



***Bureau of Land Management
Director's Protest Resolution Report***

**Cascade-Siskiyou National
Monument Proposed
Resource Management Plan
and Final Environmental
Impact Statement**

December 31, 2024

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Acronyms

Term	Definition
ACEC	Area of Critical Environmental Concern
ACS	Aquatic Conservation Strategy
ADA	Americans with Disabilities Act
AIM	Assessment, Inventory, and Monitoring
AMS	Analysis of the Management Situation
APA	Administrative Procedure Act
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CLH	Conservation and Landscape Health
CSNM	Cascade-Siskiyou National Monument
DBH	diameter at breast height
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ERMA	Extensive Recreation Management Area
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FWS	U.S. Fish and Wildlife Service
GHG	greenhouse gas
HMA	Herd Management Area
I-	Interstate
ICCP (sic)	Intergovernmental Panel on Climate Change (IPCC)
IVM	Integrated Vegetation Management
LWC	Land with Wilderness Characteristics
NEPA	National Environmental Policy Act
NSO	northern spotted owl
O&C	Oregon and California Railroad
OHV	off-highway vehicle
ORV	outstandingly remarkable values
PCT	Pacific Crest Trail
PRMP	Proposed Resource Management Plan
RHA	Rangeland Health Assessment
RMP	Resource Management Plan
RNA	Research Natural Area
ROD	Record of Decision
SMWC	Soda Mountain Wilderness Council
SOS	Strategic Operations for Safety
SRMA	Special Recreation Management Area
SW	southwest
SWO	Southwest Oregon
T&E	threatened and endangered
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
VRI	Visual Resource Inventory
VRM	Visual Resource Management
WSA	Wilderness Study Areas
WUI	Wildland-Urban Interface

Introduction

The Bureau of Land Management (BLM) Cascade-Siskiyou National Monument (CSNM) Office released the CSNM Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS) on October 11, 2024. The BLM received 11 unique protest letter submissions during the subsequent 30-day protest period, which ended on November 12, 2024.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest. The BLM evaluated all protest letters to determine which protest letters were complete and timely and which persons have standing to protest. All 11 letters were complete and timely and were from parties who had standing to protest. Seven of the protest letters contained valid protest issues. The BLM documents the responses to the valid protest issues in this protest resolution report. The protest decision is recorded in writing along with the reasons for the decision in this protest resolution report.

After careful review of the report by the BLM's Assistant Director for Resources and Planning, the Assistant Director concluded that the BLM Oregon/Washington and California State Directors followed the applicable laws, regulations, and policies and considered all relevant resource information and public input. The Assistant Director addressed the protests and issued a Protest Resolution Report to protesting parties and posted the report on the BLM's website; no changes to the CSNM PRMP/FEIS were necessary. The decision was sent to the protesting parties by certified mail, return receipt requested. Consistent with the BLM Delegation of Authority Manual (MS-1203 Delegation of Authority), resolution of protests is delegated to the BLM Assistant Director for Resources and Planning whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)).

The report is divided into sections each with a topic heading, excerpts from individual protest letters, a summary statement of the issues or concerns raised by the protesting parties, and the BLM's response to the protests.

Protesting Party Index

Letter Number	Protestor	Organization	Determination
PP-OR-CS-EIS-24-01	Steve DeClerck	—	Dismissed: Comments Only
	Cindy DeClerck		
PP-OR-CS-EIS-24-02	Steven Carter	Rogue Valley Hang Gliding and Paragliding Association	Dismissed: Comments Only
PP-OR-CS-EIS-24-03	Denise Barrett	Forest Bridges: The O&C Forest Habitat Project, Inc.	Dismissed: Comments Only
PP-OR-CS-EIS-24-04	Emily Newell	PacifiCorp	Dismissed: Comments Only
PP-OR-CS-EIS-24-05	Dominick DellaSala	Wild Heritage, a Project of Earth Island Institute	Denied
PP-OR-CS-EIS-24-06	Luke Ruediger	Klamath Forest Alliance	Denied
	Liza Crosse	Siskiyou Crest Coalition	
	Luke Ruediger	Applegate Siskiyou Alliance	
PP-OR-CS-EIS-24-07	Charles Scheltz	—	Denied
PP-OR-CS-EIS-24-08	Kevin Proescholdt	Wilderness Watch	Denied
PP-OR-CS-EIS-24-09	John Persell	Oregon Wild	Denied
	Dave Willis	Soda Mountain Wilderness Council	
	Doug Heiken	Oregon Wild	
	George Sexton	Klamath-Siskiyou Wildlands Center	
	Randi Spivak	Center for Biological Diversity	
	Dominick DellaSalla	Wild Heritage	
PP-OR-CS-EIS-24-10	Dave Willis	Soda Mountain Wilderness Council	Denied
	George Sexton	Klamath-Siskiyou Wildlands Center	
	John Persell	Oregon Wild	
	Adam Bronstein	Western Watersheds Project	
	Dominick DellaSalla	Wild Heritage	
	Randi Spivak	Center for Biological Diversity	
PP-OR-CS-EIS-24-11	Simone Griffin	BlueRibbon Coalition	Denied

Areas of Critical Environmental Concern

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: We recommend ACEC & RNA designation in numerous locations throughout the CSNM to expand the existing conservation network and address special management needs in the expanded CSNM area. We also believe the current analysis in the RMP/FEIS contradicts the BLM proposal for designation by acknowledging (FEIS Appendix G) that many of the ACEC proposals meet criteria and would benefit from special management consideration. Yet, action alternatives identified in the FEIS reduce ACEC and RNA designations in the CSNM and some alternative eliminate them altogether. Currently, the area contains 5 existing ACEC designations totaling 1,229 acres and 2 RNA designations totaling 2,844 acres and an additional four ACEC nominations have been considered in the ACEC Report. In the RMP/FEIS, numerous existing ACEC's are proposed for removal in action alternatives, while numerous action alternatives would also approve no RNA's. We believe the agency failed to demonstrate that the special management considerations needed in existing ACEC designations are no longer necessary, making the decision arbitrary and capricious. We also believe that their proposal to largely eliminate or reduce ACECs and RNAs in the monument leaves the areas conservation network and its most special places without the specific, special management considerations needed to address their unique and important characteristics. The agency provided insufficient reasoning behind its decision to propose gutting the ACEC and RNA network, claiming existing National Monument protections are adequate while undermining general National Monument protections with non-conforming uses.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Although National Monument designation provides some level of protection, the BLM has proven unable to manage monument values in a manner consistent with the Presidential Proclamation. Continually attempting, in opposition of appellant court rulings to manage the CSNM as O&C timber land or typical range land. Yet, by statute these lands must be managed for different societal and biological benefits. The BLM's refusal to manage the CSNM in a manner consistent with its designation means that additional protections are necessary to steer its management towards more protective measures. ACEC and RNA designations provide this additional emphasis and ensure that the CSNM's most important biological values are adequately protected. ACEC & RNA designations are necessary to ensure that the monuments most important biological resources and wildland habitats are not degraded by BLM and its misplaced O&C style management strategy. They are also necessary to address or appropriately manage the specific and unique natural resource values of those areas nominated for ACEC designation.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to include all Areas of Critical Environmental Concern ("ACECs") and Research Natural Areas ("RNAs") considered under DEIS Alternative B in the Final RMP, as well as to designate two additional ACECs: Cottonwood Glades and Mariposa Lily. However, the PRMP/FEIS specifically does not protect or designate any ACECs or RNAs, asserting that the relevant and important values of potential ACECs and scientific research values of potential RNAs would be protected as Monument objects regardless of their designation. PRMP/FEIS, pp. 16 & 56. However, these areas warrant special management attention to ensure their protection from fuel treatments, vegetation management, or other ground-disturbing activities that could harm their special Monument objects and values. BLM's refusal to protect any ACECs within the Monument is also contrary to FLPMA Sections 201 and 202, which directs the agency maintain and inventory of public land resources and values, including "areas of critical

environmental concern,” and to “give priority to the designation and protection of areas of critical environmental concern.” 43 U.S.C. §§ 1711(a) & 1712(c)(3). BLM’s refusal to protect any ACECs within the Monument also runs afoul of the agency’s own Conservation and Landscape Health Rule, which reaffirms that “[a]n area of critical environmental concern (ACEC) designation is the principal BLM designation for public lands where special land management is required to protect and prevent irreparable damage to important historic, cultural, or scenic values; fish or wildlife resources; or natural systems or processes.” 43 C.F.R. § 1610.7- 2(a).

Charles Scheltz

Issue Excerpt Text: § 1610.7-2 Designation of Areas of Critical Environmental Concern: These revised regulations codify existing BLM policies for ACEC designation and management and update existing policy regarding temporary protection for areas nominated outside of the land use planning process, including during ongoing evaluation of proposed projects. They also establish a management standard to ensure ACEC values are appropriately conserved, codify research natural areas as a type of ACEC designated for the primary purpose of research and education, and establish a presumption that all potential ACECs that meet the relevance, importance, and special management attention criteria will be designated. The Conservation and Landscape Health (CLH) rule clearly states the importance of ACECs and RNAs as separate entities and calls for their retention and proper management on all BLM lands. To make these disappear in the CSNM RMP is a disservice to the importance of these designations and the spirit and intent of the CLH. Requested Action: Include all ACECs and RNPs designation in the new CSNM RMP because their international importance is clearly recognized, they are important as their own distinct ecosystems with attributes that need additional attention besides the general management of a Monument, and the CLH defines clearly their scientific importance and the need for additional preservation efforts.

Summary:

Protestors claimed that the BLM violated Federal Land Policy and Management Act (FLPMA), Presidential Proclamations 7318 and 9564, and the Conservation and Landscape Health Rule by failing to designate numerous ACECs and RNAs throughout the CSNM despite acknowledging that many of the ACEC proposals meet relevant and important criteria and without demonstrating that special management considerations are not necessary. Protestors noted that the BLM claimed that the relevant and important values of potential ACECs and the scientific research values of potential RNAs would be protected as National Monument objects regardless of their designation; however, protestors claim that by failing to manage Monument values in a manner consistent with their designation, the BLM is failing to ensure the National Monuments’ most important biological values are protected.

Response:

FLPMA defines ACECs as “areas within the public lands where special management attention is required...to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards” (43 United States Code [U.S.C.] 1702(a)). The BLM’s planning regulations address the identification, evaluation, and designation of ACECs during the development and revision of Resource Management Plans (RMP). As reflected in the regulations and existing policy, the BLM shall review nominated ACECs to determine whether they have relevant and important values and need special management. However, the BLM has discretion in the selection of ACECs for the various alternatives and may defer consideration of a nominated ACEC to a future planning process (43 CFR 1610.7-2(a); BLM IM 2023-013; and BLM Manual 1613, Areas of Critical Environmental Concern). According to 43 CFR 1610.7-2(k)(1), the State Director may remove designation of an

ACEC when special management attention is no longer needed because a legally enforceable mechanism provides an equal or greater level of protection.

BLM policy does not require that a potential ACEC's relevant and important values be protected to the same level or degree of protection in all plan alternatives: "[t]he management prescription for a potential ACEC may vary across alternatives from no special management attention to intensive special management attention" (BLM Manual Section 1613.22.B). Elaborating further, the BLM Manual states that "[s]ituations in which no special management attention would be prescribed (and therefore no designation) include...those in which the alternative would necessitate the sacrifice of the potential ACEC values to achieve other purposes" (BLM Manual Section 1613.22.B.1). Therefore, BLM policy allows for one or more RMP alternatives to be analyzed that would potentially affect relevant and important values for potential ACECs to evaluate the tradeoffs between management approaches and inform the BLM's decision about ACEC designation and management in the area that would allow management for other prescribed purposes. In an approved plan, the BLM identifies all designated ACECs and provides the management direction necessary to protect the relevant and important values for each of the ACECs that are designated. As such, the special management is unique to the designated ACEC to account for the protection of the values in the designated area. The BLM has the discretion to make decisions that account for trade-offs, including trade-offs between protecting the relevant and important values identified in a potential ACEC and allowing for other values, resources, or resource uses within the planning area.

Additionally, ACECs differ from other special designations in that designation does not automatically prohibit or restrict other uses in the area. Special management attention is designed specifically for the relevant and important values; therefore, these values may vary from area to area. ACECs can be open to oil and gas development, for example, subject to specific management guidelines and restrictions to balance resource extraction with conservation efforts. Through the land use planning process, the BLM may close areas within ACECs to specific uses to protect resources and values and to communicate management priorities concerning which areas should be prioritized for such uses.

Within the CSNM PRMP/FEIS, the BLM analyzed a range of alternatives regarding the designation and management of potential ACECs and RNAs to determine whether retaining any or all ACECs and RNAs was warranted to protect the relevant and important values (CSNM PRMP/FEIS p. 22 and Appendix E, pp. E-9–E-10). CSNM PRMP/FEIS Section 3.3 provides an analysis of potential impacts from the proposed management on ACECs and RNAs (CSNM PRMP/FEIS pp. 56–70). Under Alternatives D and E (the PRMP) no ACECs or RNAs would be designated, and the BLM would rely on management direction of the underlying management areas and associated designations to protect the areas relevant and important values or scientific values. The BLM analyzed the potential effects of the alternatives, including the PRMP, and determined that special management attention needed to "protect and prevent irreparable damage to the relevant and important values" (43 CFR 1610.7-2(d)(3)) would be met through application of the plan components (e.g., other designations and management direction). Table 3-12 shows the designations that would replace the ACEC or RNA designations under Alternatives D and E (CSNM PRMP/FEIS p. 68). Appendix G, *Areas of Critical Environmental Concern and Research Natural Areas Report*, provides an additional analysis of existing and nominated ACECs and RNAs that were considered in the development of the CSNM PRMP/FEIS.

Because CSNM was designated a National Monument pursuant to the authority of the Antiquities Act of 1906, the BLM must manage the Monument in a manner that ensures the proper care and management of the objects identified in Presidential Proclamations 7318 and 9564. Under the PRMP, the BLM would manage all lands in the CSNM similar to ACECs, adequately protecting objects and values that are equivalent to relevant and important values; therefore, retention of ACEC or RNA designations was determined to be unnecessary.

On June 10, 2024, BLM planning regulations were updated to include the Conservation and Landscape Health final rule (43 CFR Parts 1600 and 6100). The Conservation and Landscape Health Rule establishes the policy for the BLM to build and maintain the resilience of ecosystems on public lands in three primary ways: (1) protecting the most intact, functioning landscapes; (2) restoring degraded habitat and ecosystems; and (3) using science and data as the foundation for management decisions across all plans and programs. Information regarding compliance with the Conservation Land Health Rule can be found in the *Conservation Land Health Rule* section of this Protest Report.

The BLM has complied with BLM regulations and FLPMA's direction and adequately considered the protection of relevant and important values in the CSNM PRMP/FEIS. Accordingly, this protest issue is denied.

Compliance with Federal Regulations

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Despite being directed by the Biden Administration in Executive Order #14072 to protect old-growth forests, the BLM continues to target them and despite being directed in Executive Order #14008 to support a 30X30 agenda, the BLM is degrading protected areas including Late Successional Reserve forests and even, National Monuments like the CSNM with industrial logging prescriptions that will downgrade, remove, degrade, alter, or "take" NSO habitat. Rather than increasing habitat connectivity for old-growth species, these actions will fragment and degrade the last connectivity and dispersal corridors that still remain.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The BLM neglects in the FEIS to show compliance with Section 7 of the ESA requiring consultation with the U.S. Fish and Wildlife Service ("FWS") and the National Marine Fisheries Service regarding PRMP effects to grey wolf, northern spotted owl, Oregon spotted frog, Franklin's bumblebee, and northwestern pond turtle. Although the agency states that it initiated consultation with the FWS, the statement contains none of the information developed for the mandatory biological assessment which, if included in the FEIS, would supply otherwise missing disclosure about PRMP effects to ESA-listed species and critical habitats. As stated above, the protesting parties, who are profoundly interested in the Monument purpose to protect biological diversity, find the BLM's secrecy regarding PRMP effects to ESA-listed and proposed species a particularly egregious example of agency disregard for the NEPA purpose of informed decision-making on the reserved Monument public lands.

Summary:

Protestors stated that the BLM violated Executive Order (EO) 14072 and EO 14008 by including industrial logging prescriptions that will degrade habitat connectivity for old-growth species and will contribute to climate change. Protestors also stated that BLM violated Section 7 of the Endangered Species Act (ESA) by failing to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service regarding the effects on grey wolf, northern spotted owl, Oregon spotted frog, Franklin's bumblebee, and northwestern pond turtle.

Response:

EO 14072, *Strengthening the Nation's Forests, Communities, and Local Economies*, was signed on April 22, 2022. Section 1 of the EO focuses on strengthening America's forests, including mature and

old-growth forests, and reducing the threats of climate impacts, catastrophic wildfires, insect infestation, and disease. The EO discusses the need to “pursue science-based, sustainable forest and land management; conserve America’s mature and old-growth forests on Federal lands; invest in forest health and restoration; support indigenous traditional ecological knowledge and cultural and subsistence practices; honor Tribal treaty rights; and deploy climate-smart forestry practices and other nature-based solutions to improve the resilience of our lands, waters, wildlife, and communities in the face of increasing disturbances and chronic stress arising from climate impacts” (EO 14072). Section 2 of EO 14072 states that the Administration will “manage forests on Federal lands, which include many mature and old-growth forests, to promote their continued health and resilience; retain and enhance carbon storage; conserve biodiversity; mitigate the risk of wildfires; enhance climate resilience; enable subsistence and cultural uses; provide outdoor recreational opportunities; and promote sustainable local economic development” (EO 14072).

EO 14008, *Tackling the Climate Crisis at Home and Abroad*, integrates climate considerations into the Federal decision-making processes and sets conservation goals focused on protecting natural habitats, enhancing biodiversity, and supporting sustainable land management practices. The “America the Beautiful” initiative, or the 30x30 agenda, aims to conserve 30 percent of U.S. lands and waters by 2030.

Per the BLM Land Use Planning Handbook, “[t]he land use plan must set the stage for identifying site-specific resource use levels. Site specific use levels are normally identified during subsequent implementation planning. The BLM may also establish criteria in the land use plan to guide the identification of site-specific use levels for activities during plan implementation” (BLM H-1601-1 2002, p. 13). Therefore, the BLM developed a range of alternatives related to vegetation management including that of old-growth forests to meet the purpose and need for the CSNM PRMP/FEIS, including designation of Ecosystem Management Areas specifically for old-growth forests called Old-Growth Emphasis Areas under each alternative (CSNM PRMP/FEIS p. 24). In Appendix E, Section C.1, *Ecosystem Management Area - Old-Growth Emphasis*, the BLM provides objectives and a range of management direction alternatives indicating where allowable actions would occur within these Old-Growth Emphasis Areas, including stands with dense continuous canopy, ladder, and surface fuels (CSNM PRMP/FEIS Appendix E, pp. E-13–E-16). Additionally, management direction common to all action alternatives includes a direction to “[p]rotect closed old refugia forests that occur in cooler, moister sites (e.g., drainage bottoms, lower slopes, and cool midslopes) that provide for refugia persistence by prohibiting vegetation management activities” (CSNM PRMP/FEIS Appendix E, p. E-13). A detailed analysis of potential impacts on vegetation including old-growth forests from implementation of the management proposed under each alternative is provided in Section 3.15, particularly under Vegetation Analysis Issue 3 (CSNM PRMP/FEIS pp. 252–270).

As indicated in CSNM PRMP/FEIS Section 4.3, *Consultation and Coordination*, the BLM is consulting with the USFWS under Section 7 of the ESA. The BLM prepared a Biological Assessment analyzing potential impacts of the PRMP on listed species, and the USFWS is preparing a Biological Opinion, which will be issued prior to publication of the Record of Decision (ROD). As described in this section, the species that fall within the scope of Section 7 of the ESA or are under consideration for ESA listing and are analyzed in the Biological Assessment include the northern spotted owl, grey wolf, Oregon spotted frog, Franklin’s bumble bee, coastal marten, wolverine, western bumble bee, suckle cuckoo bumble bee, northwestern pond turtle, monarch butterfly, and fisher (CSNM PRMP/FEIS pp. 418–419). The consultation focuses on the land allocations and design features at a high level. In addition to consultation under Section 7(a)(2) for the CSNM PRMP/FEIS, the BLM will consult with USFWS, as appropriate, during project-specific reviews to ensure that projects do not jeopardize listed species or adversely modify designated critical habitat (CSNM PRMP/FEIS Appendix E, p. E-41). A detailed analysis of potential impacts on wildlife and special status species

from implementation of the management proposed under each alternative can be found in Section 3.18 (CSNM PRMP/FEIS pp. 345–411).

In developing the CSNM PRMP/FEIS, the BLM has fully complied with Section 7 of the ESA, EO 14072, and EO 14008. Accordingly, this protest issue is denied.

Conservation Land Health Rule

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to adhere the PRMP/FEIS to the agency’s own Conservation and Landscape Health Rule, published at 43 C.F.R. Part 6100. The Rule directs BLM, through the land use planning process, “to promote conservation by maintaining, protecting, and restoring ecosystem resilience and intact landscapes, including habitat connectivity and old-growth forests.” 43 C.F.R. § 6101.2(a)–(b). BLM says that it exercised discretion not to incorporate the Rule into the Monument planning process because the agency published the Rule two months after the Draft RMP/DEIS for the Monument (four months before the PRMP/FEIS), but believes the PRMP/FEIS “is largely consistent with this rule.” Because the entire purpose of the Monument is to protect biodiversity, including habitat connectivity and old-growth forests as well as the wide array of plant and animal species found at the intersection of the Cascade, Klamath, and Siskiyou ecoregions, i.e., conservation, BLM should expressly incorporate the Conservation Landscape and Health Rule into the planning process for the Monument RMP. Doing so will better ensure that Monument objects and values are protected as required by Proclamations 7318 and 9564.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: BLM’s refusal to protect any RNAs within the Monument also likewise runs contrary to the Conservation and Landscape Health Rule, which “allow[s] the BLM to establish RNAs for the primary purpose of research and education on public lands having natural characteristics that are unusual or that are of scientific or other special interest.” 89 Fed. Reg. 40,308, 40,326 (May 9, 2024). The protection of RNAs within the Monument furthers the goal of Proclamation 9564, which recognized the Cascade-Siskiyou landscape as “a focus for scientific studies of ecology, ecology, evolutionary biology, entomology, and botany ... provid[ing] an invaluable resource to scientists and conservationists wishing to research and sustain the functioning of the landscape’s ecosystems into the future.” Proclamation 9564. RNAs within the Monument also connect to and serve a broader system of RNAs outside the Monument on other public lands.

