



"Doug Heiken"  
<[dh@oregonwild.org](mailto:dh@oregonwild.org)>  
Sent by:  
dh.oregonwild@gmail.com

To orwopr@or.blm.gov

cc

bcc

01/11/2008 11:59 PM

Subject Re: Oregon Wild comments on the WOPR DEIS

The map at the followign URL shows timber harvest on all ownerships within the range of the northern spotted owl over the last 30 years. Please add the file at the following link to the record and consider it in the cumulative impacts analysis. It's a very large graphic file.

[http://www.oregonwild.org/oregon\\_forests/map-gallery-1/NWFP\\_cuts72-02.jpg](http://www.oregonwild.org/oregon_forests/map-gallery-1/NWFP_cuts72-02.jpg)

Thanks,

Doug Heiken  
Oregon Wild

On Jan 10, 2008 5:12 PM, Doug Heiken <[dh@oregonwild.org](mailto:dh@oregonwild.org)> wrote:

BLM WOPR Team:

Please find attached Oregon Wild's comments (and supporting materials) on the Western Oregon Plan Revision DEIS.

Note: Earlier this week we also U.S. mailed to BLM's Oregon State Office a CD of supplementary documents that should be included in the administrative record and we sent a follow-up email this earlier afternoon with a few additional documents for the record.

Please let me know if you have any problems with these documents.

A summary of our concerns are pasted below.

Sincerely,

**[Doug Heiken](#)**

Conservation and Restoration Coordinator

**[Oregon Wild](#)** *formerly Oregon Natural Resources Council (ONRC)*

Protecting Oregon's wildlands, wildlife and waters since 1974.

PO Box 11648 | Eugene OR 97440

541-344-0675

### **Summary of Key Flaws in the WOPR DEIS.**

1. The WOPR would not meet the stated reasons for the preferred alternative. Alt 2 would set back recovery of threatened species relative to the Northwest Forest Plan (especially spotted owl, murrelet, and salmon). Alt 2 would degrade and retard recovery of water quality relative to the Northwest Forest Plan. Alt 2 would increase fire hazard relative to the Northwest Forest Plan. Alt 2 would provide inadequate recreational facilities and cause crowding in recreational areas. Alt 2 threatens the economic stability of local communities by: recoupling counties to the boom-bust timber industry, by increasing local

communities dependence on a volatile and declining industry, and by reducing the quality of life that helps sustain and grow a more healthy and diverse economy. The Northwest Forest Plan clearly meets the stated goals of the WOPR better than Alt 2.

2. The EIS has yet to describe and consider the cumulative/compound/synergistic impacts caused by all management activities on BLM lands (logging, roads, mining, grazing, OHVs, weeds), within the context of all activities on non-federal lands, as affected by disturbances such as fire and extreme weather, and under the influence of global climate change. BLM still needs to consider how these cumulative influences will affect each resource of concern both on BLM lands and throughout their range.

3. BLM still must consider how much additional spotted owl habitat needs to be protected on BLM lands in order to compensate for suitable habitat occupied and defended by barred owls. BLM needs a reliable strategy to assure well-distributed blocks of habitat where viable clusters of spotted owls can co-exist with barred owls, and move across the landscape between the blocks. Since barred owls render some of the large blocks unavailable to spotted owls, BLM must provide extra habitat in order to achieve the objective of "*n*" pairs (to ensure viable clusters, *n* maybe 30-40 pairs according to Noon and McKelvey (1996). If some of the stepping stones used for dispersal are rendered unavailable to spotted owls, then more stepping stone need to be provided for dispersal.

4. BLM still needs to disclose the effects of its management on *populations* of wildlife instead of just *habitat* effects. Populations and habitat are inter-related and must both be discussed, not just one or the other. For instance, sometimes habitat and populations are partially decoupled due to the effects of fragmentation, habitat bottlenecks, and species interactions.

