

Objection against the Lower Portneuf Cooperative Vegetation Management Project

To: Objection Reviewing Officer
USDA Forest Service
Intermountain Region
324 25th Street
Ogden, Utah 84401

Thank you for this opportunity to object to the Lower Portneuf Cooperative Vegetation Management Project (LPCVMP). Please accept this objection in pdf format from me on behalf of the Alliance for the Wild Rockies, Native Ecosystem Council, Center for Biological Diversity, Yellowstone to Uintas Connection, Wildlands Defense and Council on Wildlife and Fish,

1. Objector's Name and Address:

Lead Objector Michael Garrity
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PO Box 505
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And for

Sara Johnson, Director, Native Ecosystems
Council (NEC)
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And for

Steve Kelly
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And for

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And for

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And for

Jason L. Christensen – Director
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Signed this 10th day of March, 2026 for
Objectors

/s/
Michael Garrity
Lead Objector

/s/ Michael Garrity

Description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis, Finding of No Significant Impact, and Draft Decision Notice (DDN) specifically violates law, regulation, or policy: The EA and Draft Decision Notice are contained in the USFS webpage

at: <https://www.fs.usda.gov/r04/caribou-targhee/projects/67104>

2. Name of the Proposed Project

Lower Portneuf Cooperative Vegetation Management Project

3. Location of Project, Name and Title of Responsible Official

The Lower Portneuf Cooperative Vegetation Management (LPCVM) Project will log and intentionally burn up to 12,185 acres in the 32,697 acre, Lower Portneuf project area within the Bannock Range south and west of Pocatello, Idaho. The project area is located within Bannock and Power counties. The project area lies along the CTNF boundary with bordering jurisdictions of Idaho Department of Lands, Bureau of Land Management, Fort Hall Indian Reservation, City of Pocatello, and private land. Boise Meridian, Idaho: T. 7S R. 34E, Sections 5, 6, 14, 15, 17, 19-35; T. 8S R. 34E, Sections 1-5, 9-12, 14, 15, 22, 23; T. 8S R. 35E, Sections 5-10, 15, 21, 22, 27, 28, 33, 34; T. 9S R. 35E, Sections 3 and 4.

Idaho Roadless Areas (IRA) (acres)

Scout Mountain IRA: 1,290 acres, West Mink IRA: 8,740 acres.

RESPONSIBLE OFFICIAL:

Chris Colt, Acting Westside District Ranger.

Caribou-Targhee National Forest

4350 Cliffs Drive Pocatello, ID 83204

As a result of the Draft DN, individuals and members of the above mentioned groups, hereafter (Alliance) would be directly and significantly affected by the logging and associated activities. Appellants are conservation advocates working to ensure protection of biological diversity and ecosystem integrity in the Wild Rockies bioregion including the Caribou-Targhee National Forest (CTNF). The individuals and members use the project area for recreation and other forest related activities. The selected alternative would also further degrade the water quality, wildlife and fish habitat. These activities, if implemented, would adversely impact and irreparably harm the natural qualities of the Project Area, the surrounding area, and would further degrade the watersheds and wildlife habitat.

The Forest Service proposes the following actions to meet the purpose and need. The project area is approximately 32,697 acres of which 12,185 acres are proposed for logging and burning.

The LPCVM project area encompasses 10,030 acres of Idaho Roadless Areas (IRAs) within three management themes: Backcountry Restoration theme, Forest Plan Special Area theme, and General Forest, Rangeland, and Grassland theme. The project encompasses two IRAs, Scout Mountain and West Mink. No adverse effects are

expected to areas managed by the 2008 Idaho Roadless Rule.

4. Connection between previous comments and those raised in the Objection:

Alliance provided comments on the proposed project on April 24, 2025 and April 29, 2025.

Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature.

5. Specific Issues Related to the Proposed Projects, including how Objectors believes the Environmental Analysis or Draft Record of Decision specifically violates Law, Regulation, or Policy: We included this under number 8 below.

6. Suggested Remedies that would Resolve the Objection:

We recommend that the Draft Decision be withdrawn. We have also made specific recommendations after each problem.

7. Supporting Reasons for the Reviewing Office to Consider:

This landscape has very high wildlife values, including for the threatened and wildlife dependent upon unlogged. The project area will be concentrated within some of the best wildlife habitat in this landscape which is an important travel corridor for wildlife such as Mexican Spotted Owl, Northern Goshawk, Monarch Butterfly and California Condors. The public interest is not being served by this project.

Suggested Remedies to Resolve the Objection:

We recommend that the “No Action Alternative” be selected. We have also made specific recommendations after each problem.

Thank you for the opportunity to object.

NOTICE IS HEREBY GIVEN that, pursuant to 36 CFR Part 218, Alliance objects to the Draft Decision Notice (DDN) and Finding of No Significant Impact (FONSI) with the legal notice published on January 27, 2026, including

the Responsible Official's adoption of proposed or selected Alternative.

Alliance is objecting to this project on the grounds that implementation of the Selected Alternative is not in accordance with the laws governing management of the national forests such as the ESA, NEPA, NFMA, the APA, the Migratory Bird Treaty Act, and the Caribou-Targhee National Forest Forest Plan and the APA, including the implementing regulations of these and other laws, and will result in additional degradation in already degraded watersheds and mountain slopes, further upsetting the wildlife habitat, ecosystem and human communities. Our objections are detailed below.

If the project is approved as proposed, individuals and members of the above-mentioned groups would be directly and significantly affected by the burning and associated activities. Objectors are conservation organizations working to ensure protection of biological diversity and ecosystem integrity in the Wild Rockies bioregion

(including the CTNF). The individuals and members use the project area for recreation and other forest related activities. The selected alternative would also further degrade the water quality, wildlife and fish habitat. These activities, if implemented, would adversely impact and irreparably harm the natural qualities of the Project Area, the surrounding area, and would further degrade the watersheds and wildlife habitat.

Statements that Demonstrates Connection between Prior Specific Written Comments on the Particular Proposed Project and the Content of the Objection

We wrote in our April 24, 2025 comments:

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. 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 an EA if you refuse to write an EIS.

