce, subalpine fir, and limber pine.

The project will likely violate the NEPA if the mitigation measures for MIS, sensitive species, and Utah Species of Concern (birds, mammals including bats) are not clearly defined, and demonstrated to be effective as per the current best science.

This is a violation of NEPA to not identifying specific areas where logging would have occurred and where roads and how many roads will be built.

The scoping notice does not adequately demonstrate that the project is in compliance with NEPA, NFMA, the Clean Water Act, the APA and the ESA.

FAILURE TO REVIEW AND PROTECT CULTURAL AND HISTORICAL RESOURCES

Consultation with the State Historic Preservation Office (SHPO) must be completed prior to a decision being signed. Any required protection measures provided

from SHPO will be incorporated into my final decision.

Crucial to the preservation of the historical and cultural foundations of the nation, Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 C.F.R. Part 800 (PDF) (revised August 5, 2004) require Federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, Federal agencies must provide the Advisory Council on Historic Preservation (ACHP) opportunity to comment on such projects prior to the agency's final decision.

A Federal project that requires review under Section 106 is defined as an "undertaking."

An undertaking means a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval.

Section 110 of the NHPA

Added to the NHPA in 1992, Section 110 requires Federal agencies to emphasize the preservation and enhancement of cultural resources. Section 110 directs agencies to initiate measures necessary to direct their policies, plans, and programs in such a way that federally-owned sites, structures, and objects of historical architectural or

archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the public. The agencies are also encouraged to institute (in consultation with the ACHP) procedures to assure Federal plans and programs contribute to the preservation and enhancement of non-Federally owned sites, structures, and objects of historical, architectural, and archaeological significance.

The UT SHPO has not yet received this survey. Currently this project is in violation of the National Historic Preservation Act and NEPA. The cultural surveys need to be done before the NEPA and NHPA process can be completed, which has not occurred. The project must be approved by the SHPO

and the public needs to be given a chance to comment on this.

Did the Forest Service conduct NEPA analysis (i.e. an EA or EIS) for the Fire Plan the Forest is using for this project? To not respond to this in violation of NEPA, NFMA, and the APA.

If the Forest Service did not conduct NEPA for the Fire Plan, please immediately start that NEPA process.

Please provide a map showing the WUI and the locations of all homes in comparison to the project area.

Does the Wildlife Urban Interface (WUI) definitions that the project uses comply with

the statutory definition of a WUI in the Healthy Forest Restoration Act?

If the Forest Service did not conduct NEPA for the 22 Community Wildfire Protection Plans that are cited on page 4 of the draft EA, please disclose the cumulative effects of Forest-wide implementation of the Fire Plan in the Skyline project EIS, or EA if you refuse to write an EIS, to avoid illegally tiering to a non-NEPA document.

Specifically analyze the decision to prioritize mechanical, human- designed, somewhat arbitrary treatments as a replacement for naturally-occurring fire.

Did the Forest Service conduct ESA consultation for the 22 Community Wildfire Plans?

Will the Forest Service be considering binding legal standards for noxious weeds in its revision of the Manti-La Sal Forest Plan?

How effective have BMPs been at stopping (i.e. preventing) new weed infestations from starting during prescribed burning and related road operations?

Is it true that new roads are the number one cause of new noxious weed infestations?

Why isn't the Forest Service considering a Forest Plan amendment in this Project to amend the Forest Plan to include binding legal standards that address noxious weeds?

Is it true that noxious weeds are one of the top threats to biodiversity on our National Forests?

How can the Forest Service be complying with NFMA's requirement to maintain biodiversity if it has no legal standards that address noxious weeds?

What MIS did you find, how many and how did you look for these MIS?

Which wildlife species and ecosystem processes, if any, does prescribed fire benefit?

Which species and processes does prescribed fire harm?

What evidence do you have that this prescribed fire will make the forest healthier for fish and wildlife? What about the role of mixed severity and high severity fire – what are the benefits of those natural processes?

How have those processes (mixed and high severity fire) created the ecosystems we have today?

Over how many millennia have mixed and high severity fire have been occurring without human intervention?

What beneficial ecological roles do beetles play? Can the forest survive without beetles?

Will all WQLS streams in the project area have completed TMDLs before a decision is signed?

Will this project leave enough snags to follow the Forest Plan requirements and the requirements of sensitive old growth species such as flammulated owls and goshawks?

Is this Project consistent with “research recommendations (Krankina and Harmon 2006) for protecting carbon gains against the potential impacts of future climate change? That study recommends “[i]ncreasing or maintaining the forest area by avoiding deforestation,” and states that “protecting forest from logging or clearing offer immediate benefits via prevented emissions.”

The Carbon White paper provide a wholly inadequate and biased accounting of the forest carbon cycle. By claiming that “Carbon stored in harvested wood products contributes to the total forest carbon storage” is misleading because only a small percentage of the carbon removed as sawlogs actually becomes a wood product while the rest is wasted or burned as biomass. Trying to compensate for this

waste by claiming landfills are some “of the fastest-growing carbon pools” is equally ludicrous. It is also equally misleading to claim “when the effect of substituting wood for concrete and steel was also accounted for, then harvest scenarios resulted in less CO2 emission than the no-harvest scenario.”

The Forest Service also failed to take a “hard look” at the carbon and climate impacts of removing hundreds of thousands of trees from the Forest. The Forest Service dismissed the impacts of logging these mature forests as “infinitesimal,” ignoring years of science and agency guidance, and failed to address the climate pollution caused by cutting, hauling, and processing timber in violation of NEPA and the APA.

Page 20 of the Carbon White paper states:
The rate of carbon uptake and sequestration generally decline as forests age. Accordingly, projections from the RPA assessment indicate a potential age-related

decline in forest carbon stocks in the Intermountain Region (all land ownerships) beginning in the 2020s.

This is a arbitrary and capricious statement and is not supported by the best available science. Please find attached DellaSala et al 2022 which contradict the conclusions of the Carbon White Paper.

