

APPENDIX D
Middle Fork Salvage Comment Analysis - Proposed Action Report (PAR)
30-Day Notice and Comment Period (36 CFR 215.5)

AUTHOR	COMMENTS	RESPONSE
<p>Priscilla Woodward 32 Island Farm Road Salmon ID 83467 Phone: 208-756-1920 pwoodward000@centurytel.net</p> <p>Received 5/13/2008 via email.</p>	<p>PW-1: I think it is a very good thing to try to recover as much timber resources as possible before they deteriorate. I love the forests and I hate to see them burn but I also hate to see the trees rot, fall and be wasted. I am all in favor of the proposed mission and I hope it succeeds. I am a full time Idaho resident.</p>	<p>Comment acknowledged.</p>
<p>Dick Artley (USFS; Nez Perce NF; retired) 415 East North 2nd Grangeville, Idaho 83530 dartley@connectwireless.us (208)-983-0181</p> <p>Received 5/14/2008 via email.</p>	<p>DA-1: On January 10, 2008 I sent you a letter describing the massive ecological damage of post-fire logging. Obviously you chose to disregard the information in my letter out-of-hand. Any thinking human that is familiar with just a few of the publications written by independent scientists on the subject of roading and logging a post-fire landscape would reject all such proposals ... if their objective is to protect and conserve the public land, and comply with the mission of the Forest Service:</p> <p><i>"The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."</i></p> <p>http://www.fs.fed.us/aboutus/mission.shtml</p>	<p>Comment acknowledged. Comments made during scoping period were addressed and are available in the project record.</p>
	<p>DA-2: There are hundreds of these unbiased scientists that oppose post-fire logging. The vast majority of these scientists are college professors in the biological sciences with Ph.D.s. I am unwilling to allow the word of foresters and engineers who were trained in industrial forestry at a corporate-financed land grant college to trump the professional opinion of REAL scientists.</p>	<p>Comment acknowledged. Chapter 4 includes the qualifications of the individuals involved in the planning and environmental analysis of this project.</p>

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	<p>DA-3: Allow me to provide an example. The following letter to congress was drafted by Isabella Abbott. Space does not allow me to include the 500+ scientist-signatories of the letter. By clicking the following link, their names and specialties are available for inspection: http://www.wilderness.org/Library/Documents/upload/HR4200_ScientistsLetter.pdf</p> <p>August 1, 2006</p> <p>Dear Members of Congress:</p> <p>The United States has made great strides by relying on science to inform our decision making. Science helped us travel to the moon; advance medicine and health; and understand the complex web of life on land and in rivers, lakes, and oceans. Science has also opened our eyes to the workings of forests and provided blueprints for federal plans to better protect the abundant natural resources of our public lands.</p> <p>When we, as scientists, see policies being developed that run counter to the lessons of science, we feel compelled to speak up. Proposed post-disturbance legislation (specifically the Forest Emergency Recovery and Research Act [HR 4200] and the related Forests for Future Generations Act [S. 2079]), crafted as a response to recent fires and other disturbances, is</p>	<p>Comment Acknowledged. All literature, court cases, and letters referenced in this comment letter have been reviewed and addressed (Project Record; May 15, 2008, Erickson memo to the files).</p>

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misguided because it distorts or ignores recent scientific advances. Under the labels of “recovery” and “restoration,” these bills would speed logging and replanting after natural disturbances.

Although logging and replanting may seem like a reasonable way to clean up and restore forests after disturbances like wildland fires, such activity would actually slow the natural recovery of forests and of streams and creatures within them. Many scientist-reviewed studies and syntheses (please see the selected citations appended to this letter) have recently come to this conclusion. For example, no substantive evidence supports the idea that fire-adapted forests might be improved by logging after a fire. In fact, many carefully conducted studies have concluded just the opposite. Most plants and animals in these forests are adapted to periodic fires and other natural disturbances. They have a remarkable way of recovering -- literally rising from the ashes -- because they have evolved with and even depend upon fire.