Summary:

Protestors claim that the BLM violated the Conservation and Landscape Health Rule by not incorporating it into the CSNM PRMP/FEIS planning process, specifically by not establishing any RNAs within the CSNM, which would further the goal of Presidential Proclamation 9564.

Response:

The CSNM’s original boundaries and conditions were established under Presidential Proclamation 7318 in 2000 and then expanded in 2017 under Presidential Proclamation 9564, nearly doubling the size of the Monument to 113,500 acres of BLM-administered lands in the Medford and Lakeview Districts in Oregon and the Northern California District in California, and approximately 320 acres of lands managed by the Bureau of Reclamation. This expansion created a Monument landscape that

“provides vital habitat connectivity, watershed protection, and landscape-scale resilience for the area’s critically important natural resources” and bolstered resource protection within the Monument.

As of June 10, 2024, BLM planning regulations were updated to include the Conservation and Landscape Health final rule (43 CFR Parts 1600 and 6100). The Conservation and Landscape Health Rule establishes the policy for the BLM to build and maintain the resilience of ecosystems on public lands in three primary ways: (1) protecting the most intact, functioning landscapes; (2) restoring degraded habitat and ecosystems; and (3) using science and data as the foundation for management decisions across all plans and programs. Under this rule, “conservation” is defined to include both protection and restoration efforts, acknowledging that the BLM must preserve intact natural landscapes while rehabilitating degraded areas to promote ecosystem resilience. To aid in these efforts, the rule clarifies that conservation is an equal use among other public land uses under FLPMA’s mandate for multiple use and sustained yield.

As stated, the Conservation and Landscape Health final rule (43 CFR Parts 1600 and 6100) became effective on June 10, 2024, well after the CSNM RMP planning process began and after the publication of the Draft RMP/Environmental Impact Statement (EIS) in April 2024. As such, the BLM is not required to comply with the Conservation and Landscape Rule for this land use planning process. However, the BLM determined that the CSNM PRMP/FEIS is largely consistent with the rule. Protestors stated that the BLM should comply with the rule’s mandate to “promote conservation by maintaining, protecting, and restoring ecosystem resilience and intact landscapes, including habitat connectivity and old-growth forests.” This is consistent with the purpose and need of the CSNM PRMP/FEIS, which is “to provide a framework that guides the management of BLM-administered lands in the decision area to protect and restore the resources, objects, and values for which the area was designated” (CSNM PRMP/FEIS p. 4).

Consistent with Presidential Proclamations 7318 and 9564, and as stated in the purpose and need, the CSNM PRMP/FEIS is designed to protect and restore the CSNM’s diverse ecosystems, habitat for rare and endemic and special status wildlife and plant species, landscape-scale resilience, and intact habitats and undisturbed corridors that allow for animal migration and movement, as well as reduce fire risk while also managing discretionary uses to protect CSNM objects and values (CSNM PRMP/FEIS p. 5). In accordance with this purpose and need, the BLM developed and analyzed a range of alternatives consistent with the protection of the Monument’s biological diversity, unique ecosystems, habitat connectivity corridors, and resilience to large-scale disturbance.

The BLM is not required to comply with the final Conservation Land Health Rule because the Draft RMP/EIS was published prior to its effective date. However, the CSNM PRMP/FEIS proposes management actions that ensure Monument objects and values are conserved, protected, and restored, as required by Presidential Proclamations 7318 and 9564. Accordingly, this protest issue is denied.

Equity and Access

BlueRibbon Coalition

Simone Griffin

Issue Excerpt Text: The BLM failed to respond to concerns we raised regarding persons with disabilities. The BLM did not analyze the RMP’s compliance with the Equity Action Plan. In April 2022 the Department of Interior released its Equity Action Plan which states, “Public land visitation data collected from the Department’s bureaus suggests that certain underserved communities are underrepresented as public land visitors, relative to their presence in the U.S. population at large.” This includes persons with disabilities and limited physical access. This project proposal will help decrease access within this area for underserved communities.

BlueRibbon Coalition**Simone Griffin**

Issue Excerpt Text: The Biden Administration’s focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The BLM is therefore required by this executive order and others mandating that federal agencies consider “environmental justice” in NEPA proceedings to consider whether any route closures in the DEIS would disproportionately harm disabled users’ ability to access public lands – especially disabled tribal members wishing to access sacred sites. Any approach to travel management that presumes the superiority of non-motorized forms of recreation like hiking over motorized recreation, or that justifies closing motorized access on the basis that people can still hike on those routes, is inherently discriminatory toward people with disabilities. Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them. It is imperative that the BLM consider the access needs of disabled users, and it has failed to address them in the alternatives for this FEIS. This FEIS fails to comply with the Department of Interior Equity Action Plan.

Summary:

Protestors stated that the BLM violated the Equity Action Plan and the Americans with Disabilities Act (ADA) by failing to consider whether route closures would disproportionately harm disabled users’ ability to access public lands and, therefore, unfairly and inequitably deprive people with disabilities of the ability to recreate, and by failing to respond to previous public comments raised about limiting physical access to the Monument for persons with disabilities.

Response:

EO 13985 (also referred to as the Equity Action Plan), signed on January 20, 2021, directs the Federal government to revise agency policies to account for racial inequities in their implementation and is intended to address systemic racism and improve opportunities for historically underserved communities. In spring 2023, Congress amended the National Environmental Policy Act (NEPA) as part of the Fiscal Responsibility Act in tandem with EO 14096, which defined environmental justice to mean the “just treatment and meaningful involvement of all people” in agency decision-making and actions “regardless of income, race, color, national origin, Tribal affiliation, or disability.” NEPA provides a procedural framework by which agencies may consider the environmental effects of their actions and, through EO 14096, agencies are encouraged to include effects that relate to environmental justice. EO 13007, adopted May 24, 1996, addresses protecting and preserving Indian Sacred Sites, including requiring Federal land-managing agencies to accommodate access to and ceremonial use of these locations (Sec. 1 (1)).

The programs and facilities of Federal agencies, including the BLM, are not governed by the ADA, except for the section that applies to Federal wilderness areas (ADA of 1990, Title V § 12207, Federal Wilderness Areas). Accessibility laws and regulations do not change or infringe on the resource having priority status under those sites that the U.S. Access Board’s Guidelines for Outdoor Developed Areas governs, which include Tribal sacred sites where the physically undisturbed condition of the land is an important part of the sacred observance (U.S. Access Board’s Guidelines for Outdoor Developed Areas, Condition for Exception 4). Accessibility laws and regulations, including EO 13985 (the Equity Action Plan), EO 13007, and the ADA, require equal treatment and access to recreational facilities, sites, and information. These laws do not grant or advocate, in any

way, a special opportunity or exemption to disadvantaged and marginalized groups or persons with impairments and accessibility needs.

As required by NEPA and its implementing regulations, the BLM considered a range of alternatives including varying planning-level allocations for travel management, which are provided in Appendix E Section N, *Travel and Transportation* (CSNM PRMP/FEIS Appendix E, pp. E-49–E-52) and in Table 3-48 (CSNM PRMP/FEIS p. 194). 43 CFR 8342.2(b) requires the BLM to designate all public lands as either open, closed, or limited to off-highway vehicles (OHV) during the land use planning process. Additionally, 43 CFR 8342.1 requires the BLM to minimize user conflicts and resource impacts resulting from OHV use when making such area designations. The area designations in the CSNM PRMP/FEIS are consistent with those legal requirements. They are also consistent with the protection of CSNM objects as discussed in Section 3.14 *Travel and Transportation Management* (CSNM PRMP/FEIS pp. 191–196), and as described in Presidential Proclamations 7318 and 9564. Except for the Soda Mountain Wilderness, all lands within the CSNM are currently designated as limited to existing roads and trails, which means only existing roads and trails can be used for public motorized access (CSNM PRMP/FEIS p. 193). Under all alternatives, all areas of the Monument that are not closed to OHV travel would limit OHV travel to designated roads (CSNM PRMP/FEIS p. 194).

Route-specific improvements for ADA consideration or varying skill levels are implementation-level decisions that will occur subsequent to this RMP as laid out in BLM Manual 1626 and will include additional NEPA compliance and opportunities for public involvement. This RMP is intended to guide specific management on the Monument for the next 20 years based on the best available data and existing conditions on the Monument. Restrictions and closures are implemented to protect, conserve, and enhance Monument resources, objects, and values. The BLM has drafted the CSNM PRMP/FEIS in accordance with the relevant plans and policies and to be in compliance with all NEPA requirements and has responded to previously raised concerns regarding the issue of equitable access to public lands. Substantive public comments on the CSNM Draft RMP/EIS and BLM's responses are documented in Appendix S, *Response to Comments on the Draft RMP/EIS* (CSNM PRMP/FEIS Appendix S, pp. S-1–S-123). For example, the BLM notes in a response to a comment in Appendix S that the Dragon Spine/Vulture Rock Extensive Recreation Management Area (ERMA) has been identified as an area to build a fully accessible interpretative trail (CSNM PRMP/FEIS Appendix S, p. S-62). The BLM is committed to fair treatment and meaningful involvement with all the people who are affected by the decisions made regarding preservation, protection, and sustainable development of the natural resources on the public lands managed by the BLM.

Additionally, the BLM did consider environmental justice communities in the formulation of its alternatives and evaluation of impacts from travel management decisions for the CSNM PRMP/FEIS. The BLM discusses potential impacts on environmental justice communities from implementation of each alternative in Section 3.11, under Socioeconomic Analysis Issue 2 “How would any identified environmental justice populations be affected by changes in management?” (CSNM PRMP/FEIS pp. 138–152). This section concludes that that management proposed under Alternative D would have the greatest potential to negatively affect socioeconomic conditions in the planning area, the sum of which would be expected to fall disproportionately on low-income or environmental justice populations (CSNM PRMP/FEIS p. 152).

The BLM complied with all federal regulations regarding environmental justice, including the Department of Interior Equity Action Plan, and adequately considered the accessibility needs and impacts on people with disabilities when creating a range of alternatives for the CSNM PRMP/FEIS. The BLM also adequately responded to previous concerns raised regarding this issue. Accordingly, this protest issue is denied.

Lands with Wilderness Characteristics

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to designate recognized LWCs as WSAs pursuant to the agency’s authority under Sections 201, 202, and 603 of FLPMA. See 43 U.S.C. §§1711(a), 1712, & 1782(c). In addition to failing to recognize the Greens Springs Mountain and Grizzly Peak LWCs for arbitrary reasons, the PRMP/FEIS fails to designate and protect 8,548 acres of identified LWCs adjacent to the Soda Mountain Wilderness as Wilderness Study Areas, i.e., managed so as not to impair their suitability for future Congressional Wilderness designation. The PRMP/FEIS falsely asserts that ““the protection offered for [Wilderness- adjacent LWCs] are substantially similar”” to the non-impairment standard for WSAs in BLM Manual 6330. Yet the protection the PRMP/FEIS offers for these LWCs is less durable and less rigorous than what would be afforded to WSAs. For example, the PRMP/FEIS says it will ““balance”” 6,442 acres of these LWCs with ““other management and resource priorities and objectives.”” PRMP/FEIS, p. 126. The PRMP/FEIS also allows vegetation management within these LWCs with no defined sideboards, including as much as 294 acres of WUI treatments. PRMP/FEIS, p. 126; PRMP/FEIS Appendix E, p. E-6. Furthermore, the PRMP/FEIS only affords these LWCs VRM II classification, a less restrictive classification than VRM I, which SMWC et al. requested for all LWCs. Protecting these LWCs as WSAs-and adhering to the non-impairment standard described in FLPMA Section 603(c)---will best ensure protection of the objects identified in Proclamations 7318 and 9564, including biodiversity, ecological connectivity, and the natural processes of the Monument’s landscape.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to protect Lands with Wilderness Characteristics (“LWCs”) within the Monument. However, the PRMP/FEIS fails consider protecting the Green Springs Mountain and Grizzly Peak areas, which SMWC et al. identified as LWCs in their August 2023 scoping comments. Furthermore, the PRMP/FEIS fails to consider designation of either BLM-recognized or citizen-proposed LWCs as Wilderness Study Areas (“WSAs”) in any alternative, which does not align with the agency’s authority and duties under FLPMA and is contrary to the Proclamations’ direction to protect Monument objects and values.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to recognize the Green Springs Mountain and Grizzly Peak areas as LWCs, but the PRMP/FEIS arbitrarily deemed these areas as failing to meet LWC criteria. PRMP/FEIS Appendix S, p. S-54; see also PRMP/FEIS Appendix K, p. K-8. Despite each being less than 5,000 acres, each of the two areas is of sufficient size (over 2,000 acres) to provide outstanding opportunities for solitude and unconfined recreation, and-situated within a Monument established specifically for protection of biodiversity-large enough to practicably be managed for their preservation and use in an unimpaired condition where the work of human beings is substantially unnoticeable. In addition, BLM has authority to manage areas less than 5,000 acres for wilderness objectives under FLPMA Sections 202 and 302 (43 U.S.C. §§ 1712 & 1752). See Tri-County Cattlemen’s Ass’n; Idaho Cattlemen’s Ass’n, 60 IBLA 305, 313 (1981); see also Sierra Club v. Watt, 608 F. Supp. 305,339 (E.D. Cal. 1985). The mere fact that some parts of these areas are ““easily accessible and frequently visited”” does not diminish any of the Green Springs Mountain or Grizzly Peak areas’ wilderness characteristics, but underscores the importance of recognizing those characteristics and managing for their preservation. See PRMP/FEIS Appendix K, p. K-8. Furthermore, BLM’s assertion that its 2013 conclusion that these areas do not warrant

LWC recognition remains valid fails to recognize the Monument’s expansion in 2017 to encompass these areas. See *id.*

Summary:

Protestors claim that the BLM violated FLPMA by failing to designate the Green Springs Mountain and Grizzly Peak areas as Lands with Wilderness Characteristics (LWC) in the CSNM PRMP/FEIS despite the fact that they meet LWC criteria, failing to consider designation of 8,548 acres of identified LWCs adjacent to the Soda Mountain Wilderness as Wilderness Study Areas (WSA), and failing to consider designation of either BLM-recognized or citizen-proposed LWCs as WSAs in any alternative.

Response:

Under Section 201 of FLPMA and current BLM policy, the BLM is mandated to inventory wilderness characteristics and incorporate this information into land use planning efforts. Guidance for conducting these inventories is outlined in BLM Manual 6310: Conducting Wilderness Characteristics Inventory on BLM Lands (p. 31). The criteria for wilderness characteristics are based on Section 2(c) of the Wilderness Act. For an area to qualify as possessing wilderness characteristics, it must contain sufficient size requirements, possess naturalness characteristics, and provide outstanding opportunities for solitude or primitive recreation. The BLM’s authority for managing lands to protect or enhance wilderness characteristics is derived directly from Section 202 of FLPMA, which gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Section 202(c)(4) of FLPMA requires that “in the development and revision of land use plans, the Secretary shall...rely, to the extent it is available, on the inventory of the public lands, their resources, and other values.” The BLM’s wilderness characteristics inventory process does not require that the BLM conduct a completely new inventory and disregard the inventory information that it already has for a particular area when preparing a land use plan (BLM Manual Section 6310.06.B). The BLM is not required to protect wilderness characteristics as a priority over other resource values or multiple uses and may decide not to protect such characteristics.

CSNM PRMP/FEIS Appendix K, *Lands with Wilderness Characteristics Inventory – Summary Report*, discusses previous inventories for LWCs as well as inventories conducted for this planning effort. The appendix outlines the two inventories for LWCs that were conducted in response to public proposals initially submitted during the 2006 Western Oregon Plan Revision. These inventories included the Grizzly Peak inventory (OR11-31) which assessed 2,047 acres, and the Green Springs Mountain inventory (OR11-43) which evaluated 2,377 acres. Both areas were determined not to meet the minimum size criteria established for wilderness characteristics, and as a result, they were not carried forward for further analysis.

Additionally, during the LWC inventory conducted for the CSNM PRMP/FEIS, geographic information system analysis was conducted to determine if any areas of BLM-managed lands could be identified that were less than 5,000 acres but met one of the other identified criteria under Section 2(c) of the Wilderness Act. Nine areas were identified as being adjacent to the Soda Mountain Wilderness (Slide Creek, Lone Pine Ridge, Porcupine Mountain, Baldy Creek, Hartwell Draw, Skookum Creek, Randcore Pass, Rosebud North, and Lincoln Creek). These nine areas were carried forward and analyzed further using satellite imagery (Google Earth) and light detection and ranging (LiDAR) mapping (CSNM PRMP/FEIS Appendix K, p. K-7). The inventories for these areas are summarized in Appendix K Section 3 (pp. K-10–K-35).

Under Sections 201 and 202 of FLPMA, BLM has authority and discretion to identify and manage wilderness resources consistent with its multiple use mandate. FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land, and that the

Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” (FLPMA, Section 103(c)). Further, FLPMA directs that the public lands be managed in a manner “that, where appropriate, will preserve and protect certain public lands in their natural condition” (FLPMA, Section 102(a)). FLPMA authorizes the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides for current and future generations.

The BLM analyzed a full range of alternatives regarding management of lands for their wilderness character in the CSNM PRMP/FEIS (p. 22). Potential impacts on LWCs from implementation of management proposed under each alternative is analyzed in detail in Section 3.8 (CSNM PRMP/FEIS pp. 119–127). Under Alternative A, no lands would be managed specifically for wilderness characteristics, but existing management decisions would still offer some protection. Alternative B would not designate any lands as LWCs but limits actions that negatively affect wilderness characteristics through VRM Class II designation and restricted OHV use. Alternatives C, D, and E (the PRMP) provide more protection for wilderness characteristics than Alternatives A and B by closing lands to OHV use and enhancing opportunities for solitude and naturalness (CSNM PRMP/FEIS p. 127).

The BLM considered the protection of LWCs in the CSNM PRMP/FEIS and identifies areas where the BLM will manage to protect lands with wilderness characteristics. The BLM properly exercised its authority to protect LWCs. Accordingly, this protest issue is denied.

Monument Objects and Values: Land Use, Recreation, and Scenic Values

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Yet, the BLM has proposed significant impacts to visual qualities that are inconsistent with National Monument designation. For example, Alternative B proposes “preserving” only 20% of the visual resource (VRI Class 1). In this proposal 72% of the monument would be designated in VRM class 2 which preserves the existing character rather than restoring naturally appearing landscapes. (DEIS P 218). The DEIS also proposes 27% of the landscape for VRM Class 3 which allows partial retention “of the existing character of the landscape. The level of change to the characteristic landscape would be moderate. Management activities, which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention.” Analysis in the RMP/FEIS shows that Alternative E would propose only 26,784 acres OR 24% of the CSNM in VRI Class I, while 82,637 or 73% of the CSNM in VRI Class II. This means 73% of the monument would be maintained in its existing degraded state and would not be required to restore more favorable scenic viewsheds. Meanwhile only 24% of the monument would be managed to limit scenic changes to “very low” that “must not attract attention” to anthropogenic impacts. (CSNM RMP FEIS P. 311).

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Managing less than 1/4 of the National Monument for scenic restoration where anthropogenic impacts “must not attract attention” is inconsistent with the values of the CSNM and does not reflect the areas important conservation status. Far more than just the Soda Mountain Wilderness and a few nearby parcels should be managed as VRI Class I, restoring degraded viewsheds through passive restoration, the influence of natural process, and limitations on the visual imprint of human management. All lands currently proposed for VRI Class II and VRI

Class III designations should be reconsidered and added to the VRI Class I designations. This would restore the viewsheds, scenic values and limit visually apparent human impacts across nearly the entire CSNM, as monument designation intends. VRI Class IV lands should be limited to powerline corridors, putting all other federal lands in classifications that would facilitate scenic viewshed restoration and would limit the visible impacts of anthropogenic management.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to make clear in the PRMP protection of Monument objects and values requires that no Monument lands would be exchanged out of the Monument. Proclamation 7318 withdrew Monument lands from sale or disposition “other than by exchange that furthers the purposes of the monument.” The 2008 Monument RMP interpreted this language to mean no land could be exchanged out of the Monument, only into it, providing only acreage gains, not losses. The PRMP/FEIS, however, suggests that current Monument lands could be exchanged for privately-owned non-Monument lands, even in ways that reduces overall Monument acreage. See PRMP/FEIS, p. 99. BLM does not have the authority to reduce Monument size under the Antiquities Act. The PRMP/FEIS also identifies approximately 55,778 acres of Monument lands available for potential exchange so long as such exchange results ““in a net gain of objects and values in the CSNM,”“ a vague and subjective metric. PRMP/FEIS, p. 100. SMWC et al. also asked BLM to explain its ecological rationale for identifying certain lands as available for exchange, but the PRMP/FEIS failed to provide such an analysis; it merely stated which lands are not available under Alternatives B, C, and E. PRMP/FEIS, p. 101.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. asked BLM to designated a one-mile wide management corridor along the Pacific Crest Trail, one-half mile one either side of the trail, to protect Monument objects and values. The PRMP/FEIS failed to consider varying management corridor widths, and only considered alternatives that designated a one-quarter mile management corridor from the centerline of the Pacific Crest Trail. PRMP/FEIS Appendix E, p. E-5. A one-quarter mile management corridor measured from the centerline of the trail is not adequate to protect Monument objects and values. BLM says it adhered to the criteria in BLM Manual 6280, which directs the agency to inventory and consider National Trail resources, qualities, values, and associated settings and the primary use or uses” when establishing management corridor widths. Yet BLM failed to acknowledge that the resources, qualities, values, settings, and primary use of this particular portion of the Pacific Crest Trail all derive from their location within the first National Monument established for its biodiversity and ecological connectivity, and failed to consider that greater widths could better protect those very Monument objects and values identified in the Proclamations 7318 and 9564.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: Under the Antiquities Act and the Monument Proclamations, BLM must manage the Monument for the protection and preservation of Monument resources, objects, and values, and the agency may allow other discretionary uses and activities only to the extent that they do not conflict with the directives of the proclamations. Recreation is not identified in either Proclamation 7318 or 9564 as an object or value for which the Monument was established and expanded to protect. However, the BLM would designate three Special Recreation Management Areas (SRMA) under all action alternatives, and nine Extensive Recreation Management Areas (ERMA) under the Proposed RMP. PRMP/FEIS, pp. 16 & 164. SMWC et al. raised concerns about elevating recreation as the primary purpose of these new designated areas in violation of the Proclamations’ primary purpose of biodiversity protection, and asked that no extensive recreation

management areas be designated. However, SMWC et al. did not object to the Final RMP designating three SRMAs: Hyatt Lake Campground (52 acres), Surveyor Mountain Campground (28 acres), and Table Mountain Snow Play Area (9 acres). We note, though, that the PRMP/FEIS lists two different acreages for the Hyatt Lake Campground: 52 acres under Alternative A, as existed when upon the Monument's designation in 2000, and 394 acres under other alternatives. SMWC et al. opposes expansion of the Hyatt Lake Campground to a 394-acre recreation area. Additionally, Vulture Rock, site of a proposed ERMA, has the only extant population of American pika (*Ochotona princeps*), a species included in Proclamation 9564 as an object of scientific interest in the CSNM. Recreational development of the Dragon Spine/Vulture Rock ERMA will put this population at risk. Meanwhile, the Buck Rock proposed ERMA would highlight railroad history, which is not a Monument object mentioned in either Proclamation 7318 or 9564.