To evaluate the Project's impact on climate change, including on carbon storage and sequestration, the Forest Service relied on a "Carbon Report" that fails to adequately consider years of climate science and does

not adequately analyze the Project's broader climate impacts.

The Forest Service's analysis of the Project's climate impacts is two sentences and is based on a document titled Flathead National Forest Plan Final EIS (volume 1, section 3.4, pp. 288-311), available at:

<https://www.fs.usda.gov/detailfull/flathead/landmanagement/planning/?cid=stelprdb5422786&width=full>.

The Forest Service's white paper analysis of the Project's climate impacts dismisses the impacts of management actions on the Manti-La Sal National Forest as

“negligible,” and compares them to total global and national emissions.

The Forest Service fails to quantify the Project’s impacts on the loss of carbon storage and sequestration.

The agency’s decision declining to address the project’s impacts because they are allegedly “negligible” in comparison to the role the world’s (or nation’s) forests play in climate change is thus not only misleading, it masks the fact that every additional bit of climate pollution, or elimination of carbon sequestration ability, makes the problem

worse, and that every bit of sequestration and storage is critical to the solution.

The Forest Service's approach does not adequately consider the Project's impacts on climate change.

NEPA requires federal agencies, including the Forest Service, to take a "hard look" at the direct, indirect, and cumulative impacts of proposed major federal actions. 42

U.S.C. § 4332(C)(i)-(ii); 40 C.F.R. §§ 1502.16 (1978), 1508.25(c) (1978). Among the impacts NEPA requires agencies to disclose are climate impacts.

The Skyline Project carbon white paper fails to adequately disclose the climate change impacts of the Project. Specifically, the Forest Service fails to disclose the Project's impacts on carbon storage, sequestration and impacts to global climate change.

Further, the Forest Service fails to disclose the climate pollution impacts of project implementation – the use of fossil fuel engines to build roads, cut trees, and remove and transport cut logs to mills – compared to the no action alternative. The

Forest Service thus failed to take a “hard look” at the Skyline Project’s climate pollution impacts, in violation of NEPA.

The failure of the Forest Service to take the required “hard look” at the climate pollution impacts of the South Plateau Project violates NEPA and is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

The Federal District Court recently ruled against the Forest Service similar analysis on a case challenging the Kootenai

National Forest Climate analysis for the Black Ram Project. Please find the order attached.

Do unlogged old growth forests store more carbon than the wood products that would be removed from the same forest in a logging operation?

What is the cumulative effect of National Forest logging on U.S. carbon stores? How many acres of National Forest lands are logged every year? How much carbon is lost by that logging?

The climate and carbon section in the EA and specialist report addresses this concern. Logging does cause short-term reductions in carbon storage, but also stores carbon in wood products and helps improve the resiliency and future carbon storage.

The Manti-La Sal National Forest has not yet accepted that the effects of climate risk represent a significant issue, and eminent loss of forest resilience already, and a significant and growing risk into the “foreseeable future?”

It is now time to speak honestly about unrealistic expectations relating to desired future condition. Forest managers have failed to disclose that at least five common tree species, including aspens and four

conifers, are at great risk unless atmospheric greenhouse gases and associated temperatures can be contained at today's levels of concentration in the atmosphere. This cumulative ("reasonably foreseeable") risk must not continue to be ignored at the project-level, or at the programmatic (Forest Plan) level.

Global warming and its consequences may also be effectively irreversible which implicates certain legal consequences under NEPA and NFMA and ESA (e.g., 40 CFR § 1502.16; 16 USC §1604(g); 36 CFR §219.12; ESA Section 7; 50 CFR §§402.9, 402.14). All net carbon emissions from logging represent "irretrievable and irreversible commitments of resources."

It is clear that the management of the planet's forests is a nexus for addressing this largest crisis ever facing humanity. Yet the EA and Draft Decision Notice fails to even provide a minimal quantitative analysis of project- or agency-caused CO2 emissions or consider the best available science on the topic. This is immensely unethical and immoral. The lack of detailed scientific discussions in the EA and Draft Decision Notice concerning climate change is far more troubling than the document's failures on other topics, because the consequences of unchecked climate change will be disastrous for food production, sea level rise, and water supplies, resulting in complete turmoil for all human societies. This is an issue as serious as nuclear annihilation (although at

least with the latter we're not already pressing the button).

The scoping notice provided a pittance of information on climate change effects on project area vegetation. The EA provides no analysis as to the veracity of the project's Purpose and Need, the project's objectives, goals, or desired conditions. The FS has the responsibility to inform the public that climate change is and will be bringing forest change. For the Skyline project, this did not happen, in violation of NEPA.

The Scoping notice fails to consider that the effects of climate change on the project area, including that the "desired" vegetation conditions will likely not be achievable or sustainable. The scoping notice fails to

provide any credible analysis as to how realistic and achievable its desired conditions are in the context of a rapidly changing climate, along an un- predictable but changing trajectory.

The Forest Plan does not provide meaningful direction on climate change. Nor does the scoping documents acknowledge pertinent and highly relevant best available science on climate change. This project is in violation of NEPA.

The Carnon White Paper does not analyze or disclose the body of science that implicates logging activities as a contributor to reduced carbon stocks in forests and increases in greenhouse gas emissions. The Scoping notice fails to provide estimates of the total

amount of carbon dioxide (CO₂) or other greenhouse gas emissions caused by FS management actions and policies—forest-wide, regionally, or nationally. Agency policy-makers seem comfortable maintaining a position that they need not take any leadership on this issue, and obfuscate via this project to justify their failures.

The best scientific information strongly suggests that management that involves removal of trees and other biomass increases atmospheric CO₂. Unsurprisingly the FSEIS doesn't state that simple fact.

The project fails to present any modeling of forest stands under different management scenarios. The FS should model the carbon

flux over time for its proposed stand management scenarios and for the various types of vegetation cover found on the CGNF.

The carbon white paper also ignores CO₂ and other greenhouse gas emissions from other common human activities related to forest management and recreational uses. These include emissions associated with machines used for logging and associated activities, vehicle use for administrative actions, and recreational motor vehicles. The FS is simply ignoring the climate impacts of these management and other authorized activities.