We are concerned that HR 4200 and S. 2079 will bind us to land management practices that, perhaps logical in the past, are no longer tenable in the light of recent scientific understanding. Specifically, post-disturbance logging impedes regeneration of forest landscapes when it compacts soils, removes or destroys so-called biological legacies (such as soil organic material, seeds in the soil, large standing and downed trees), damages riparian corridors, introduces or spreads invasive species, causes erosion, delivers

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sediment to streams from logging roads and steep slopes, degrades water quality, and damages populations of many aquatic species. In testimony before the House Subcommittee on Resources (November 10, 2005), eminent forest ecologist and University of Washington Professor Jerry Franklin noted that logging dead trees often has greater negative impacts than logging of live trees. He concluded that *“timber salvage is most appropriately viewed as a ‘tax’ on ecological recovery”*

Beyond those concerns, post-disturbance logging often intensifies the potential severity of future fires by concentrating the slash from logging at or near the ground. Rather than leaving plant material standing (and providing perching, nesting, and feeding sites for wildlife) such logging abruptly moves the material to the ground. Most of this material would naturally fall to the ground, adding important supplies of nutrients and energy to the forest floor and structure in the form of woody debris to stream channels. But this naturally happens over decades, not in the relatively short time associated with a logging operation. Advocates of post-disturbance logging may argue that this slash can be disposed of with controlled burns and other treatments. Yet such treatments can severely damage underlying soils, imposing other taxes on natural recovery.

One additional tax concerns us. Postfire logging taxes the public treasury. Recent analysis of postfire logging operations after Oregon’s Biscuit fire of 2002 shows that costs of the logging

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	<p>operations exceeded revenue by about \$14 million for logging that removed more than 53 million board feet of timber (DellaSala et al. 2006).</p> <p>Science provides the best insight into the real consequences of our policies and actions. Ironically, this legislation is crafted to ignore the science by waiving environmental reviews, reviews that would make use of the scientific knowledge often available only because of expenditures of public funds. Failure to conduct full environmental reviews informed by that science will inevitably lead to ecological and economic harm from post-disturbance logging. In short, neither ecological benefits nor economic efficiency result from post-disturbance logging. We therefore urge you to defeat these legislative efforts because they will set back forest recovery. We urge you to work with your fellow lawmakers to craft legislation that will rely on the most up-to-date scientific knowledge to protect the natural resources of the nation's public lands.</p>	
	<p>DA-4: There is other reputable science literature that exists opposing post-fire logging. A small percentage of these scientific papers are available online. The ones I could find are attached for your convenience (with the electronic link to the complete text) at the end of this letter.</p>	<p>Comment acknowledged.</p>
	<p>DA-5: Lastly, I find it sad that the Forest Service feels the need to lie to the public to increase the chances of selling timber.</p>	<p>Comment acknowledged.</p>
	<p>DA-6: I have 3 statements on file by Chief Bosworth, and statements by Associate Chief Hilda Diaz-Soltero, Deputy Chief Dr. Ann Bartuska, Associate Chief Sally</p>	<p>Comment acknowledged.</p>