Summary:

Protestors stated that the BLM violated Presidential Proclamations 7318 and 9564 by:

- Failing to maintain the protection of visual resources required for National Monument designations and proposing to manage less than 1/4 of the National Monument for scenic restoration under a Visual Resource Management (VRM) Class I designation.
- Making approximately 55,778 acres of Monument lands available for potential exchange so long as such exchange results “in a net gain of objects and values in the CSNM,” without providing a rationale for identifying certain lands as available for exchange.
- Failing to consider a variety of alternatives regarding management corridor widths along the Pacific Crest Trail (PCT), as including greater widths that could better protect the Monument objects and values.
- Managing the CSNM for recreational purposes and designating SRMAs and nine ERMAs when recreation is not listed as an activity the BLM must manage for under the proclamations.

Response:

Land use plans for a National Monument must analyze and consider measures to ensure that objects are conserved, protected, and restored (BLM Manual Section 6220.1.6.G.4). Through the land use planning process, the BLM identifies specific and measurable goals and objectives for each object (BLM Manual Section 6220.1.6.G.4.a).

Presidential Proclamations 7318 and 9564 do not require the BLM's management decisions to be those that are the most protective of Monument objects. Instead, they require that, on balance, the BLM's management decisions be consistent with the overall protection of the identified objects. The CSNM PRMP/FEIS must comply with the purposes and objectives outlined in Presidential Proclamations 7318 and 9564, but multiple uses are allowed to the extent they are not inconsistent with the proclamations.

The BLM uses VRM classes to support the desired physical recreation settings and aid in the attainment and long-term protection of these settings. VRM classes establish objectives, which prescribe the amount of change that BLM management actions are allowed to cause in the characteristics of the landscape; however, they are not used as a mechanism for landscape restoration. There is a wide array of management actions and goals for the CSNM that need all classes of VRM to achieve those goals and objectives. CSNM PRMP/FEIS Alternative E (the PRMP) would provide the highest amount of scenic quality protections, and all action alternatives would provide for enhanced scenic protection when compared to the No Action Alternative (current management) (CSNM PRMP/FEIS p. 306). Under the management direction for the action alternatives (B through E) in CSNM PRMP/FEIS nearly all of the CSNM would be managed as VRM Class I or Class II (78,306

acres), which is a significant increase in the level of visual resource protection afforded compared to current management (111,421 acres) (CSNM PRMP/FEIS p. 310). Accordingly, the CSNM PRMP/FEIS action alternatives provide increased protection of the CSNM’s scenic objects and values consistent with direction in Presidential Proclamations 7318 and 9564.

The BLM determined Land Tenure Zones as a part of the CSNM PRMP/FEIS to identify lands within the CSNM that are available for acquisition (whether through purchase, exchange, or donation) as long as the exchange “result[s] in a net gain of objects and values in the CSNM” (CSNM PRMP/FEIS pp. 99–100). This approach to land acquisition is consistent with Presidential Proclamations 7318 and 9564, which state that lands within the CSNM boundary are “hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws.” Section 3.6 states that “under the proclamations, BLM-administered lands within the CSNM boundary were withdrawn for disposal or sale but remain available for exchange” (CSNM PRMP/FEIS p. 99), consistent with the proclamations’ mandates.

Under the PRMP (Alternative E), 55,778 acres of Monument land would be available for potential acquisition under a Zone 2 classification, which is any land that is not designated wilderness areas, acquired with Land and Water Conservation Funds, designated and eligible wild and scenic rivers, National Scenic and Historic Trails, lands managed for wilderness characteristics, or ACECs and RNAs (CSNM PRMP/FEIS p. 100). However, the CSNM PRMP/FEIS explicitly states that “all acquisitions would be considered on a site-specific basis as they become available” (CSNM PRMP/FEIS p. 100) and all Zone 1 lands determined to have special values, as listed above, would be clearly delineated as not available for consideration of exchange under the PRMP (Alternative E). A determination of whether a land exchange would further the purpose of result in a net gain of Monument objects and values would be determined at a site-specific level of review as the CSNM PRMP/FEIS is a land use planning-level decision, with analyses conducted only at the regional, programmatic level. As such, any future land acquisition of public lands would occur during implementation of the RMP and would be subject to future, site-specific NEPA analysis, at which time the BLM would determine whether the acquisition is consistent with the CSNM PRMP/FEIS and Presidential Proclamations 7318 and 9564.

The existing management corridor for the area around the PCT within the CSNM was designated with the intention to protect the values associated with the trail. Based on the inventory and assessment completed for the PCT, the BLM determined that existing management corridor widths under the current plans were adequate for meeting objectives to protect the resources, qualities, values, and associated settings of the PCT per BLM Manual 6280 (CSNM PRMP/FEIS Appendix L, pp. 43–46). Therefore, the BLM did not explore varying widths in the range of alternatives, but rather varied potential management restrictions in the corridor (CSNM PRMP/FEIS Appendix E, pp. E-4–E 6). The designation of a 0.25-mile buffer from the centerline of the trail, when combined with numerous management directions applicable to all alternatives as outlined in CSNM PRMP/FEIS Section 3.10, allows the BLM to adequately conclude that said management corridor is sufficient to values and uses associated with the PCT and in turn, Monument objects and values (CSNM PRMP/FEIS pp. 131–132). As mentioned previously, the BLM is not required to propose or select management decisions that are the most protective of Monument objects, only that said decisions and associated actions further their protection.

Finally, while recreation is not listed as an activity for which the BLM must manage under Presidential Proclamations 7318 and 9564, management for recreation is also not a prohibited use under the proclamations. As such, the BLM fulfills its obligations under FLPMA to manage for multiple uses by designating SRMAs and ERMAs for recreational use within the Monument. Each SRMA and ERMA has an accompanying framework that guides management of the SRMA or ERMA and describes “the recreation values, types of visitors targeted, the outcome objectives, the Recreation Setting Characteristics, and the applicable management actions and allowable use

restrictions” (CSNM PRMP/FEIS p. 154). These frameworks are guided by the management objectives outlined in the CSNM PRMP/FEIS, which include providing “a diversity of quality recreational opportunities that do not conflict with the protection of CSNM objects and values” (CSNM PRMP/FEIS Appendix E, p. E-38). As such, the BLM’s designation of SRMAs and ERMAAs would not result in negative impacts on Monument objects and values and would likely aid in the protection of such resources through direct protection and management.

The CSNM PRMP/FEIS adequately protects CSNM objects and values as outlined in Presidential Proclamations 7318 and 9564 authorized by the Antiquities Act of 1906. Accordingly, this protest issue is denied.

Monument Objects and Values: Livestock Grazing

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The BLM states that it will conduct new livestock impact studies and determine compatibility of grazing allotments with the purposes of Proclamation 9564 through the NEPA review and decision procedures outlined in FEIS Appendix Q. However, as explained below, the agency already determined that the past impact studies apply to the enlarged Monument area due to common geography and grazing systems. Moreover, BLM policy requiring evaluation of proclamation consistency applied to eight (8) currently effective grazing lease authorizations on seven (7) active allotments within the enlarged Monument area (Table 2). No such evaluation occurred because the BLM invoked the statutory authority of amended FLPMA Section 402(c)(2) to renew the leases without change or review. Therefore, no reasonable basis exists to conclude that the agency will fulfill its national monuments policy under the PRMP.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The FEIS violates the NEPA and APA because it fails to disclose the nullifying effect of amended FLPMA 402(c)(2) grazing lease renewal authority to PRMP implementation. As explained above and in DEIS comment, the BLM fails to disclose implications of the amended FLPMA 402(c)(2) grazing lease renewal authority, and inexplicably omits that statute from discussion of the laws and policies deemed “relevant” to the instant planning decision. We show above that the BLM used the amended FLPMA authority to renew its grazing leases of the incompatible Dixie allotment, and to improperly delay its retirement, contrary to the actionable command of Proclamation 7318 and the planning decisions of the 2008 CSNM RMP. The agency also employed the same authority or its predicate to renew grazing leases on Monument-reserved portions of the Buck Mountain allotment six (6) times after 2008, and in each instance disregarded the NEPA review and decision procedures of the 2008 CSNM RMP, which are identical to what the PRMP outlines as the basis for future adaptive management.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The instant planning analysis (i.e., this impact statement on revision of the CSNM management plan) is the only reasonably foreseeable opportunity for the BLM to ensure consistency of livestock grazing management with the proclamation purposes because established agency practice demonstrates systematic inattention to policy direction in the context of allotment-specific grazing lease renewals. As discussed above, the agency relied since 2015 on the amended FLPMA 402(c)(2) authority to renew all 15 active grazing leases on every allotment in the planning area without any review of proclamation consistency (Table 2). At no time did the BLM “consider the severity, duration, timing, and direct and indirect and cumulative effects” of any currently

effective grazing lease on the reserved Monument public lands because the statute tolls such review forever and without limit. As stated above, failure to acknowledge the practical effect of the amended FLPMA grazing lease renewal authority to implementation of the PRMP in the Monument area is arbitrary and capricious.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The PRMP violates Proclamation 7318 and the Antiquities Act because it makes the reserved CSNM public lands available to demonstrably incompatible livestock grazing. The CSNM proclamations issued under authority of the Antiquities Act control the instant BLM planning decision regarding availability of the reserved public lands to livestock grazing. Public lands reserved as national monument are exempt from the multiple-use mandate of the FLPMA that otherwise apply to unreserved public lands. BLM policy governing management of national monuments states a “general rule” that the designating proclamation language “will apply” in event of conflict with multiple-use philosophy.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The BLM admits uncertainty regarding the effectiveness of livestock enclosure fences at meeting the designation purpose of the CSNM. See FEIS at 289 (citing 2007 impact study recommendation to change grazing practices that degrade streambanks). It notes the key assumption that fences must be “properly maintained” in order to realize any benefit to riparian habitats. *Id.* However, that is a bold assumption because the BLM does not timely repair fences when cattle breach them. The admission of uncertainty may satisfy the NEPA disclosure requirement, but it raises a serious question about compliance of the BLM grazing program with the Antiquities Act and the FLPMA. The BLM grazing program does not protect CSNM objects, but rather tests the limit of the designating proclamations to see how much grazing the agency can sustain under current law and regulation.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The record shows that uncontrolled horse grazing cumulatively effects Monument objects and values, as well as the outstandingly remarkable values of the Jenny Creek Scenic River. See USDI 2023: 186 (AMS stating, “Continued grazing by cattle and feral horses on wet meadows ... led to soil compaction, erosion, loss of native species and invasion by non-native species particularly in the drier portions of these meadows. Wet meadows now excluded from grazing show no signs of recovery to pre-grazing conditions.”); 187 (stating climate change “expected to favor the continued expansion of non-native forbs and annual grasses, particularly if permitted grazing and populations of feral horses are not altered to reflect reduced grass production.”); 142 (“Range animals, such as livestock and feral and domesticated horses . . . increase the opportunities for invasive plant species to spread and become established.”); 194 (reporting horse population “considerably above management objective levels” at 230 head). Other evidence included with scoping comment demonstrates heavy spring use, stream bank erosion, excessive sedimentation of streams, and upland soil erosion caused by horses. The FEIS passingly acknowledges such impacts, but fails to disclose the extent or significance of horse grazing damage to Monument objects and values. See FEIS at 44-45.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The most egregious example of BLM disregard for its national monuments policy occurs at the Dixie allotment, where the agency studied livestock impacts to Monument objects and values, and determined that grazing is not compatible with the proclamation purpose.

Nevertheless, 16 years later, the Dixie allotment still remains active rather than retired, and the same grazing practices as occurred in 2008 persist every year (Table 2). The BLM twice renewed the Dixie grazing lease without undertaking the review and decision procedure of the 2008 CSNM RMP, and thereby shirked its non-discretionary duty to retire the allotment. Its refusal to address proclamation consistency now only compounds the error because there is no reasonable basis to conclude that the BLM will review the Dixie lease before it expires in 2033.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: Management history of the Buck Mountain allotment likewise demonstrates BLM indifference to its national monuments policy and its own planning decisions. As noted above, the BLM ignored its 2008 CSNM RMP planning decisions in six (6) separate renewals of the Buck Mountain lease since 2009. Even after Proclamation 9564 added 1,583 more acres of the allotment to the enlarged Monument, the BLM continued to renew grazing leases without attention to proclamation consistency.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: In particular, at no time since the BLM issued Policy Manual 6220 (2012) did the agency concern itself with proclamation consistency on either: (1) the 739 acres of the Buck Mountain allotment that Proclamation 7318 reserved; or (2) the 1,583 acres of the allotment that Proclamation 9564 later added to the Monument. Therefore, the BLM systematically neglected its responsibility under the national monuments policy, and there is no reasonable basis to conclude that the agency will behave differently under the PRMP.

Summary:

Protestors claim that the BLM violated the Antiquities Act of 1906, Presidential Proclamations 7318 and 9564, NEPA, FLPMA, the Administrative Procedure Act (APA), and BLM's National Monuments policy by invoking the statutory authority of amended FLPMA Section 402(c)(2) (Grazing Lease Renewal Authority) to renew grazing leases without change, review, or stating this policy is relevant to the PRMP, and simultaneously admitting the uncertainty of the effectiveness of livestock enclosure fences and stating it will conduct new livestock impact studies to determine compatibility of grazing allotments. Protestors also claimed the BLM failed to analyze the cumulative effects of horse grazing damage to Monument objects and values and their impacts on grazing allotments. Protestors also stated that the BLM violated FLPMA and Policy Manual 6220 by not being consistent with the National Monuments policy and the proclamation regarding livestock grazing allotments, specifically by renewing the Buck Mountain and Dixie grazing allotments despite determining that grazing is not compatible with the purposes of the proclamations.

Response:

The Antiquities Act of 1906 grants the president authority to designate National Monuments to protect "historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest" (16 U.S.C. § 431-433). Land use plans for a National Monument must analyze and consider measures to ensure that objects are conserved, protected, and restored (BLM Manual Section 6220.1.6.G.4). Through the land use planning process, the BLM identifies specific and measurable goals and objectives for each object (BLM Manual Section 6220.1.6.G.4.a). Presidential Proclamations 7318 and 9564 do not require the BLM's management decisions to be those that are the most protective of Monument objects. Instead, it requires that, on balance, the BLM's management decisions be consistent with the overall protection of the identified objects. The CSNM PRMP/FEIS must comply with the purposes and objectives outlined in Presidential Proclamations

7318 and 9564, but multiple uses are allowed to the extent they are not inconsistent with the proclamations. Although the CSNM PRMP/FEIS does not refer to FLPMA Section 402(c)(2) (Grazing Lease Renewal Authority) specifically, the authority to use this section of FLPMA is included in the direction to conduct planning for the CSNM RMP under FLPMA and Presidential Proclamations 7318 and 9564 and is consistent with the purpose and need of the planning effort (CSNM PRMP/FEIS pp. 4–7).

The BLM evaluated the impacts of proposed management of livestock grazing under each alternative on CSNM objects and values throughout CSNM PRMP/FEIS Chapter 3 including in Section 3.2, *Aquatic and Riparian Habitat* (CSNM PRMP/FEIS pp. 35–55), Section 3.5, *Hydrology* (CSNM PRMP/FEIS pp. 81–98), and Section 3.18, *Terrestrial Wildlife* (CSNM PRMP/FEIS pp. 345–411). Regardless of the past studies completed for lands now unavailable for grazing, under all action alternatives the BLM’s management approach would include conducting new studies on lands that would continue to be available for livestock grazing. This planning process does not make implementation-level grazing lease renewals including for the Buck Mountain and Dixie allotments (CSNM PRMP/FEIS p. 4). Renewing a grazing allotment lease is an implementation-level decision and outside the scope of this plan. However, the BLM considered decisions to allocate lands as available or unavailable for livestock grazing (CSNM PRMP/FEIS Appendix S, p. S-5) and built management direction into the CSNM PRMP/FEIS to ensure future grazing decisions are consistent with the proclamations (CSNM PRMP/FEIS Appendix E, pp. E-32–E-34). In addition, Appendix Q discusses a framework for ensuring all future decisions regarding livestock grazing complies with the Presidential Proclamations, including the voluntary relinquishment of permits (CSNM PRMP/FEIS pp. Q-1–Q-5). All future projects and implementation-level decisions must protect and restore CSNM objects and values, and the BLM will conduct a compatibility review with other management direction (for management areas and resources) during implementation-level NEPA and decision-making processes and provide opportunities for public and Tribal input. Therefore, determinations of livestock suitability would occur at the next decision-making step.

The management of trespass livestock (including horses) and feral or wild-horse grazing management within the CSNM from enclosure fence failure is also an implementation-level decision beyond the scope of this planning effort. However, the goals and objectives to protect Monument objects and values outlined in the CSNM PRMP/FEIS will serve as the directive for these implementation-level actions, and management will comply with the regulations in 43 CFR 4150 – Unauthorized Use (CSNM PRMP/FEIS p. 4).

The BLM developed the management goals, objectives, and actions under each action alternative with the purpose of protecting CSNM objects and values (CSNM PRMP/FEIS, Section 1.4, *Purpose and Need*, pp. 4–7). Based on the impacts analysis conducted, the BLM included measures in the CSNM PRMP/FEIS that protect Monument objects and values and contribute to meeting the goals and objectives for each object and value as set forth in the CSNM PRMP/FEIS. Accordingly, this protest issue is denied.

Monument Objects and Values: Natural Resources

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The management plan envisioned in the FEIS, ironically calls its proposed treatments “restoration,” but these treatments and the agency’s dishonest manipulation of science would have a very different non-restorative outcome. The management activities proposed would have all the impacts inherent to BLM’s industrial forest management approach on O&C Lands managed directly for timber production, but are not consistent with the values of the Cascade-Siskiyou National Monument. The experiment of allowing BLM to manage National Conservation

Lands has failed and must now be reconsidered. The BLM, especially in western Oregon is unwilling to responsibly manage lands for conservation, recreation, or biological benefits and is unfortunately, attempting to implement inappropriate O&C timber management activities on all Medford District BLM lands, including the CSNM and regardless of the areas land use allocation. Yet, this practice is legally, morally and scientifically indefensible. For example, the courts have affirmed that the BLM can and must manage the CSNM for the biological purposes identified in the proclamation documents. Yet, the BLM is violating that ruling in this management plan by prioritizing commercial logging and conflating its often, detrimental activities with “restoration.” The agency may claim that logging in the monument can occur if it is part of a valid restoration project, but that is not what is being proposed in the CSNM RMP/FEIS. The agency is also directed to allow public land livestock grazing if it is consistent with the protection of the objects of interest with which this monument was designated. These proposals demonstrate the inappropriate industrial approach identified by the BLM in the CSNM RMP/FEIS.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The proposed BLM management plan for the CSNM is inconsistent with the Presidential Proclamations #7381 and #9564. This inconsistency has to do with a failure to adequately protect the objects of interest or monument values identified in these proclamations. Although the proclamation language prioritizes biological values, biodiversity and habitat connectivity, the currently proposed management plan is designed more to facilitate and justify widespread timber harvest and other non-compatible uses. As currently proposed the management plan would weaken current habitat protections and threaten the protection, restoration, and maintenance of biological integrity throughout the boundaries of the National Monument. For example, the original monument proclamation (#7381) states, ““The commercial harvest of timber or other vegetative material is prohibited, except when part of an authorized science- based ecological restoration project aimed at meeting protection and old growth enhancement objectives. Any such project must be consistent with the purposes of this proclamation. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber. Removal of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.”“ By purposefully placing limits on commercial harvest inside the National Monument the Presidential Proclamation is clear that intensive logging operations would not be permitted. Yet, the currently proposed management plan includes alternatives with prescriptions very similar to BLM “Harvest Land Base”. It also fails to demonstrate clearly the need for the level of harvest proposed for “ science-based ecological restoration.”.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Although the RMP/FEIS identifies the area as “unavailable to sustained yield timber harvest” (RMP/FEIS P. 26 Table 2-4), the RMP/FEIS makes it very clear that BLM intends to keep the area open to commercial and industrial scale logging. These logging activities could include intensive logging treatments logging trees up to 36” DBH and 156 years old (Alt B) and “openings” or staggered clearcuts up to 4 acres in size (Alt B). Other proposals include logging shade tolerant species (Douglas fir, white fir, etc) up to 29” DBH, as well as logging shade intolerant trees (ponderosa pine, sugar pine, incense cedar, etc) up to 24” DBH, while creating 2 acre group selection clearcuts (Alt. C & Alt. E). Such a practice would most certainly not be consistent with the Presidential Proclamation and is not necessary for the restoration of ecosystems. It would not protect biodiversity, would damage connectivity, and would spread noxious or non-native weeds throughout the CSNM, while also impacting watershed values, ecological integrity, scenic values, and wildlife habitats for species such as the northern spotted owl, which was specifically identified for protection in the Presidential Proclamation.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The commercial forest management activities proposed in the CSNM RMP/FEIS are designed to implement silvicultural practices. These practices are intended to produce timber and generate economic revenue, not to “restore” habitat conditions or reduce fire risks and have no place in a National Monument. A silvicultural system is defined as “a planned series of treatments for tending, harvesting, and reestablishing a stand” (Helms 1998). Harvesting and re-establishing stands is not consistent with the Monument Proclamations and will impact important biological values. In fact, the group selection logging, large tree removal and heavy canopy reduction proposed will increase fire risks, undermine fire resilience, damage closed canopy northern spotted owl habitats identified for protection in the proclamation documents, and impact both habitat connectivity and ecosystem function. Such silvicultural systems are designed to harvest and re-establish stands, not to restore more functional habitat conditions and these practices are not acceptable in National Monument designations.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The Presidential Proclamation leading to the designation of the CSNM identifies old forests and spotted owl habitat as an important monument resource in need of protection. Yet, the commercial harvest proposed in the CSNM RMP/FEIS fails to protect these forests, maintain their biodiversity, or support their continued resilience. It also fails to adequately protect and maintain northern spotted owl habitat.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: It is important to note that the CSNM was designated to protect the natural values and natural processes that support biodiversity and connectivity in this rich and important region. It is also important to note that naturally recovering early seral habitat is among the most diverse plant communities and seral stages in the Western North America (Lindenmeyer. 2008 & Hutto. 2016). Damaging, altering or degrading these areas is contrary to the Presidential Proclamation supporting monument designation. Creating canopy gaps through commercial logging activities is not consistent with monument management guidelines, while the preservation of natural values in naturally created canopy gaps is highly consistent with the protection of biodiversity, ecological integrity and habitat connectivity. Early seral habitat creation is currently sufficient to meet all ecosystem needs and gap creation logging is habitat degradation.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Proposed commercial logging prescriptions are inconsistent with CSNM values, the protection of mature and old-growth forest, the maintenance of biodiversity and the preservation of northern spotted owl habitat as directed in the Presidential Proclamation. The Presidential Proclamation for the CSNM directly identified old-growth forests, biodiversity, and the northern spotted owls as objects of interest and values to protect within monument boundaries. Yet, the proposed forest management strategy fails to adequately address these important and foundational values. In fact, in many cases the proposed management plan will degrade the monuments biodiversity, forest connectivity, northern spotted owl habitat conditions, old growth forest habitats, and old forest recruitment.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: We believe the proposals in CSNM RMP/FEIS are similarly inappropriate and inconsistent with the plain language of the Presidential Proclamation designating the area as a