The Committee of Scientists, 1999 recognize the importance of forests for their

contribution to global climate regulation. Also, the 2012 Planning Rule recognizes, in its definition of Ecosystem services, the “Benefits people obtain from ecosystems, including: (2) Regulating services, such as long term storage of carbon; climate regulation...”

We have no more time to prevaricate, and it's not a battle we can afford to lose. We each have a choice: submit to status quo for the profits of the greediest 1%, or empower ourselves to limit greenhouse gas emissions so not just a couple more generations might survive.

The District Court of Montana ruled in Case 4:17-cv-00030- BMM that the Federal government did have to evaluate the climate change impacts of the federal government

coal program. In March 2019, U.S. District Judge Rudolph Contreras in Washington, D.C., ruled that when the U.S. Bureau of Land Management (BLM) auctions public lands for oil and gas leasing, officials must consider emissions from past, present and foreseeable future oil and gas leases nationwide. The case was brought by WildEarth Guardians and Physicians for Social Responsibility.

In March of 2018 the Federal District Court of Montana found the Miles City (Montana) and Buffalo (Wyoming) Field Office's Resource Management Plans unlawfully overlooked climate impacts of coal mining and oil and gas drilling. The case was brought by Western Organization of

Resource Councils, Montana Environmental Information Center, Powder River Basin Resource Council, Northern Plains Resource Council, the Sierra Club, and the Natural Resources Defense Council.

The project is in violation of NEPA, NFMA, the APA, the ESA for not taking a hard look at the impacts of the project on climate change. The project will eliminate the forest in the project area. Forests absorb carbon. The project will destroy soils in the project area. Soils are carbon sinks.

Please list each visual quality standard that applies to each unit and disclose whether each unit meets its respective visual quality standard.

Please disclose whether you have conducted surveys in the Project area for this Project for Utah Prairie Dogs, pine martins, northern goshawk, yellow-billed cuckoo, Ute ladies'-tresses, Southwestern Willow Southwestern Willow Flycatcher, Bonytail, Colorado Pike minnow, Humpback Chub, Razorback Sucker, Bald Eagles, Greater Sage Grouse, Northern Goshawk, Spotted Bat, Peregrine Falcon, Spotted Bat, Three-toed woodpecker, Townsend's big-eared bat, Bonneville cutthroat trout, Utah Colorado River Cutthroat Trout, Columbia

River Spotted Frog, Southern Leatherside
chub, Western Boreal Toad,

Black Rosy-Finch, Brewer's Sparrow,
Burrowing Owl, Calliope Hummingbird,

Cassin's Finch, Ferruginous Hawk, Fox
Sparrow, Gray Vireo, Juniper Titmouse,

Lewis's Woodpecker, Loggerhead Shrike,
Long-billed Curlew, Olive-sided Flycatcher,
Pinyon Jay, Prairie Falcon, Sage Thrasher,

Short-eared Owl, Virginia's Warbler,

Western Grebe, Williamson's Sapsucker,
Willow Flycatcher, Golden Eagle,

Macroinvertebrates, Aquatic Insects, Mule
Deer, Northern Goshawk, Rocky Mountain
Elk, and Monarch Butterfly.

Please disclose the last time the Project area
was surveyed for Utah Prairie Dogs, pine

martins, northern goshawk, yellow-billed
cuckoo, Ute ladies'-tresses, Southwestern
Willow Southwestern Willow Flycatcher,
Bonytail, Colorado Pike minnow,
Humpback Chub, Razorback Sucker, Bald
Eagles, Greater Sage Grouse, Northern
Goshawk, Spotted Bat, Peregrine Falcon,
Spotted Bat, Three-toed woodpecker,
Townsend's big-eared bat, Bonneville
cutthroat trout, Utah Colorado River
Cutthroat Trout, Columbia River Spotted
Frog, Southern Leatherside chub, Western
Boreal Toad, Black Rosy-Finch, Brewer's
Sparrow, Burrowing Owl, Calliope
Hummingbird, Cassin's Finch, Ferruginous
Hawk, Fox Sparrow, Gray Vireo, Juniper
Titmouse, Lewis's Woodpecker, Loggerhead
Shrike, Long-billed Curlew, Olive-sided

Flycatcher, Pinyon Jay, Prairie Falcon,
Sage Thrasher, Short-eared Owl, Virginia's
Warbler, Western Grebe, Williamson's
Sapsucker, Willow Flycatcher, Golden
Eagle, Macroinvertebrates, Aquatic Insects,
Mule Deer, Northern Goshawk, Rocky
Mountain Elk, and Monarch Butterfly.

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Please disclose how often the Project area
has been surveyed for the Would the habitat
be better for Utah Prairie Dogs, pine
martins, northern goshawk, yellow-billed
cuckoo, Ute ladies'- tresses, Southwestern
Willow Southwestern Willow Flycatcher,
Bonytail, Colorado Pike minnow,
Humpback Chub, Razorback Sucker, Bald
Eagles, Greater Sage Grouse, Northern

Goshawk, Spotted Bat, Peregrine Falcon,
Spotted Bat, Three-toed woodpecker,
Townsend's big-eared bat, Bonneville
cutthroat trout, Utah
Colorado River Cutthroat Trout, Columbia
River Spotted Frog, Southern Leatherside
chub, Western Boreal Toad,
Black Rosy-Finch, Brewer's Sparrow,
Burrowing Owl, Calliope Hummingbird,
Cassin's Finch, Ferruginous Hawk, Fox
Sparrow, Gray Vireo, Juniper Titmouse,
Lewis's Woodpecker, Loggerhead Shrike,
Long-billed Curlew, Olive-sided Flycatcher,
Pinyon Jay, Prairie Falcon, Sage Thrasher,
Short-eared Owl, Virginia's Warbler,
Western Grebe, Williamson's Sapsucker,
Willow Flycatcher, Golden Eagle,
Macroinvertebrates, Aquatic Insects, Mule

Deer, Northern Goshawk, Rocky Mountain Elk, and Monarch Butterfly if the no action alternative was chosen?

