ONRC/NEDC Appeal of Winter Fire Salvage Project

ENVIRONMENTAL ANALYSES
Fremont-Winema
National Forests
Paisley Ranger District
ONRC/NEDC APPEAL OF
Winter Fire Salvage Project

DATE: April 5, 2004

Subject: 36 CFR 215 appeal of the Winter Fire Salvage Project

Dear Appeal Deciding Officer:

In accordance with 36 CFR 215, Oregon Natural Resources Council Fund and Northwest Environmental Defense Center (Appellants) hereby appeal the Forest Service's decision to approve the project described below.

DECISION TITLE: Decision Notice and Finding of No Significant Impact for the Winter Fire Salvage Project Environmental Assessment

PROJECT DESCRIPTION:

- 2997 acres of post-fire salvage logging in 16 units
  - a significant portion of the proposed logging is located inside uninventoried roadless areas;
  - over 5,000 trees over 30 inches in diameter to be logged
  - ~15,000 tree's over 21 inches in diameter to be logged
- yielding 15.7 mmbf
- 435 acres ground-based logging
- 2562 acres helicopter logging
- 906 acres of planting
- plan amendment to shuffle designated old-growth areas to allow salvage and creation of simplified plantations in former old-growth areas.

PROJECT LOCATION: Winter Rim, Paisley Ranger District, Fremont National Forest, Lake County, Oregon

DATE OF DECISION: DN signed February 20, 2004

NAME OF DECIDING OFFICER: Karen Shimamoto, Winema-Fremont Forest Supervisor.

APPELLANTS:

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APPELLANTS' INTEREST: In accordance with Pub. L. 102-381, Title III, Sec. 322(c), Oct. 5, 1992 and 36 CFR 215.11, Appellants submitted comments on, and expressed interest in, this project and is entitled to appeal. Appellants and their members use and enjoy the area affected by this project for various recreational, esthetic, and scientific pursuits including but not limited to: hiking, photography, nature study, solitude, bird watching, and hunting.

ONRC submitted multiple comments on this projects including second EA comments dated December 7, 2003, interested party comments dated July 18, 2003, and first EA comments dated April 28, 2003.

NEDC has standing to appeal the Winter ROD. Jay Lininger of NEDC submitted extensive comments on the EA. Please note that NEDC is the Northwest Environmental Defense Center. Appendix E, the response to comments, identifies NEDC as the Northwest Ecosystem Defense Center.

REQUEST FOR RELIEF: Appellants respectfully requests that the Forest Service withdraw the decision being appealed and -

1. issue a new decision that retains all large trees, and avoids logging in roadless, unroaded, unsuitable soils, steep slopes, and deer winter range areas and protects habitat for native species of terrestrial and aquatic flora and fauna; or
2. prepare an EIS to address the significant environmental impacts of the Winter Fire Salvage project and to fully comply with the requirements of NEPA and the CEQ regulations and addresses the specific concerns expressed in our public comments and statement of reasons below.

REQUEST FOR STAY: In accordance with 36 CFR 215.10(b) all implementation of this project must cease until 15 days after the appeal is decided.

STATEMENT OF REASONS:

Significant impacts require an Environmental Impact Statement (40 CFR 1502.3)-

The Finding of No Significant Impact is clearly in error. This post-fire logging project will cause significant impacts on the environment and necessitates an EIS to address the following significant issues:

1. logging and degradation of a large and unique uninventoried roadless area on the face of Winter Rim (Sierra Club v. Austin No 03-35419; DC No. CV-03- 00022 DWM (9th Circ 2003), citing Smith v. Forest Service 33 F.3d 1072, 1078 (9th Circ 1994));
2. violations of multiple forest plan Standards & Guidelines relating to mule deer cover and snag retention and unsuitable timber lands (NFMA 16 USC 1604(i); LRMP p 103-104 (snags), LRMP pp 102-103 (big game cover); LRMP p 80 (soil productivity); .
3. significant scientific and public controversy over the effects of salvage logging. This controversy remains unresolved and an EIS is needed to address these issues. ("The costs and benefits of activities such as salvage logging and its appropriate role have emerged as national issues." U.S. Department of Agriculture, Forest Service. 1996. Status of the interior Columbia basin: summary of scientific findings. Gen. Tech. Rep. PNW-GTR-385. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station; U.S. Department of the Interior, Bureau of Land Management. 144 p. p 22. See also the Beschta report and subsequent agency responses);
4. need for a more thorough consideration of post-fire restoration alternatives such as sparse planting of Ponderosa Pine without commercial logging; (as Judge Haggerty required in the Timber Basin salvage decision);
5. the fact that logging will increase fire hazard due to the fact that the logging will move unmerchantable trees, limbs, and tops from the canopy (where they are generally unavailable to burn) to the ground (where they are very available to burn);
6. cumulative effects of several large fires and large salvage efforts on the Fremont National Forest.