National Monument. In reality, both the proposals in the IVM Project and now the CSNM FEIS are industrial logging proposals utilizing prescriptions very similar to the “Harvest Land Base.” Although dressed up in “restoration” or “resiliency” language, the prescriptions will have similar affects to harvest land base logging, which is entirely inappropriate in the CSNM. This cynical attempt to manipulate language and science was rejected by the courts in the IVM Project and will be in the CSNM RMP.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Yet, unfortunately, the proposed action alternatives including Alternative E (proposed RMP), are not consistent with this purpose and need, or with the Monument proclamations. Additionally, they do not adequately protect and restore the resources, objects, and values for which the area was designated. In fact, many of the so-called “vegetation management” treatments proposed, look shockingly like “harvest land base” prescriptions in the 2016 RMP. In fact, the difference between harvest land base O&C logging and is largely 7 inches diameter. This means trees on the harvest land base can be logged up to 36” diameter for timber production purposes and as multiple use, so-called sustained yield management. In the 2016 RMP it is clear in the analysis that such management will not retain biological legacies or mature/old growth forests on the landscape. Meanwhile trees in the National Monument could be logged up to 29” diameter with similar basal area and relative density targets. Additionally, livestock grazing would be largely unchanged outside the currently undetermined management activities intended as interim measures. With these measures so undefined, their impact/effect on objects of interest remains inadequately analyzed. National Monument designation is designed to protect and manage for specific biological values and conservation-based outcomes. Implementing land management activities as an extension of the multiple use landscape is arbitrary, capricious, in bad faith, and is inconsistent with both the the Purpose and Need and the Presidential Proclamation designating the CSNM. We suggest that the purpose and need identified in the FEIS is adequate, but the proposed action alternatives do not properly address the issues of concern or create a framework that allows for, and/or encourages the protection and restoration of CSNM values or resources.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The agency has not identified a need for these commercial and industrial logging activities. Nothing in the monument proclamation requires the agency to manage for open forests or structural conditions using commercial logging and silviculturally based logging techniques. In fact, the proclamation specific mentions the importance of “old growth habitat crucial to the threatened Northern spotted owl” which translates directly to complex, closed mature to old-growth forest. Nothing in the proclamation identifies commercial logging as necessary for the protection of biodiversity and nothing in the proclamation necessitates a commercial approach to forest management.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Additionally, Presidential Proclamation 9564 creating the CSNM expansion area states very clearly “Nothing in this proclamation shall change the management of the areas protected under Proclamation 7318.” It also clarifies that “The Secretary of Interior (Secretary) shall manage the area being added to the monument through the Bureau of Land Management as a unit of the National Landscape Conservation System, under the same laws and regulations that apply to the rest of the monument.” The original National Monument Proclamation limits commercial logging to valid ecological restoration projects or public safety needs, while the 2008 ROD & RMP placed an emphasis on treating young stands and stands in areas with reduced habitat connectivity, rather than mature or old growth stands with thinning treatments. Although in theory this could include some

commercial removal, it most certainly did not call for logging trees up to 36" DBH (Alt B) or 29" DBH (Alt C & E). In fact, only 200 acres of mature forest in the Wildland Urban Interface and no acres of old growth forest were authorized for treatment in the 2008 RMP. Meanwhile, the new management plan calls for heavy industry logging, large tree removal and gap creation across up to 10-20% of the monument per decade through intensive logging prescriptions.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: In violation of the Federal Land Policy and Management Act, the Antiquities Act, Proclamations 7318 and 9564, and BLM's regulations and policies, BLM's PRMP/FEIS does not adhere to the underlying purposes of the Monument outlined in these Proclamations. As currently proposed, the PRMP/FEIS does not adequately protect Monument objects and values. Instead, the PRMP/FEIS authorizes and encourages an excessive amount of tree removal and other ground-disturbing activities that are inconsistent with and contrary to the purposes of the Monument and the protection of Monument objects and values. In addition, the PRMP/FEIS arbitrarily declines to adopt available tools such as Research Natural Areas ("RNAs"), Areas of Critical Environmental Concern ("ACECs"), and Wilderness Study Areas that would better protect the Monument's objects of historic and scientific interest and inadequately protects other designated areas such as the Soda Mountain Wilderness, Wild and Scenic River segments, National Scenic and Historic Trails, as well as lands with identified wilderness characteristics.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. expressed concern that the amount and degree of authorized thinning and other "treatments" would result in lower-quality NSO dispersal habitat, which BLM assumes consists of a minimum of 40% canopy cover. Studies show that higher-quality dispersal habitat-habitat more like nesting, roosting, and foraging habitat-provides greater dispersal success for NSO. The PRMP aims to drastically shift the Monument away from closed canopy late successional forests to more open canopy cover (below 40%), reducing the quality of dispersal habitat for NSO, resulting in a lower likelihood of dispersal success and habitat connectivity, contrary to the Proclamations' direction to protection NSO as a Monument object. Furthermore, BLM failed to analyze this impact on dispersal habitat quality in the FEIS, in violation of NEPA.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: Underscoring the Monument's purpose of protecting and promoting biodiversity, natural processes, and ecological values, Proclamation 7318 expressly stated that "[r]emoval of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety." Proclamation 7318 (emphasis added). SMWC et al. commented that this Proclamation language makes clear that tree removal is meant to be the exception within the Monument, not the rule. Yet, contrary to Proclamation 7318, the PRMP FEIS makes tree removal the norm and limits tree removal only in a few areas. Specifically, BLM prohibits tree removal only within certain "closed old refugia forests in cooler, moister sites"-the amount and location of which are not disclosed. See PRMP/FEIS Appendix E, p. E-13. Even within the Soda Mountain Wilderness and lands managed for their wilderness characteristics, the PRMP/FEIS includes exceptions that allow for tree removal. PRMP/FEIS Appendix E, pp. E-3 & E-6. Outside of those unidentified refugia areas, the PRMP/FEIS would allow tree removal across the majority of the Monument, including throughout 62,827 acres of Ecosystem Management Areas and an undisclosed amount of Wildland-Urban Interface ("WUI"). See PRMP/FEIS, p. 24; PRMP/FEIS Map 2-43. BLM has not provided sufficient support to show that such tree removal is "clearly needed for ecological restoration and maintenance or public safety" nor has BLM explained how such tree removal would protect and restore Monument objects and values.

Oregon Wild et al.***John Persell et al.***

Issue Excerpt Text: SMWC et al. asked BLM to limit hazard tree removal to 100 feet from high-use roads, and to require an environmental assessment or environmental impact statement with full public participation before authorizing any such tree removal to ensure consistency with the Proclamations. We reiterate our observations regarding purported “hazard” tree removal along South Chinquapin Road, Emigrant Creek Road, and East Hyatt Lake Road. In those “hazard” tree removal projects, numerous living, apparently healthy trees were cut and apparently sold for commercial value, including trees on the downslope side of Emigrant Creek Road that could not pose a risk of falling onto the road itself. The PRMP/FEIS does not appear to place any distance limits or other sideboards on hazard tree removal along roads, and indicates that public input will only be provided “[f]or non-emergency BLM proposed actions” without defining what constitutes an emergency or non-emergency in the context of hazard trees. Proclamation 7318 states in plain language that tree removal must only occur within the Monument if clearly needed for an authorized purpose such as public safety. Except in true emergencies, which BLM should define for the public, BLM must provide robust and transparent opportunities for public input and involvement before tree removal occurs within the Monument.

Summary:

Protestors stated that approval of the CSNM PRMP/FEIS would violate the Antiquities Act of 1906 and Presidential Proclamations 7318 and 9564 by:

- Prioritizing extractive activities including commercial logging, conflating these activities with restoration, which do not seem to align with actual ecosystem restoration goals.
- Attempting to use logging as a method to protect the biodiversity of the CSNM when the proclamation states the importance of maintaining old-growth forest and attempting to use commercial logging of mature forests when the original proclamation limits commercial logging to restoration projects or public safety.
- Failing to adequately protect Monument objects and values by promoting timber harvesting for economic revenue and other uses that are not inconsistent with the proclamations and incompatible with protecting Monument objects and values like early seral habitats, biodiversity, ecological integrity, and habitat connectivity.
- Allowing tree removal throughout the Monument, with few limitations, but failing to provide sufficient support to show that such tree removal is “clearly needed for ecological restoration and maintenance or public safety” or explaining how such tree removal would protect and restore Monument objects and values. Protestors also claim that the BLM failed to include any distance limits on hazard tree removal along roads.
- Failing to identify a need for these commercial and industrial logging activities as nothing in the Monument proclamation requires the agency to manage for open forests or structural conditions using commercial logging and silvicultural based logging techniques.
- Proposing commercial and industrial logging activities that are inconsistent with CSNM values, specifically the protection of Monument objects and values related to old-growth forests and the preservation of the spotted owl habitat. Protestors noted that the BLM failed to analyze the impact of shifting canopy cover trends might have on northern spotted owl dispersal habitat quality.
- Authorizing an excessive amount of tree removal and other ground-disturbing activities and arbitrarily declining tools such as RNAs, ACECs, and WSAs to protect Monument objects.

Response:

The Antiquities Act of 1906 grants the president authority to designate National Monuments to protect “historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest” (16 U.S.C. § 431–433). The CSNM’s original boundaries and conditions were established under Presidential Proclamation 7318 in 2000. In 2017, Presidential Proclamation 9564 expanded the boundaries of the CSNM and created a Monument landscape that “provides vital habitat connectivity, watershed protection, and landscape-scale resilience for the area’s critically important natural resources” and bolstered resource protection within the Monument. Land use plans for a National Monument must analyze and consider measures to ensure that objects are conserved, protected, and restored. Through the land use planning process, the BLM identifies specific and measurable goals and objectives for each object (BLM Manual Section 6220.1.6.G.4).

Presidential Proclamations 7318 and 9564 do not require the BLM’s management decisions to be those that are the most protective of Monument objects. Instead, it requires that, on balance, the BLM’s management decisions be consistent with the overall protection of the identified objects. The CSNM PRMP/FEIS must comply with the purposes and objectives outlined in Presidential Proclamations 7318 and 9564, but multiple uses are allowed to the extent they are not inconsistent with the proclamations.

The BLM developed the management goals, objectives, and actions under each action alternative with the purpose of protecting Monument objects and values as described in CSNM PRMP/FEIS Section 1.4 (pp. 4–7). Based on the impact analysis conducted, the BLM included measures in the CSNM PRMP/FEIS that protect Monument objects and values and contribute to meeting the goals and objectives for each object and value as set forth in the CSNM PRMP/FEIS. Specifically, the purpose of the CSNM PRMP/FEIS is to protect and restore the objects of scientific and historic interest identified in Presidential Proclamations 7318 and 9564, by addressing the following:

- Protecting and restoring the diverse ecosystems that provide habitat for rare and endemic and special status wildlife and plant species.
- Protecting and restoring landscape-scale resilience for the area’s critically important natural resources.
- Protecting intact habitats and undisturbed corridors that allow for animal migration and movement.
- Reducing fire risk both within the WUI and for CSNM objects and values.
- Managing discretionary uses to protect CSNM objects and values (CSNM PRMP/FEIS p. 5).

Presidential Proclamations 7318 and 9564 do not prohibit commercial timber harvest or thinning practices in the CSNM as long as these operations do not adversely affect CSNM objects and values and authorize tree removal for “ecological restoration and maintenance or public safety.” The CSNM PRMP/FEIS analyzes how proposed vegetation management activities, including timber harvest associated with ecological restoration treatments, would affect the CSNM objects and values, including forest resistance and resiliency (Section 3.15), wildlife species and their habitats (Section 3.18), soil productivity and function (Section 3.13), and greenhouse gas (GHG) emissions (Section 3.4). Additionally, logging and thinning operations discussed in the CSNM PRMP/FEIS are primarily targeted at reducing the potential for, and impact from, catastrophic wildfires, which have the potential to destroy Monument objects and values and pose a risk to public safety. As such, the CSNM PRMP/FEIS proposes management actions that would help balance the restoration and preservation of such objects and values while making efforts to minimize potential future impacts from wildland fires as discussed in CSNM PRMP/FEIS Section 3.17, *Wildland Fire Management*. Additional information regarding the vegetation modeling and assumptions used in the CSNM PRMP/FEIS can also be found in Appendix N.

While the BLM includes management actions that would allow timber harvest and thinning projects within the CSNM, the CSNM PRMP/FEIS ensures that these operations would be managed and sited in a manner that supports the protection of Monument objects and values. Additionally, sustained yield commercial timber harvest would still be prohibited under the CSNM PRMP/FEIS, consistent with the intent of Presidential Proclamations 7318 and 9564. The CSNM PRMP/FEIS uses commercial timber harvest as a tool, where consistent with the proclamations, to promote science-based ecological restoration aimed at meeting protection and old-growth enhancement objectives, including fire resiliency to protect CSNM objects (CSNM PRMP/FEIS p. 71). Hazard tree removal is also an authorized use under the CSNM PRMP/FEIS as a mechanism to promote public safety. However, specific management approaches, including identification of hazard trees and required distance limits, would be determined at implementation-level reviews, as discussed below. CSNM PRMP/FEIS Appendix I, Table I-2 (pp. I-30–I-35), outlines best management practices for timber harvesting activities within the CSNM, which would be incorporated at the implementation level to ensure that Monument objects and values are protected while undergoing harvesting activities for ecological management and public safety.

Additionally, while timber harvest, thinning projects, and hazard tree removal would be allowed within the CSNM under the CSNM PRMP/FEIS, tree removal projects are implementation activities and not proposed management actions under the CSNM PRMP/FEIS. The management actions proposed under the CSNM PRMP/FEIS would not authorize any on-the-ground planning decision or actions as it is a land use planning-level decision at the regional, programmatic level. Any future commercial or non-commercial timber harvesting or thinning projects would be required to undergo implementation-level NEPA analysis to ensure that the proposed project would be consistent with the protection of Monument objects and values and that they comply with other regulatory requirements.

Further, the CSNM PRMP/FEIS prioritizes management for a diverse landscape including to maintain, enhance, and restore a mosaic landscape consisting of a mix of native plant communities, seral stages, structural diversity, species compositions, and stand densities and to protect intact habitat for species associated with late-successional forests (CSNM PRMP/FEIS Appendix E, p. E-10). The 2022 Analysis of the Management Situation for CSNM (BLM 2023) identified that 34 percent of the CSNM decision area is moderately to highly departed from historical reference conditions. Restoring historic reference conditions in these areas requires intentional removal of trees and vegetation as proposed in the management actions for the CSNM PRMP/FEIS. However, the CSNM PRMP/FEIS requires that all thinning and logging projects must protect and restore CSNM objects and values and that the BLM conduct a compatibility review with other management direction (for management areas and resources) during implementation-level NEPA and decision-making processes (CSNM PRMP/FEIS Appendix E, p. E-24).

Protestors also stated that northern spotted owl habitat would be negatively affected by timber harvesting practices within the CSNM. The BLM analyzed the effects of timber harvest on wildlife in both CSNM PRMP/FEIS Section 3.18, *Terrestrial Wildlife*, and Appendix F, *Issues Not Analyzed in Detail*. Analysis showed that effects of the action alternatives on wildlife, represented by special status species associated with each habitat type including northern spotted owl, would be minimal. Under the CSNM PRMP/FEIS, ecological restoration treatments in northern spotted owl habitat would be strategically targeted to reduce wildfire risk to high quality habitat, develop future habitat in appropriate landscape positions, and restore functional landscape patterning consistent with the northern spotted owl habitat recovery plan and recovery actions (CSNM PRMP/FEIS p. 391). Additional management direction that would contribute toward protection of northern spotted owl habitat includes prohibiting treatments in nesting-roosting habitat (CSNM PRMP/FEIS Appendix E, p. E-46) and closed old refugia forests that contribute to the persistence of older, structurally complex stands (CSNM PRMP/FEIS Appendix E, p. E-13).

The BLM did not analyze the impacts of shifting canopy cover on northern spotted owl dispersal habitat quality as a part of the CSNM PRMP/FEIS because it is beyond the scope of the planning effort. Analysis such as this requires a level of detailed data and analysis suited to site-specific decision-making processes. As mentioned previously, all implementation-level actions within the CSNM will be required to undergo an appropriate NEPA analysis of site-specific conditions, which includes analyzing impacts on northern spotted owl habitat and impacts from shifting canopy coverage.

Under the proposed management actions in the CSNM PRMP/FEIS, no ACECs or RNAs would be designated, and the BLM would rely on management direction for the underlying management areas and associated designations outlined in Table 3-12 (CSNM PRMP/FEIS p. 69). The BLM concluded that “relevant and important values in ACECs and scientific research and education values in RNAs would be protected regardless of whether a given ACEC or RNA is designated or not primarily due to the requirements of Presidential Proclamations 7318 and 9564 and BLM policy for management of National Conservation Lands” (CSNM PRMP/FEIS p. 56). There is no need to designate ACECs or RNAs under the CSNM PRMP/FEIS because the relevant and important values of the ACECs and scientific research values are the same as those designated as Monument objects and values under Presidential Proclamations 7318 and 9564, and as such, would be adequately protected by the proclamations and management in the CSNM PRMP/FEIS for other designations and resources.

Finally, the BLM did not consider alternatives that designate WSAs “because it has already identified and analyzed an alternative that would offer substantially similar management protection for those wilderness characteristics” (CSNM PRMP/FEIS p. 31). The BLM has discretion in how it manages wilderness characteristics because FLPMA does not require BLM to consider designating an area as a WSA in a land use plan or mandate specific forms of protection. Further, BLM’s NEPA Handbook (H-1790-1) acknowledges that the BLM may eliminate an alternative from detailed analysis if it is substantially similar in design or would have substantially similar effects to an alternative that is analyzed (CSNM PRMP/FEIS p. 31).

The CSNM PRMP/FEIS adequately protects CSNM objects and values as outlined in Presidential Proclamations 7318 and 9564 authorized by the Antiquities Act of 1906. Accordingly, this protest issue is denied.

Monument Objects and Values: Travel and Transportation

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: The PRMP/FEIS Glossary defines “trail” as “administratively designated for certain non-mechanized types of use,” but then includes “snowmobiling” in the list of examples. PRMP/FEIS Glossary, p. 492. “Snowmobiling” is not a non-mechanized type of use, it is a mechanized, motorized use. BLM also erroneously states that the Proclamation establishing the Monument “does not prohibit OHV use on roads and trails in the CSNM.” PRMP/FEIS Appendix S, p. S-70 (emphasis added). Elsewhere, the PRMP/FEIS includes management direction to “[d]evelop public motorized and non-motorized trail opportunities on existing travel routes where the BLM has public access ...” PRMP/FEIS Appendix E, p. E-52. However, Proclamation 7318 clearly “prohibit[s] all motorized and mechanized vehicle use off road,” which would include trails. Proclamation 7318 (emphasis added).

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Issue Excerpt Text: The PRMP/FEIS Glossary defines “OHV” as “Any motorized track or wheeled vehicle designed for cross-country travel over any type of natural terrain.” PRMP/FEIS Glossary, p.

485. This limited definition of OHV wrongly excludes “mechanized” vehicles, such as bicycles, despite Proclamation 7318’s prohibition of “all motorized and mechanized vehicle use off road.” Proclamation 7318 (emphasis added). Furthermore, the limited definition of OHV used in the PRMP/FEIS leaves management direction unclear for Lands with Wilderness Characteristics. Motorized and mechanized use authorization within LWC risks impairment of wilderness suitability, counter to the criteria laid out in 43 C.F.R. § 8342.1(a), and should be clearly prohibited to protect Monument objects and values. The PRMP/FEIS also contains contradictory statements regarding OHV and motorized use within LWCs, in certain instances closing LWCs to OHV and/or motorized use. See PRMP/FEIS, pp. 31 & 126. In other instances, however, the PRMP/FEIS states that public motorized access might continue on “existing” routes in LWCs shown on Map 3-4, which displays multiples roads within LWCs identified in Map 2-40. Finally, the PRMP/FEIS wrongly states: “In terms of OHV use, there are currently no prohibitions on the use of non-street legal vehicles within the CSNM (except in the Soda Mountain Wilderness), and winter snowmobile use occurs in two areas on existing roads ...” PRMP/FEIS p. 193. As noted, Proclamation 7318 clearly “prohibit[s] all motorized and mechanized vehicle use off road.” Proclamation 7318.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: The PRMP/FEIS includes management direction to “[m]aintain existing roads ... where necessary to provide access for both resource management and casual use ...” PRMP/FEIS Appendix E, p. E-51. Maintenance of roads that merely provide access for casual use is not consistent with the Proclamations’ direction to protect Monument objects and values in light of the negative ecological impacts of roads on biodiversity and habitat connectivity, as noted in scientific literature referred to in SMWC et al.’s comments.

Summary:

Protests stated that approval of the CSNM PRMP/FEIS would violate Presidential Proclamation 7318 by including snowmobiling as a non-mechanized type of use, by claiming that the proclamation does not prohibit OHV use on roads and trails, and by including management direction to maintain existing roads for casual use, which is not consistent with the proclamation direction to protect Monument objects and values.

Response:

Presidential Proclamations 7318 and 9564 do not require the BLM’s management decisions to be those that are the most protective of Monument objects. Instead, it requires that, on balance, the BLM’s management decisions be consistent with the overall protection of the identified objects. The CSNM PRMP/FEIS must comply with the purposes and objectives outlined in Presidential Proclamations 7318 and 9564, but multiple uses are allowed to the extent they are not inconsistent with the proclamations.