I. NECESSARY ELEMENTS FOR PROJECT EIS: A.

Disclose all Caribou-Targhee 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 Idaho Department of Fish, and Game regarding the impact of the

Project on wildlife habitat;

D. Solicit and disclose comments from the Idaho 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 Caribou-Targhee National Forest's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;*
- J. Disclose the Caribou-Targhee National Forest's record of compliance with its monitoring requirements as set forth in its Forest Plan;*
- K. Disclose the Caribou-Targhee National Forest's record of compliance with the additional monitoring requirements set forth in previous DN/FONSI and RODs on the Caribou-Targhee 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 Caribou-Targhee 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 Caribou-Targhee'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;***

The Forest Service did not respond to our comments in the EA or Draft Decision Notice (DDN) in violation of NEPA other than to write on page 6 of the DDN, “All public comments and how they were considered are included in the project record.” Unfortunately the public only has access to the EA and DDN.

The Forest Service wrote on pages 15-16 of the final EA:

During project development the only alternatives identified internally for this project were the No Action and Proposed Action. It was determined at that time by the line

officer that the No Action alternative would not be carried forward for detailed study.

This decision was made because under the No Action alternative, none of the proposed activities would occur and the need of the project would not be met. By Lower Portneuf Cooperative Vegetation Management Project taking no action, there would be no reduction of conifer density, reduction of accumulated hazardous fuels within the wildland urban interface, improvement in aspen health or promoting opportunities for safe and effective wildfire response. Without treatment, the landscape and forested vegetation would continue to move further away from desired future conditions as outlined in the RFP.

During the public comment period, some comments were received, and potential alternatives were developed through those comments.

No Action – Comments expressed that no action should occur in the project area for various reasons. As disclosed above, the CTNF initially identified the no action and eliminated it from detailed study.

NEPA states:

Sec. 102 [42 USC § 4332]. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall -- (A) utilize a systematic,

interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment; (B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations; (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on -- (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Therefore the draft decision is in violation of NEPA, NFMA and the APA.

The project is in violation of the Forest Plan for failing to disclose the amount of big game (moose and elk) hiding

cover, winter big game (moose and elk) hiding cover, winter range, and security.

The Lower Portneuf project is in violation of NEPA, NFMA, the ESA, the Migratory Bird Treaty Act and the APA. The EA failed to complete “hard look” and “cumulative effects” analysis and provide effective alternatives.

The DDN and FONSI also so not demonstrate the the project complies with the Forest Plan in violation of the Forest Plan and NFMA.

Another reason that an EIS is need is to analyze the cumulative impacts is that the LPCVM project’s burning, manipulation and logging project represent a foreseeable large-scale loss and fragmentation of habitat for many sensitive species, declining migratory birds, native carnivores and other wildlife.

REMEDY

Write an EIS that fully complies with the law or withdraw the DDN and FONSI and choose the No Action Alternative.

We wrote in our comments about prescribed fire including the following:

GG. Disclose when and how the Caribou-Targhee 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 Caribou-Targhee's policy decision to replace natural fire with logging and prescribed burning;

We also wrote extensive comments about herbicides.

The Forest Service did not respond to our comments in the EA or DDN.

The Prescribed Fires turned wildfires in New Mexico - one of which was a pile burn that smoldered and then blew up - have highlighted serious risks with activities involved in this project. (I assume they will be pile burning in some of these aspen 'treatments'? An EIS is needed to analyze the threat of the prescribed fires getting out of control.

<https://www.krqe.com/news/wildfires/officials-calf-canyon-fire-caused-by-pile-burn/>

Please find attached, the Rosenberg paper on migratory bird declines which concluded, ***Our results signal an urgent need to address the ongoing threats of habitat loss, agricultural intensification, coastal disturbance, and direct anthropogenic mortality, all exacerbated by climate***

change, to avert continued biodiversity loss and potential collapse of the continental avifauna.

The Lower Portneuf project needs to comply with the Migratory Bird Treaty Act and analyze the effect of the project on birds.

The Lower Portneuf project needs to analyze the risk of the prescribed fire getting out of control and burning homes.

The Forest Service needs to analyze the negative effects of smoke from the prescribed fires on people's health.

For multiple reasons wood smoke from any source is the most toxic type of air pollution the average person ever inhales, whether it comes from a fireplace, wood or pellet stove, wildfire, or a prescribed burn. Beyond greenhouse gases, burning biomass emits pollution gases like sulfur dioxide (SO_2) and ammonia (NH_3), ozone precursors nitrogen oxides (NO_x), volatile organic compounds (VOCs), and both filterable and condensable particulate matter, primarily smaller than $2.5\text{ }\mu\text{m}$, and an array of many of the most toxic chemicals known, including dioxins, furans, and dioxin-like polychlorinated biphenyls, benzene, polycyclic aromatic hydrocarbons (PAHs), formaldehyde, and acrolein.

In total, on a national scale, emissions from prescribed burns are just as damaging to human health as those from

wildfires. A recent study by Dennin et al. 2025 concluded that annually, nationwide, wildfire smoke and prescribed burns combined to cause the deaths of 20,000 Americans a year, and slightly more than half of those deaths were caused by prescribed burns. If that is the case, it challenges the assumption that human health is being protected by prescribed burns. Please find Dennin et al. 2025 attached.

A review article of research on characteristics of biomass burning emissions establishes several important factors on the issue of whether or not the more intense wildfires that prescribed burns are supposed to prevent, are in fact more harmful to human health. It is not just the amount of particulate pollution being emitted, many factors influence toxicity of biomass burning emissions: the size and shape of the particles, their chemical composition, the age of the particles in the atmosphere, and the type and species of biomass being burned. In turn many factors influence those characteristics, such as the intensity or temperature of the burn, the amount of oxygen in the flame, combustion efficiency, and the progression phase of the burn, i.e. flame or smoldering.

The review found that very intense fires, as opposed to lower-intensity burns like prescribed burns, had higher concentrations of incomplete combustion, and created larger particles. Particle size is extremely important in assessing toxicity of the particles. Smaller particles are more easily inhaled, more difficult to exhale, more easily picked up by the blood stream in the lungs, and

then more easily penetrate organs, tissues, and individual cell membranes once those particles are distributed systemically in the blood stream. Moreover, the smaller the particle the greater the surface area for an equal amount of particle mass. The greater surface area allows more toxic chemicals and heavy particles to be adsorbed on to the particle and greater chemical surface reactivity with body molecules. The smallest particles trigger the most oxidative stress, inflammation, tissue injury, and DNA damage. Although inhaled particulate matter of any size can cause health problems, in general, the smaller the particles the more damage they can do compared to an equal amount of particle mass consisting of larger particles. On that basis alone, the larger particles of more intense wildfires are less toxic than smaller particles typical of prescribed burns.