Please provide us with the full BA for Utah Prairie Dogs, pine martins, northern goshawk, yellow-billed cuckoo, Ute ladies'-tresses, Southwestern Willow Southwestern Willow Flycatcher, Bonytail, Colorado Pike minnow, Humpback Chub, Razorback Sucker, Bald Eagles, Greater Sage Grouse, Northern Goshawk, Spotted Bat, Peregrine Falcon, Spotted Bat, Three-toed woodpecker, Townsend's big-eared bat, Bonneville cutthroat trout, Utah Colorado River Cutthroat Trout, Columbia River Spotted Frog, Southern Leatherside chub, Western Boreal Toad, Black Rosy-Finch,

Brewer's Sparrow, Burrowing Owl, Calliope Hummingbird, Cassin's Finch, Ferruginous Hawk, Fox Sparrow, Gray Vireo, Juniper Titmouse, Lewis's Woodpecker, Loggerhead Shrike, Long-billed Curlew, Olive-sided Flycatcher, Pinyon Jay, Prairie Falcon, Sage Thrasher, Short-eared Owl, Virginia's Warbler, Western Grebe, Williamson's Sapsucker, Willow Flycatcher, Golden Eagle, Macroinvertebrates, Aquatic Insects, Mule Deer, Northern Goshawk, Rocky Mountain Elk, and Monarch Butterfly.

Weeds

Native plants are the foundation upon which the ecosystems of the Forest are built,

providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape, and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of vegetation to invasive and noxious plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the invasion of noxious weeds “devastating” and a “biological disaster.”

Despite implementation of Forest Service “best management practices” (BMPs), noxious weed infestation on the Forest is getting worse and noxious weeds will likely

overtake native plant populations if introduced into areas that are not yet infested. The Forest Service has recognized that the effects of noxious weed invasions may be irreversible. Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.

Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious weeds cause harm because they displace native plants, resulting in a loss of diversity and a change in the structure of a plant community. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and surface runoff in

an ecosystem. As well knapweed may alter organic matter distribution and nutrient through a greater ability to uptake phosphorus over some native species in grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures early and leads to more frequent burning. Weed colonization can also deplete soil nutrients and change the physical structure of soils.

The Forest Service's own management activities are largely responsible for noxious weed infestations; in particular, logging, prescribed burns, and road construction and use create a risk of weed infestations. The technical equipment into the Forest creates

and exacerbates noxious weed infestations. The removal of trees through logging can also facilitate the establishment of noxious weed infestations because of soil disturbance and the reduction of canopy closure. In general, noxious weeds occur in sites where prescribed fire previously occurred and forest openings from logging, but are rare in mature and old growth forests. Roads are often the first place new invader weeds are introduced. Vehicle traffic and soil disturbances from road construction and maintenance create ideal establishment conditions for weeds. Roads also provide obvious dispersal corridors. Roadsides throughout the project area are infested with noxious weeds. Once established along

roadsides, invasive plants will likely spread into adjacent grasslands and forest openings.

Will the prescribed burning activities within the analysis area likely cumulatively contribute to increases to populations of weeds? As a disturbance process, fire has the potential to greatly exacerbate infestations of certain noxious weed species, depending on burn severity and habitat type (Fire Effects Information System 2004). Soil disturbance, such as that resulting from low and moderate burn severities from prescribed fire and fire suppression related disturbances (dozer lines, drop spots, etc.), provide optimum conditions for noxious weed invasion. Dry site vegetation types and road corridors are recent ground disturbance

(timber management, road construction) has occurred. Units proposed for burning within project area may have closed forest service access roads (jammers) located within units.

These units have the highest potential for noxious weed infestation and exacerbation through fire activities. Please provide an alternative that eliminates units that have noxious weeds present on roads within units from fire management proposals.

Please address the ecological, social and ascertained impact of current noxious weed infestations within the project area. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment

methods will be used to address growing noxious weed problems? What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which includes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound's- tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the Utah COUNTY NOXIOUS WEED LIST. State-listed Category 2 noxious weed species yellow and orange hawkweeds are recently established (within the last 5 to 10 years) in Montana and are rapidly expanding in established areas. They can invade undisturbed areas where native plant communities are intact. These species can

persist in shaded conditions and often grow underneath shrubs making eradication very difficult. Their stoloniferous (growing at the surface or below ground) habit can create dense mats that can persist and spread to densities of 3500 plants per square mile (Thomas and Dale

1975). Are yellow and orange hawkweeds present within the project area?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following management actions: road construction including new permanent and temporary

roads, and skid trails proposed within this project; opening and decommissioning of roads represented on forest service maps; ground disturbance and traffic on forest service template roads, mining access routes, and private roads; removal of trees through prescribed burns. What open, gated, and decommissioned Forest Service roads within the project area proposed as haul routes have existent noxious weed populations and what methods will be used to assure that noxious weeds are not spread into the proposed action units?

Noxious weeds are not eradicated with single herbicide treatments. A onetime application may kill an individual plant but dormant seeds in the ground can still sprout

after herbicide treatment. Thus, herbicides must be used on consistent, repetitive schedules to be effective.

What commitment to a long-term, consistent strategy of application is being proposed for each weed infested area within the proposed action area? What long term monitoring of weed populations is proposed?

When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. What native plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including road corridors, skid trails, and burn units be

planted or reseeded with native plant species?

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into uninfested areas is “the most critical component of a weed management program.” The Forest Service’s national management strategy for noxious weeds also recommends “develop[ing] and implement[ing] forest plan standards” and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries? What minimum standards are in

the Manti-La Sal National Forest Plan to address noxious weed infestations? Please include an alternative in the Final EA or DEIS that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation. The failure to include preventive standards violates NFMA because the Forest Service is not ensuring the protection of soils and native alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.

Rare Plants

The ESA requires that the Forest Service conserve endangered and threatened species

of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which population viability is a concern as “sensitive species” designated by the Regional Forester (FSM 2670.44). The response of each of the sensitive plant species to management activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be altered may have impacts on native vegetation, including threatened and sensitive plants. Herbicide application – intended to eradicate

invasive plants – also results in a loss of native plant diversity because herbicides kill native plants as well as invasive plants.