An EIS is needed to address significant impacts to Roadless Areas- ONRC's scoping comments and EA comments asked for consideration of roadless values but the FS boldly states that there are no uninventoried roadless areas and that the logging will have beneficial effects on the issues we are concerned about. This is simply incredible and untrue. ONRC sent a detailed roadless map with our comments on the EA. Units 2, 3, 7, 9, and 10, are almost entirely roadless. Units 1, 5, 6, and 8 are also partially roadless. Please refer to the ONRC roadless map submitted during the comment period.

Contrary to the Forest Service's assertions, salvage logging will have a serious adverse effect on the complexity, diversity, and overall ecological integrity of the fire area.

Roadless areas greater than about 1,000 acres, whether they have been inventoried or not provide valuable natural resource attributes that must be protected. These include: water quality; healthy soils; fish and wildlife refugia; centers for dispersal, recolonization, and restoration of adjacent disturbed sites; reference sites for research; non-motorized, low-impact recreation; carbon sequestration; refugia that are relatively less at-risk from noxious weeds and other invasive non-native species, and many other significant values. See Forest Service Roadless Area Conservation FEIS, November 2000. This project involves activities in such unroaded areas. The NEPA analysis for this project does not adequately discuss the impacts of proposed activities on all the many significant values of roadless areas.

Before logging roadless areas the agency should consider the impacts to all the values of roadless areas, including:

1. High quality or undisturbed soil, water, and air;
2. Sources of public drinking water;
3. Diversity of plant and animal communities;
4. Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
5. Primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation;
6. Reference landscapes;
7. Natural appearing landscapes with high scenic quality;
8. Traditional cultural properties and sacred sites; and
9. Other locally identified unique characteristics.

36 CFR 294.11

The Forest Service claims to have addressed many of these issues, but not in the context of their specialness and uniqueness as they are represented in an unroaded area. Roadless areas of any kind are rare and unique on the Fremont National Forest. This area located on the face of Winter Rim is especially unique.

"It is well established in this [9th] Circuit that logging in an unroaded area is an 'irreversible and irretrievable' commitment of resources and 'could have serious environmental consequences.'" and therefore requires an EIS. Sierra Club v. Austin No 03-35419; DC No. CV-03- 00022 DWM (9th Circ 2003), citing Smith v. Forest Service 33 F.3d 1072, 1078 (9th Circ 1994). This project involves activities in such unroaded areas. The NEPA analysis for this project does not adequately discuss the impacts of proposed activities on all the many significant values of roadless/unroaded areas.

Recent scientific literature emphasizes the importance of unroaded areas greater than 1,000 acres as strongholds for the production of fish and other aquatic and terrestrial species, as well as sources of high quality water. Henjum, M.G., J.R. Karr, D.L. Bottom, D.A. Perry, J.C. Bednarz, S.G. Wright, S.A.Beckwitt and E. Beckwitt. 1994. Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon and Washington. A Report to the Congress and President of the United States. Rhodes, J.J., D.A. McCullough, and F.A. Espinosa. 1994. A Coarse Screening Process for Potential Application in ESA Consultations. Technical Report 94-4. Prepared for National Marine Fisheries Service.

While it is true that the Forest Service does not have an explicit legal obligation to protect these uninventoried areas (yet), the Forest Service does have a legal obligation pursuant to NEPA to describe the environmental consequences of logging and road building in ecologically significant areas. The Forest Service roadless EIS described several qualities of roadless areas that are not limited to those over 5,000 aces and that happen to have been inventoried in the RARE process. The Forest Service should not be dismissive of the need to do NEPA analysis of the impacts of their activities on uninventoried roadless. The Forest Service should not rely on the arbitrary roadless boundaries drawn as part of RARE. To fulfill your NEPA obligation, you must look at the ecological limits of roadlessness.