Land use plans for a National Monument must analyze and consider measures to ensure that objects and values are conserved, protected, and restored (BLM Manual Section 6220.1.6.G.4). Through the land use planning process, the BLM identifies specific and measurable goals and objectives for each object and value (BLM Manual Section 6220.1.6.G.4.a). The BLM developed the management goals, objectives, and actions under each action alternative with the purpose of protecting CSNM objects and values. The purpose and need of the planning effort is detailed in Section 1.4 (CSNM PRMP/FEIS p. 4). Based on the impact analysis conducted, the BLM included measures in the CSNM PRMP/FEIS that protect Monument objects and values and contribute to meeting the goals and objectives for each object and value as set forth in the CSNM PRMP/FEIS.

Management direction for travel and transportation within the CSNM would be initiated after the ROD is issued. During this process, the BLM is required to minimize the effects on CSNM objects and values to meet the following RMP objective: “Provide and maintain a transportation system to facilitate access that contributes to the protection and restoration of resources and CSNM objects and values” (CSNM PRMP/FEIS Appendix E, Section 4.N, p. E-49). All projects proposed during implementation must achieve this objective. As discussed in Section 3.12, *Recreational and Visitor Services*, the PRMP (Alternative E) would close 35,526 acres to OHV use, 72,365 acres would be limited to existing routes, and 5,887 acres would be limited to existing routes with a seasonal closure. Public motorized road use would be limited to street-legal motorized vehicles only (except during hunting season) throughout the CSNM, excluding closed areas (CSNM PRMP/FEIS p. 173). Under the PRMP, no lands within the CSNM would be open to cross-country snowmobile use (CSNM PRMP/FEIS p. 27).

The management direction to maintain existing roads for casual use was analyzed in the CSNM Draft RMP/EIS under Alternative D, which was designed to limit recreational use to existing trails and prohibit the development of new roads and trails (CSNM Draft RMP/EIS pp. 15–16). However, part of the purpose and need for developing the CSNM PRMP/FEIS was to manage discretionary uses to protect CSNM objects and values, including recreational use of trails (CSNM PRMP/FEIS p. 4). Three proposed ERMAs, Dragon Spine/Vulture Rock, Green Springs Mountain Trail, and Buck Prairie, would allow for future trail development if compatible with the protection of CSNM objects and values (CSNM PRMP/FEIS Appendix M, pp. M-19–M-20, M-20–M-22, and M-14–M16, respectively). For management direction for recreation and visitor services, see CSNM PRMP/FEIS Appendix E, Section 4.I (CSNM PRMP/FEIS Appendix E, pp. E-38–E-39). Any new trails proposed during implementation of the CSNM PRMP/FEIS would require site-specific NEPA analysis and compatibility review to ensure they are consistent with the protection of CSNM objects and values.

The CSNM PRMP/FEIS adequately protects Monument objects and values and is consistent with and in compliance with Presidential Proclamations 7318 and 9564. Accordingly, this protest issue is denied.

NEPA: Best Available Science

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The most recent ICCP report also shows that there is almost no evaluation of the success of active management adaptation approaches in the scientific literature (Parmesan. 2022). This demonstrates that the myth of thinning has taken on a religious fervor focused more on faith than empirical evidence. Faith does not satisfy NEPA requirements, does not constitute a valid scientific approach, and does not negate the realities on the ground or the lack of effectiveness for active management strategies. An example of the faulty analysis is located on page 318 of the FEIS where the agency identifies its method of analyzing alternatives for their performance in relation to fire risk management. Yet, the criteria is arbitrary and assumes only positive treatment results, rather than analyzing proposed activities for their effectiveness as NEPA requires. The current methodology includes only the quantification of acres treated in relation to linear fuel break features and area wide treatment footprints. What the analysis entirely fails to consider is if these treatments are actually effective at achieving the stated goals, and much of the applicable science brings the agency’s assumptions into question. Ample scientific evidence suggests that at least some of the manual treatments proposed can and will increase fire risks relative to current conditions, yet this entire body of science is ignored in the FEIS analysis.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: Adjacent to residential areas in the monument (adjacent to higher density residential areas, along Highway 66, along Indian Memorial Highway, not in the Soda Mountain Wilderness) some level of vegetation management may be necessary to moderate fire risks, increase public safety, and/or contribute to the protection of human infrastructure, homes, lives, and property in future fire events. Yet, commercial logging would be counterproductive, area wide treatment is not necessary and linear fuel breaks have limited benefit, as well as significant impacts. Below is evidence and valid, applicable science to support our position. The BLM must consider this a substantive issue relevant of full NEPA analysis, and this analysis must consider a credible range of scientific perspectives to support its conclusions. Currently, the RMP/FEIS is arbitrary, capricious, biased, and inconsistent with the best available science.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: Likewise, NEPA does not permit unsubstantiated predictions that all stands thinned will respond with increased vigor and resilience. This has simply not been corroborated by applicable science or results on the ground throughout the Medford District. To make this claim completely ignores the mortality effects from the pronounced bark beetle infestation in 2016, 2021, 2022, and 2023. In response to our bark beetle report (links already provided) the BLM had agreed that they cannot credibly demonstrate a connection between commercial thinning and bark beetle resilience. No empirical data supports this claim and actual on the ground results from previous timber sale dispute it. Yet, without supporting evidence and in the face of contradictory on the ground results, BLM continues making these arbitrary and capricious claims in the FEIS. We find this analysis dramatically unrealistic and lacking credibility. Adequate NEPA analysis must include a detailed, site specific analysis of effects and a realistic discussion of bark beetle mortality in the region. This analysis should be informed by peer- reviewed science and on-the-ground monitoring results from the Medford District BLM. This analysis should also include more than unsubstantiated predictions that support a logging agenda. If the BLM is to claim increased resilience, data to support that claim must also be produced. Despite making these claims, the FEIS has failed to produce this level of credible supporting data.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: Although the mandate for land managers in the CSNM is to protect biodiversity, connectivity and ecological integrity and recent court decisions have affirmed that O&C timber production is not required within the National Monument. The FEIS proposes group selection logging “openings” up to 4 acres. Alternative B proposes up to 4 acres clearcuts under the euphemism of group selection logging, while Alternative C and E proposes artificially cleared openings of no more than 2 acres. Yet, both are beyond the range of variability. Additionally, more than enough oak woodland, chaparral, and hardwood habitat can be found in the CSNM, while closed and interior forest habitat is uncommon in the area. Studies regularly cited in Medford District BLM EAs demonstrate that proposed gap sizes in group selection logging units are outside the range of variability. One paper relying on research conducted in the Southern Cascades of northern California documented a maximum gaps size of 0.75 acres, less than five times smaller than those proposed in Alternative B and much smaller than those proposed in Alternative C. This research also demonstrates that gaps were generally 0.02 to 0.6 acres in size and comprised less than 30% of a given stand (Pawlikowski. 2019). In this study gaps were identified as contiguous areas with less than 33% canopy. While group selection logging could create openings with less canopy cover and on a much larger scale. Other studies conducted in the Sierra Nevada demonstrate that gap sizes were between 0.12 and 1 acre in size and canopy cover averaged 45% (DOI. 2020. P. A-97). Taylor (1995) examined aerial photos taken in northwestern Siskiyou County in 1944.

According to this study mean gap size was 1.25 acres, while median gap size was 1.75 acres (DOI. 2020. P. A-97). Finally, stand reconstructions by Metlan (2013) identified gap sizes as 0.1 and 0.3 acres (Cite), while the agency proposed “opening” on a much larger scale. No local research supports the creation of either 2 or 4 acre openings as proposed in the FEIS. Likewise recent analysis by the BLM in the Bear Grub Timber Sale demonstrates that “gap sizes from reference conditions reflective of low to mixed severity fire regimes were less than 2 acres and generally less than 1 acre” (DOI. 2020 P. A-97). The proposal to create gaps up to 4 acres in size and across up to 30% of a given timber sale unit is arbitrary and capricious, just as the proposal in Alternative E to make up to 2 acre openings in group selection logging units. This proposal is not supported by the best available science, does not reflect reference conditions as defined by the BLM and is not consistent with the mandates for management in the Presidential Proclamation for the CSNM.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Reference condition targets identified in the DEIS do not reflect the best available science surrounding reference ecosystems in the CSNM. As described above the reference studies cited do not support BLM treatments in regard to canopy structure and gaps sizes. The FEIS provided no credible or direct evidence beyond simple assumptions to demonstrate that forests were historically more open and had large canopy gaps. Additionally, the assumption that frequent, low severity fire favored more open canopied and patchy late successional forest are unfounded and cannot be scientifically verified with the best available science. In fact, this comment shows these assumptions are inconsistent with the publicly available scientific record.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The BLM admits on page 3-35 of the Nedsbar Forest Management Project EA that “A drier microclimate generally contributes to more severe fire behavior.” (DOI. 2016a). Although undeniable and common sense, the BLM is now trying to claim in NEPA analysis that increased solar radiation and winds associated with more open forest conditions do not contribute to stand drying and/or fire risks. This claim is arbitrary, capricious, contrary to the best available science, and lacks credibility. Although the agency may be in denial, the extent of overstory canopy cover remaining after logging treatments is directly proportional to the level and seasonality of stand drying. More open sites are exposed to drying winds, high levels of solar radiation, and high ambient air temperatures, the combined affect is to dry forest stands, reducing fuel moisture, increasing the rate of spread during wildfire events, increase the potential for spotting, and increase both resistance to control and fireline intensity.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: For the many reasons outlined in this comment, the current DEIS analysis fails to adequately consider numerous relevant and substantive issues with the “hard look” required by NEPA. This inadequate analysis is identified in detail in these comments and constitutes an unlawful violation of NEPA. The FEIS must contain far more robust and comprehensive analysis with realistic, rational scientific findings based on fact and the best available science, not unfounded assumptions or biased analysis. The FEIS fails to meet this mark and failed to even consider, let alone take a hard look at numerous relevant, substantive issues in need of analysis.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The FEIS completely failed to address carbon production/emissions associated with the timber harvest, yarding activities, transportation of logs, etc. Timber production including commercial thinning has a negative effect on both carbon sequestration and output (Law etal. 2018).

Research conducted by Professor Law and other internationally renowned carbon scientist demonstrates that the timber industry is the largest producer of greenhouse gasses in the state of Oregon (Law et al. 2018).

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. commented that scientific studies have shown smaller diameter limits on par with Alternative D are just as effective at reducing high-intensity fire as diameter limits of 20 inches or larger. BLM failed to respond to this comment or supporting science in the PRMP/FEIS, and failed to justify the selection of much larger diameter limits in Alternative E in light of the Proclamations’ direction to protect Monument objects, including forests and trees that support the Monument’s biodiversity.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. commented that logging-created forest gaps or openings increase fire hazard by stimulating growth of fuels. Federal courts have recognized there is substantial evidence to support this conclusion, and in particular in the context of southern Oregon BLM-managed forests. See *Klamath-Siskiyou Wild/ands Ctr. v. Bureau of Land Mgmt.*, No. 1:23-cv-519-CL, Judge Mark Clarke, Findings and Recommendations, Slip. Op. pp. 28-29, 2024 WL 2941529, at *15-16 (D. Or. May 24, 2024). BLM wholly failed to respond to these concerns in the PRMP/FEIS.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. commented that BLM placed too much emphasis on shifting closed canopy forests to open conditions. Scientific evidence indicates “dense continuous canopy” that serves as valuable northern spotted owl (“NSO”) habitat is relatively resilient to wildfire. See, e.g., Lesmeister et al. (2019), Mixed-severity wildfire and habitat of an old-forest obligate. *Ecosphere* 10(4):e02696. In the PRMP/FEIS, BLM acknowledges that nesting-roosting habitat for NSO can be associated with a lower likelihood of high-severity fire relative to unsuitable forest cover types. PRMP/FEIS Appendix S, p. S-107. Yet the PRMP/FEIS still includes vague direction to “re-balance the mix of open and closed seral stages” in both Old-Growth and Diversity Ecosystem Management Areas without referring to or requiring analysis of the best available scientific information about related issues such as loss or degradation of fish and wildlife habitat, climate change and carbon storage to make robust site-specific decisions about shifting late successional forests from closed to open or vice versa, accounting for the wildfire resilience, and NSO habitat benefits of allowing more open canopy cover to close. PRMP/FEIS Appendix E, pp. E-13 & E-18.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. criticized BLM’s analysis of carbon emissions in the DEIS, specifically its conclusion that Alternative D would not improve carbon storage potential as much as other action alternatives. SMWC et al. noted this conclusion lacked analysis or supporting evidence, and that scientific studies show that fuel reduction logging results in greater emissions of greenhouse gases compared to forest conservation, even when accounting for wildfire effects. The PRMP/FEIS does not respond to the scientific literature SMWC et al. provided regarding logging-related emissions and carbon storage, but instead offers a confusing hodgepodge of statements that lack a coherent analytical framework.

Oregon Wild et al.***John Persell et al.***

Issue Excerpt Text: The PRMP authorizes and encourages significant levels of tree removal and other ground-disturbing activities that could impact water quality, riparian areas, and aquatic habitat. The buffer-on-buffer riparian reserve approach of the ACS will best ensure that important riparian and aquatic habitat features such as large woody debris, shade, and cool water are continuously maintained and provided over time. As SMWC et al. pointed out in their comments, riparian areas serve as important habitat and corridors for a wide variety of amphibians, birds, and mammals, while at the same time offering fire resilience. Many species that do not live in streams live within hundreds of feet of streams in relatively cool and moist microclimates and among complex forest structures with abundant woody debris that will be adversely impacted by thinning and other treatments. Despite the plain language of the Proclamations and the PRMP/FEIS's stated purposes of protecting and restoring ecosystem diversity and protecting and restoring landscape-scale resilience, including riparian habitat protection, PRMP/FEIS, pp. 5--6, the PRMP/FEIS fails to thoroughly analyze the impacts to streams and riparian areas and associated species from the abandonment of the ACS across the Monument. BLM asserts that "[t]he science behind the ACS widths in the NWFP has undergone further examination and updates since its initial implementation" that supposedly "illustrate a growing consensus that the NWFP and ACS ... does not fully address the complexities and evolving challenges of forest management in today's context." PRMP/FEIS, p. 28. Yet BLM offers no citations to scientific literature to support the notion that in a Monument established to protect biodiversity, the default buffer-on-buffer approach to riparian reserves as laid out in the ACS is not appropriate. In place of the ACS and its buffer-on-buffer approach to riparian reserves, the PRMP/FEIS would set much looser buffers on intermittent streams and would reduce ACS buffers from two site-potential tree heights on fish-bearing streams and one site-potential tree height on all other streams to a maximum of 170 feet on fish-bearing and perennial streams. PRMP/FEIS Appendix E, p. E-20. Even along fish-bearing and perennial streams, the PRMP/FEIS allows fuel treatments that reduce canopy cover to 50 percent as close as 60 feet from streams. Id. Beyond 120 feet from streams, there are no diameter limits on tree cutting as part of fuel treatments. Id. This does not protect Monument objects, which include streams, fish, amphibians, and many more species that rely on this riparian habitat, or advance BLM's stated purposes.

Oregon Wild et al.***John Persell et al.***

Issue Excerpt Text: SMWC et al. expressed concern with BLM's proposal to create multi-acre gaps within forested portions of the Monument. BLM carried this proposal forward into the PRMP/FEIS, allowing created gaps up to two acres for purposes of snow capture, nominally to increase summer stream flows. See PRMP/FEIS, p. 87; see also PRMP/FEIS Appendix E, p. E-16. Artificially created openings may well result in less water, not more, soaking into soils and shallow aquifers because warmer temperatures and wind exposure will be greater in cleared and thinned areas. See Moreno et al. (2016), Modeling the distributed effects of forest thinning on the long-term water balance and streamflow extremes for a semi-arid basin in the southwestern US. *Hydro!. Earth Sys. Sci.*, 20, 1241-1267. BLM relies on Sun et al. (2018) as justification for these created openings, but the elevation range, forest type, topography, precipitation patterns, and temperature variability at that study's sites are considerably different than conditions in the Monument. Furthermore, the study modeled the effects of much smaller openings (0.6 acre), and the study authors cautioned that their results should not be broadly extrapolated to other physiographic regions, which is precisely what BLM is doing here. BLM has not presented high quality information or accurate scientific data to support its conclusion that two-acre gaps will protect Monument objects and values. The benefits of two-acre gaps to boost summer stream flows in the Monument is highly speculative and

more likely will have opposite, negative effects on Monument objects and values, including increased fire hazards.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: The PRMP/FEIS contains contradictory information about road presence within LWCs. In one instance, BLM states that it determined there are no “wilderness inventory roads” within recognized LWCs, but the map at Map 3-4 displays many roads within those LWCs. SMWC et al. commented that Map 3-4 in the DEIS was inaccurate and should not be carried forward, but the PRMP/FEIS does in fact carry that same map forward. SMWC et al. also provided comments that Plate 1 from the 2008 Monument RMP offered greater detail than the DEIS presented in Map 3-4, showing earth berms, guard rails, gates, and other road closure features. SMWC et al. also pointed out that BLM has access to BLM Resource Area Transportation Network maps with more accurate information than disclosed in Map 3-4. BLM claims it used best available data for its road and trail network analysis in the PRMP/FEIS, but BLM ignored multiple sources with greater detail that SMWC et al. brought to BLM’s attention and that are BLM’s own documents. See PRMP/FEIS Appendix S, p. S-70.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. commented that socioeconomics is not a Monument object and irrelevant to the protection of Monument objects and values as required by Proclamations 7318 and 9564. Regardless, SMWC et al. also submitted a report from Headwaters Economics showing economic growth in Jackson County following the Monument’s establishment in 2000. The PRMP/FEIS ignores this report and also fails to acknowledge the non-commodity economic benefits the Monument brings to area communities and the region as a whole, including quality-of-life benefits.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: We noted in DEIS comment the errant BLM misstatement of fact, “Complete rangeland health assessments for the affected lands in this analysis have not been completed.” DEIS at 98. In response to that comment, the BLM revised the FEIS to say, “Rangeland health assessments for the affected lands in this analysis area have not been completed since those conducted between 2001 to 2008 [. . .] In the absence of more recent assessments, for this analysis, the BLM relied on baseline ecological data gathered from BLM resource specialists, combined with Assessment, Inventory, and Monitoring (AIM) data collected in 2023 to identify existing conditions of rangelands, utilization records, and actual use records.” FEIS at 109. The agency also stated, “The BLM has corrected the Proposed RMP/Final EIS to more accurately disclose that RHAs were last completed between 2001 and 2008, as was noted in the [Analysis of the Management Situation] p. 123.” Id. at S-52. However, the BLM doubled-down on its errant factual misstatement by claiming that “updated” RHA of grazing allotments in the planning area post-dating 2008 do not exist. Our DEIS comment directly quoted to the BLM the findings of its 2015 RHA of the Conde Creek allotment, and the findings of its 2011 RHA of the Cove Creek allotment, each of which found that the subject allotments did not meet one or more of the mandatory rangeland health standards, and that grazing was a causal factor.⁸⁶ We also called the BLM’s attention to the 2012 RHA of the Grizzly allotment, and to the 2015 RHA of the Deadwood allotment, the latter of which rendered the same findings as in the 2008 version, namely that grazing use caused failure of standard 2 (watershed function—riparian/wetland areas), standard 3 (ecological processes), standard 4 (water quality), and standard 5 (native and T&E species).⁸⁷ Moreover, we included with our DEIS comment a table from the 2016 Southwest Oregon Resource Management Plan (“2016 SWO RMP”) showing that the BLM completed five (5) RHA on currently active CSNM grazing

allotments after 2008.⁸⁸ Therefore, the FEIS compounds the DEIS error because it misstates fact regarding the RHA completed in the Monument planning area, which begs the question, Is the BLM truly ignorant of its own grazing program? Assuming that the answer is, “probably no,” one then must ask, Why does the BLM seek to exclude its RHA findings from the decision record?

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The BLM determined in several RHA that currently active grazing allotments in the Monument planning area do not meet the mandatory rangeland health standards for riparian/wetland habitat, ecological processes, water quality, and/or sensitive species.⁸⁹ Even if all of the relevant RHA pre-dated 2009 as claimed in the FEIS—which is not the case—their production dates fail to render the findings irrelevant to the planning analysis and decision because, as explained above, the information is “high-quality,” and “essential” to a choice among planning alternatives, and it weighs as an important criterion in a determination of grazing compatibility with the CSNM proclamations. Indeed, the effort to exclude RHA findings from the decision record based solely on the date of production sharply contrasts with uncritical BLM acceptance and use in the FEIS of hydrological and stream survey data collected before 2009.⁹¹ Moreover, the RHA information is relevant to the instant analysis and decision, regardless of the date of production, because no currently effective grazing lease in the planning area changed grazing practices on any allotment following the last-dated RHA.⁹² Therefore, the attempt to exclude RHA findings from due consideration in the FEIS is arbitrary, counter-factual, and offensive to the NEPA purpose of informed decision-making.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: The BLM relies on information gleaned from 23 terrestrial AIM plots scattered around the CSNM planning area to describe the affected environment of active grazing allotments. See FEIS at 111 (stating 23 AIM plots “read within the CSNM in recent years (20 plots in 2023)”); 116 (Table 3-28 recording noxious plant cover in AIM plots spread over eight grazing allotments, and stating, “no plots taken” on Buck Lake, Buck Mountain, or Fall Creek allotments); 181 (pinning analysis of grazing effects to soil on AIM plot data); 188-89 (same). The FEIS does not describe the locations, dimensions, data analysis procedures, or other features of the AIM protocols implemented at any of the plots, and thereby hides crucial information about the methodology used to inform the impact statement. We noted in DEIS comment the grossly incomplete spatial coverage of the AIM plots located on currently active grazing allotments the Monument planning area. Specifically, we observed that none of the 23 plots occur on the Buck Lake, Buck Mountain, or Fall Creek allotments that together comprise 12,900 acres (46 percent) of the area currently under active grazing management. See *id.* at 116 (“no plots taken” on three allotments); 106 (Table 3-21 showing allotment areas). Buck Lake is the largest grazing allotment in the planning area comprising 10,284 acres of reserved public land, and the Buck Mountain is the fourth-largest allotment comprising 2,322 reserved acres, but neither allotment merited BLM placement or measurement of a single AIM plot. *Id.* at 106 & 116. The BLM neglects in the FEIS to quantify the area sampled in AIM plots, or the confidence intervals or error rates applied to analysis of the sampled data, contrary to the AIM protocols.⁹⁵ The data reported in the FEIS likely are invalid because it is not possible to accurately describe the existing condition of 27,820 acres under active grazing management with data taken from 23 plots that measured less than 0.0001 percent of such lands.