5. BLM has yet to explain how they can dramatically increase highly controversial old-growth logging without compromising social and economic stability. Old-growth logging has in the past generated lawsuits and civil protests. The WOPR calls for clearcutting virtually all stands 200 years and older in the timber management areas. Logging these stands would be highly controversial. One of the main reasons the BLM has not been successful under the Northwest Forest Plan is because the Northwest Forest Plan leaves approximately one million acres of old forests unprotected and virtually every proposed old-growth timber sale brings conflict and controversy. The EIS needs to disclose that conflict generated by old-growth logging detract from community stability.

6. BLM failed to consider reasonable alternatives that would actually meet the objectives of all the governing laws while having a reasonable chance of public acceptance and successful implementation. BLM must conserve and restore more mature and old-growth forests in order to achieve climate stability, permanent forest production, watershed protection, regulating water flow, recovery of imperiled species, meeting water quality standards and attainment of beneficial uses of water, avoiding the need to list additional species, avoiding emissions of air pollutants such as CO<sub>2</sub>, etc.

7. The DEIS would allocate only 8% of BLM lands in the west Cascades province to protected status (LSMAs). There is a high concentration of municipal drinking watersheds in the West Cascades serving among others, Salem, Albany, Eugene, Roseburg, and suburbs of Portland. BLM's overly optimistic water quality analysis notwithstanding, the EIS fails to recognize that this high concentration of timber management allocations would sacrifice drinking water quality, because (a) extreme weather events *will* happen, especially under climate change, (b) landslide risk will increase with logging because areas prone to

landslides will not be reliably identified or protected, and (c) the WOPR gives too much discretion to managers and overly aggressive timber targets so BLM managers will be compelled to log and build roads in inappropriate places.

8. THE DEIS has not considered the full suite of ways in which water can be polluted by BLM activities. The EIS for instance:

- ignores sediment input from increased road use by heavy logging trucks and other support vehicles;
- ignores surface and subsurface erosion caused by rutting and gouging the soil during logging and yarding;
- ignores pollution caused by OHVs that seem to enjoy disturbing soil in both authorized and unauthorized locations;
- ignores the chronic sediment inputs from poorly maintained roads;
- ignores cumulative impacts from non-federal activities;
- Nor can the BLM assume that all livestock grazing near streams will be implemented with the precision and rigor required to avoid water quality impacts.

9. BLM has yet to address the effects of climate change on forests, fish, wildlife, water, etc; BLM has yet to acknowledge that BLM's past policies of old-growth liquidation contributed significantly to past carbon emissions; and most importantly BLM has yet to consider their essential role in reducing and mitigating future climate change by adopting policies to restore and conserve large carbon reservoirs in the form of mature and old-growth forests.

10. BLM has yet to acknowledge that limiting climate change is essential to meeting BLM's responsibilities under the ESA, CWA, and O&C Act. Permanent forest production, regulating water flow, watershed protection, and community economic stability are directly threatened by climate change and BLM must do everything it can to help limit emissions in order to meet O&C Act objectives.

11. BLM needs to stop rewriting history. Past analyses show the WOPR strategy to be highly risky and implausible. BLM must acknowledge and rationally address past conclusions that ...

- Ecosystem management is preferable to single-resource management. Ecosystem management takes advantage of synergies such as, aquatic benefits of large late successional reserves, and terrestrial benefits from wide riparian reserves.
- Ecosystem management that restores ecosystem processes and functions and is consistent with the natural range of variability is most likely to assure a continuing flow of ecosystem services that are essential for meeting legal obligations under the ESA, CWA, and O&C Act.[\[1\]](#)
- Small, fragmented, widely-spaced reserves would not restore a functional interconnected late successional forest ecosystem which is necessary to recover threatened species and prevent the listing of additional species;
- Small stream buffers are inadequate to meet aquatic objectives. FEMAT Option 7 is similar to WOPR Alt 2, and the 1994 FSEIS concluded that Alt 7 would not meet objectives for aquatic species and the Clean Water Act.
- BLM lands are essential to the overall conservation scheme of the Northwest Forest Plan because, among other things, BLM lands help provide well-distributed habitat, BLM lands increase the abundance of older forests that are in very short supply, and BLM lands provide essential habitat connectivity between the Coast Range, Cascades,