Low impact restoration activities including but not limited to prescribed burning, mowing, precommercial thinning, fire rehab, and soil rehab, may be appropriate in roadless areas as long as they will be substantially unnoticeable to the casual observer and leave the area suitable for future wilderness designation. The NEPA document should describe the roadless area, the roadless values represented, and the need for, and impacts of, the proposed restoration activities.

The EA does not adequately disclose impacts of salvage logging on Unsuitable Soils and Reforestation

NEDC and ONRC are very concerned with the Winter Salvage Project's effect on soil and forest regeneration. First, the EA violates NEPA because the soil analysis does not adequately and clearly explain the effects of the project. 42 U.S.C. § 4332(C)(i); Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1151 (9th Cir. 1998). Second, the project violates NFMA's prohibition of logging on lands deemed unsuitable for timber production due to poor soil conditions. 16 U.S.C. § 1604(g)(3)(E)(ii). Third, the LRMP's analysis of soil conditions in the project area contradict, or at least call into questions, the agency's determination that this project will have insignificant effects on soil conditions.

First, the EA does not make the impacts to soil conditions clear. The Forest Service notes that 1,200 acres of water repellant soils burned with high severity during the Winter Fire. Winter EA, 75. Erosion increases in high severity burn areas that have water repellant soils. Id. The EA does not identify which soil map units (MU) contain the severely burned, water repellant soil, instead the EA tersely concludes that "the use of ground-based or helicopter logging systems to salvage harvest fire-killed trees is not likely to significantly

disturb the soil surface." Id. at 83. The soil section does not discuss erosion, or the effect erosion may have on soil resources. The EA discusses erosion in the water quality section, but this section also lacks any discuss of the water-repellant soils or the effects of erosion on the soil resources. Id. at 61.

NEPA requires that the agency analyze and disclose the environmental effects of a project. 42 U.S.C. § 4332(C)(i); see 40 C.F.R. § 1501.4 (an EA should be "a mini-EIS"; an EA must have an adequate analysis of the environmental effects). NEPA's disclosure goals are two-fold: (1) to insure that the agency has carefully and fully contemplated the environmental effects of its action, and (2) "to insure that the public has sufficient information to challenge the agency." Idaho Sporting Congress, 137 F.3d at 1151; Robertson v. Methow Valley Citizens, 490 U.S. 332, 349 (1989). It is not clear whether the agency fully analyzed the effects of erosion from high-severity burn areas, and the agency failed to provide sufficient information for the public to challenge the agency's decision.

Second, the EA shows that 49% of the project area is considered "unsuitable" for timber production under the National Forest Management Act. Under the Preferred Alternative, Alternative 2, 75% of the salvage logging will occur on unsuitable soil. See EA, 91 (2,235 of the 2,997 acres slated for salvage occur on unsuitable sites). The LRMP deemed this area unsuitable because the high rock content in the soil limits tree growth, making prompt restocking unlikely. EA, 88. The Forest Service acknowledges that NFMA "prohibits management of these unsuitable lands as commercial forestland." The agency attempts to justify its decision to log despite the prohibition because "the action to salvage burned timber does not contradict this direction since the salvage action only proposes to remove what has been previously killed by the fire and not manage these lands to a commercial forest standard for the production of timber." Id.

Logging the proposed units, regardless of whether for salvage or for commercial production, clearly violates NFMA. NFMA requires the Secretary to promulgate regulations ensuring that timber will be harvested from National Forests only where: "(i) soil, slope, or other watershed conditions will not be irreversibly damaged; and (ii) there is assurance that such lands can be adequately restocked within five years after harvest." 16 U.S.C. § 1604(g)(3)(E). NFMA's implementing regulations also require that each forest plan identify areas that are not suitable for timber harvest. 36 C.F.R. § 219.28(a)(2); (3). Timber "may not be harvested" from these areas. Id. Neither the regulations nor the Act distinguish between harvest of salvage or commercial timber, both simply prohibit harvest. The agency's attempt to distinguish these two situations lacks supported in the law.