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	<p>Collins, and National Media Officer Heidi Valetkevitch all promising the public that the Forest Service would use “best science” as a basis for their projects. Unfortunately, there is no law requiring a federal agency to do what its leaders promise.</p>	
	<p>DA-7: When and if you make a Decision under the NEPA that proposes to build any road or log any trees on the Middle Fork Salvage project, you will be in violation of the APA and the NEPA.</p>	<p>Comment acknowledged. The proposed action and all action alternatives were developed to meet all pertinent laws, regulations, and requirements relating to federal natural resource management (EA, Sections 1.9 and Appendix A).</p>
	<p>DA-8: There are 3 court cases that force government agencies to analyze the science that opposes their pending Decision. If, after the analysis, the agencies still opt to defy the opposing science and continue with their post-fire timber sale planning, the agencies MUST explain why opposing science was ignored.</p> <p><i>League of Wilderness Defenders et al. v. Elaine Marquis-Brong</i> . In the United States District Court for the District of Oregon, Judge Ancer L. Haggerty, Civil No. 02-75-HA. April 18, 2003,</p> <p><i>League of Wilderness Defenders et al. v. United States Forest Service</i> . In the United States District Court for the District of Oregon, Judge Ancer L. Haggerty, Civil No. 04-488-HA. November 19, 2004, and</p> <p><i>Blue Mountains Biodiversity Project et.al v. Blackwood</i> , 161 F.3d 1208, 1211 (9th Cir.1998). Betty B. Fletcher, circuit Judge. Appeal from the United States District Court for the District of Oregon Ann Aiken, District Judge, Presiding, this direction is clear.</p>	<p>Comment acknowledged. All literature, court cases, and letters referenced in this comment letter have been reviewed and addressed (Project Record; May 15, 2008, Erickson memo to the files).</p>

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	<p>DA-9: The following are quotes from Judge Haggerty's 2003 opinion against the BLM, including a link to his entire opinion:</p> <p style="padding-left: 40px;">“The EA also violated NEPA by failing to disclose respected scientific evidence running contrary to the BLM's final decision to allow salvage logging, and because it failed to address the differences between the BLM's view of likely impacts and the view of others in the scientific community (including views expressed in the Beschta Report), and failed to take the "hard look" at post-fire issues as required by NEPA. This court has consistently followed the Ninth Circuit's teaching in <i>Blackwood</i> that a forest management agency's failure to discuss and consider the Beschta Report "lends weight to [a plaintiff's] claim that the Forest Service did not take the requisite 'hard look' at the environmental consequences of post-fire logging instead of letting nature do the healing." <i>Blackwood</i> , 161 F.3d at 1213.” (pg 18)</p> <p>http://www.lclark.edu/org/nedc/objects/Timber_Basin_Order.pdf</p>	<p>Comment acknowledged. All literature, court cases, and letters referenced in this comment letter have been reviewed and addressed (Project Record; May 15, 2008, Erickson memo to the files).</p>
	<p>DA-10: The following are quotes from Judge Haggerty's 2004 opinion against the Forest Service, including a link to his entire opinion:</p> <p style="padding-left: 40px;">“The Forest Service describes plaintiffs' complaints that other opposing views were ignored as "misleading," because no other "opposing science" is identified "by name" in plaintiffs' memorandum, and a review of articles</p>	<p>Comment acknowledged. All literature, court cases, and letters referenced in this comment letter have been reviewed and addressed (Project Record; May 15, 2008, Erickson memo to the files).</p>

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	<p>referenced in Exhibit D of the Brown Declaration submitted in support of plaintiffs' Motion for a Temporary Restraining Order suggests that some identified opinions "are mostly in agreement with the Forest Service's stated view of the role of large woody debris in large fires." Def.'s Cross Mo. Mem. at 25-26. The Forest Service then discusses three publications and quotes certain statements contained within them that could be construed as supporting the Forest Service's position. <i>Id.</i> at 26. This discussion of the publications, provided by counsel during litigation, is a brief example of what should have been provided in the EIS. In light of the need to address other aspects in the present EIS, this court concludes that the Forest Service must provide a reasoned discussion of major scientific objections to the proposed action of removing large diameter trees for the purpose of reducing future fire risk. This reasoned discussion must disclose and analyze the scientific opinion in support of and in opposition to the conclusion that the proposed actions will reduce future fuel loadings in accordance with the National Fire Plan." (pg 25-26)</p> <p>http://www.lclark.edu/org/nedc/objects/flagtail.pdf</p>	
	<p>DA-11: I ask that you cite the letter above and the other scientific literature I provided in your EA as "references used" ... and use them all without taking them out of context.</p>	<p>Comment acknowledged. All literature, court cases, and letters referenced in this comment letter have been reviewed and addressed (Project Record; May 15, 2008, Erickson memo to the files).</p>

