

Data Submitted (UTC 11): 2/18/2026 4:09:31 AM

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Comment on the Austin Project Draft Environmental Impact Statement

Malheur National Forest

Forest Access For All (FAFA) submits the following comment on the Austin Project Draft Environmental Impact Statement (DEIS). This comment is substantive, record-based, and directed to whether the project, as proposed, complies with the emergency authority, stated Purpose and Need, and procedural requirements relied upon by the Forest Service.

The Austin Project is advanced as an emergency action intended to reduce wildfire risk and protect public and firefighter safety. As documented below, the DEIS exceeds that authority, relies on inaccurate and incomplete baseline conditions, and obscures real-world impacts to public access and local communities. These deficiencies prevent meaningful review and undermine the integrity of the decision-making process.

I. Misuse of Emergency Authority and Failure to Stay Within Its Scope

The Forest Service relies on emergency authority intended to accelerate fuels reduction and wildfire-risk mitigation. That authority does not authorize implementation of unrelated or long-deferred management objectives, nor does it permit sweeping access restrictions that are not shown to be necessary to meet the project's stated Purpose and Need.

The DEIS does not demonstrate that extensive designation of roads as "stored" is required to reduce wildfire danger, improve firefighter safety, or protect communities. Instead, road storage is treated as a preexisting condition and shielded from analysis, even though the practical effect is loss of public motorized access. This disconnect indicates the project is being used to advance access restrictions under the cover of emergency authority, contrary to the intent of the Secretarial memo.

II. Purpose and Need Does Not Support Road Storage as Proposed

The stated Purpose and Need focuses on reducing uncharacteristically severe wildfire, improving fire behavior, and protecting public and firefighter safety. It does not identify wildlife security, access reduction, or long-term travel management as project purposes.

Yet the DEIS assumes road storage without demonstrating:

- *that specific roads are causing wildfire danger or post-fire risk;
- *that storing those roads is necessary to meet any element of the stated Purpose and Need; or
- *that less restrictive measures would fail to achieve the same objectives.

Where watershed restoration is cited, the DEIS does not show that road storage is necessary, proportionate, or the least impactful means of addressing hydrologic concerns. The analysis assumes causation without demonstrating necessity. That approach exceeds the stated Purpose and Need and fails to take a hard look at reasonable alternatives.

III. Stored Roads Are Functionally Closed Roads - Baseline Conditions Are Misstated

Under Forest Service policy, Maintenance Level 1 (ML1) or "stored" roads are closed to public motorized use and reserved for administrative access. The DEIS reinforces this through design criteria that require maintaining and reinstalling barriers to preserve stored-road status.

However, many roads identified as "stored" in the Austin Project are:

- *physically open and drivable;
- *actively used by the public multiple times per year;
- *not subject to current closure orders; and
- *not managed as closed roads on the ground.

Some roads contain gates installed decades ago that have not been locked or enforced since the 1990s, resulting in long-standing public use. Others were never physically closed at all. These roads function as open system roads, not stored roads.

By treating these roads as already unavailable to the public, the DEIS misstates the affected environment. When the baseline condition is wrong, the resulting impact analysis is necessarily flawed.

IV. Failure to Identify Which Roads Are Being Treated as "Stored"

Critically, while the DEIS relies on the assumption that extensive road mileage is already designated as "stored," it does not identify, in any table, appendix, or narrative, the specific road segments being treated as stored roads.

The DEIS provides only aggregate mileage totals and map symbology. It does not disclose:

- *a road-by-road list of stored roads;
- *the road numbers or segments affected;
- *the administrative actions that established those designations; or
- *when or how those designations were implemented on the ground.

Maps alone do not allow meaningful public review, verification, or challenge. Without a disclosed inventory of affected roads, the public cannot assess access impacts, and decision-makers cannot reasonably conclude those impacts are minimal.

This omission prevents informed public comment and undermines NEPA's core requirement of transparency and disclosure.

V. Improper Reliance on Historic Planning Documents

The DEIS implicitly relies on historic planning documents from the Summit, POGO, Idaho Creek, and Crawford Creek areas to justify current road storage classifications. Many of those documents describe planned or conditional closures contingent on future funding or implementation - not closures that were actually carried out.

The DEIS does not identify:

- *closure orders;
- *dates of implementation;
- *evidence of physical closure or enforcement; or
- *MVUM changes reflecting loss of public access.

Treating unimplemented planning intent as completed action is arbitrary and undermines the administrative record.

VI. Watershed and Large Woody Debris Actions Exceed Emergency Scope

The DEIS proposes placement of large woody debris in streams identified as deficient. The document does not explain how increasing ground fuel loading in riparian corridors aligns with an emergency wildfire-risk reduction project.

Introducing large woody debris increases fuel accumulation in valley bottoms and riparian areas - locations already difficult to defend during wildfire. The DEIS does not reconcile this with firefighter and public safety objectives or explain why these actions are appropriate under emergency authority rather than a non-emergency planning process.

VII. Climate Change Analysis Exceeds Current Administrative Direction

Climate change is repeatedly referenced in the DEIS, including a standalone section. Current administration and departmental guidance directs agencies not to rely on climate change as a justification for agency action.

The DEIS does not explain why climate analysis is required for this emergency project or how it fits within the authority relied upon. Its inclusion appears inconsistent with governing direction and substitutes staff preference for lawful authority.

VIII. NRAC Proceedings Confirm Confusion and Procedural Defects

At the Grant County Natural Resource Advisory Committee (NRAC) meeting, Forest Service staff were directly questioned about whether roads identified as "stored" would remain available for public motorized use. Staff emphasized that no "new" closures were occurring but did not state that stored roads would remain open and acknowledged that ML1 roads are technically closed under policy.

NRAC members also requested paper copies of the DEIS to conduct a meaningful review on behalf of the County. That request was partially denied, limiting the committee's ability to review and comment effectively.

These exchanges demonstrate the Forest Service was on notice of substantial public confusion and access impacts, yet the DEIS was not clarified and continues to rely on classifications that obscure real-world effects.

IX. Failure to Analyze Community and Access Impacts

While the DEIS analyzes timber volume and mill capacity, it does not take a hard look at impacts to local communities resulting from access loss. Roads used for firewood gathering, hunting, grazing access, emergency response, and subsistence activities are treated as administrative artifacts rather than essential community infrastructure.

This omission prevents informed decision-making and meaningful public review.

X. Requested Corrections

To correct these deficiencies, FAFA requests that the Forest Service:

- *Reclassify all roads shown as "stored" that are physically open and publicly used as open roads on project maps and in the DEIS.
- *Remove road storage as a project assumption unless the agency can demonstrate, road by road, that storage is necessary to meet the stated Purpose and Need.
- *Correct baseline conditions to reflect actual on-the-ground use and management.
- *Provide a complete, transparent list of all road segments being treated as "stored," including the administrative

actions establishing that status.

*Remove actions and analyses that exceed emergency authority, including unrelated watershed and climate-driven objectives.

XI. Conclusion

The Austin Project, as presented, does not remain within the bounds of the emergency authority it relies upon, does not accurately describe existing conditions, and does not demonstrate that access restrictions are necessary to meet its stated Purpose and Need. The failure to identify which roads are being treated as "stored" further prevents meaningful public review.

Taken together, these deficiencies raise serious concern that conclusions were reached first and justification constructed afterward. FAFA urges the Forest Service to correct these deficiencies before proceeding further.