The Fremont Land and Resource Management Plan (LRMP) identifies 10,241 acres as unsuitable because the areas are subject to irreversible damage from timber extraction or are areas that will not restocked in 5 years after harvest. Fremont LRMP, 11. The LRMP notes that suitability of areas for reforestation was an area of special concern during planning and all areas were carefully reviewed by silviculturists and soil scientists. Id. at 9. The areas identified as unsuitable in the EA fall into the inadequate restocking category. The NFMA regulations prohibit logging in physically unsuitable areas identified in the LRMP. 36 C.F.R. §

219.28(a). Moreover, because the proposed project violates Forest Plan standards, the project also violates NFMA's requirement that site-specific project remain consistent with area forest plans. 16 U.S.C § 1604(i); 36 C.F.R. § 219.10(e).

In the agency's response to NEDC's comments regarding unsuitability, the agency claims the Forest Plan FEIS considered and anticipated that salvage logging would occur on unsuitable lands. Appendix E, 14. Although the Forest Service's response is very unclear, and the FEIS is not available online to verify the response, the agency claims that the lands were identified as unsuitable because timber production was not an economical use of the land. Id. This clearly contradicts the EA's statement that the rocky soil creates conditions unsuitable for regrowth, as well as the LRMP's prohibition on logging due to restocking concerns. EA, 88; Fremont LRMP, 11.

The agency goes on to note that the Forest Plan FEIS expressly proposed to permit salvage harvest on Management Area 5 lands, lands designated for timber production. Appendix E, 14. Appellants do not understand this response, as salvage logging on lands managed for timber production and salvage logging on unsuitable lands implicate two sets of very different activities, environmental effects, and LRMP standards. This lack of clarity violates NEPA because the EA does not provide the public with enough information to challenge the agency's decision. Idaho Sporting Congress, 137 F.3d at 1151. It is unclear whether the proposal complies with NFMA because the agency's explanation is vague and confusing. At the very least, the Forest Service must issue supplemental environmental documentation to clarify the agency's intent and the effects of its proposed action.

Furthermore, if the LRMP does permit salvage logging on unsuitable lands, the LRMP itself violates NFMA's implementing regulations. The regulations clearly state that timber harvest may not be permitted on lands where soil conditions are unsuitable. 36 C.F.R. § 219.28(a). NFMA requires that both forest plans and site-specific actions comply with the Act. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.10(e).

LRMP page 103 requires that the Forest Service retain "whatever level [of dead trees] naturally occurs" in unsuitable areas (MA 16), therefore the Forest Service cannot remove any large snags in unsuitable areas and must retain all medium and large trees and snags in ordero to conserve site productivity.

Third, the agency's response to ONRC's comment that logging on unsuitable soils will slow regeneration show an apparent conflict between the EA's soil analysis and the soil analysis prepared for the LRMP. In the response to comments, the agency claims that "logging will not occur on unsuitable soils." Appendix E, 23. The agency explains that it conducted site-specific investigations to ensure harvest activities will not occur on unsuitable soil. The agency does not seem to realize that its site specific investigations conflict with the findings in the LRMP. The lands at issue were designated as unsuitable for timber production because the soil's rocky condition will slow regeneration. EA, 88. Under the Preferred Alternative, 75% of the logging will occur on this unsuitable timber land. Id. at 91. Logging will clearly occur on unsuitable soils. The agency claims that its soil analysis showed that slope conditions are appropriate for ground-based

logging, but slope conditions are irrelevant to whether the soil is capable of regrowing vegetation once salvage logging is complete, which was the concern that led to the land's classification in the LRMP in 1990. Appendix E, 23. The LRMP's explicit finding that the soil is unsuitable for timber production contradicts and calls into question the EA's determination that soil can sustain logging.

The agency identifies a survey by independent ecologist Richard Hart showing that logging will cause low or insignificant soil disturbance and transport. Recent, site-specific investigations do not provide the agency license to violate the LRMP. 16 U.S.C. § 1604(i). Indeed, the LRMP explicitly discusses the careful soils analysis that the agency conducted in 1990 that led to the determination of what lands are unsuitable for timber production. Fremont LRMP, 9. If the conclusions in the LRMP regarding soil productivity are no longer valid, then the forest service is required to amend the forest plan according to the provisions outlined in NFMA and NEPA. 36 C.F.R. §§ 219.10(f), 219.6.

The Forest Service response to comments on the issue of unsuitable soil are limited to impacts on soil compaction and detrimental soil disturbance. The response to comments completely ignores the fact that salvage logging will directly and adversely affect forest regeneration (another important aspect of soil unsuitability) by causing loss of soil nutrients, loss of shade, increase in wind and drying influences. Studies on nearby Winema National Forest show that salvage logging reduces the growth and survival of seedlings. The Forest Service violates NEPA by failing to adequately address these issues.