Summary:

Protestors claimed that the BLM violated NEPA’s requirement to use best available science by:

- Failing to use the best available science related to forestry management, leading the BLM to make management decisions that are arbitrary and capricious regarding stands thinning, disease, canopy cover, diameter limits, Old-Growth and Diversity Ecosystem Management Areas, and carbon emissions without a proper analysis of their impacts.
- Failing to thoroughly analyze the impacts on streams and riparian areas and associated species from the abandonment of the Aquatic Conservation Strategy (ACS) across the Monument. Protestors claim that the BLM failed to provide best available science justifying its decision to set looser buffers on intermittent streams and reduce ACS buffers compared to the default Northwest Forest Plan buffer-on-buffer approach, failing to advance its stated purpose of protecting Monument objects by reducing limitations on riparian habitats.
- Failing to use the best available data for its road and trail network analysis. Protestors claim that the BLM included contradictory information about LWCs and maps in the CSNM PRMP/FEIS, and ignored better sources and comments previously raised by protestors on the issue.
- Failing to include the best available science regarding economic growth in the Monument area when previously submitted by protestors and failed to acknowledge the non-commodity economic benefits the Monument brings to area communities and the entire region.
- Failing to include the best available data regarding livestock grazing within the Monument, including updated Rangeland Health Assessment (RHA) information and AIM methodology.
- Failing to adequately consider numerous relevant and substantive issues with the “hard look” required by NEPA and must include more robust and comprehensive analysis with scientific findings based on fact and best available science in the FEIS.

Response:

NEPA requires the BLM to “ensure the professional integrity, including scientific integrity, of the discussions and analyses in an environmental document” (42 U.S.C. 4332(d)). The Council on Environmental Quality’s regulations implementing NEPA further require that agencies use information that is of “high quality” (40 CFR 1500.1(b)). The BLM NEPA Handbook also directs the BLM to “use the best available science to support NEPA analyses and give greater consideration to peer-reviewed science and methodology over that which is not peer-reviewed” (BLM Handbook H-1790-1, p. 55). Under the BLM’s guidelines for implementing the Information Quality Act, the BLM applies the principle of using the “best available” data in making its decisions (BLM Information Quality Act Guidelines, February 9, 2012).

Management for vegetation under each alternative is provided in CSNM PRMP/FEIS Appendix E Section C, *Ecosystem Management Areas* (pp. E-10–E-22). Management for collections and special forest products under each alternative is provided in CSNM PRMP/FEIS Appendix E Section B (p. E-24). Management for wildland fire management under each alternative is provided in CSNM PRMP/FEIS Appendix E Section Q (pp. E-56–E-59). Potential impacts on vegetation from management proposed under each alternative is described in CSNM PRMP/FEIS Section 3.15 (pp. 197–305) and potential impacts on wildland fire management is described in Section 3.17 (pp. 318–344). The BLM used a science-based approach to develop alternatives for the CSNM PRMP/FEIS and analyze their effects. Resource specialists drew on recent scientific literature from peer-reviewed journals, publications from the U.S. Forest Service and U.S. Geological Survey scientists, Joint Fire Science final reports, and USFWS Threatened and Endangered Species Recovery Plans, along with local surveys and studies conducted by BLM staff and contracted local scientists (CSNM PRMP/FEIS pp. 423–464). The BLM included varying management direction for ecological-based vegetation management to meet the purpose and need for the plan in Section 1.4, *Purpose and Need* (CSNM PRMP/FEIS pp. 4–7). As described in CSNM PRMP/FEIS Section 1.3 (p. 4), “RMPs are a preliminary step in the overall process of managing public lands and are “designed to guide and control future management actions and the development of subsequent, more detailed and limited

scope plans for resources and uses (43 CFR 1601.0-2).” These land use plan decisions would guide the BLM’s administration of the CSNM over the life of the plan (typically 15 to 20 years). During RMP implementation, the BLM would determine site-specific priorities for implementing site-specific actions that meet the RMP’s objectives and management direction. The BLM refers to these decisions as project- or implementation-level decisions (CSNM PRMP/FEIS p. 4).

The BLM included the following assumption in CSNM PRMP/FEIS Section 3.17, Issue 1 (p. 322): “Given the vegetation management direction for alternatives, the BLM assumes proposed restoration actions would raise canopy base height and reduce surface fuel loading, decreasing the likelihood of flames ascending into tree crowns and tree torching under 90th percentile fire weather conditions. Thinning of canopy fuels would reduce canopy bulk density (e.g., canopy cover) and decrease the likelihood of tree-to-tree crown fire spread (i.e. stand-replacing crown fire) under typical fire weather indices (Scott & Reinhardt, 2001).” The BLM also included an assumption in Section 3.17 Issue 1 that “[m]aintenance would be needed more frequently in stands with canopy cover less than 40 percent, and less frequently in stands with canopy cover greater than 40 percent (Agee, 2000; USDI BLM, 2021b) . . . in areas thinned to open canopy conditions (e.g., <40 percent canopy cover), regeneration of a diverse understory is expected (Wayman and North 2007) and could contribute toward more rapid live fuel loading accumulation in the moderate term (10-30 years) (USDI BLM, 2021b; Agee et al., 2000)” (CSNM PRMP/FEIS p. 330). The assumptions are based on best available science and are consistent with sentiments and literature submitted by protestors. Additionally, common to all action alternatives, the WUI/Fuels Emphasis objective described in Appendix E, Section Q includes this management direction: “[t]hin to reduce canopy fuel connectivity while retaining sufficient canopy cover to limit understory growth.” (CSNM PRMP/FEIS Appendix E, p. E-57). The BLM has provided additional information and literature for the above assumptions in the Environmental Effects discussion of Section 3.17, Issue 1, and Appendix N, *Vegetation Modeling and Assumptions* (CSNM PRMP/FEIS pp. 318–344, N-1–N-19).

Within the Ecosystem Management Area old-growth emphasis area, the BLM provides a range of management direction indicating where allowable actions would occur, including stands with dense continuous canopy, ladder, and surface fuels (CSNM PRMP/FEIS Appendix E, pp. E-13–E-16). Additionally, common to all action alternatives, the BLM includes management direction in the Ecosystem Management Area old-growth emphasis to “[p]rotect closed old refugia forests that occur in cooler, moister sites (e.g., drainage bottoms, lower slopes, and cool midslopes) that provide for refugia persistence by prohibiting vegetation management activities.” (CSNM PRMP/FEIS Appendix E, p. E-13). All alternatives, including the no action, contain some level of management direction for ecological restoration activities that includes thinning of merchantable trees, including Alternative D, the least active management alternative, as described in Chapter 2 and Appendix E (CSNM PRMP/FEIS Appendix E, pp. E-1–E-59).

The BLM selected stream buffer widths based on the tallest site-potential tree height found in the CSNM. The tallest site potential tree represents the distance wood is likely to be recruited into a stream, and widths beyond this do not provide benefits to aquatic habitat, as described in CSNM PRMP/FEIS, Section 3.2, *Aquatic and Riparian Habitat* and in the AMS (BLM 2023, p. 83) (CSNM PRMP/FEIS pp. 35–55). Rationale for not carrying forward the ACS is presented in the CSNM PRMP/FEIS, Chapter 2, Section 2.4, *Alternatives Considered but not Analyzed in Detail* (CSNM PRMP/FEIS pp. 28–32). Because Presidential Proclamations 7318 and 9564 prohibit inclusion of Monument lands in a sustained yield calculation, BLM is not proposing sustained yield timber harvest in the CSNM, and consequently, the Northwest Forest Plan version of ACS is not needed to protect such habitats from activity that would not occur in the CSNM.

The BLM does not have the level of detail at the RMP scale to analyze canopy cover, large trees per acre, understory fuel loading, or other site-specific management actions. This level of detailed data and analysis is typically conducted at the project scale. The CSNM PRMP/FEIS proposes objectives

and management direction for Ecosystem Management Areas (CSNM PRMP/FEIS Appendix E, Section 2.C, pp. E-10–E-21). The BLM cannot be explicit about where closed canopy conditions would be changed to open canopy conditions at this scale. This analysis would require determining exactly where treatments would occur, which would take place at the project level. Evaluation of shrub response to specific project-level thinning prescriptions would occur during individual project implementation design and analysis to show conformance with RMP management direction and effects. The effects of proposed management direction on forest health, including insect and disease risk, was analyzed in Section 3.15, *Vegetation*, of the CSNM PRMP/FEIS (pp. 197–305). The BLM acknowledges carbon storage and addresses the potential impacts of the alternatives in the CSNM PRMP/FEIS, Appendix F, Section F-2 (pp. F-5–F-6). Additionally, the BLM analyzed for the potential impacts of management activities, such as fuel reduction and timber harvest associated with ecological restoration treatments, including GHG emissions. Refer to CSNM PRMP/FEIS Section 3.4, *Climate Change*, for more information on the potential impacts of alternative management actions to climate change (CSNM PRMP/FEIS pp. 71–80).

The BLM used the best available data for analysis of the road and trail network within the CSNM. Verification of that data, and any gaps in the data, is one of the first steps in completing a travel and transportation management plan per BLM policy (Handbook H-8342, Travel and Transportation) and would be completed during RMP implementation. While socioeconomics is not a CSNM object or value, NEPA requires the BLM to consider the effects of our actions on the human environment, including socioeconomic conditions. The BLM did consider the impacts of proposed management actions on socioeconomics and analyzed in detail the potential social and economic impacts of the management proposed under each alternative in Section 3.11, *Socioeconomics*, using the best available science to do so (CSNM PRMP/FEIS pp. 137–152).

Regarding livestock grazing, the AIM strategy provides a set of standards for assessing natural resource conditions and trends on BLM-administered lands. The AIM plots help determine rangeland health, restoration treatment effectiveness, current condition, and trend of resources. In response to previously raised concerns on the topic of livestock grazing, the BLM has clarified the CSNM PRMP/FEIS to more accurately disclose that Rangeland Health Assessments were last completed between 2001 and 2008, as was noted in the AMS (BLM 2023 p. 123) (CSNM PRMP/FEIS p. 109). Therefore, the BLM disclosed that “In the absence of these [newer] assessments, for this analysis, the BLM relied on baseline ecological data gathered from BLM resource specialists, combined with Assessment, Inventory, and Monitoring (AIM) data collected in 2023 to identify existing conditions of rangelands, utilization records and actual use records” (CSNM PRMP/FEIS p. 109). In addition, the BLM’s proposed management approach includes conducting livestock impact studies on lands that would continue to be available for livestock grazing. This is presented in both management direction (CSNM PRMP/FEIS Appendix E, Section 4.G, pp. E-32–E-35) and in the BLM’s framework for making future decisions regarding livestock grazing and complying with the Presidential Proclamations (CSNM PRMP/FEIS Appendix Q, pp. Q-1–Q-5). Therefore, additional opportunities for evaluating impacts from livestock grazing would occur at the next stage of decision making.

In Section 3.17 under the direct and indirect effects common to all alternative’s discussion, the BLM acknowledged that extreme weather could compromise the effectiveness of fuel (canopy, ladder, and surface) reduction treatments, and that there is a presumed low instance of wildfires intersection fuel treatments (CSNM PRMP/FEIS pp. 331–332). However, in the same section the BLM also cites a growing body of evidence, including local monitoring of treatments interacting with wildfire that indicates that proactive treatment can positively moderate fire behavior and contribute toward wildfire containment (CSNM PRMP/FEIS pp. 328–334). Project-level implementation decision-making would need to demonstrate consistency with management direction and subsequent assumptions around treatments reducing wildfire hazard. Under the CSNM PRMP/FEIS, the BLM

would modify forestry-management treatments as needed to comply with other management direction (for management areas and resources). The BLM would determine what modifications would be required on a case-by-case basis when conducting a compatibility review during implementation-level NEPA and decision-making processes and provide opportunities for public and Tribal input throughout.

The BLM relied on high quality information and the best available data in preparation of the CSNM PRMP/FEIS and complied with NEPA’s requirement to analyze the environmental consequences/impacts from all alternatives in the CSNM PRMP/FEIS. Accordingly, this protest issue is denied.

NEPA: Impacts Analysis – Recreation

BlueRibbon Coalition

Simone Griffin

Issue Excerpt Text: BRC supports free, dispersed camping opportunities. OHV and other restrictions could have a negative impact on these recreational pursuits. The inconsistent application of camping restrictions in riparian areas, as outlined in the document, highlights that the Bureau of Land Management (BLM) may not have properly studied the impacts of camping within the project area. By applying conflicting restrictions—prohibiting camping within 50 feet in some areas while allowing it up to 200 feet or more in others based on damage assessments—the BLM has created uncertainty around the rationale for these limitations. This inconsistency suggests a lack of comprehensive analysis. Without a clear, evidence-based approach to camping restrictions, there is a risk that these arbitrary limitations could negatively impact local economies that depend on tourism and recreational activities.

Summary:

Protestors stated that the BLM failed to adequately analyze the impacts of camping within the project area, and inconsistently applied conflicting camping restrictions in riparian areas, creating uncertainty that could negatively affect local economies which depend on recreation.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b), 1502.1). The BLM is required to take a “hard look” at potential environmental impacts of adopting the CSNM PRMP/FEIS.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action and alternatives. A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provide the necessary basis to make informed land use plan-level decisions.

Because the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that

could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

Recreation is considered a discretionary use in the CSNM, and the BLM provides objectives and management direction to ensure that discretionary uses occur only in a manner consistent with the preservation of CSNM objects and values. Dispersed camping and overlanding are permitted in the CSNM except in areas specifically closed to these uses and account for varying restrictions on camping. A summary of the analytical methods the BLM used to evaluate the effects of the alternatives on recreation opportunities is in Section 3.12 (CSNM PRMP/FEIS pp. 156–163). Appendix M, *Recreation Management Area Frameworks for the CSNM*, provides detailed objectives and management for each of the RMAs including camping restrictions, special recreation permit requirements, trail management, and other relevant information regarding the management and use of RMAs.

The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts on recreation in the CSNM PRMP/FEIS. Accordingly, this protest issue is denied.

NEPA: Impacts Analysis – Fuels and Forestry

Wild Heritage, a Project of Earth Island Institute

Dominick DellaSala

Issue Excerpt Text: Climate change S-17, S-27, S28 - we submitted extensive comments on BLM’s mechanical treatments that will result in unacceptable carbon emissions and that BLM needs to conduct a detailed carbon life cycle analysis (Hudiburg et al. 2019) to evaluate how much carbon its treatments will emit and to select the alternative with the lowest treatment emissions. This was not done despite the pdfs we submitted and the request for a hard look at your emissions footprint. There is no analysis of how carbon accumulates when tree sizes exceed 20 inches dbh (e.g., Mildrexler et al. 2020). Removing any large trees would reduce carbon stocks.

Wild Heritage, a Project of Earth Island Institute

Dominick DellaSala

Issue Excerpt Text: Despite BLMs claim about recruitment of large, old trees (S-15) via its modeling and management approaches, BLM did not take a hard look at how its treatments will recruit large, old trees. BLM needs to keep mechanical treatments out of mature and old-growth forests, and northern spotted owl habitat, to ensure recruitment will happen via natural processes especially since older forests burn in lower fire intensities as mentioned in our comments.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Importantly the ORGANON modeling program used by the BLM does not consider understory response and does not consider natural regeneration in its evaluation of fuel/fire risk, meaning the required “hard look” was not analyzed in the FEIS. Also contradicting the faulty modeling used by BLM to justify logging treatments, the relatively arid climate of SW Oregon means that stands last thinned over 20 years ago still have not recovered closed canopy conditions and many stands are further deteriorating from accelerated levels of overstory mortality. Stand shock, desiccation, bark beetle infestations and windthrow can all further reduce the overstory canopy in the years following “treatment” and this response is common in BLM logging units located in similar forest environments in the Applegate Valley (Ruediger. 2017A). The lack of canopy, generates an understory response with extreme levels of fuel loading and fuel laddering. Fuel loading will increase until canopy conditions fill in and reduce the growth of understory vegetation. In the CSNM area, it may take many decades to regrow large trees that suppress understory growth.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: The FEIS failed to adequately analyze the issue of “understory response” and its association with canopy reduction to 50% or lower. On-the-ground monitoring within the Applegate Watershed in very similar plant communities demonstrates that understory response can dramatically affect fuel dynamics and fire risk. The BLM failed to thoroughly analyze the impact of canopy reduction and large tree removal on fire severity and fuel loading, failed to consider the best available science, failed to adequately analyze the impact of canopy reduction on post treatment understory fuel loading and subsequent fire risks. Trading large old trees, and in the group selection logging units, whole groves of large, mature or late successional or old-growth trees for dense young understory growth has no benefit to future fire behavior, fire severity, rate of spread, or resistance to control. At the same time, this activity has significant negative and long-lasting consequences associated with type conversion from mature conifer forest to a shrub or brush fuel type. This type conversion could permanently or semi-permanently alter the fire regimes, increasing the proportion of high severity fire, and reducing overall fire resilience.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: The issue of extending fire seasons, drying forest stands, understory shrub response, increased fuel loading and microclimate alterations that favor uncharacteristic wildfire effects were not adequately considered in the FEIS. Any credible analysis of logging and fire risk must adequately consider these impacts and a failure to do so demonstrates a failure of NEPA process.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: In previous years, the agency also demonstrated the failure of its previous treatments to reduce tree mortality by implementing the salvage logging project called the Squishy Bug Timber Sale, which logged high concentrations of beetle killed trees from previous “forest health” logging units on Deming Gulch, Woodrat Mountain and in other locations (Ruediger, 2017B). They also implemented the Lower Sterling Salvage Sale. This sale “salvage” logged beetle killed trees in the Deming Gulch watershed entirely within previously thinned stands. The BLM also just implemented the Lickety Split Salvage Sale in previous thinned stands on Lick Gulch, where previous logging operations did not achieve the desired results. Now a new project, the Boaz Salvage Timber Sale is targeting living, green trees under a misleading “salvage” narrative. “Strategic Operations for Safety (SOS)” is also being planned to salvage log through the Medford District BLM, largely in previously thinned stands. Through these recent salvage logging projects, patterns have emerged that BLM has refused to analyze, address or acknowledge. The pattern pertains to the commercial thinning projects previously implemented on Medford District BLM lands and demonstrates that they have been a failed experiment compounded by climate impacts. Although the FEIS claims that the proposed group selection and commercial thinning operations will reduce future bark beetle mortality, this claim is arbitrary, capricious, and unsupported by regional monitoring data.

Klamath Forest Alliance et al.***Luke Ruediger et al.***

Issue Excerpt Text: No regionally appropriate monitoring data based on the decades of commercial thinning implemented in this area is being used to support the agency’s erroneous claims of increased resilience and unsupported conjecture is not consistent with the “hard look” required in NEPA analysis. The bark beetle analysis in the FEIS is nothing more than an overly optimistic, unsupported theory, and silvicultural fantasy. These claims have no reasonable connection to the facts, and are not consistent with the real-world outcome of the treatments

proposed. On the contrary, evidence found throughout the Medford District BLM and in particular in the drier portions of the Ashland Resource Area demonstrates that commercial thinning, more often than not, does not reduce bark beetle mortality as claimed.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: NEPA requires site specific analysis and the above-mentioned maps must be part of that analysis. To claim that treatments are working without actually comparing the predicted outcomes with these beetle mortality maps is malpractice. At the very least, BLM should have to prove its program is working before it can be expanded into the CSNM. The BLM can make claims about their treatment outcomes, but these maps compared with treatment polygons could demonstrate the actual results of commercial “forest health” thinning on a localized landscape and across a larger landscape such as the Ashland Resource Area. No credible NEPA analysis would ignore this information and no valid decision can be made without considering it. We believe the information shows that at best treatments are not having the intended outcomes and more plausibly they are encouraging bark beetle mortality and decreasing stand resilience. Please incorporate all information available from federal insect and disease overflight in our region.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The FEIS claims that essentially all proposed logging will benefit forest health, yet has not provided evidence to adequately support this claim. NEPA does not permit the BLM to conclude that logging is always a benefit to forest health (as is routinely done in BLM analysis), especially when localized site-specific evidence demonstrates otherwise. NEPA does not permit unsubstantiated predictions that all untreated stands are unhealthy and will sustain high levels of mortality unless logged, especially when previously logged stands are being disproportionately or at least equally impacted. These assumptions and analysis simply cannot be validated with appropriate science nor can it be substantiated by monitoring data from the area. The BLM has no basis for making these claims and the combined effect of previous treatments on the landscape does not validate them.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Claiming that BLM commercial thinning operations have built additional resilience by reducing density, competition, and tree stress is not supported by the outcomes on the ground across the Medford District and in particular the Ashland Resource Area. Such a finding is clearly arbitrary and capricious, and has no basis in actual project level outcomes in commercial thinning units. Neither the science or recent, localized outcomes support this claim and its use in NEPA analysis demonstrates a failure to adequately consider the facts as NEPA requires. Identifying accurate environmental conditions and baselines, as well as accurate environmental effects is fundamental to the NEPA process, but was not satisfied in the FEIS. Assumptions for analysis and conclusions made in that analysis have no connection to the actual outcomes on the ground of recent BLM logging operations on the Ashland Resource Area. We recommended that BLM timber planners examine, incorporate and respond to all of the relevant peer-reviewed citations and claims in this protest, which was not done in the FEIS comment period. We also ask that BLM honestly and credibly examine the effectiveness of previous commercial thinning operations in regard to bark beetle resilience. Such analysis was not provided in the FEIS, which constitutes a failure to adequately analyze.

Oregon Wild et al.***John Persell et al.***

Issue Excerpt Text: The PRMP/FEIS includes analysis regarding how the alternatives considered would affect the abundance of late successional forests on the Monument. See PRMP/FEIS, pp. 252--69. However, the PRMP/FEIS fails to take a hard look at resulting late successional forest quality after treated forests are degraded by fuel reduction logging that reduces snag density of various sizes, canopy cover, and other characteristics of complex older forest ecosystems. BLM also underestimated the need to recruit more mature and old-growth classes to replace habitat lost to naturally-occurring wildfires.

Summary:

Protestors stated the BLM violated NEPA by failing to adequately analyze the impacts of fuel-reduction logging and commercial-thinning operations on the late-successional forests in the CSNM or how those actions affect northern spotted owl habitat, fire risks, and future bark beetle mortality.

Protestors also claimed the BLM violated NEPA by failing to use the best available information regarding commercial thinning operations on forest health and fuels. Protestors specifically claimed the BLM's reliance on the flawed ORGANON modeling program led the BLM to inadequate assumptions and analysis. In addition, protestors stated the BLM inadequately identified baseline conditions, including the impacts of mechanical timber harvesting on carbon emissions.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b), 1502.1). The BLM is required to take a "hard look" at potential environmental impacts of adopting the CSNM PRMP/FEIS.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action and alternatives.