Other studies have shown that per ton of biomass burned, low intensity burns produce more smoke emissions than higher intensity burns.

It is well known by every relevant medical organization and governmental regulatory agency in the world, there is no safe level of air pollution, it is harmful at even very low concentrations.

Furthermore, it is also well known that the dose response curve between air pollution concentration and adverse health outcomes is not linear, but hyperbolic, i.e. steepest at the lowest concentrations. Every critical organ system can be harmed by air pollution, including every cell

in the body.

Hyperbolic, air pollution dose response curve. This graph demonstrates there is no safe level of particulate pollution, and that the relationship between dose exposure and disease is the strongest at the lowest doses.

This means that even small increases in exposure to communities in rural areas is harmful to their health, and that includes from prescribed burns and slash pile burning from forest thinning.

A recent study is cited inappropriately as justification for prescribed burns in the Western United States. Kelp et al. (2025) found no significant reduction in wildfire severity from thinning, but did find a significant reduction in fire severity from prescribed fire conducted less than two years prior to wildfire. The study also reported substantial reductions in particulate emissions from prescribed fire. However, on page 10 of that study, the authors base their results regarding particulate emissions reduction on the assumption that “on average 75% of the land treated by Rx [prescribed] fire burns in a wildfire within the next 8 years”, which the authors say “agrees well with encounter rates for Northern California (Beidler et al., 2024).” However, only a small portion of one western U.S. state (California) had an encounter rate (prescribed fire area later burned in wildfire) anywhere near this high, and that tiny portion of the western U.S. was a profound outlier. Beidler et al. (2024) reported, in Table S8

(Supplemental Information Table S8), that even over the course of 10 years the encounter rate in western US states ranged from 7% to 17%, not 75%. Therefore, the particulate emissions reduction results reported by Kelp are not applicable to the vast majority of areas in the western U.S., either because wildfires mostly do not encounter previous prescribed burn units within a given decade, or because prescribed fire would have to be conducted far more often--unrealistically often--to achieve a higher encounter rate.

Fuels reduction projects are often paired with massive herbicide use, another public health hazard. Forest managers often use massive amounts of herbicides as part of their “fuels reduction” projects, even extolling it as an “integral part” of modern forestry practice because they claim it increases forest wood volume and even biodiversity. This particular project is also paired with widespread herbicide use. But ten years after their use, herbicides (typically glyphosate, i.e. Roundup) can still be shown to reduce plant species diversity in the understory. But the human health impacts are far more alarming, and are usually dismissed or completely misunderstood by those who make decisions on their use in forestry.

As biologic poisons, pesticides (herbicides and insecticides) have always been recognized as a hazard to human health, and their use has been controversial since at least 1962 with the

publishing of Rachel Carson's *Silent Spring*. The idea that widely distributing biological poisons would leave beneficial plants, animals, and humans unharmed never made scientific sense, and in recent decades, a growing body of research confirms they do damage to far more of the biological world than just pests. But now the danger of the use of pesticides is likely exponentially greater.

A second dimension of concern emerged in the 1990s with research that showed many pesticides (including the most commonly used herbicides containing glyphosate) were also endocrine disruptors, i.e. they mimicked or antagonized critical human hormones at extremely low dose exposure, adding an entirely new level of scientific evidence of their harm to human health.

Endocrine disruptors have been identified as causing a wide spectrum of harm, especially at the earliest, most critical stages of human development; in utero, infancy, and childhood. Clinical consequences include developmental disorders, reproductive toxicity, multiple cancers, immunosuppression, and damage to the brain and nervous system. Many pesticides degrade into metabolites that have even stronger endocrine disrupting characteristics.

Because of this research, in 1996, Congress mandated EPA test all pesticides for endocrine disruption potential.

Twenty-nine years later that still has not happened and EPA's regulatory process largely ignores the issue.

Independent researchers meanwhile have strengthened the

evidence of harm from endocrine disruptors. Glyphosate is still the most commonly used herbicide, despite increasing resistance developing in many plant species. It is now recognized as an endocrine disruptor. A detailed case against the use of glyphosate can be found [here](#).

A third dimension of public health harm from pesticides has emerged in the last few years that almost certainly dwarfs the previous two. Scientists from throughout the world are finding PFAS in many of the most commonly used pesticides. The presence of PFAS can be both intentional and inadvertent, i.e. intentionally incorporated into the active ingredient, as inactive ingredients used to enhance efficacy, or from leaching from storage containers.

Last year the CDC made an unprecedented recommendation that physicians consider testing their patients' blood for PFAS or "forever" chemicals. That they have never made any such recommendation for any other toxic chemicals speaks volumes about the unprecedented danger of these chemicals. In 2022, EPA made stunningly strict drinking water guidelines for forever chemicals; for the two main categories .02 and .004 parts per trillion (ppt). To give that a visual context, that is the equivalent of 1 drop of water in a lake the size of six Rose Bowl stadiums, and one drop of water in a lake the size of 30 Rose Bowl stadiums.

Then in April last year EPA made enforceable, nationwide drinking water standards for these chemicals that are so

strict it means EPA essentially believes there is no safe level of PFAS exposure. They made the standard equal to the detection capability of current technology, i.e. 4 ppt (parts per trillion).

Reflecting growing worldwide alarm in the scientific community, a pollution researcher at the UK's Liverpool John Moores University, Patrick Byrne, said PFAS are "probably the greatest chemical threat the human race is facing in the 21st century." Twenty-nine states have adopted at least some laws to protect their residents from PFAS in consumer products and more is being planned.

Global contamination with PFAS now intersects with pesticide use because the evidence is overwhelming there is wholesale contamination of pesticides with PFAS chemicals, and many pesticides break down into still toxic, short chain PFAS type chemicals. Seventy percent of pesticides introduced to the market since 2015 qualify as PFAS compounds. As a former EPA scientist, Kyla Bennett said, "If the intent was to spread PFAS contamination across the globe there would be few more effective methods than lacing pesticides with PFAS."