Salvage logging will make a bad situation worse for big game and exacerbate violations of LRMP Standards & Guidelines for big game cover.

Fire kills vegetation and dramatically changes forage and cover quality for big game. Big game have also lived with fire for millennia, but salvage logging is a new and unnatural phenomena. Deer are known to use areas affected by fire.

Extensive salvage logging is proposed in an area set-aside for big game winter range. Both elk and deer use this area. The deer herd is well-below ODFW management objectives. The Fremont LRMP established Standards & Guidelines for cover values and timber management must emphasize "maintenance of cover." (LRMP p 133)

Although fire may have reduced big game habitat, salvage logging will make a bad situation worse by reducing cover and delaying recovery of vegetation species that are favorable for foraging and hiding cover. Grifantini (1990 and 1991) cited in McIver, James D.; Starr, Lynn, tech. eds. 2000. Environmental effects of postfire logging: literature review and annotated bibliography. Gen. Tech. Rep. PNW-GTR-486. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 72 p. http://www.fs.fed.us/pnw/pubs/gtr486.pdf

The NEPA analysis fails to clearly address the ways that salvage logging will affect big game and compliance with applicable Standards & Guidelines.

The EA states that mule deer cover requirements are not being met, but then proposes to remove through salvage logging much of what little cover remains in the form of snags and dying trees. The EA states clearly that snags provide some hiding cover (e.g. EA page 35). To remove this cover will violate the forest plan.

The response to comments about this issue say that "cover limited areas would not change." This is false. Cover-limited areas will become even more cover limited and recover from this condition more slowly de to salvage logging. The Environmental Assessment failed to address these facts.

The Winter fire salvage project will also leave the area in violation of the mule deer winter range road density targets.

By salvage logging on such a large scale in an area specifically designated in the forest plan for mule deer range, the Forest Service is essentially saying that that the giant virtual clearcuts that result from salvage logging provide the same quality of deer cover as the unsalvaged burned forest that retains some cover quality from dead and dying trees. This is unsupported by both common sense and the scientific literature.

To the extent that the big game habitat models used by the Forest Service fail to reveal that salvage logging reduces big game cover values, the models are inadequate to support a non-arbitrary NEPA decision that must be based on high-quality information. (40 CFR § 1500.1(b)).

The EA should have considered mule deer cover needs in its design of snag retention areas. This was raised during scoping but ignored. The EA used woodpeckers as the primary species of concern for snags, but ignored mule deer needs in violation of the forest plan.

The analysis of mule deer impacts on page 39 fails to analyze whether salvage will comply with forest plan Standards & Guidelines for mule deer. The analysis also fails to compare the action alternatives to no action.

The Fremont LRMP Standards & Guidelines for MA-1 (Mule deer range) (require that "silvicultural prescriptions will emphasize maintenance of cover . . ." (Fremont LRMP page 133). Much of what little cover exist is snags so the Forest Service must emphasize retaining snags.

The EA has several conflicting references to mule deer, some saying that snags provide some hiding cover and other references that say that the burned forest does not provide cover. An EIS is needed to clarify and resolve these inconsistencies.

Snag requirements violated when the few retained snags fall down- The EA acknowledges that it will be difficult to meet LRMP snag retention requirements in the long-term, but the response to comments

leaps to an unsubstantiated conclusion that the best way to meet future snag needs is to remove most of the dense snag patches and replant new seedlings.

One of the most significant impacts of salvage logging that the EA does not address is the so-called "snag gap" - the time period after many of the snags created by the fire have fallen and before the next stand begin recruiting new large snags. Certainly there is a very high number of snags today, and for the next couple decades, but after these snags fall (or are removed by salvage logging) there is a serious deficit in snag habitat. This is important because we know that scores of species are associate with snags, everything from bears, pine marten, fisher, and owls, to woodpeckers, bats and bluebirds. And we know that dead wood provides many other critical ecosystem functions other than wildlife habitat. See Rose, C.L., Marcot, B.G., Mellen, T.K., Ohmann, J.L., Waddell, K.L., Lindely, D.L., and B. Schrieber. 2001. Decaying Wood in Pacific Northwest Forests: Concepts and Tools for Habitat Management, Chapter 24 in Wildlife-Habitat Relationships in Oregon and Washington (Johnson, D. H. and T. A. O'Neil. OSU Press. 2001)

a. In order for the EA to fully address the snag habitat issue it must look carefully at the snag gap from both ends.