Under all action alternatives, the BLM included management direction in the CSNM PRMP/FEIS Ecosystem Management Areas – Old-Growth Emphasis to: "[p]rotect closed old refugia forests that occur in cooler, moister sites (e.g., drainage bottoms, lower slopes, and cool midslopes) that provide for refugia persistence by prohibiting vegetation management activities" (CSNM PRMP/FEIS Appendix E, pp. E-13–E-16)." Although all action alternatives do contain some level of management direction for ecological restoration activities that includes thinning of merchantable trees within the Ecosystem Management Areas (CSNM PRMP/FEIS Appendix E, pp. E-10–E-21), all projects must protect and restore CSNM objects and values. Additionally, the BLM analyzed the projected trend in late-successional forests under Vegetation Analysis Issue 3 in Section 3.15 (CSNM PRMP/FEIS pp. 252–270) and found that late-successional forests remained the majority of forest structural condition from the present to year 100. These results indicate there would be abundant recruitment into the late-successional class without the need to add management direction specifically aimed at recruiting additional cohorts into the mature and old-growth classes. CSNM PRMP/FEIS Appendix N, *Vegetation Modeling and Assumptions*, provides additional information regarding the data used, simulations, treatment priorities, and analytical assumptions. Data used for analysis include current vegetation surveys completed from 58 plots throughout the CSNM (CSNM PRMP/FEIS Appendix N,

p. N-1). The BLM would conduct a compatibility review with other required management direction during implementation-level NEPA and decision-making processes and would provide opportunities for public and Tribal input for forest management decisions within the CSNM.

The potential impacts from implementation of the management proposed under each alternative on northern spotted owl habitat were analyzed in Section 3.18, *Terrestrial Wildlife Issues 2 and 3* (CSNM PRMP/FEIS pp. 375–411) and include updates based on public comments on the CSNM Draft RMP/EIS (CSNM PRMP/FEIS Appendix T, p. T-3) to improve clarity on vegetation treatments in northern spotted owl foraging habitat and expand on how changes in stand structure affect late-successional forest development (CSNM PRMP/FEIS pp. 396–411). Changes in management direction regarding seasonal restrictions for northern spotted owl habitat are reflected in Appendix E (CSNM PRMP/FEIS p. E-46–E-47). The BLM continues to work with the USFWS to incorporate recovery goals and actions consistent with BLM laws and regulations for the northern spotted owl. Management objectives and direction contained in this planning effort contribute to and follow recommendations in the 2011 Revised Recovery Plan for the Northern Spotted Owl (USFWS 2011).

The CSNM PRMP/FEIS addresses how the BLM would use commercial timber harvest as a tool, where consistent with the proclamations, to promote science-based ecological restoration aimed at meeting protection and old-growth enhancement objectives, including fire resiliency to protect CSNM objects. As such, the BLM developed and evaluated a range of minimum decadal restoration targets that take a strategic approach to treating forests for wildfire risk. This strategy was analyzed using peer-reviewed scientific literature to ensure protection of CSNM objects and values, and included a discussion of the direct, indirect, and cumulative impacts of vegetation and wildland fire management on wildfire risk and how those actions impact other lands and resources. This analysis was updated from the CSNM Draft RMP/EIS to the CSNM PRMP/FEIS and can be found in Sections 3.17 (CSNM PRMP/FEIS pp. 318–344) and 3.18 (CSNM PRMP/FEIS pp. 345–411).

The BLM analyzed the effects of the alternatives on insect attack risks, including bark beetles, in Section 3.15, *Vegetation Analysis Issue 2*, specifically in the sections related to forest health (CSNM PRMP/FEIS pp. 221, 225, 229–230, 241, 245–246, and 250–251). Regional bark beetle outbreaks are driven by regional-level conditions, such as severe drought, that stresses trees over a wide area. The management direction evaluated in the alternatives are intended, in part, to reduce stress and increase resistance, although intense or long-duration droughts or the impacts of wildfire can overcome management efforts and allow successful beetle attack of otherwise healthy trees. Recent bark beetle mortality did inform the affected environment; however, this was not essential to evaluating the effects of proposed management direction. The effects of proposed management direction on forest health, including insect and disease risk were analyzed in Section 3.15 (CSNM PRMP/FEIS pp. 245–246).

Protestors also claimed the BLM did not use the best available information in the impacts analysis on fuels and forestry. NEPA requires the BLM to “ensure the professional integrity, including scientific integrity, of the discussions and analyses in an environmental document” (42 U.S.C. 4332(d)). The Council on Environmental Quality’s regulations implementing NEPA further require that agencies use information that is of “high quality” (40 CFR 1500.1(b)). The BLM NEPA Handbook also directs the BLM to “use the best available science to support NEPA analyses and give greater consideration to peer-reviewed science and methodology over that which is not peer-reviewed” (BLM Handbook H-1790-1, p. 55). Under the BLM’s guidelines for implementing the Information Quality Act, the BLM applies the principle of using the “best available” data in making its decisions (BLM Information Quality Act Guidelines, February 9, 2012).

Protestors cited an incorrect model used in the vegetation analysis used to project forest conditions under different alternatives, which is accurately called the Forest Vegetation Simulator. A description of this model, including a summary of changes from the CSNM Draft RMP/EIS can be found in

Appendix N (CSNM PRMP/FEIS Appendix N, pp. N-1–N-4). The analytical assumptions for the analysis on vegetation treatments, including wildland fire and baseline conditions, can also be found in Appendix N (CSNM PRMP/FEIS Appendix N, pp. N-4–N-17) and are based on the best available science. The BLM has provided a comprehensive references section for Appendix N (CSNM PRMP/FEIS Appendix N, pp. N-17–N-19), which lists information considered by the BLM in preparation of the CSNM PRMP/FEIS. Project-level implementation would need to demonstrate consistency with management direction and subsequent assumptions around vegetation treatments reducing wildfire hazard. Regarding the science used in analyzing carbon emissions from proposed activities, the BLM followed global and national standards of modeling and calculating GHG emissions recommended by the Intergovernmental Panel on Climate Change in Section 3.4 (CSNM PRMP/FEIS pp. 71–80). Where applicable, the BLM included analysis of the reasonably foreseeable trends associated with climate change as part of the cumulative impacts analysis to the extent possible at this level of planning (CSNM PRMP/FEIS Appendix H, pp. H-1–H-3). The BLM also acknowledges carbon storage and addresses the potential impacts of the alternatives in Appendix F, Section F-2 (CSNM PRMP/FEIS Appendix F, p. F-5). In addition, timber harvesting is an implementation-level activity. Prior to implementation activities, the BLM would conduct a compatibility review with other management direction (for management areas and resources) during implementation-level NEPA and decision-making processes and provide opportunities for public and Tribal input.

The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts from fuels and forestry management and relied on high quality information and the best available data in preparation of the CSNM PRMP/FEIS. Accordingly, this protest issue is denied.

NEPA: Impacts Analysis – Vegetation

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Each habitat has its own ecology and natural history, yet the FEIS fails to provide adequate analysis to understand; a) what is proposed in chaparral habitats, b) how each separate chaparral ecosystem would be treated, and c) what the environmental effects might be. The same is true for various oak habitats. What will be done, how each oak habitat will be treated and what the impacts of those activities might be are not adequately addressed in the FEIS. The current analysis fails to acknowledge or analyze the relevant scientific research and proposes significant fuel treatment in areas where such treatments may be inappropriate or damaging to habitat values. The typical claim is that oak and hardwood communities were more open due to high frequency fire regimes in the historical period. Yet, current historic vegetation research in the area does not support this outdated and dogmatic claim, oak woodland is the dominant form of oak habitat in the region.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Thinning conducted in the area by the BLM and Forest Service has created very open and uncharacteristic stand conditions, the removal of oak canopy also tends to spread noxious weeds and impacts native plant communities, especially native bunchgrass habitat. Recent BLM thinning practices have degraded oak woodlands and increased noxious or non-native plant cover (Perchemlidies. 2008). The agencies regularly fail to address these concerns with analysis or science despite our repeated comments identifying this issue, and the CSNM RMP/FEIS is no exception. Instead of providing credible analysis, the BLM often claims without evidence that chaparral and oak thinning is restorative. Yet, to make these unsubstantiated claims is contrary to the best available science. It is also particularly egregious because much of the science disputing

these claims was conducted on Medford District BLM lands in the Applegate Valley with the support of BLM staff. Unfortunately, this important research and its findings have been ignored and damaging treatments both continue to be implemented and proposed.

Summary:

Protestors claim that the BLM failed to provide adequate analysis or use the best available information in the CSNM PRMP/FEIS to understand treatments and impacts on chaparral, oak habitat, and other vegetation, and failed to analyze the relevant scientific research demonstrating that the proposed significant fuel treatment may be inappropriate or damaging to habitat values in some areas. Protestors also noted that the BLM failed to respond to previous comments raised regarding the issue.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b), 1502.1). The BLM is required to take a “hard look” at potential environmental impacts of adopting the CSNM PRMP/FEIS.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action and alternatives.

In CSNM PRMP/FEIS Section 3.15, *Vegetation*, the BLM updated the analysis to better clarify analytical methods and incorporate, by reference, additional relevant scientific literature (CSNM PRMP/FEIS pp. 197–305). Additionally, the BLM updated Appendix N, *Vegetation Modeling and Assumptions*, to provide more detailed information on data preparation, and modeling development and refined and updated the modeling itself (CSNM PRMP/FEIS Appendix N, pp. N-1–N-16). See Appendix T, for a description of supplementary changes to analytical methods, modeling parameters, and more detailed information that were updated in the CSNM PRMP/FEIS (CSNM PRMP/FEIS Appendix T, pp. T-1–T-5). During implementation-level planning the BLM would develop projects consistent with all CSNM PRMP/FEIS management directions and complete a site-specific NEPA analysis to develop specific treatments and analyze their effects (CSNM PRMP/FEIS Appendix E, p. E-10).

In CSNM PRMP/FEIS Appendix E, Section C.2, *EMA–Diversity Emphasis*, the BLM included management direction under all actional alternatives to: “[c]onduct ecological restoration activities to maintain and enhance oak persistence and structure and restore oak dominance where conifer encroachment has reduced it, while preventing the loss of large, old trees within oak woodlands” (CSNM PRMP/FEIS Appendix E, p. E-17). While the BLM expects relatively minimal treatment in oaks, some treatment is needed to reduce encroaching conifers and potentially needed to allow larger oaks to begin rebuilding large, spreading crowns and to increase acorn production. Fire exclusion has caused the shift from open stands dominated by pine and oak to dense stands of shade-tolerant firs. The BLM plans to restore these areas to a forest composition closer to historical species distribution noting it is essential for enhancing stand-level resistance and landscape-level resilience to disturbance (CSNM PRMP/FEIS p. 201).

The BLM explored a range of alternatives regarding vegetation management for chaparral and the CSNM PRMP/FEIS includes the management direction under the PRMP (Alternative E) to not

conduct treatment in chaparral, “except as needed to reduce fire risk in WUI and/or Fuels Emphasis area or in strategic locations (e.g., strategic fuel breaks and evacuation routes)” (CSNM PRMP/FEIS Appendix E, p. E-18). The BLM added a new table within Section 3.15, *Vegetation Analysis Issue 4*, that breaks out the two types of chaparrals: mountain shrub (a catch-all for non-chaparral and non-sagebrush communities too diverse to break down further) and sagebrush (to display general information on species richness and diversity in a non-invaded state). The BLM also updated the analysis to show the percentage of the lands in the planning area and BLM-administered lands in the CSNM for each general non-forest community type and subtype (CSNM PRMP/FEIS p. 278).

The BLM is required to assess, consider, and respond to all substantive comments received (40 CFR 1503.4). Substantive comments are those that reveal new information, missing information, or flawed analysis that would substantially change conclusions (BLM NEPA Handbook H-1790-1, pp. 65–66). In compliance with NEPA, the BLM considered all public comments submitted on the CSNM Draft RMP/EIS. The BLM complied with 40 CFR 1503.4 by performing a detailed comment analysis that assessed and considered all substantive comments received. CSNM PRMP/FEIS Appendix S, *Response to Comments on the Draft RMP/EIS*, presents the BLM’s responses to all substantive comments. The BLM summarized the issues raised by each comment letter and provided a meaningful response. The BLM’s response identifies any modifications to the alternatives, improvements to the impacts analysis, or factual corrections made as a result of public comment. The BLM’s response also explains why certain public comments did not warrant further agency response.

The BLM complied with NEPA’s requirement to analyze the environmental consequences and impacts vegetation in the CSNM PRMP/FEIS and used the best available science to conduct the analysis. The BLM adequately responded to public comments on the CSNM Draft RMP/EIS. Accordingly, this protest issue is denied.

NEPA: Impacts Analysis – Wildlife

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: Adequate environmental analysis (which was not conducted in the FEIS) would have found these impacts to severely limit available habitat for the Pacific fisher and would also limit access to that habitat by impacting connectivity corridors and bottlenecks created by the mosaic of plant communities and a history of forest management by both private landowners and by the BLM that reduce available habitat by converting mature stands and closed habitats, with plantations, young stands, highly fragmented stands and degraded habitats without the necessary elements. These impacts will combine to create populations declines in the planning area and a loss of habitat connectivity between habitats in the region. In turn, impacts to this important source populations on either side of I-5 could lead to declines through the species range in the Klamath- Siskiyou Mountains and southern Cascades.

Klamath Forest Alliance et al.

Luke Ruediger et al.

Issue Excerpt Text: The FEIS fails to identify where suitable fisher habitats are located? It also fails to consider how they will be accessed for dispersal if logging displaces fisher populations and damages habitat in current pinchpoints or bottlenecks. It fails to consider the impact of logging and fuel reduction activities on habitat connectivity for the fisher and fails to consider the impact of proposed forest management activities on reproduction, due to losses in denning and resting habitat, as well as dispersal corridors allowing occupancy in new habitats and home ranges? Instead of considering these relevant and substantive questions, the BLM essentially declined to consider the effect of action alternatives on Pacific fisher populations, habitat and habitat connectivity. This fails

to take the necessary hard look at proposed management activities and is a violation of NEPA. Approving this RMP without the requested analysis is invalid and does not adequately consider, disclose or analyze the activities proposed.

Charles Scheltz

Issue Excerpt Text: More analysis of wildlife connectivity corridors and habitat needs for each of the Bureau Sensitive and ESA listed species is needed and woefully inadequate in the present CSNM PRMP FEIS. Where are the wildlife biologists analyses of each species? Where are the analyses of prioritized wildlife habitats and their connectivity to encourage gene mixing and wildlife movements? Until these analyses are done we need to chose Alternative D so that there are no grave mistakes made during routine management activities. Where are the actual Management directions that provide many protective guidelines that would limit impacts? These are not evident in this CSNM PRMP FEIS and it is imperative that they be included. Alternative B provides the largest number of activities that will disturb wildlife and destroy habitat through human disturbances. Recuperation times for these “restoration” activities is a wild guess at best, especially when sufficient analyses of each of the Bureau Sensitive and ESA listed species is not available.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: The PRMP/FEIS fails to take a hard look at impacts to great gray owls, in violation of NEPA. BLM relegated consideration of great gray owls to a cursory discussion in Appendix F, Issues Not Analyzed in Detail. BLM justifies this by asserting that great gray owls are no longer a Survey and Manage species and are not a Bureau Special Status Species. Yet great gray owls are an identified Monument object with their own special habitat and prey needs that BLM has an obligation to protect. See Proclamation 9564. The PRMP/FEIS does not properly account for the great gray owl as a protected object of the Monument. The PRMP/FEIS also fails to offer any justification for limiting retention of large diameter snags from removal for great gray owls only near meadows or natural openings greater than ten acres. There are relatively few such large meadows and openings in the Monument, and great gray owls have been regularly observed around much smaller meadows.

Summary:

Protestors stated that the BLM failed to conduct an adequate environmental analysis in the CSNM PRMP/FEIS that took a “hard look” as required by NEPA on potential impacts from action alternatives on Pacific fisher populations, habitat, habitat ability, and connectivity corridors. Protestors also stated that the BLM failed to conduct an adequate analysis of wildlife connectivity corridors and habitat needs for each of the BLM Sensitive and ESA-listed species, specifically failing to properly account for great gray owls. Protestors noted that the BLM states in one section great gray owls are no longer a special status species and in another section are identified as a Monument object; therefore, protestors stated that the BLM must include further wildlife analyses in the FEIS before choosing an alternative as the PRMP.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b), 1502.1). The BLM is required to take a “hard look” at potential environmental impacts of adopting the CSNM PRMP/FEIS.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action and alternatives. A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. As such, the CSNM PRMP/FEIS does not directly analyze every species that may occur in the CSNM. Rather, the BLM analyzes the effects of the management alternatives on habitats where species may occur. This includes analysis of the diverse aquatic features that support aquatic organisms (CSNM PRMP/FEIS Section 3.2, pp. 35–55), and the diverse terrestrial habitats that support the terrestrial organisms (CSNM PRMP/FEIS Section 3.18, pp. 345–411).

The BLM analyzes potential impacts from implementation of proposed management under all alternatives to the Pacific fisher and other carnivore species associated with mixed conifer forest types in Section 3.18 (CSNM PRMP/FEIS pp. 351–352). Additionally in this section, the BLM addresses connectivity and ways to protect species corridors and increase permeability for special status wildlife species (CSNM PRMP/FEIS pp. 363–374). The BLM also identifies the short- and long-term effects of thinning and prescribed burning activities on sensitive wildlife species, including the spatial and temporal effects of vegetation treatments on special status species (CSNM PRMP/FEIS pp. 362–363). Further analysis of impacts on special status species from targeted ecological restoration treatments in diversity emphasis areas are outlined in Table 3-84 (CSNM PRMP/FEIS pp. 359–360).

Great gray owls do not have any special status because the USFWS has not federally listed them under the ESA, nor did the State Director find them to warrant status as BLM Sensitive species. While impacts to great gray owls are not explicitly stated in the CSNM PRMP/FEIS the impacts of the alternatives on habitats used by great gray owl and other raptors are analyzed in detail in several areas of the CSNM PRMP/FEIS, including in the discussion of impacts to vegetation (Section 3.15), including those related to old-growth emphasis and upland non-forest plant communities, and in the terrestrial wildlife analysis (Section 3.18). Additional objectives and management direction in Appendix E (pp. E-42–E-48) provide a wide range of supporting direction, to ensure the protection and restoration of the diverse ecosystems that provide habitat for the wildlife species, including great gray owl and other raptor species. For example, there is a specific management direction common to all alternatives for the great gray owl that states, “retain snags >16 inches within 660 feet of a meadow or natural opening >10 acres in size. Do not remove known nest trees.” (CSNM PRMP/FEIS Appendix E, p. E-45).

The BLM complied with NEPA’s requirement to analyze the environmental consequences and impacts on wildlife in the CSNM PRMP/FEIS. Accordingly, this protest issue is denied.

NEPA: Range of Alternatives

Wild Heritage, a Project of Earth Island Institute Dominick DellaSala

Issue Excerpt Text: BLM ignored our request to designate the entire monument as an ACEC and include an expansion of RNAs as in Alt. B of the DEIS, including the maximum amount of areas protected with wilderness characteristics. None of the alternatives adequately analyzed an expansive RNA and ACEC application.

***Wild Heritage, a Project of Earth Island Institute
Dominick DellaSala***

Issue Excerpt Text: BLM did not take a hard look at an alternative that works with natural processes to maintain and enhance landscape resilience despite its response on S-13. BLMs response is still wedded specifically to excessive canopy openings and canopy reductions using thinning (including commercial logging), which is not natural a process and will impact objects of interest. BLM also ignored the 770 pages of pdfs that counter its claim that the treatments will result in enhanced landscape resilience.

***Oregon Wild et al.
John Persell et al.***

Issue Excerpt Text: SMWC et al. commented that BLM should consider an alternative that would discontinue use of Soda Mountain as a communications site. The PRMP/FEIS fails to consider such a reasonable alternative, and as a result fails to consider the associated beneficial effects on Monument objects and values of such discontinued use. The PRMP/FEIS also does not clearly indicate whether it would incorporate the 2012 Soda Mountain Communications Site Management Plan.

***Soda Mountain Wilderness Council et al.
Dave Willis et al.***

Issue Excerpt Text: We argued in scoping and DEIS comments that the CSNM management plan revision affords the BLM an opportunity to develop a reasonable action alternative that reduces the Pokegama HMA by at least 2,021 acres to ensure protection of CSNM objects and values from uncontrolled horse grazing. The alternative is reasonable because: (1) the management direction of the 2016 SWO RMP for “wild horses” is grossly exceeded; (2) that plan direction never accounted for the CSNM proclamation purposes to protect enumerated objects and values; and (3) the excessively high and functionally uncontrolled horse herd runs roughshod over the BLM’s insufficiently resourced intention to manage its impacts. See USDI 2016: 122-23 (stating management direction for Pokegama HMA with appropriate herd size of 30-50 head) (included with July 5, 2023, DEIS comment letter 369a1). On the other hand, it is unreasonable to exclude from consideration and possible implementation an action alternative that would help to remedy the chronic and severe horse grazing impacts to CSNM objects and values that the BLM identified in the scoping analysis because the agency stringently regulates “commercial livestock use,” including domestic horses causing resource damage, in its management direction for recreational use of the planning area. See FEIS at 155; see also 2008 CSNM RMP at 94 & 99.

***Soda Mountain Wilderness Council et al.
Dave Willis et al.***

Issue Excerpt Text: The BLM unreasonably excludes from detailed consideration an action alternative that would extend the existing Aquatic Conservation Strategy (“ACS”) of the 2008 CSNM RMP to all of the public lands reserved from multiple-use management by the designating proclamations. Instead, the action alternatives would replace the existing ACS policy on 52,947 acres that Proclamation 7318 (June 9, 2000) reserved as the CSNM with the modified direction of the 2016 SWO RMP, which the BLM designed to advance multiple-use management rather than protection of CSNM objects and values. We stated in DEIS comment, “[T]he BLM should develop and describe a new action alternative in the final impact statement that does not significantly weaken aquatic ecosystem protections on CSNM lands, but rather improves them.” An action alternative that extends the ACS components and objectives to the enlarged (Proclamation 9564) CSNM lands, and maintains them on the original (Proclamation 7318) reservation, is reasonable because it meets the purposes of each proclamation protect biological diversity and ecosystem processes. See USDI 2005b: 189 (FEIS supporting 2008 CSNM RMP stating ACS policy “provides for optimum protection of aquatic habitat”). The “optimum protection” afforded by the original

ACS policy results from non-discretionary standards and guidelines (i.e., management direction) that explicitly invoke the precautionary principle allocating the burden of proof to proponents of multiple-use management activities (e.g., livestock grazing) that may frustrate attainment or prolong non-attainment of the ACS objectives. See USDI 2008d: 56-59, 67 & 107 (discussing management concerns for livestock grazing impacts to aquatic ecosystems and riparian habitats). Precautionary management of aquatic ecosystems facilitated by ACS implementation best suits the CSNM proclamation purposes to protect enumerated objects and values.