There is already widespread PFAS pesticide contamination of every component of the global environment, including drinking water and the food supply. Nearly 100% of humans carry PFAS in their blood in very disturbing

amounts, including newborns, and pesticides are a major reason.

Women, fetuses, infants, and children are more susceptible to the health hazards of pesticides and

PFAS. European scientists said, “The extent of this contamination is shocking. It is a result of political failure at many levels.”

Pesticide use in forested areas is largely unrestrained, and decisions about mass spraying are made by private contractors, lumber companies, and government agency employees who have no expertise in the health consequences of the products they are exposing the public to. This lack of oversight is irrational, and it is now wholly unacceptable. There is strong evidence that the mass use of pesticides is now a serious, global public health threat on an unprecedented level because of endocrine disruption and now PFAS contamination. Indeed these extremely hazardous chemicals are likely found in the emissions of pellet combustion.

Pesticides can drift thousands of miles from where they are applied. Typically about 25% of sprayed pesticides become airborne and capable of contaminating ecosystems hundreds and even thousands of miles away.

The Forest Service violates NEPA because it fails to take a hard look at the LPCVM Project’s impacts on the

environment and fails to disclose sufficient information to the public.

NEPA requires the Forest Service to discuss direct, indirect, and cumulative effects of the Project. 40 C.F.R. §§ 1502.16; 1508.1(g).

NEPA requires that agencies take a “hard look” at the environmental consequences of its proposed actions *before* the agency chooses a particular course of action, without favoring a pre-determined outcome.

NEPA further requires that relevant information be made available to the public so that they may play a role in both the decision making and implementation of the Project.

REMEDY

Withdraw the DDN and write an EIS that fully complies with the law or choose the No Action Alternative.

The Forest Service therefore violates the hard-look and public disclosure requirement of NEPA and fails to provide sufficient site-specific information or analysis about the Project and its impacts to foster informed decision making and public participation.

The Forest Service therefore violates NEPA and is not in accordance with law and without observance of procedure required by law under the APA.

Pinyon Jays.

We wrote extensively about pinyon-juniper woodlands and pinyon jays in our comments and attached the petition to list the pinyon jay for protection under the Endangered Species Act to our earlier comments.

The Forest Service did not respond to our comments in the EA or DDN.

The EA does not identify why burning juniper and shrubs enhances wildlife habitat. There is no information in the EA that defines 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 is 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, please find attached, Magee et al. (2019) (attached), who 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 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). Please find “Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management” attached where they define old growth juniper as being 200 or more years old. 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?

The following recommendations by were not considered or even mentioned in the EA, DDN and FONSI in violation of NEPA, NFMA, the APA, and the Migratory Bird Treaty Act.

Please find attached “Conservation Strategy for the Pinyon Jay (*Gymnorhinus cyanocephalus*)”

This strategy was developed by the Pinyon Jay Multi-State Working Group, led by Scott Somershoe, Land Bird Coordinator, Migratory Bird Program, Legacy Region 6, U.S. Fish and Wildlife Service, Lakewood, Colorado.

Please find their full report attached.

Please see the excerpt below describing the considerations of the location of Woodland Treatments which the EA did not consider in violation of NEPA, NFMA, the APA and the Forest Plan.

Considerations for the Location of Woodland Treatment Projects

Pinyon Jay use of the landscape within a flock's home range is likely to vary across a daily cycle, a seasonal cycle, and possibly across years. Although it is important to model Pinyon Jay habitat and occupancy at multiple scales (Johnson et al. 2014, 2015, 2016, 2017), standardized, site-specific assessments to determine whether Pinyon Jays are present in a proposed treatment area and how they are using the habitat may be especially useful in informing management at the treatment scale. These assessments can include surveys to locate nests during the breeding season (e.g.; "clearance surveys", as typically used for Migratory Bird Treaty Act [MBTA] compliance) or other surveys to identify whether Pinyon Jays use the area for other activities, such as caching or foraging.

Vegetation thinning within a traditional nesting colony site can cause the birds to abandon treated areas (Johnson et al. 2018b) or alter the suitability of the habitat (Johnson et al. 2019), and complete removal of the colony site removes nesting substrate altogether. Therefore, avoiding treatment of nest colony sites is recommended. Pinyon Jays often use the same general area each year for nesting, with colony site shifts of up to 550 yards (~500 meters) between years

(Marzluff and Balda 1992, Johnson et al. 2017c, J. Boone and E. Ammon, pers. comm.). Thus, a buffer of undisturbed habitat of 550 yards (~500 meters) around a known breeding colony is recommended and allows for typical colony shifts across years (Johnson et al. 2017c).

The Working Group website (<https://www.partnersinflight.org/resources/pinyon-jay-working-group/>) provides information about how to conduct clearance surveys for Pinyon Jays. Similar guidance is available from Natural Heritage New Mexico (Petersen et al. 2014) and Great Basin Bird Observatory (www.gbbo.org). Additional information and assistance with conducting more generalized occupancy surveys that incorporate caching and foraging habitat use can be

obtained by contacting partners in the Working Group with Pinyon Jay survey experience.

Considerations for the Timing of Woodland Treatment Projects

It is preferable to conduct treatments outside of the Pinyon Jay breeding season, especially if an active nest colony is within the area where a treatment must occur. Pinyon Jays tend to breed earlier than most passerine land birds. Data from Nevada (J. Boone and E. Ammon, unpublished data), Utah, and Colorado (R. Norvell and L. Rossi, unpublished data) indicate that nesting activity in these regions begins in late February or early March and ends in late May. Studies in New Mexico suggest that nesting phenology may occur later than in more northerly regions, except in the case of a mast crop the previous fall (Johnson et al. 2014, 2015, 2017c); however, Pinyon Jays in New Mexico still breed earlier than most piñon-juniper bird species. The specific timing of the breeding season may vary from year-to-year depending on the severity of the preceding winter and on the availability and abundance of nuts cached during the previous fall (Balda 2002).