Although native species have evolved and adapted to natural disturbance such as fire on the landscape, fires primarily occur in mid to late summer season, when annual plants have flowered and set seed.

Following fall fires, perennial root-stocks remain underground and plants emerge in the spring. Spring and early summer burns could negatively impact emerging vegetation and destroy annual plant seed.

What threatened, endangered, rare and sensitive plant species and habitat are located within the proposed project area?

What standards will be used to protect

threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project?

The project will be a NFMA violation because it will promote the demise of aspen stands by logging and burning out conifers without providing protection from livestock browsing.

The agency is violating the NEPA by claiming that conifer encroachment needs to be removed to promote aspen, when livestock grazing is almost always the problem with aspen failure to regenerate.

The agency is violating the NEPA by promoting fuel reduction projects as

protection of the public from fire, when this is actually a very unlikely event; the probability of a given fuel break to actually have a fire in it before the fuels reduction benefits are lost with conifer regeneration are extremely remote; forest drying and increased wind speeds in thinned forests may increase, not reduce, the risk of fire.

The agency is violating the NEPA by providing false reasons for prescribed burning to the public by claiming that insects and disease in forest stands are detrimental to the forest by reducing stand vigor (health) and increasing fire risk. There is no current science that demonstrates that insects and disease are bad for wildlife, including dwarf mistletoe, or that these

increase the risk of fire once red needles have fallen.

The agency is violating the NEPA by claiming that prescribed burning is needed to create a diversity of stand structures and age classes; this is just agency rhetoric to conceal the

The agency is violating the NEPA by using vague, unmeasurable terms to rationalize the proposed burning to the public. How can the public measure “resiliency?” What are the specific criteria used to define resiliency, and what are the ratings for each proposed logging unit before and after treatment? How is the risk of fire as affected by the project being measured so that the public can understand whether or not this will be

effective? How is forest health to be measured so that the public can see that this is a valid management strategy? What specifically constitutes a diversity of age classes, how is this to be measured, and how are proposed changes measured as per diversity? How are diversity measures related to wildlife (why is diversity needed for what species)?

If the reasons for burning cannot be clearly identified and measured for the public, the agency is not meeting the NEPA requirements for transparency.

The agency is violating the NEPA by claiming that prescribed burning will benefit wildlife; the EA does not identify what habitat objectives will be addressed with

burning, so the public is unable to understand how to comment on this claim.

The agency is violating the Roadless Area Rule by logging and burning in inventoried roadless lands; specific measurable criteria were not provided as to why these treatments will promote natural processes and wildlife.

The agency is violating the Roadless Area Rule by proposing logging and prescribed burning to control fire in adjacent landscapes; this rationale would allow the treatment of all IRAs and make the purpose of the Roadless Area Conservation Rule meaningless, since the main function of IRAs would be fire management of adjacent landscapes.

Please include an easily understandable accounting of all costs for the various types of treatments, including burning within the IRA. For commercial logging, fuels reduction, and prescribed burning, we would like to know what the estimated cost is “per acre” for that particular treatment. We would also like to know the costs for construction of new temporary roads, reconstruction of existing roads, and road obliteration and/or decommissioning per mile of road.

ALTERNATIVE ANALYSIS: The Forest Service’s proposed alternative – no treatments of any kind at all in roadless areas (Notice of Proposed Action at 20) – is not very helpful or informative. Roadless supporters are unlikely to object to

prescribed burning, restocking, or most mastication treatments.

We therefore request that the Forest Service instead review an alternative that prohibits only the following treatments in roadless areas: (1) mechanical harvesting; and (2) removal of all live conifers within 66 feet from any live aspen (Action 3 of “Timber Stand Improvement by Mastication,” Notice of Proposed Action at 13).

MECHANICAL HARVESTING
TREATMENTS LIKELY VIOLATE THE
ROADLESS RULE.

The Roadless Rule provides that, in general, “[t]imber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System.”^[1] One exception to this general provision states:

timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists.

The cutting, sale, or removal of timber in these areas *is expected to be infrequent*.

(1) The cutting, sale, or removal of *generally small diameter timber* is needed for one of the following purposes and will

maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

- (i) To improve threatened, endangered, proposed, or sensitive species habitat; or
- (ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes

of the current climatic period.

[\[2\]](#)

The Roadless Rule defines roadless area characteristics as:

Resources or features that are often present in and characterize inventoried roadless areas, including:

- (1) High quality or undisturbed soil, water, and air;
- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;
- (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those

species dependent on large,
undisturbed areas of land;

(5) Primitive, semi-primitive
nonmotorized and semi-primitive
motorized classes of dispersed
recreation;

(6) Reference landscapes;

(7) Natural appearing landscapes
with high scenic quality;

(8) Traditional cultural properties
and sacred sites; and

(9) Other locally identified unique
characteristics.[\[3\]](#)

The rule requires a highly site-specific analysis, given the regulation's emphasis on "*locally identified* unique characteristics."^[4]

The Roadless Rule's preamble reinforces the need for such a site-specific analysis.

Because of the great variation in stand characteristics between vegetation types in different areas, a description of what constitutes "generally small diameter timber" is not specifically included in this rule. Such determinations are best made through *project specific* or land and resource management plan *NEPA analyses*, as guided by ecological considerations such as those described below.