- and Klamath Provinces;
- Avoiding ESA listing of new species helps stabilize timber outputs and contributes to the stability of communities and industries. FEMAT concluded that Option 7 (like WOPR Alt 2) would likely NOT adequately conserve mollusks, lichen, fungi, salamanders, salmonids, etc.
- Federal lands were supposed to carry the burden of conservation so that non-federal lands could practice more aggressive forestry. BLM is going back on its promise to help compensate for high levels of disturbance on non-federal lands. BLM has not considered the economic consequences of this significant policy change.
- BLM lands were supposed to provide additional habitat for marbled murrelets and Pacific salmon in order to compensate for adverse ocean conditions (and adverse conditions on non-federal lands).
- Interagency cooperation is essential to successfully achieving the objectives of the Northwest Forest Plan. The Western Oregon Plan Revision threatens even the success of the Forest Service's implementation of the Northwest Forest Plan conservation scheme.
- The Northwest Forest Plan provided the maximum allowable logging levels. For instance, "The design of the preferred alternative [option 9] ... is intend to allow as high a level of sustainable timber supply as possible without risking further curtailments in the timber supply in the future due to the requirements of a myriad of other laws under which the BLM must operate." 1995 Medford RMP.

12. BLM's internal agency reward system leads to unintended consequences.

Unreasonably high timber targets combined with highly discretionary standards and guidelines will lead to abuse of discretion and failure to attain environmental objectives.

13. The action alternatives encourage clearcutting that creates dense young forests that are more susceptible to severe stand-replacing fire which can threaten communities, homes, and habitat. The DEIS fails to account for the increase fire hazard as part of its community economic stability analysis. The Northwest Forest Plan would contribute more to community stability because it would result in the greatest decrease in fire hazard through the growth of fire resilient older forests.

14. BLM ignores that logging is a boom-bust industry that undermines community stability rather than enhancing it. BLM ignores the extent to which forest conservation helps stabilize communities by enhancing quality of life and helping to diversify the economy so communities are less dependent on the inherently volatile timber industry. BLM has yet to consider the economic impacts of shifting the regulatory burden to non-federal lands, and the economic costs of increasing communities' dependence on the inherently boom-bust timber industry.

15. BLM ignores the non-market economic values provided by forest conservation, even when those values directly serve the objectives of the O&C Act: watershed protection, regulating water flow, and community economic stability. Non-market economic values are no less real than those values that are sold in markets, it's just that non-market values are harder to measure and harder to capture in market transactions. The WOPR EIS must recognize that non-market values like clean water, pure air, healthy biosphere, and a stable climate are fundamental to human survival, and more important than money.

16. The O&C Act does not require BLM to ignore non-market values. In fact, the O&C Act's qualification to sell timber only at "reasonable prices on a normal market" are an

implicit acknowledgment that markets can fail and BLM must intervene to account for non-market factors. BLM's NEPA analysis failed to recognize that prices are unreasonable and markets are not normal because current markets and prices do not reflect the true adverse environmental costs of logging mature and old-growth forests in terms of loss of biodiversity, degraded water quality, loss of climate stability, etc. The recent UK Stern Report said that climate change is being caused by the greatest market failure in history because those who conduct activities that emit carbon (such as logging mature and old-growth forests) do not pay the full cost of the global impacts of those emissions.

17. BLM has yet to provide a compelling explanation of how they have harmonized their new timber dominant interpretation of the O&C Act with their equally important legal duties under the Endangered Species Act, Clean Water Act, Federal Land Policy and Management Act, and Clean Air Act. Logging proponents are misconstruing the recent case of Homebuilders v. Defenders (U.S. Supreme Court, June 2007). The Clean Water Act's procedural criteria (at issue in Homebuilders) stand in sharp contrast to the type of discretion that BLM exercises in developing resource management plans. The O&C Act does NOT create non-discretionary mandate to maximize logging. The O&C Act requires BLM to exercise discretion in finding a harmonious way to achieve many objectives: permanent forest protection, recreational facilities, sustained yield watershed protection, regulated water flow, community stability, reasonable prices, normal markets, etc... See Interior Solicitors Opinions dated October 4, 1978, August 27, 1979, and May 14, 1981. In Seattle Audubon Society v. Lyons, 871 F. Supp. 1291 (W.D. Wash. 1994), Judge Dwyer said BLM exercises "broad authority to manage the O&CLA lands: the BLM is steward of these lands, not merely regulator. Management under the O&CLA must look not only to annual timber production but also to protecting watersheds, contributing to economic stability, and providing recreational facilities." *Id.* at 1314. The Secretary of Interior has previously taken the position that managing BLM forests so as to avoid future ESA listings furthers the purposes of the O&C Act to provide predictable timber supply. Furthermore, the Homebuilders precedent could not exempt BLM from other ESA requirements such as sections 9 and 7(a)(1).