Documenting the Effects of Woodland Treatments on Pinyon Jays

If a woodland treatment is conducted in an area that is occupied by Pinyon Jays, conducting systematic, standardized pre- and post-treatment monitoring of Pinyon Jay habitat use and vegetation parameters will help to determine the effects of the treatment on Pinyon Jays. If treatments are conducted within a known nesting colony, post-treatment monitoring should be completed to determine if the colony moves and if the new habitat has similar characteristics to the original colony location.

Pre- and post-treatment monitoring of vegetation measures (e.g., tree size, tree density, canopy cover, tree vigor, and piñon nut productivity) is necessary for understanding the impacts of thinning treatments on Pinyon Jays (Johnson et al. 2018a, 2018b, 2019).

Post-treatment monitoring could be conducted by the agency performing the treatment, but may be facilitated by collaboration between managers and Pinyon Jay researchers. We strongly encourage this collaboration to take advantage of the information gathering opportunities presented by ongoing woodland treatments and among

researchers to compare and contrast regionally-specific findings to strengthen our overall knowledge of Pinyon Jay conservation needs.

Considerations for Implementation of Woodland Treatments

If a woodland treatment is conducted in an area that is, or could be, occupied by Pinyon Jays, particularly during the breeding season, the following considerations and implementation parameters may help to reduce negative impacts to Pinyon Jays. The information presented below is organized according to regions and by woodland treatment types and objectives. The bulk of this material is derived from research conducted in the Southwest (mostly New Mexico); less information is available about the Great Basin and other regions occupied by Pinyon Jays.

Some of the information shown below may be applicable across the broader Pinyon Jay range, but this remains to be determined.

Southwest Region - Woodland Thinning and Herbicide Treatments

The information in this section is informed primarily by research conducted in New Mexico and to a lesser extent, Arizona. In this region, most woodland treatments involve thinning, with a limited occurrence of herbicide treatments and large scale woodland removal. The goals of these projects are often fuels reduction, but may also include reduction of juniper to increase grass and forbs for ungulates (i.e., big game) and cattle, management for other wildlife species, and watershed restoration.

Treatment plans that include plans for collaboration with Pinyon Jay researchers allow managers to identify whether particular treatment parameters (e.g., different percentages of retained canopy cover and/or tree density) can meet primary management objectives while remaining within the range of suitable nesting, caching, and foraging habitat.

a. Pinyon Jays often use the same general area each year for nesting, with colony site shifts of up to 550 yards (~500 meters) between years (Marzluff and Balda 1992, Johnson et al. 2017c, J. Boone and E. Ammon, pers. comm.). Thus, if a buffer area of 550 yard (~500 meters) around a known breeding colony remains undisturbed, it

allows for colony shifts across years (Johnson et al. 2017c).

b. If thinning in persistent piñon-juniper woodlands or wooded shrublands, creating a patchy-clumpy mosaic of suitable nesting habitat within the treated area, as opposed to evenly spaced thinning, allows for shifting colony locations. This treatment pattern also better mimics how fire would have impacted the landscape in persistent piñon-juniper woodlands and wooded shrublands (Romme et al. 2009). Provided that sufficient suitable habitat is retained throughout the treatment area, retaining as many larger trees as possible within areas of higher tree density and/or higher canopy cover will likely conserve more Pinyon Jay nesting habitat than thinning all size/age classes to a uniform density. For example, a guideline is to retain trees within the 25–75% quartiles of these measures at the target site or similar sites (Johnson and Sadoti 2019).

c. If using herbicide treatments in juniper or piñon-juniper woodlands, a mosaic of treated and untreated areas better mimics the natural landscape setting than large monomorphic treatment areas. If juniper is the

target species, avoiding treating areas that contain piñon trees avoids compromising piñon nut production.

*d. As piñon nut production is critical to Pinyon Jays, mast-producing trees are particularly valuable. Therefore, thinning may be particularly detrimental in known productive piñon woodlands containing old or very old trees, likely of prime piñon nut producing age, and trees of moderate age to support future nut production (Parmenter et al. 2018, Crist et al. 2019). Parmenter et al. (2018) identified age and size of *P. edulis* as an indicator of probable nut productivity: little to no productivity (<3.5 inches or <9 centimeter diameter at breast height [dbh]); medium productivity (3.5–5.9 inches or 9–15 centimeter dbh); and high productivity (>6.3 inches or >16 centimeter dbh) (Zlotin and Parmenter 2008). Old and very old trees likely produce more mast due to their large size and larger number of fruiting branches (Parmenter et al. 2018).*

e. South- and west-facing slopes, as opposed to north- and east-facing slopes, may be more suitable for treatments avoiding impacts to Pinyon Jays because north- and east-facing slopes are projected to better survive future climate change scenarios (Rondeau et al. 2017). Sites with lower

heat load (north-facing) are also favored for Pinyon Jay colony sites (Johnson et al. 2017b).

f. Large and densely crowned trees are particularly valuable for Pinyon Jay nesting, particularly when they occur within areas of higher tree density (Wiggins 2005, Johnson et al. 2014, 2015, Johnson and Sadoti 2019).

g. Retaining and promoting native grasses, forbs, and shrubs in the understory may increase available invertebrate prey for Pinyon Jays (Bombaci and Pejchar 2016).

h. If cheatgrass and other invasive annual plants are in the vicinity of a planned treatment area, aggressive invasive species control in post-treatment management plans decreases fire risk and fire intensity (Chambers et al. 2017), thus lowering the risk to stands important to Pinyon Jays. A minimum of 20% perennial native herbaceous cover in a treatment area is recommended for preventing a large increase in cheatgrass and other annual invasive plants post-treatment (Chambers et al. 2017).