> i. The snag gap begins when too many of the current snags are gone. So the snag gap is exacerbated on the front end by salvage logging which removes too many large snags.
> ii. The snag gaps ends when the next stand grows to the point that it contains large trees and some of them die, so the snag gap is exacerbated on the back end if there is a significant delay in tree regeneration.

b. The Forest Service has a tendency to focus on the back end of the snag gap which is more speculative and ignore the effect of salvage logging on the front end of the snag gap (which is concrete and unavoidable).
c. The Standards & Guidelines for the Fremont National Forest (LRMP pages 103-104) requires that the required snag densities be met during "each successional stage" and "retained through the full rotation."
d. Salvage logging which retains only enough snags to meet snag requirements after harvest will not meet snag requirements in a few years after those few retained snags fall.
e. The EA failed to account for snag fall rates, snag recruitment rates, and figure out how to minimize the snag gap. Every day that the "snag gap" is lengthened by salvage logging is a de facto violation of the LRMP.
f. There is a strong correlation between the size of the snag and the length of time it is likely to remain standing, so salvage must be designed to retain all the large snag and only remove trees from smaller size classes.
g. The Winter Fire Salvage EA not only fails to conduct this clear analysis. No one can tell from reading the EA how many snags will in fact be retained. Knowing the importance of the snag issue, this is a serious NEPA violation.

The proposed salvage plan will retain a few snags per acre for cavity nesting species in an effort to provide 100% of the population potential for cavity nesting birds, but the forest plan snag requirements will only be met for a decade or two until many of the snags fall. The more and larger snags retained the longer the forest plan standards will be met. The proposed action will knowingly lead to a future where the snag standards are not met. The EA clearly states that the no action alternative will meet forest plan snag requirements for a longer time period (EA page 37).

The EA also double counts retained snags by counting snags left inside the RHCAs towards it harvest unit retention goals. This is inappropriate. The forest plan (page 103) requires that snags be provided "within the harvest units." The RHCAs are a different land allocation and cannot be used to help meets goals in the other land allocations.

The EA also fails to say how snags in helicopter units will be retained given the likely need to cut virtually all snags for safety reasons.

Outdated snag retention standards overestimate habitat capability

The Forest Service uses the "potential population" method to determine how many snags to retain but in the 14 years since the Fremont LRMP was approved new science has discredited this methodology (as described below). The Forest Service is obligated to revise its LRMP to account for the full ecosystem role played by snags and dead wood.

The traditional snag habitat model used by the agency based on THOMAS, J. W., TECHNICAL EDITOR. 1979. Wildlife habitats in managed forests-the Blue Mountains of Oregon and Washington. U.S. Dep. Agric. Agric. Handb. No. 553. 512pp; CLINE, S. P., A. B. BERG, AND H. M. WIGHT. 1980. Snag characteristics and dynamics in Douglas-fir forests, western Oregon. J. Wildl. Manage. 44:773786; NEITRO, W. A., V. W. BINKLEY, S. P. CLINE, R. W. MANNAN, B. G. MARCOT, D. TAYLOR, AND F. F. WAGNER. 1985. Snags. Pages 129-169 in E. R. Brown, tech. ed. Management of wildlife and fish habitats in forests of western Oregon and Washington. U.S. Dep. Agric. For. Serv. Publ. R6F& WL-192-1985 vastly overestimates habitat capability because it fails to consider important factors such as:

1. 1. the model does not explicitly consider snag height so some snags may be too short for some species;
2. 2. rates of snag fall rates over time;
3. 3. snag recruitment rates over time;
4. 4. use of space by each species;
5. 5. the need for roosting structures as well as nesting structures;
6. 6. recent data on species needs from the Cascades and Blue Mountains has not been incorporated into the model

7. 7. Numbers and sizes (dbh) of snags used and selected by secondary cavity-nesters often exceed those of primary cavity excavators.
8. 8. the fact that snags should be retained in clumps AND dispersed to meet various species needs and ecological functions.