18. The EIS has yet to consider the effects of salvage logging in its environmental effects analysis. BLM cannot approve salvage logging (even in the abstract) without fully considering the environmental consequences of that policy. BLM can't just postpone consideration of salvage logging to the project level, because there are significant cumulative effects of salvage logging that must be considered at a programmatic level (e.g., large numbers of species that rely on dead wood and complex young forests, numerous ecological functions and processes that are influenced by the cumulative impacts of all management activities including salvage logging).

19. The DEIS relies on several flawed assumptions:

- BLM incorrectly assumes that all suitable owl habitat is available to spotted owls, which is false because barred owls occupy many areas of suitable habitat. BLM claims ignorance of any influence of habitat management on the competitive relationship between spotted owls and barred owls, when in reality this relationship is well established in ecological theory— increasing habitat area decreases competitive pressures and increases the likelihood of co-existence.
- BLM incorrectly assumes that unstable slopes will be correctly identified and protected 100 percent of the time, when in fact unstable slopes will be misidentified, and

- discretion will be abused resulting in the loss of large wood structure from those areas.
- BLM incorrectly assumes that BMPs will be implemented and effective, when in fact this is often not the case, especially given the fact that their analysis relies on an unattainable set of burdensome BMPs.
- BLM incorrectly assumes that the effects of climate change on water resources are uncertain because precipitation is uncertain, but in fact, scientists are fairly confident that temperature increases (which are virtually certain) will increase evaporative demand and overwhelm any likely increase in precipitation. Even though precipitation may be uncertain, increasing drought stress is highly likely.
- BLM incorrectly assumes that fuel reduction logging is always effective at reducing fire hazard, which is not true because logging creates hazards slash, stimulates the growth of ladder fuels, and makes the stands hotter, dryer, and windier.
- BLM's predictive models are flawed because they do not account for natural disturbances such as fire, or extreme weather events such as big winter storms. BLM assumes these natural events will not occur, while both are in fact predicted to increase under the influence of climate change. BLM is abandoning the Northwest Forest Plan strategy to accommodate natural disturbance through redundancy in the reserve system.

20. BLM has yet to conduct a sensitivity analysis to show which assumptions are most in need of scrutiny. BLM still needs to prepare and disclose a multi-scale analysis that reveals the scales at which different resources are most sensitive to the effects of BLM management and other cumulative impacts.

21. BLM still needs to consider how the WOPR action alternatives will cause trends toward listing for:

- Dispersal limited species;
- Species associated with headwater streams,
- Species associated with dead wood;
- Forest floor associated species;
- Species sensitive to global climate change, e.g., bull trout, western snowy plovers, polar bears, endemic alpine species; and
- Former survey and manage species.

22. BLM must explain why all the bad outcomes for wildlife and water quality described for FEMAT Option 7 would not be manifested by WOPR Alt 2 which is quite similar in design. BLM must review, consider, and disclose the conclusions in the 1994 Northwest Forest Plan FSEIS and Appendix J2 which disclose serious adverse consequences of FEMAT Option 7 (similar to WOPR Alt 2) on water quality, aquatic recovery, as well as numerous species of mollusks, fungi, lichen, salamanders, salmon and trout, and already threatened spotted owls and marbled murrelets, etc.

23. BLM has yet to disclose the effects of BLM management in light of the significant qualitative difference between stands with a few snags and little dead wood, vs. stands with abundant snags and dead wood. The EIS just looks at stands with "some" vs "none." BLM's analysis is insensitive to the significant ecological differences between "some" vs. "abundant."