Great Basin Region - Sagebrush Restoration and Thinning Treatments In the Great Basin, the dominant woodland treatment involves complete tree removal of generally lower-elevation patches of woodland to reclaim or improve shrubland habitat to benefit Greater Sage-Grouse and other sagebrush obligate species. Compared to the Southwest, there is less information about Pinyon Jay habitat use in the Great Basin upon which to base suggested treatment parameters.

a. Pinyon Jays often use the same general area each year for nesting, with colony site shifts of up to 550 yards (~500 meters) between years (Marzluff and Balda 1992, Johnson et al. 2017c, J. Boone and E. Ammon, pers. comm.). Thus, if a buffer area of 550 yard (~500 meters) around a known breeding colony remains undisturbed, it allows for colony shifts across years (Johnson et al. 2017c).

b. Pinyon Jays appear to use Phase I woodlands most frequently, Phase II woodlands at an intermediate level, and Phase III woodlands rarely (J. Boone and E. Ammon, unpublished data). Therefore, preferentially treating denser woodlands as opposed to less-dense woodlands is recommended. We recognize that Phase III

woodlands are rarely the target of typical woodland treatments in this region at the current time for several reasons, including their low potential to revert to high-quality shrubland habitat after complete removal.

c. Treatments that create “feathered” transition zones of approximately 270–550 yards (250–500 meters) between the treated area and untreated piñon-juniper woodlands more accurately mimic the transitional zones that Pinyon Jays use most often in the Great Basin. More specifically, a woodland / shrubland ecotone that is irregular, diverse, and gradual is likely to be more favorable for Pinyon Jays than a linear ecotone with sharp transition from open shrubland to dense woodland (Crist et al. 2019, J. Boone and E. Ammon, unpublished data).

d. If using herbicide treatments in juniper or piñon-juniper woodlands, a mosaic of treated and untreated areas more accurately mimics the natural variation in woodland cover. If juniper is the target species, treating areas with piñon trees will compromise piñon nut production.

e. If cheatgrass and other invasive annual plants are in the vicinity of a planned treatment area, aggressive

invasive species control in post-treatment management plans decreases fire risk and fire intensity (Chambers et al. 2017), thus lowering the risk to stands important to Pinyon Jays. A minimum of 20% perennial native herbaceous cover in a treatment area is recommended for preventing a large increase in cheatgrass and other annual invasive plants post-treatment (Chambers et al. 2017).

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

The EA and Draft Decision Notice (DDN) do not adequately explain why pinyon juniper need to be cut and burned in violation of NEPA, NFMA, the APA, and the Migratory Bird Treaty Act.

There is no mention in the EA and DDB about 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, the following article newspaper article by Maffly (2019) in the Sale Lake Tribune 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.

Turns out, southern Utah's juniper trees aren't so indestructible after all. But what is killing them?

[By Brian Maffly](#)

| June 25, 2019

Late last fall, about 20 federal scientists toured southeastern Utah, prodding sickly and dead juniper trees, peeling back bark, snapping off branches and digging the dirt around root collars in search of clues to what could be [killing the West's most hardy tree species](#).

Trip leader Liz Hebertson, a plant pathologist with the U.S. Forest Service's Forest Health Protection program, buried her face in a dying juniper's foliage, which had turned a telltale shade of deep yellow, dabbing at the trunk with a small hatchet to get a look at the nutrient-moving phloem beneath the bark.

“Look very carefully and sometimes you’ll see fine little threads,” said Hebertson, who describes her work as “CSI: Nature.”

"Those threads could be produced by defoliating insects. They could be produced by mites. We’re looking for webbing, fine threads. We’re looking in all of the crevices for frass that’s either been kicked out of the inner bark tissues or out of the bark,” said Hebertson, her hair dotted with the yellow juniper needles falling from the branches. “Frass is just fundamentally a mixture of insects’ poop and boring dust.”

Hebertson and her colleagues could see the galleries and dust trails left by beetles, but was the damage enough to kill these trees on Alkali Ridge?

Most likely not, according to a preliminary report. Several months after the scientists’ two-day field trip, the mystery persists although most signs indicate [last year’s severe drought](#), the worst on record for the Four Corners region, may be pushing many junipers over the edge.

However, the report continued, "pinyon pine, a species less tolerant to drought, had not exhibited symptoms of drought-induced stress last spring. This observation suggested that perhaps other abiotic factors, damaging insects, or diseases might be contributing to, or were primarily responsible for, the juniper decline.”

Trees under attack

The die-off was documented last year by Kay Shumway, a retired science educator and botanist from Blanding who first noticed the junipers turning yellow on the southern end of Cedar Mesa. Thanks to his tireless efforts to document the deaths of the region's signature tree, the Forest Service and other federal agencies began investigating last fall and academic scientists are setting up studies to figure out why an organism so well equipped for survival is now dying in droves in Utah's San Juan County.

Although juniper is sometimes treated as a trash tree to be ripped out of the ground in the name of habitat restoration, it is a vital part of southern Utah's ecosystem, stitching together fragile desert landscapes. Widespread juniper mortality would deliver an ecological blow similar to what Utah has experienced where bark beetles have run amok in national forests.

But explanations for the juniper deaths are not nearly as clear cut as they are for the Uinta Mountains' lodgepole pines and Wasatch Plateau's Engelmann spruce.

Those trees look like they were eaten alive, their bark dripping with pitch produced by the trees in a failed effort to repel the attackers. The afflicted junipers, by contrast, show only modest levels of infestation.

“In all the large-diameter trees we examined, the total number of flat-headed wood-boring beetle galleries in the inner bark tissues of trunks and large branches was not sufficient to have completely interrupted vascular transport [girdle] within the tree,” the report said.

The scientists searched for signs of fungal infections but found little.

"Declining and dead trees had evidence of secondary insect attack. Although some juniper had died, many symptomatic trees had healthy, green sprigs of foliage growing from their lowermost branches," the report said. "We did not find evidence of insects or diseases in the root systems of trees we examined."

The report recommends continued monitoring and asked the Forest Service to complete an aerial survey this summer to "assess the extent and severity of the juniper decline and crown dieback" across the Four Corners region.

Twice the Forest Service scheduled such surveys, and both times they were canceled due to inclement weather, according to John Guyon of the Forest Health Protection program based in Ogden.

Mapping the juniper mortality is crucial for understanding the extent of the problem and detecting patterns that could bring the causes into sharper focus. It

would also provide a baseline against which to measure the spread of mortality.

Rains returned

The region's drought reversed shortly after the scientists' visit when precipitation returned to San Juan County in record amounts. Southeastern Utah enjoyed a snowpack containing more than double the amount of moisture it receives in a typical winter.

Will that put the brakes on the juniper die-off? It's hard to say without the baseline data that aerial surveys could provide, said William Anderegg, a University of Utah biology professor who studies the impact of climate change on forests.