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	<p>DA-12: I also ask that you:</p> <ol style="list-style-type: none"> 1) Fairly and accurately describe the ecological benefits that are likely to occur if no “salvage” of dead and dying trees takes place. 2) Do not break the law by pre-determining your course of action before you have analyzed the public input and science related to the proposed salvage sale. 3) Remember that national forest land and resources belong to 304 million Americans ... not several thousand CEOs of corporations that use wood products to make a profit. 4) Take the housing situation in America into account. Increased foreclosures and a reduction in new homes being built has reduced the domestic lumber consumption by 17% in the last 2 years. 5) Describe to the owners of the land you administer why the quest for timber revenues trumps the need to maintain a naturally functioning ecosystem. 	<p>Comment acknowledged.</p> <p>The EA discloses the resource effects of all alternatives analyzed including the “No Action” alternative (Alternative A) (EA Chapter 3).</p> <p>The proposed action and all action alternatives were developed to meet all pertinent laws, regulations, and requirements relating to federal natural resource management (EA Sections 1.9 and Appendix A).</p>
	<p>DA-13: During my career I know that I have seen 20 to 30 post-fire sales before, during and after logging. They were all ecological disasters.</p>	<p>Comment acknowledged. The anticipated environmental effects of the Middle Fork Salvage project are disclosed in Chapter 3 of the EA.</p>
<p>Parker Victory Family Heritage 6809 Baron Avenue Boise, ID 83714 (208) 853-9216</p>	<p>PVFH-1: Our Comments are the same as before.</p>	<p>Comment acknowledged. Comments made during scoping period were addressed and are available in the project record.</p>

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	PV FH-2: The salvage related slash should not be burned but rather made available for fuel wood harvesters. There appears to be no legitimate reason for closing these roads and they certainly should be opened to facilitate harvesting fuel wood.	Residual fuelwood availability is dependent upon a harvest unit's silvicultural and fuels prescriptions as well as timber sale contract requirements. When slash is safely accessible fuelwood gatherers may receive directions to areas where it may be collected.
	PV FH-3: In your road closing and decommissioning you are completely ignoring the using public. Why?	Comment acknowledged. The roads analysis completed for this project recommends the transportation system needed for long-term management including public use of the area, particularly motorized and non-motorized recreational use. This analysis also considered the effects on watershed and aquatic resources, wildlife, and maintenance costs. The environmental analysis disclosed in the EA, as well as public comments raised during the NEPA process, will be considered in the decision.
	PV FH-4: Out of sixteen roads – you are blocking, using yearlong closure, decommissioning, and obliterating, eleven of these roads.	Comment acknowledged. See response to Comment PV FH-3.
	PV FH- 5: We can not support this project.	Comment acknowledged.
Idaho Conservation League, Bradley Smith P.O. Box 844 Boise, ID 83701	ICL-1: Thank you for considering our comments on this project. For over thirty years, the Idaho Conservation League has worked to protect Idaho's clean water, wilderness, and quality of life through citizen action, public education, and professional advocacy. As Idaho's largest state-based conservation organization we represent over 9,000 members, many of whom have a deep personal interest in protecting our water, wildlands, and wildlife.	Comment acknowledged.