The intent of the rule is to limit the cutting, sale, or removal of timber *to those areas that have become overgrown with smaller diameter trees....*

[A]ll such *determinations of what constitutes “generally small diameter timber”* will consider how the cutting or removal of various size classes of trees would affect the potential for future development *of the stand*, and the characteristics and interrelationships of plant and animal communities associated with the site and the overall landscape. *Site productivity due to*

factors such as moisture and elevational gradients, site aspect, and soil types will be considered, as well as how such cutting or removal of various size classes of standing or down timber would mimic the role and legacies of natural disturbance regimes in providing the habitat patches, connectivity, and structural diversity critical to maintaining biological diversity. In all cases, the cutting, sale, or removal of small diameter timber will be consistent with maintaining or improving one or more of the roadless area characteristics as defined in § 294.11.[\[5\]](#)

Vegetative management would focus on removing generally small diameter trees while leaving the overstory trees intact. The cutting, sale, or removal of trees pursuant to 294.13(b)(1) *must be clearly shown through project level analysis to contribute to the ecological objectives described.* Such management activities are expected to be rare and to focus on small diameter trees.[\[6\]](#)

In adopting the Roadless Rule, the Forest Service thus anticipated that logging in IRAs under this specific exception would only occur following a project-level NEPA

analysis that evaluated *stand-specific conditions*.

As the Ninth Circuit Court of Appeals has summarized the Roadless Rule's requirements:

“[w]hether the [Forest] Service may harvest timber in an inventoried roadless area is a three-step inquiry.” *All. for the Wild Rockies v. Krueger*, 950 F. Supp. 2d 1196, 1214 (D. Mont. 2013), *aff'd sub nom. All. for the Wild Rockies v. Christensen*, 663 F. App'x 515 (9th Cir. 2016).

“First, the timber to be harvested must be ‘generally small diameter.’ Second, the harvest

must be needed for one of two listed purposes [as defined in 36 C.F.R. § 294.13]. Third, the harvest must maintain or improve one or more of the roadless area characteristics as defined in § 294.11.” *Id.*^[7]

The Notice of Proposed Action does not indicate which exception to the Roadless Rule the Forest Service intends to apply to authorize tree removal under the proposed action.

The failure to disclose which exemption applies violates NEPA and the Rule.

The Forest Service may contend that the agency can authorize logging within IRAs

under the Roadless Rule exception for logging of “generally small diameter timber.”^[8] But the Notice of Proposed Actions fails to demonstrate that the project will meet the conditions of this exception.^[9]

The Department of Agriculture in adopting the Roadless Rule explained that “[t]he intent of the rule is to limit the cutting, sale, or removal of timber *to those areas that have become overgrown with smaller diameter trees.*”^[10] It is not clear that this is what the proposed action would do.

At least one specific types of logging the Notice identifies – “Mechanical Harvesting” – appears to target larger trees, and contains no limits on the size of tree to be logged. The Notice states: “These areas would

include stands containing dense, merchantable (greater than 8-inch diameter) trees that would be infeasible to masticate and too dense to burn, or too hazardous to leave the accumulate on of cut fuel.” Notice of Proposed Action at 12. This indicates that larger trees – 8 inches and larger with no upper size limit – may be logged. The emphasis on “merchantable” trees also indicates that the trees removed under this treatment will not be generally small diameter trees, because “merchantable” trees are generally larger trees. While the Notice states that the “objective” of this treatment type includes “maximizing the protection of old-growth and larger trees,” Notice of Proposed Action at 12, it does not prevent the logging of such trees, and the “Best

Management Practices” document contains no measures addressing the diameter or age of trees to be logged. The Forest Service could have clarified the issue by providing explicit BMPs or design features that limit the size of trees to be removed in IRAs.

Further, the failure to make clear what constitutes a small diameter tree in a specific stand also violated the Roadless Rule. As noted above, the preamble to the Rule states:

determinations of what constitutes “generally small diameter timber” will consider how the cutting or removal of various size classes of trees would affect the potential for future development *of the stand*, and the characteristics and

interrelationships of plant and animal communities associated with the site and the overall landscape.[\[11\]](#)

Here, the Forest Service must “determine” what constitutes a small diameter tree, and address all of the factors to make such a determination.

The treatment “Timber Stand Improvement by Mastication” includes “Action 3. Remove all live conifers 66 feet from any live aspen.” Notice of Proposed Action at 13.

This prescription does not address the size of trees to be logged; it could result in the clear-cutting of the largest, old-growth trees that happen to be near one aspen sprout. It could result in logging regardless of whether

the area is “overstocked” with small diameter trees, in violation of the Rule’s purpose. The Forest Service must disclose how this specific treatment will involve only the removal of generally small diameter timber in overstocked stands. On its face, this treatment violates the Roadless Rule.

As noted above, the Roadless Rule preamble indicates that before the agency can use the exception permitting logging within IRAs, it must undertake a site-specific analysis to determine the nature of individual stands to be logged. Any subsequent NEPA analysis must do so by undertaking a site-specific review to identify the what, where, and how of treatments *within individual stands* in roadless areas. Without this information,

neither the Forest Service nor the public can be assured that logging will cut or remove generally small diameter timber, or even what constitutes small diameter timber in each stand. Approving this project without that required information would violate the Roadless Rule. And because it omits information about the project's site-specific impacts to roadless areas, the EA also violates NEPA.

A recent federal appeals court decision demonstrates that this project is likely to be found to violate the Roadless Rule absent a robust explanation and analysis justifying tree removal in roadless areas. In *Los Padres ForestWatch v. United States Forest Serv.*, 25 F.4th 649 (9th Cir. 2022), the Forest

Service approved the Tecuya Ridge logging project in a roadless area, setting a limit of logging trees less than 21 inches diameter at breast height (dbh), arguing that trees of such width constituted “generally small diameter timber.”^[12] The court found that the Forest Service failed to support its conclusion that a 21” dbh tree constituted a “small diameter” tree, noting among other things that “the Forest Service did not attempt to articulate this explanation or, indeed, provide any information at all on the average dbh of the trees located within the ... Project area.”^[13] The court therefore found the agency violated the Roadless Rule and remanded the project back to the Forest Service for further explanation as to what constitutes a small diameter tree.^[14]

Here, therefore, the Forest Service must define what constitutes a “small diameter” tree for any of the stands within the massive project area that it intends to log, including those within individual roadless areas. The Forest Service must explain how the project’s provisions will limit logging to small trees, whatever those might be. The Forest Service must demonstrate that each of the stands within IRAs proposed for logging are “overstocked” with small diameter trees that must be thinned. And the Forest Service must provide stand-level data for the project (including roadless areas) to allow the public and the decision-maker to discern the size of trees in stands in the project area, and the size of trees to be removed.