"It's crucial to have that part," Anderegg said. "We would like to know regionally how many trees are dying and you can only know from a plane or satellite."

Anderegg's lab has been approved for a Forest Service grant to study the juniper mortality, and it has already set up a monitoring instrument known as an eddy covariance tower in a spot with dying junipers.

"It measures total carbon take-up and water lost in a patch of forest, a good metric of the overall health of the trees. A healthy forest will be taking up a lot of carbon," Anderegg said. "It puts a sensor above the trees sensing the eddies of air and recording the carbon dioxide

concentrations going up and going down. By measuring wind and carbon levels, you can determine how much carbon is being taken up.”

His research will couple these measurements with data collected from the trees’ tissues.

“We are trying to figure out if drought is killing these trees,” he said, “and what are the effects on an ecosystem scale.”

Currently, the juniper mortality is far from uniform. Some parts of San Juan County appear unaffected, such as the middle of Cedar Mesa, while junipers are dead and dying on the mesa’s southern and eastern margins, said Shumway, who acted as a guide on the scientists’ field trip.

"The concern is what is going to happen next year if the beetle flies off and lays eggs in some more trees," said Shumway, while surveying the dying trees around Alkali Ridge.

This area east of Blanding appears to be a hot spot where about half the junipers are afflicted, with the smaller trees showing the greatest severity.

In recent dry years, junipers across the border in Colorado turned bronze but then recovered when rains returned. Utah’s yellowed junipers, on the other hand, are goners.

Forest Service scientists gathered beetles from trees they inspected last fall and cut down a few dead junipers to remove cross sections of the trunk for further study in a lab, where they coaxed out more clues.

“We’ll seal off the ends with wax. We’ll put it in an enclosed box that’s totally black on the inside, and we seal off all seams in the box,” Hebertson said. “There’s one little window of light that attracts the insects when they emerge. They head toward the light. They get into a trap and they fall down into a cup.”

The goal was to identify the beetles residing in the tree, although Hebertson said she was not aware of any wood-boring species that would be considered a primary killer of juniper.

The types of insects later identified were those that typically infest trees weakened by harsh weather, poor site conditions and other stressors, according to the report.

“Abiotic factors such as air pollution, smoke, or temperature extremes might explain the scale of symptoms we observed,” the report said, “but drought-induced stress remains the most plausible explanation.”

Whatever the cause, the juniper die-off adds to a litany of woes facing Western forests that will likely complicate land management for years and keep the scientific community busy looking for answers.

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.

The impact of juniper treatments on the spread of noxious weeds was generally ignored and downplayed in the EA, even though this is very likely a significant adverse impact of this proposal.

There is 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.

The EA failed to provide any 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).

Parts of this very large project area are big game winter range as per the Forest Plan. The EA failed to 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.

One issue that is generally ignored in the EA is 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 EA, 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. This may be why there is no actual discussion in the EA of current livestock grazing practices in this landscape.

The EA did not provide any 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.

The EA never provides 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?

The proposed action is very extensive for conclusions that it will not significantly change and degrade conditions for wildlife. It is not clear how this was determined. The EA lacks some important information, such as what species of shrubs are going to be slashed and burned. Why aren't these shrubs being used by wildlife?

Overall, this EA is a huge violation of the NEPA because the public is provided essentially no 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 also did not provide any 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. The EA did not discuss the current grazing use of this area by livestock. This information needs to be included as important information to the public.

Finally, the EA is a violation of the NEPA because the fact that these activities are being planned in the IRAs without and analysis of the impact of the project on wilderness characteristics is never specifically noted in the notice.

Remedy

Choose the No Action Alternative or withdraw the Draft Decision Notice and FONSI and write an EIS that fully complies with the law.

We wrote in our comments starting with:

II. Disclose how Project complies with the Roadless Rule;

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)).

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 of the 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.

The Forest Service did not respond to our comments in the EA or DDN in violation of NEPA.

There is no scientific basis for the above statement which is arbitrary and capricious and thus in violation of NEPA.

Dellasala et al 2022 and Baker et al. 2023 show that the project will not reduce fires and only result in the release of carbon into the atmosphere and decrease the amount of carbon that the project area can capture by cutting down trees that are hundreds of years old and disturbing soils which will also release carbon into the atmosphere.

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. The EA did not provide any actual science to indicate that large scale

prescribed burning will reduce fires, and thereby increase “resiliency” of this winter range.

REMEDY

Choose the No Action Alternative or Write an EIS that fully complies with the law.

Idaho Roadless Rule

We wrote in our comments:

There is no explanation of why this project complies with the Roadless Rule. This is clearly a violation of the Roadless Area Conservation Rule, as the agency is imposing artificial management activities in areas that are to be maintained via natural processes. The scientific basis for implementing management actions in this IRA needs to be fully provided to the public. In particular, the massive increase of exotic grasses within an IRA is hardly a restoration activity. There is no information ever 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. Overall, the scoping notice is devoid of any useful 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 the Forest Service is planning resource management activities.

This project is a violation of the National Environmental Policy Act (NEPA). 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 Idaho Species of Concern, as the brown creeper and Cassin's finch, and several species of bats.

The EA states on page 3: "There is a known presence of goshawks within the project area, with surveys completed in the 2024 field season."

Please show the public the results of these surveys and if the entire project area was surveyed and how the survey was conducted.

This information needs to be provided to the public before a decision is made so that the public can understand how the agency is managing these wildlife resources. Saying that surveys will be completed later denies the public the information 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, as identified

by Green et al. 1992; 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 Idaho Species of Concern (birds, mammals including bats) are not clearly defined, and demonstrated to be effective as per the current best science.

Page 7 of the EA states: “Established Forest Service system roads are located near the majority of the harvest units which reduces the need for temporary roads. However, some temporary roads would be constructed within harvest units to connect with established roads. These new temporary roads will produce new ground disturbance as well.”

Please show on a map where these roads will be built, the road density in the project area and how many miles of roads will be built.

How will the so-called temporary roads be removed? Unless they are fully obliterated by removing the road base and recontouring the land to its original contour, the roads will be illegally used by some members of the public since the Forest Service has a bad track record of keeping temporary roads closed.

How many road closure violations have occurred in the Westside Ranger District in the last 5b years?