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	<p>ICL-2: We appreciate the consideration that the Emmett Ranger District has given to our previous comments on this project submitted during scoping, and that our concerns resulted in the formulation of Alternative C.</p>	<p>Comment acknowledged.</p>
	<p>ICL-3: Plantings should not take place in the roadless areas.</p>	<p>Comment acknowledged.</p> <p>As disclosed in Chapter 2 of the EA, Alternative C was developed to address the tradeoffs of not planting in the roadless area.</p>
	<p>ICL-4: Likewise we appreciate the fact that no salvage logging or timber harvest is proposed in the Roadless areas within the project area. The proposed road decommissioning will help to improve resource conditions in the project area, and we support these restoration activities being incorporated into the project.</p>	<p>Comment acknowledged.</p> <p>The EA discloses the resource effects of all alternatives (EA Chapter 3).</p>
	<p>ICL-5: The Forest Service should avoid construction of landings within RHCAs to the extent practicable to ensure that riparian management objectives are achieved and maintained. Similarly, this will reduce the likelihood of erosion and sediment delivery to any streams in the project area that may or may not be listed under the Clean Water Act for sediment. Landings should be ripped and seeded after logging has ceased to restore soil conditions, porosity and native vegetation. This would also help move the project area in the right direction with regard to the forest plan standard for total soil resource commitment.</p>	<p>Currently no log landings for ground-based harvest area planned to occur within RCAs. However, local topography may offer no other alternative that to build log landing in RCAs. If landings within RCAs area necessary the following actions would occur:</p> <ul style="list-style-type: none"> ➤ Any proposed landings within RCAs would be approved by a Forest Service hydrologist prior to construction. ➤ No landings would occur within one site-potential tree height (120 feet) of project area streams unless there is no other option. ➤ A slash windrow would be constructed between the landing and the stream. The slash windrow would be constructed to be no more than 2

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		<p>meters wide and 1 meter high and material must be compacted and have contact with the ground in order to capture and store sediment. Construction and placement of the slash filter windrow would occur at the same time as the landing construction. Slash filter windrows would be left in place. Excess slash would be piled on or above the road for subsequent burning. See Design Feature SW-3.</p> <p>Helicopter landings would be constructed outside of RCAs (Design Feature SW-8).</p> <p>The sediment, water quality, and soil resources analyses are disclosed in Sections 3.15 and 3.16 of the EA.</p>
	<p>ICL-6: Regular monitoring should take place to ensure that unauthorized off-road vehicle use is not occurring off of designated roads or trails. If cross-country travel is not closed under a closure order, the Forest Service should consider doing so to prevent additional resource impacts to this sensitive post-fire landscape.</p>	<p>Comment acknowledged. Chapter 1 discloses the purpose and need for this project, which focuses on providing commercial salvage timber, reducing hazard trees, reforesting severely burned areas expected to regenerate slowly, and reducing the adverse effects of the Anderson Creek road system to area watersheds. Regular monitoring of unauthorized off-road vehicle use is outside the scope of this project.</p>
	<p>ICL-7: Monitoring should also determine if invasive or noxious weeds are spreading into the burn areas. Appropriate treatments and mitigation should be applied if necessary.</p>	<p>Comment acknowledged. The following forest plan standards NPST03, NPST07, NPST08, and NPST10 would be met through design features (NX-1, NX-2, and NX-3) to prevent or minimize the spread of noxious weeds.</p> <p>In addition, the ongoing Emmett Ranger District noxious weed surveys as well as the BAER noxious weed surveys would continue.</p>