In short, to ensure Roadless Rule compliance for the mechanical thinning portions of the project, the Forest Service must ensure that cutting and tree removal in IRAs may only occur where it involves “generally small diameter timber” by:

- defining what constitutes small diameter timber based on a stand specific analysis of areas proposed for treatment;
- generally limiting tree removal and cutting to trees meeting the definition of small diameter;
- demonstrating whether and how stands proposed for logging are “overstocked” with small diameter trees; and

- explaining whether and how the agency's treatments that are aimed at removing large trees comply with the Roadless Rule.

The Forest Service must include this analysis in any subsequently prepared NEPA document, preferably an EIS. If it cannot make the showing required above, it must cancel the project's timber cutting and removal in roadless areas.

It is arbitrary and capricious for the Forest Service to undertake NEPA without considering the environmental

It

effects. The environmental effects cannot be considered if the specific locations for individual prescribed fires are not identified.

The scoping notice or draft EA provides little additional information on where logging and burnings will be or how the specifics on how the burning will occur. The EA is programmatic in that they want to log whenever and wherever for the next 20 years with no public oversight of their activities. This is a violation of NEPA, NFMA, the APA, and the ESA.

Please see the article below for a ruling on a similar error by the Forest Service.

***Federal court blocks timber sale in
Alaska's Tongass National Forest***

<https://www.adn.com/alaska-news/2020/06/25/federal-court-blocks-timber-sale-in-alaskas-tongass-national-forest/>

JUNEAU — A federal judge has blocked what would have been the largest timber sale in Alaska's Tongass National Forest in decades.

Wednesday's ruling ends the U.S. Forest Service's plan to open 37.5 square miles of old-growth forest on Prince of Wales Island to commercial logging, CoastAlaska [reported](#).

The ruling by Judge Sharon L. Gleason also stops road construction for the planned 15-year project.

Conservationists had already successfully blocked the federal government's attempt to clear large amounts of timber for sale without identifying specific areas where logging would have occurred.

Gleason allowed the forest service to argue in favor of correcting deficiencies in its review and moving forward without throwing out the entire project, but ultimately ruled against the agency.

Gleason's ruling said the economic harm of invalidating the timber sales did not outweigh "the seriousness of the errors" in the agency's handling of the project.

The method used in the Prince of Wales Landscape Level Analysis was the first time the agency used it for environmental review on an Alaska timber sale.

The forest service, which can appeal the decision, did not return calls seeking comment.

Gleason's decision affects the Prince of Wales Island project and the Central Tongass Project near Petersburg and Wrangell.

The ruling triggers a new environmental review under the National Environmental Policy Act, said Meredith Trainor, executive director of the Southeast Alaska Conservation Council.

The ruling in the lawsuit brought by the council includes a requirement for public input on specific areas proposed for logging, Trainor said.

Tessa Axelson, executive director of the Alaska Forest Association, said in a statement that the ruling “threatens the viability of Southeast Alaska’s timber industry.”

Please see the following article by the American bar Association about the use of Condition-Based Management.

May 10, 2021

***The U.S. Forest Service's Expanding Use
of Condition-Based Management:
Functional and Legal Problems from
Short-Circuiting the Project-Planning and
Environmental Impact Statement Process***

***Andrew Cliburn, Paul Quackenbush,
Madison Prokott, Jim Murphy, and Mason
Overstreet***

**[https://www.americanbar.org/groups/
environment_energy_resources/
publications/fr/20210510-the-us-forest-
services-expanding-use-of-condition-based-
management/](https://www.americanbar.org/groups/environment_energy_resources/publications/fr/20210510-the-us-forest-services-expanding-use-of-condition-based-management/)**

***Condition-based management (CBM) is a
management approach that the U.S. Forest
Service has increasingly used to authorize
timber harvests purportedly to increase
flexibility, discretion, and efficiency in
project planning, analysis, and
implementation. The agency believes it***

needs this flexible approach because sometimes conditions on the ground can change more quickly than decisions can be implemented. In practice, however, CBM operates to circumvent the National Environmental Policy Act (NEPA) review framework by postponing site-specific analysis until the Forest Service implements the project, which effectively excludes the public from site-specific decisions, reduces transparency, and removes incentives for the agency to avoid harming localized resources. The practice should be curtailed by the Biden administration

NEPA requires federal agencies including the Forest Service to provide the public with “notice and an opportunity to be heard” in the analysis of “specific area[s] in which logging will take place and the harvesting methods to be used.” Ohio

Forestry Ass'n v. Sierra Club, 523 U.S. 726, 729–30 (1998). Site-specific public involvement can significantly improve projects because the agency may be unaware of harmful impacts or resource concerns until the public flags them during the environmental analysis process.

Nationally, the Forest Service drops about one out of every five acres it proposes for timber harvest based on information or concerns presented during the NEPA process, often due to public comments regarding site-specific information. [Public Lands Advocacy Coalition, Comments on Proposed Rule, National Environmental Policy Act \(NEPA\) Compliance \(June 13, 2019\)](#) (analyzing 68 projects that relied on environmental assessments).

The Forest Service appears to be abandoning the site-specific analysis model in favor of CBM. CBM projects use an overarching set of “goal variables”—

predetermined management criteria that guide implementation—that Forest Service staff apply to on-the-ground natural resource “conditions” encountered during the course of project implementation, a period that can span years or even decades: essentially, when the Forest Service finds X resource condition on the ground, it applies Y timber harvest prescription. However, basic information regarding the project’s details—such as unit location, timing, roadbuilding, harvesting methods, and site-specific environmental effects—is not provided at the time the Forest Service conducts its NEPA environmental review (when the public can weigh in), nor when it gives its final approval to a project (when the public can seek administrative review). Instead, site-level disclosures are made after NEPA environmental and administrative review is complete, depriving the public of opportunities to

comment and influence the decision based on localized conditions.