Ohmann, McComb, & Zumrawi; SNAG ABUNDANCE FOR PRIMARY CAVITY-NESTING BIRDS ON NONFEDERAL FOREST LANDS IN OREGON AND WASHINGTON; Wildl. Soc. Bull. 22:607-620, 1994 http://www.fs.fed.us/pnw/pubs/journals/ohmann-snagabundance.pdf; Rose, C.L., Marcot, B.G., Mellen, T.K., Ohmann, J.L., Waddell, K.L., Lindely, D.L., and B. Schrieber. 2001. Decaying Wood in Pacific Northwest Forests: Concepts and Tools for Habitat Management, Chapter 24 in Wildlife-Habitat Relationships in Oregon and Washington (Johnson, D. H. and T. A. O'Neil. OSU Press. 2001) http://www.nwhi.org/nhi/whrow/chapter24cwb.pdf Schulz, Joyce, Terri T., Linda A. A spatial application of a marten habitat model. 1992, Wildl Soc. Bulletin 20:74-83.

The agency's analysis of snag retention and habitat for cavity dependent species is faulty at both a programmatic level and at a project level. The agency must defer any decision on this project until it reviews all the available new information and amends its management plan standards to provide adequate snags for wildlife and all other ecosystem functions.

New information on Pileated Woodpeckers indicates Standards & Guidelines are Inadequate.

Pileated woodpeckers play a unique role in the forest ecosystem

a. They excavate cavities in trees that are later used by numerous other species not just for nesting, but also for roosting and foraging.
b. Their excavations accelerate wood decomposition, nutrient cycling, and fungi dispesal. Kerry L. Farris, Martin J. Huss And Steve Zack. The Role Of Foraging Woodpeckers In The Decomposition Of Ponderosa Pine Snags. The Condor 106:50-59. The Cooper Ornithological Society 2004. http://www.sabp.net/woodpeckers&spores.pdf
c. The pileated woodpecker's ability to excavate large cavities in relatively sound trees that are in the early stages of heart wood decay, means that the resulting cavity trees may provide uniquely long-lasting habitat.
d. The combined foraging activities of pileated woodpeckers and all the species they assist tend to mediate insect outbreaks.

The NEPA analysis failed to consider significant new information on pileated woodpeckers indicating that Pileated woodpeckers need more and larger roosting trees than nesting trees. They may use only one nesting tree in a year, they may use 7 ore more roosting trees.

Determining pileated woodpeckers population potential based on nesting sites alone will not provide adequate habitat for viable populations of this species. This new information is not recognized in current management requirements at the plan or project level. The EA failed to address this new scientific information. See Science Findings Issue 57 (October 2003) Coming home to roost: the pileated woodpecker as ecosystem engineer, by Keith Aubry, and Catherine Raley http://www.fs.fed.us/pnw/sciencef/scifi57.pdf

Erosion modeling does not meet the standards of NEPA and could not fulfill cumulative effects mandate.

The Soil Erosion Modeling used by the Forest Service has serious problems. The EA does not disclose that the "disturbed WEPP" model is "Very preliminary documentation." (according to the model's documentation on the web). It is arbitrary and capricious to use such a crude model as the basis for an decision whether to log 3,000 acres of native forest.

Another HUGE problem with the model is that the model only accepts only "treatment" per "slope." Which means that logging can be modeled or fire, but not both. This project could involve many disturbances (the fire, fire suppression, salvage logging, activity fuel reduction, site prep, planting, control of competing vegetation, etc) and these effects must be "cumulated" but the model couldn't do it. The results of the WEPP modeling are therefore crude underestimates.

The "disturbed" WEPP model cannot accommodate multiple disturbances per slope (i.e. the fire + BAER activities + salvage logging + activity fuel treatment + planting). NEPA requires high quality data and analysis (40 CFR § 1500.1(b)), but the WEPP model does not meet this standard.

The WEPP documentation on the web says that the model assumes that trees either are 5 years old or 20 years old. The model apparently fails to account for immediate post-fire situations such as this logging project?

Sincerely,

/s/	/s/
Doug Heiken Oregon Natural Resources Council	for Sarah Uhlemann NEDC

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Lakeview, OR 97630
(541) 947-3334

Paisley Ranger District
303 Highway 31

Paisley, OR 97636
(541) 943-3114

Silver Lake Ranger District
65600 Highway 31
Silver Lake, OR 97638
(541) 576-2107

Employment

Contact Us