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	<p>ICL-8: Once again we thank you for the opportunity to submit comments on this project. Please send us any subsequent documents for this project. We look forward to continuing to work with the Emmett Ranger District on this project and others in the future.</p>	<p>Comment acknowledged.</p>
<p>The Wilderness Society John McCarthy Idaho Forest Campaign Director The Wilderness Society 350 N. 9th St # 302 Boise, ID 83702</p>	<p>WS-1: Thank you for the opportunity to look over and to comment on the Proposed Action Report (PAR) for Middle Fork Salvage. The project reflects the discussions we had on our field trip in late September last year, with the features defined in your PAR.</p>	<p>Comment acknowledged.</p>
	<p>WS-2: First, I appreciate you and your staff taking the time to craft a thoughtful, multi-faceted approach to a post-fire salvage logging project, when time is a critical factor to gain optimal economic value of appropriate timber. Second, I appreciate the approach at Emmett RD to take positive actions for the watersheds affected by fire – by taking actions to close and decommission unneeded and detrimental roads. Third, it’s apparent you and your staff are looking at the big picture of current ecological conditions and concerns, while also examining economic opportunities. These are all very welcome approaches in my view.</p>	<p>Comment acknowledged.</p>
	<p>WS-3: The proposed decommissioning and year-round motorized closures are of greatest interest to me and to The Wilderness Society members. As we discussed on our field trip, reconsidering the desired road system is as appropriate in the post-fire landscape as is considering salvage logging options. Completion of the proposed road work will make this Middle Fork Salvage project also a restoration project with long term value to improve</p>	<p>Comment acknowledged. Funding for watershed restoration activities is anticipated in FY2009 from Forest Service Legacy Roads and Trails funds (See EA, Section 3.6.1).</p>

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	<p>the watersheds for sediment reduction and enhanced connectivity in both terrestrial and aquatic habitats. I urge you to assure the funding is allocated to fully complete this proposed road work.</p>	
	<p>WS-4: In the salvage logging component itself, I urge you to take maximum measures to avoid risk to stream integrity. In addition to your actions to implement the Forest Plan Aquatic Conservation Strategy through the proposed road work, I also encourage you to be adaptive in the logging and skidding actions to avoid sediment delivery to streams. A fully functional monitoring strategy to keep track of how the logging and skidding may affect streams is important to successful completion of this project.</p>	<p>Comment acknowledged. RCA widths for this project are 120 ft (one site-potential tree height based on PVG 2) for intermittent streams and 240 ft (two site-potential tree heights based on PVG 2). Design features SW-1, SW-2, SW-3, SW-8, SW-13, and TH-5 were included to mitigate potential sediment delivery to streams from harvest operations (See EA Section 2.3.1). Hazard Tree treatment in the Lucky Fire Area (about 1.1 miles of NFS 670) could have trees cut within RCAs. Hazard Trees cut in the RCAs would be treated by the following method: Cut trees within one site potential tree height of streams would be left on site, unless they would affect road and/or culvert function. All other trees would be removed (See EA Section 2.3.3.2).</p> <p>A monitoring plan for this project will be included with the Decision Notice/Finding of No Significant Impact.</p>
	<p>WS-5: As we also discussed on our field trip, a consideration of appropriate actions designed according to the Forest Plan directives of Management Prescription Categories leads to an appropriate project. In my review of the PAR it appears you have appropriate actions proposed for the MPCs in the project area, avoiding controversy and contention over the proposed salvage logging.</p>	<p>Comment acknowledged.</p>

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	<p>WS-6: Alternative C presents a dilemma in my consideration, when most of the acres in the Peace Rock Inventoried Roadless Area that are proposed for planting in Alternative B have seen logging in the past under Idaho State management. I encourage you to be protective of roadless values in Peace Rock but if the vegetation structure or composition was significantly altered by past logging it may not retain roadless characteristics. Having not looked at this part of the project area, I would suggest an approach to planting in the Peace Rock IRA that retains roadless characteristics and maybe plants on only the 90 acres that saw previous logging. If it is impractical to separate the 42 IRA acres that have never seen logging or if it is considered to be more protective of roadless values to re-establish tree seedlings for this whole small area then my position is flexible, when the overall project takes a careful approach to roadless values.</p>	<p>Comment acknowledged. As disclosed in Chapter 1, Alternative C was developed to address scoping comments that noted the potential effects to the roadless resource resulting from planting in the Peace Rock IRA.</p>
	<p>WS-7: In closing, I commend you and your staff for taking an approach to salvage logging that avoids controversy, makes no claims for inflated ecological values to salvage logging, balances restoration with economic production and takes the time to do a careful review. Please keep me informed in how the project progresses.</p>	<p>Comment acknowledged.</p>