While CBM is not a new management tool, the Forest Service has employed it for over a decade and it was used sparingly during the Obama administration. However, its use accelerated during the Trump administration and shows no sign of slowing. To date, dozens of Forest Service projects across the country have used CBM. See, e.g., [Red Pine Thinning Project](#), Ottawa National Forest; [Medicine Bow Landscape Vegetation Analysis](#), Medicine Bow-Routt National Forest; [Sage Hen Integrated Restoration Project](#), Boise National Forest.

As the Forest Service's use of CBM continues, questions remain about its legality. Public-lands advocates argue that CBM violates NEPA's mandate that agencies take a hard look at the consequences of their actions before a

project commences. This “look before you leap” approach was the primary purpose of NEPA and remains the statute’s greatest strength. NEPA works by requiring an agency to consider alternatives and publicly vet its analysis whenever its proposal may have “significant” environmental consequences, 42 U.S.C. § 4332(2)(C), or implicates “unresolved conflicts” about how the agency should best accomplish its objective. Id. at § 4332(2)(E). However, CBM allows the Forest Service to circumvent the effects analysis process when exercising discretion about where and how to log decisions that often may have “significant” environmental consequences.

Only two federal cases have addressed CBM’s legality. In WildEarth Guardians v. Connor, 920 F.3d 1245 (10th Cir. 2019), the Tenth Circuit approved a CBM approach

for a logging project in southern Colorado in Canada lynx habitat. The environmental assessment utilized CBM and analyzed three different alternatives, one of which was a worst-case scenario. For the worst-case scenario, the Forest Service assumed that the entire lynx habitat in the project area would be clear-cut. The Forest Service “took the conservative approach” because it “did not know precisely” where it would log in the lynx habitat areas. WildEarth Guardians, 920 F.3d at 1255. Based on this conservative approach, coupled with a comprehensive, region-wide lynx management agreement and its associated environmental impact statement, the court agreed with the Forest Service that its future site-specific choices were “not material” to the effects on lynx—i.e., that no matter where logging occurred, “there would not be a negative effect on the lynx.” Id. at 1258–59.

However, a second case addressing CBM found that site-specific analysis was needed to satisfy NEPA's "hard-look" standard. In Southeast Alaska Conservation Council v. U.S. Forest Service, 443 F. Supp. 3d 995 (D. Ak. 2020), the court held that the Forest Service's Prince of Wales Landscape Level Analysis Project—a 15-year logging project on Prince of Wales Island in the Tongass National Forest—violated NEPA. The project would have authorized the logging of more than 40,000 acres, including nearly 24,000 acres of old growth, along with 643 miles of new and temporary road construction, but it "d[id] not include a determination—or even an estimate—of when and where the harvest activities or road construction . . . w[ould] actually occur." Id. at 1009. The court found that this analysis was not "specific enough" without information about harvest locations, methods, and localized

impacts. Id. at 1009–10. The court further held that a worst-case analysis could not save the project, because site-specific differences were consequential. Id. at 1013.

The Forest Service's widespread use of CBM also creates compliance challenges under the Endangered Species Act (ESA). Section 7(a)(2) of the ESA requires federal agencies to consult with the Fish and Wildlife Service and/or National Marine Fisheries Service whenever a proposed action "may affect" listed species or destroy or adversely modify its critical habitat to ensure that the action is "not likely to jeopardize" these species. 16 U.S.C. § 1536. CBM conflicts with that statutory requirement because it does not allow agencies to properly determine whether an action "may affect" or is "likely to jeopardize" a listed species when the consulting agencies do not know the specifics of when or where the action will

be implemented, or what the site-specific impacts of the action may be.

For some projects, the Forest Service has tried to avoid this tension by conducting section 7 consultation prior to each phase of a CBM project, but this approach has run headlong into the general rule against segmenting project consultation duties under the ESA. See, e.g., Conner v. Burford, 848 F.2d 1441, 1457 (9th Cir. 1988). With few exceptions, section 7 consultation must cover the overall effects of the entire project at the initial stage before the project can commence. Thus, regardless of whether agencies choose to consult up front or to consult in stages, the Forest Service is likely to face significant legal hurdles when its CBM project “may affect” listed species.

CBM is not only legally dubious, but also unnecessary. The Forest Service already has NEPA-compliant methods to deal with

situations that require a nimble response to the needs of a dynamic landscape. In these cases, the Forest Service can complete a single “programmatic” analysis to which future site-specific decisions will be tiered. This programmatic approach allows the Forest Service to speed the consideration and implementation of site-specific, step-down proposals. Unlike CBM, this approach allows for public review of site-specific decision-making and administrative review of those decisions.

Surveying the regulatory horizon, the future of CBM in the Forest Service system is uncertain. The national forests face a host of complex challenges including climate-related crises, insect and forest pestilence, protecting and restoring biodiversity, and wildfire management. These challenges are made worse by budget and staff restrictions. Without adequate funding, the Forest Service must rely on imperfect tools like commercial logging,

which can cause more harm than good in the wrong places.

But this is not the time to shortchange the most consequential decisions that the agency must make: determining where and how to act. During the final two years of the Trump administration, the Forest Service attempted to explicitly codify CBM provisions in [revisions to its NEPA regulations](#), although those provisions were dropped from the [final rule](#).

Simultaneously, other federal land-management agencies like the Bureau of Land Management have started to use [CBM analogues in their NEPA-related planning documents](#). Although it is still early, the Biden administration's newly appointed Council on Environmental Quality team has yet to weigh in on CBM. If use of CBM continues in a manner that undermines public participation and NEPA's "hard look" standard, some of our

riskiest land management projects may not receive proper environmental oversight.

The project is not taking a hard look as required by NEPA. Please withdraw the EA until site specific prescriptions and unit boundaries are firmed up, then issue and take comments on an EIS with appropriate prescriptions.

Please find attached the Federal District Court of Alaska's ruling on condition-based management.

The project is far too large to provide meaningful information or analysis to the public, and thus prevents agency transparency in management of public lands. It is not clear why the Forest Service believes that such a large project is either needed, or can be meaningfully understood and reviewed by the public.

Thank you for your time and consideration
of our comments.

Sincerely yours,

/s/

Mike Garrity

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