Soda Mountain Wilderness Council et al.

Dave Willis et al.

Issue Excerpt Text: Furthermore, an action alternative that extends the ACS components and objectives to the enlarged (Proclamation 9564) Monument reservation is reasonable because it meets BLM policy for management of national monuments, which requires land use planning “measures to ensure that objects and values are conserved, protected, and restored.” BLM Policy Manual 6220 §1.6.G.4 (land use planning) (2012). The ACS of the 2008 CSNM RMP conforms to BLM national monuments policy, in part, because it identifies specific and measurable objectives for protection of CSNM objects and values associated with aquatic ecosystems—including but not limited to physical integrity, water quality, sediment regime, species composition, structural diversity, thermal regulation, and nutrient filtering—that may be degraded by livestock grazing in stream channels, springs, wetlands, and other riparian habitats. See USDI 2008d: K-28 to K- 29 (describing CSNM objects and values protected by implementation of ACS objectives). The BLM determined in prior NEPA analysis of the 2008 CSNM RMP that the ACS policy currently effective on the original (Proclamation 7318) Monument reservation “provides for optimum protection of aquatic habitat.” USDI 2005b: 189. Therefore, it is unreasonable to exclude from consideration in this impact statement an action alternative that would extend the ACS policy of the 2008 CSNM RMP to the enlarged (Proclamation 9564) Monument lands.

Summary:

Protestors claim that the BLM violated NEPA by:

- Failing to provide an adequate range of alternatives by failing to include an alternative that considers designating the entire Monument as an ACEC or including an expansion of RNAs.
- Failing to provide an adequate range of alternatives by not including an alternative that works with natural processes to maintain and enhance landscape resilience.
- Failing to provide an adequate range of alternatives by not including an alternative that would discontinue use of Soda Mountain as a communications site, which would provide benefits to Monument objects and values.
- Failing to provide an adequate range of alternatives by failing to develop a reasonable action alternative that reduces the Pokegama Herd Management Area by at least 2,021 acres to ensure protection of CSNM objects and values from uncontrolled horse grazing.
- Failing to provide an adequate range of alternatives by failing to consider an action alternative to extend the existing ACS.

Response:

The BLM must analyze a reasonable range of alternatives, but not every possible alternative to a proposed action: “In determining the alternatives to be considered, the emphasis is on what is reasonable; rather than on whether the proponent or applicant likes or is itself capable of implementing an alternative. ‘Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from

the standpoint of the applicant” (BLM NEPA Handbook, H-1790-1, Regulations, March 23, 1981; see also CFR § 1502.14).

The BLM developed a reasonable range of alternatives that meet the purpose and need of the CSNM PRMP/FEIS and that address resource issues identified during the scoping period. The CSNM PRMP/FEIS analyzed five alternatives, which are described in Section 2.2 (CSNM PRMP/FEIS pp. 9–13) and Section 2.3 (CSNM PRMP/FEIS pp. 13–27). Additional detailed objectives and management direction under the action alternatives are provided in CSNM PRMP/FEIS Appendix E. The alternatives analyzed in the CSNM PRMP/FEIS cover the full spectrum by varying in (1) degrees of protection for each resource and use; (2) approaches to management for each resource and use; (3) mixes of allowable, conditional, and prohibited uses in various geographic areas; and (4) levels and methods for restoration.

The BLM analyzed designation of a maximum extent for ACECs and RNAs in Alternative B (CSNM PRMP/FEIS pp. 13–14). Under this alternative, four ACECs and five RNAs are analyzed to determine whether retaining ACECs and RNAs would protect the relevant and important values of CSNM (CSNM PRMP/FEIS Table 2-2, p. 22). As stated in the Executive Summary for Alternative B, the BLM concluded that the combination of existing management direction for Monument lands and other BLM-designations adequately protected the relevant and important values identified in the Proclamations; therefore, designating the entire CSNM as an ACEC or expanding RNAs is not necessary (CSNM PRMP/FEIS p. vi). Additional discussion of BLM’s evaluations and identification of acres that were considered for ACEC and RNA designation can be found in Appendix G (CSNM PRMP/FEIS Appendix G, p. G-4).

The CSNM PRMP/FEIS focuses on management approaches that rely largely on natural processes to meet management goals. Under Alternative D, the BLM analyzed how natural ecosystem processes would allow plant community dynamics to unfold without active intervention (CSNM PRMP/FEIS pp. 14–15). However, the BLM determined that a lack of minimum treatment targets would result in minimal beneficial impacts that would improve landscape-level resiliency against natural disturbances (CSNM PRMP/FEIS p. 211). Additionally, Alternative D would limit wildland fire management by not establishing decadal restoration targets and limiting canopy thinning to mitigate fire spread (CSNM PRMP/FEIS p. 336). Ultimately, the BLM did not select Alternative D as the PRMP because the lack of management for wildland fire management would fail to meet multiple plan objectives, such as wildfire hazard reduction and subsequent wildfire risk to the WUI or CSNM objects and values (CSNM PRMP/FEIS p. 337).

Additionally, the 2012 Soda Mountain Wilderness Stewardship Plan allows for natural processes to dominate, except where a minimum tool analysis determines that use of motorized vehicle and tool use would be necessary to manage wilderness (CSNM PRMP/FEIS p. 61). Management decisions identified within the Soda Mountain Wilderness Plan will be incorporated into overlapping lands within the CSNM. Presidential Proclamation 7318 recognized “the establishment of this monument is subject to valid existing rights”; therefore, the primary authorization used for emergency communications at the Soda Mountain site is a valid existing right recognized by the BLM under a perpetual right-of-way grant. Additionally, the BLM incorporated several components of scoping comments into Alternative D, including the phasing out of existing authorizations for communication site facilities “not needed for public health and safety” (CSNM PRMP/FEIS p. 104).

Section 2.4 of the CSNM PRMP/EIS provides rationale for alternatives considered but not analyzed in detail, including an alternative to modify the Pokegama Herd Management Area (CSNM PRMP/FEIS p. 32). As stated by the BLM, less than 5 percent of the Herd Management Area falls within the CSNM; therefore, modification to management of the Pokegama Herd Management Area is outside the scope of the CSNM RMP/EIS. To account for the small percentage of the Pokegama Herd Management Area within the CSNM, the BLM incorporated current management and direction

from the 2016 Southwestern Oregon RMP and any management actions or concerns of impacts on CSNM objects would be addressed during implementation of the 2016 Southwest Oregon RMP. The PRMP (Alternative E) would continue to manage the Pokegama Herd Management Area as directed by the Southwestern Oregon RMP (CSNM PRMP/FEIS p. 16).

CSNM PRMP/FEIS Section 2.4 also provides rationale for the alternative considered but not analyzed in detail to extend the existing ACS (CSNM PRMP/FEIS p. 32). This alternative was not carried forward as the direction is similar to existing management approaches within other action alternatives, including management of riparian areas as part of the Ecosystem Management Area – Riparian Habitat (CSNM PRMP/FEIS p. 29). See CSNM PRMP/FEIS Section 2.4 for additional discussion on why the alternative was not carried forward.

The BLM considered a reasonable range of alternatives in the CSNM PRMP/FEIS and is in full compliance with NEPA. Therefore, this protest issue is denied.

Wild and Scenic Rivers

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. submitted extensive comments recommending numerous streams as eligible for Wild and Scenic River designation. While we are pleased that BLM recognized 17 of those streams as eligible in the PRMP/FEIS, we disagree that Green Mountain Creek and Baldy Creek are not eligible. They each warrant heightened protection in the Final RMP, as they possess identified outstandingly remarkable values. See 16 U.S.C. § 1271. Furthermore, we disagree with the PRMP/FEIS’s classification of the Lower Johnson Creek segment deemed eligible as “Scenic” rather than “Wild.” As documented in our extensive comments and Wild and Scenic Rivers report, the lower segment of Johnson Creek to its confluence with Jenny Creek, in particular, is the epitome of wildness.

Oregon Wild et al.

John Persell et al.

Issue Excerpt Text: SMWC et al. expressed concern about the protection of visual resources along designated and eligible Wild and Scenic Rivers, and asked that all such rivers be classified as VRM I. The PRMP/FEIS, however, only classifies congressionally designated wilderness areas and designated and eligible Wild and Scenic Rivers for which suitability determinations have not been made that are classified as “Wild.” PRMP/FEIS Appendix E, p. E-55. This excludes the Monument’s Congressionally designated Wild and Scenic River segments of Jenny and Spring Creeks-which are classified as “Scenic” not “Wild.” Jenny and Spring Creek are only given VRM II protection in the PRMP/FEIS. If “Scenery” is an identified Outstanding and Remarkable Value (“ORV”) for a Wild and Scenic River, the Wild and Scenic Rivers Act requires BLM to “protect and enhance” scenery. Senator Wyden’s statement in the Congressional Record from September 11, 2019, notes a “Scenic” ORV for Jenny Creek in Oregon and a “Scenery” ORV for Spring Creek. BLM should protect these Wild and Scenic Rivers as VRM I to protect and enhance their scenery. In addition, BLM should protect Emigrant Creek, an eligible Wild and Scenic River for which “Scenery” is an identified ORV, as VRM I.

Summary:

Protestors stated that the BLM violated the Wild and Scenic Rivers Act by not designating Green Mountain Creek, Baldy Creek as eligible under the act because they possess outstandingly remarkable values (ORV). Protestors also disagreed with the classification of the Lower Johnson Creek, the

Jenny Creek segment in Oregon, Spring Creek, and Emigrant Creek as segments deemed eligible as “Scenic” rather than “Wild.”

Protestors also stated that the BLM failed to adequately protect the visual resources along eligible Wild and Scenic River segments and should classify all Wild and Scenic River segments as VRM I to protect and enhance their scenic resources.

Response:

To the extent possible under existing legal authorities, the BLM’s policy goal for eligible and suitable rivers is to manage their free-flowing condition, water quality, tentative classification, and any outstandingly remarkable values to assure a decision on suitability can be made for eligible rivers, or in the case of suitable rivers, until Congress designates the river or releases it for other uses (BLM Manual Section 6400.3.5). During the land use planning process, the BLM assesses all eligible river segments and determines which are suitable or non-suitable for inclusion in the National Wild and Scenic Rivers System (BLM Handbook H-1601-1, Appendix C, p. 27).

In order to be assessed as ORV, a river-related value must be a unique, rare, or exemplary feature that is exceptional at a comparative regional or national scale (BLM Manual Section 6400.3.1.D.1). The determination of whether an area contains an ORV is a professional judgment on the part of the agency’s study team (U.S. Department of the Interior/U.S. Department of Agriculture Final Revised Guidelines for Eligibility, Classification, and Management of River Areas, 47 *Federal Register* 39457) (BLM Manual Section 6400.3.1.D).

To the extent possible under existing legal authorities, the BLM’s policy goal for eligible and suitable rivers is to manage their free-flowing condition, water quality, tentative classification, and any ORVs to assure a decision on suitability can be made for eligible rivers, or in the case of suitable rivers, until Congress designates the river or releases it for other uses (BLM Manual Section 6400.3.5).

Prior to the start of this planning effort, the Jenny Creek and Spring Creek river segments were designated as “scenic” per the Wild and Scenic Rivers by Congress as part of the Dingell Act of 2019 (CSNM PRMP/FEIS Appendix P, p. P-6). In 2023, during the development of the CSNM PRMP/FEIS, the BLM conducted a Wild and Scenic River Eligibility Study identifying and evaluating all rivers with the potential for Wild and Scenic River designation. The results of this study are provided in CSNM PRMP/FEIS Appendix P, *Wild and Scenic River Eligibility Report*. The BLM analyzed 55 stream segments using ORV criteria and determined that 17 segments were eligible for inclusion in the National Wild and Scenic Rivers System (CSNM PRMP/Final EIS Appendix P, p. P-7). Green Mountain Creek and Baldy Creek were considered for eligibility, but not designated as eligible for inclusion in the National Wild and Scenic Rivers System because they did not meet the eligibility criteria outlined by the Wild and Scenic Rivers Act, as described in the Wild and Scenic River Eligibility Report (CSNM PRMP/FEIS Appendix P, p. P-26).

During the Wild and Scenic River Eligibility Study for the CSNM PRMP/FEIS, Johnson Creek and Emigrant Creek were determined to be eligible for the National Wild and Scenic River System and assigned a tentative classification of “Scenic” (CSNM PRMP/FEIS Appendix P, p. P-19, P-21–P-22). The tentative classification of a river found to be eligible is based on the condition of the river and the development level of adjacent lands at the time of the study (CSNM PRMP/FEIS Appendix P, p. P-15). Johnson Creek and Emigrant Creek were assigned a tentative classification of “Scenic” based on the criteria outlined in Table P 2 (CSNM PRMP/FEIS Appendix P, p. P-15).

The BLM’s Visual Resource Inventory (VRI) process consists of a scenic quality evaluation, sensitivity-level analysis, and a delineation of distance zones. Based on these three factors, BLM-administered lands are placed into one of four VRI classes. These VRI classes represent the relative value of the visual resources: Classes I and II being the most valued, Class III representing a

moderate value, and Class IV being of least value (BLM Manual H-8410-1). The VRI classes provide the basis for considering visual values in the RMP process. VRM classes are established through the RMP process for all BLM-administered lands (BLM Manual 1625.3)

The BLM assigned VRM Class I to eligible rivers with a tentative classification of “Wild” under all alternatives of the CSNM PRMP/FEIS because they are inaccessible except by trail, and the shorelines is essentially primitive with no developments (CSNM PRMP/FEIS p. 483). As such, these areas are assigned VRI Class I. Under the CSNM PRMP/FEIS, the BLM would manage visual resources on Congressionally designated lands, such as Wild and Scenic Rivers, according to their assigned VRI Class I as VRM Class I (CSNM PRMP/FEIS p. 315 and Appendix E, p. E-54). Because eligible rivers with a “Scenic” classification can be accessed by roads (CSNM PRMP/FEIS p. 483) there is already a level of visual disturbance. As such, they are best managed under the VRM Class II designation, which aims to retain the existing character of the landscape with minimal changes change to the characteristic landscape. The use of both VRM Class I and VRM Class II designations in the CSNM PRMP/FEIS would “provide the highest level of scenic quality protection compared to the other alternatives” and “visual values would increase over time” (CSNM PRMP/FEIS p. 315). As such, the BLM adequately protects the scenic values of eligible Wild and Scenic River segments as required by BLM Manual Section 6400.3.5 and the Wild and Scenic Rivers Act.

BLM would manage all designated and eligible Wild and Scenic River segments in accordance with the Wild and Scenic Rivers Act and BLM policy. Under all the alternatives river values (free-flowing, water quality, and ORVs) for which the two Congressionally designated rivers in the planning area (Jenny Creek and Spring Creek) were designated would be protected and enhanced (CSNM PRMP/FEIS Appendix F, pp. F-32–F-33).

The CSNM PRMP/FEIS adequately assessed all eligible river segments in the planning area and determined which are suitable or non-suitable for inclusion in the National Wild and Scenic Rivers System, consistent with the Wild and Scenic Rivers Act. Further, the CSNM PRMP/FEIS appropriately protects the scenic resources of eligible and suitable segments. Accordingly, this protest issue is denied.

Wilderness Act

Wilderness Watch

Kevin Proescholdt

Issue Excerpt Text: The language we are protesting envisions allowing vegetation management activities within the Soda Mountain Wilderness “for the purposes of removing non-native vegetation or to reduce wildfire risk to life, property, or wilderness character.” This would most likely be done with chainsaws and other motorized equipment. Such authorizations would violate the Wilderness Act. If the BLM intends to authorize cutting and thinning within the Soda Mountain Wilderness, the BLM would violate the Wilderness Act, specifically the bans on motorized equipment (if chainsaws or other motorized equipment are contemplated) and the statutory requirement to maintain untrammelled Wilderness so as to preserve its primeval character and influence and its natural conditions.

Wilderness Watch

Kevin Proescholdt

Issue Excerpt Text: Language in BLM’s policy guidance cannot override the statutory language of the Wilderness Act. The language that we are protesting mirrors language from the BLM’s Manual: Fuel treatment is not allowed in wilderness, except in rare circumstances. Due to the controversial nature of fuel treatments and the complexities of analyzing the effects of these on the totality of wilderness character, when they are to be used as a replacement for wildland fire they may require

analysis through an EIS. Fuel treatments may be permitted: A. To remove non-native vegetation (see also section 1.6.C.15); or B. When prescribed fire without pretreatment in the wilderness will inevitably cause unacceptable risks to life, property, or wilderness character (including cultural resources, as outlined in 1.6.C.5.f); or C. When any wildland fire will inevitably cause unacceptable risks to life, property, or wilderness character. BLM Manual 6340(1.6)(C)(7)(d), emphases added This policy language is far more permissive than the statutory language from the Wilderness Act. There is no language in the Wilderness Act authorizing a suspension of the Act’s protections to deal with “non-native vegetation,” for example. Nor is there any language in the Wilderness Act authorizing “pretreatment in the wilderness.” This overly permissive policy language cannot override or supersede the statutory language of the Wilderness Act. This language must be removed from the Cascade Siskiyou National Monument plan.

Wilderness Watch

Kevin Proescholdt

Issue Excerpt Text: The Ninth Circuit has made clear that even when there may be ambiguity where Wilderness administration overlaps the Section 4(d) special provisions (in that case, the provision providing for commercial services to facilitate recreation), the test for legality is still “the impact [the agency’s] decision would have on its ultimate responsibilities under the Wilderness Act”—to preserve wilderness character. *High Sierra Hikers’ Ass’n v. Blackwell*, 390 F.3d 630, 647 (9th Cir. 2004). The Act, the court noted, restricts use for recreational or other purposes “in any way that would impair [an area’s] future use as wilderness.” *Id.* (emphasis in original). Indeed, in the *Blackwell* case, the Ninth Circuit noted the agency improperly “elevated recreational activity over the long-term preservation of the wilderness character of the land,” particularly “[g]iven the Wilderness Act’s repeated emphasis of the administering agency’s responsibility to preserve and protect wilderness areas.” *Id.* at 647, 648. These boundaries are baked into the language of the special provision.¹ This section of the Wilderness Act allows the federal agencies administering designated Wilderness to take necessary measures to control fires. This section applies to control of existing, already burning fires, NOT landscape manipulation that fabricates desired conditions in anticipation of potential future fire behavior. And the actions must be necessary. In other words, this provision does NOT allow otherwise-illegal actions for fire suppression activities for future possible fires. Such a broad allowance would fundamentally undermine the Act’s untrammelled mandate, and it would violate basic rules of statutory construction where exception terms (e.g., “control” and “necessary”) must be construed narrowly.

Summary:

Protestors stated that approval of the CSNM PRMP/FEIS would violate the Wilderness Act and BLM Manual 6340 by:

- Removing non-native vegetation using chainsaws or motorized equipment in the Soda Mountain Wilderness.
- Using fuel treatments within the wilderness area without demonstrating what rare circumstances are present that might allow these treatments and attempting to override policy in the Wilderness Act that only allows treatment of existing, already burning fires.

Response:

Wilderness is defined in Section 2(c) of the Wilderness Act, and formally designated by Congress as part of the National Wilderness Preservation System (16 U.S.C. 1133 2(c)).

Section 4(c) of the Wilderness Act outlines prohibited uses of wilderness areas as stated below:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area. (16 U.S.C. 1133 4(c)).

Additionally, BLM Manual 6340 - Management of BLM Wilderness provides guidance on management of lands that have been designated by Congress as part of the National Wilderness Preservation System and outlines procedures to ensure the congressional mandate to manage each Wilderness Area “to preserve its wilderness character” will be met. BLM Manual 6340 does not explicitly prohibit fuel treatments within Wilderness Areas; however, such treatments may occur under “rare circumstances (BLM Manual 6340.7.d). Accordingly, “fuel treatments may be permitted:

- A. To remove non-native vegetation (see also section 1.6.C.15); or
- B. When prescribed fire without pretreatment in the wilderness will inevitably cause unacceptable risks to life, property, or wilderness character (including cultural resources, as outlined in 1.6.C.5.f); or
- C. When any wildland fire will inevitably cause unacceptable risks to life, property, or wilderness character” (BLM Manual 6340.7.d.i).

Management direction under all alternatives proposed for the CSNM PRMP/FEIS excludes “all prohibited uses of Wilderness (as defined in the Wilderness Act of 1964 and BLM Manual 6340, Management of Designated Wilderness Areas), unless they have been demonstrated to be the minimum necessary (using the Minimum Requirements Analysis Framework) to administer the area for the purposes of the Wilderness Act” (CSNM PRMP/FEIS Appendix E, p. E-3). Under the CSNM PRMP/FEIS, vegetation management actions within Wilderness Areas may only occur “for the purposes of removing non-native vegetation or to reduce wildfire risk to life, property, or wilderness character” and “all vegetation management actions must be consistent with the Wilderness Act and the direction provided in BLM Manual 6340” (CSNM PRMP/FEIS Appendix E, p. E-3). Additionally, the BLM updated the management direction for Wildland Fire Management - WUI/Fuels Emphasis areas in the CSNM PRMP/FEIS excludes the Soda Mountains Wilderness Areas to ensure the preservation of the area’s wilderness character (CSNM PRMP/FEIS Appendix E, p. E-57).

In addition to the above-stated management direction to ensure compliance with the Wilderness Act and BLM Manual 6340, the CSNM PRMP/FEIS is a land use planning-level decision that is by its nature broad in scope and programmatic in nature. Accordingly, the CSNM PRMP/FEIS would not result in on-the-ground decision or actions within the Monument. As stated in the CSNM PRMP/FEIS vegetation management actions would require site-specific NEPA analysis prior to authorization (CSNM PRMP/FEIS Appendix E, p. E-3). During this project-level review, the BLM would ensure any proposed vegetation management actions would be consistent with the Wilderness Act and BLM Manual 6340, including but not limited to, ensuring actions such as cutting and thinning are not conducted using motorized equipment. However, the BLM may authorize generally prohibited activities or uses listed in Section 4(c) of the Wilderness Act only if they are determined to be the minimum necessary to meet wilderness management objectives based on an analysis using the Minimum Requirements Decision Guide. This determination would again occur at the implementation-level of review and is not within the scope of this land use planning action.

The management direction proposed under the CSNM PRMP/FEIS complies with Wilderness Act and BLM Manual 6340. Accordingly, this protest issue is denied.

References

Bureau of Land Management (BLM). 2023. *Analysis of the Management Situation*. Resource Management Plan for Cascade-Siskiyou National Monument. June.

U.S. Fish and Wildlife Service (USFWS). 2011. *Revised Recovery Plan for the Northern Spotted Owl* (*Strix occidentalis caurina*). Portland, OR.