Are all roads closed in the Travel Management Plan actually closed in the Westside Ranger District?

The project will violate the Forest Plan by constructing new roads for timber management.

Will the project violate the Forest Plan by increasing open and total road densities in the project area?

The Forest Service did not respond to our comments in the EA or DDN.

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 Idaho Roadless Rule mandates that logging in Roadless areas only if a project “maintain or improve one or more of the roadless characteristics over the long-term;”

The EA and DDN did not demonstrate that the project will do this in violation of the Idaho Roadless Rule.

REMEDY

Write and EIS that fully complies with the law or choose the No Action Alternative.

Use of 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 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)).

Overall, the EA is devoid of any useful 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 the IRA. 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 the Forest Service is planning resource management activities.

NEPA also requires environmental analysis to disclose existing conditions in the project area to provide a baseline against which the impacts of alternative courses of action can be compared.

The Forest Service failed to take the required “hard look” to consider and disclose the Project’s direct, indirect, and cumulative impacts, including impacts of logging in Inventoried Roadless Areas.

For example, the NEPA and its implementing regulations require federal agencies, including the Forest Service, to take a “hard look” at the environmental consequences of proposed actions and the reasonable alternatives that would avoid or minimize such impacts or enhance the quality of the human environment. See 42 U.S.C. § 4332(2)(C)(i); 40 C.F.R. Parts 1502 and 1508 (1978). Agencies must take a hard look at the direct, indirect, and cumulative impacts of a proposed agency action and all alternatives in an EA. 40 C.F.R. §§ 1508.7, 1508.8 (1978). The information presented in the EA must be of high quality and include “accurate scientific analysis,” and disclose that information and analysis, and its limitations, to the public. 40 C.F.R. § 1500.1(b)–(c) (1978).

NEPA also requires environmental analysis to disclose existing conditions in the project area to provide a baseline against which the impacts of alternative courses of action can be compared. The Forest Service did not take a hard look at an alternative that stayed out of IRAs.

The Forest Service failed to take the required “hard look” to consider and disclose the Project’s direct, indirect, and cumulative impacts, including impacts of logging in Inventoried Roadless Areas.

For example, the EA fails to demonstrate that the forest stands within Inventoried Roadless Areas where tree removal can occur are outside the normal range of variability, overstocked with small trees, or where specific types of logging will occur within Inventoried Roadless Areas, thus making it impossible for the Forest Service or the public to understand the impacts of the proposed action, especially whether the LPCVM project complies with the Idaho Roadless Rule.

The Forest Service’s failure to take the required “hard look” at the LPCVM Project’s baseline, and the direct, indirect, and cumulative impacts and the agency’s action violates NEPA. By relying on the defective EA, DN and FONSI for its decision, the Forest Service’s action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and accordingly the Decision Notice and EA must be held unlawful and set aside. 5 U.S.C. § 706(2)(A). The EA fails to disclose the nature of forest stands within Inventoried Roadless Areas where tree removal can occur, or where specific types of treatments will occur within Inventoried Roadless Areas, thus making it impossible for the Forest Service or the public to understand the impacts of the proposed action, especially whether the LPCVM Project can comply with the Roadless Rule.

The Forest Service's failure to take the required "hard look" at the LPCVM Project's baseline, and the direct, indirect, and cumulative impacts and the agency's action violates NEPA. By relying on the defective EA, DDN and FONSI for its decision, the Forest Service's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and accordingly the DDN FONSI and EA must be held unlawful and set aside.

We wrote in our comments:

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.

The Forest Service did not respond to our comments in violation of NEPA.

REMEDY

Withdraw the DDN and FONSI and write an EIS that fully complies with the law or choose the no Action Alternative.

WUI

We wrote in our comments:

Please provide a map showing the Wildland Urban Interface (WUI) and the locations of all homes in comparison to the project area.

Please also demonstrate that the WUI complies with the statutory definition of the WUI in the Healthy Forest Restoration Act.

The Forest Service did not respond to our comments in violation of NEPA.

The Forest Service is not following the plain language of the Healthy Forest Restoration Act which defines the WUI extending from .5 miles to 1.5 miles from a community depending on the slope. A community is defined as having

at least 40 houses per square mile and common community infrastructure such as sidewalks.

We wrote in our comments:

J. Disclose the Caribou-Targhee National Forest's record of compliance with its ning requirements as set forth in its Forest Plan;

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

The Healthy Forest Restoration Act also requires that projects that use the Healthy Forest Restoration Act follow the Forest Plan. The LPCVM project EA , DDN and FONSI do not demonstrate that it is following the Forest Plan.

The Caribou National Forest Plan has an extensive section titled, "Implementation, Monitoring, and Evaluation" which states:

Implementation Strategy

The implementation of this Revised Forest Plan is displayed in this table of objectives and timeline for meeting those objectives. This schedule will be used to help design the program of work for each resource group. It will also be used to assist budget allocations each year.

Our evaluation and monitoring strategy involves both an overall program of monitoring what we can and “what we cannot” afford in all aspects of our management to learn as much as we can. This effort will be shared with the public via our monitoring website. Our approach to monitoring begins also provides specific focus on the Forest Planning process to focus -in on a key aspects of decisions made and key aspects of systems that may tend toward “out -of-kilter” or other undesired outcomes related to system function, structure, and composition.

Finally, we recognize that much of the systems focus for adaptive management comes to the forest through assessment and policy efforts that happen at scales broader than the forest. Although forest specialists may participate in these broader efforts on occasion, mainly such efforts

will influence forest management through the interaction of forest practitioners and interested public interest groups (government and non-government) deliberating plans and policies as they are likely to affect the forest. Monitoring systems on the forest and at scales broader than the forest by various participants will help better understand the interplay of management actions and systems dynamics in various social and ecological systems.

There is nothing in the EA and the DDN that demonstrates that the CTNF has done any monitoring as the Forest Plan requires for adaptive management. Therefore the project is in violation of the Forest Plan, NEPA, NFMA, the ESA, the 2012 Planning Rule, and the APA.

REMEDY

Withdraw the DDN and FONSI and write an EIS that fully complies with the law or choose the No Action Alternative.

Thank you for your time and consideration of our concerns.

Sincerely yours,

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And for

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