24. BLM has yet to explain how they can rely on the extensive reserves in the Northwest Forest Plan to justify elimination of the survey and manage program in 2007, while at the same time proceeding to significantly reduce reserves through the WOPR. This is very difficult to reconcile. The WOPR represents significant new information that should lead to

reconsideration of the 2007 survey and manage RODs, or re-adoption of the survey and manage program through the WOPR.

25. The DEIS described several alleged conflicts between the O&C Act sustained yield mandate and FLPMA requirements in the areas of ACECs, wilderness management, visual management, and special status species that are not yet listed under the ESA, but BLM fails to explain why these values cannot be harmonized.

26. The proposal to change management adjacent to the Coquille Tribal Forest is an unacceptable attempt to undermine Congressional intent to maintain consistency between the Coquille Forest and federal forest management policy and to provide a floor below which Coquille forest management would not fall. The WOPR would create a new lower floor allowing the Coquille tribe to more aggressively log their lands, and BLM would accept lower standards on our public lands in order to accomplish that.

27. BLM should not allow recovery of beneficial uses of water to be slowed down compared to natural rate of recovery. Retarding recovery violates the anti-degradation policy during the period that water quality standards remain unmet due to the delayed recovery.

28. The EIS must acknowledge that the timber industry has an increasing appetite for wood, but it does not result in an increasing or widely shared economic benefits for the citizens of the state.

29. BLM fails to recognize that economic objectives for the wood products industry are adequately provided on non-federal lands, and the highest and best use of BLM resources is to try to repair the significant landscape scale deficit of mature and old-growth forests and to achieve aquatic restoration. Even if we stopped all logging on BLM land, there would still be lots of timber harvest on non-federal land, and there would still be a large deficit of mature and old-growth forest in 100 years. Degraded natural systems are far more in need of BLM's attention, rather than the timber industry, which already controls more than half of the productive capacity of Oregon's forests.

30. The EIS admits that increased logging on BLM land would cause log prices to fall BLM must disclose and consider the social harms caused by falling log prices. Wood is already far too cheap because prices do not account for the carbon value of forests. This price imperfection causes wood to be over-produced and causes under-production of the ecosystem services that flow from protected forests.

31. The EIS assumes that Congress will never reauthorize county payments legislation to provide popular county services like schools and libraries, while on the other had the EIS assumes that Congress will approve a 60% increase in BLM's budget to facilitate a controversial program of old-growth logging. These assumptions are not only inconsistent but unjustified.

32. The fire and fuels analysis must recognize that many if not most fuel reduction logging activities are actually counter-productive and will make fire hazard worse instead of better. PNW Research Station "Science Findings" reports that "[R]equiring landscape treatments to earn a profit negatively impacted both habitat and fire objectives."

<http://www.fs.fed.us/pnw/science/scifi85.pdf> Removal of canopy trees causes fire hazard to increase because larger trees create more slash; and because removing canopy trees makes stands hotter, dryer, and windier. Canopy removal also makes more light, water, and nutrients available to grow future ladder fuels. The EIS must consider that logging, even well-intentioned logging, makes fire hazard worse.

33. The EIS needs to recognize that there are opposing viewpoints to the idea that "time since fire" causes fir hazard to increase. In some forest types, such as SW Oregon, long periods between fires helps to grown dense canopies that suppress ladder fuels, absorb heat from the advancing fire, and can increase stand resilience. This implies that less canopy removal is better if the goals include permanent forest production, community stability, watershed recovery, regulating water flow, and species recovery.

34. In several cases USFWS and NMFS relied on the Northwest Forest Plan to decide either not list a species or exclude areas from critical habitat, including decisions not to list the northern goshawk, Lower Columbia River/SW Washington ESU of coastal cutthroat, and Siskiyou Mountains and Scott Bar Salamanders, as well as a decisions to exclude basically all federal lands from critical habitat for Bull Trout and the marbled murrelet. These and other decisions will need to be reconsidered.

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[1] The Secretary of Interior insists that the ecosystem approach is best. "The purpose of this cooperative policy is to promote healthy ecosystems through activities undertaken by the Services under authority of the Endangered Species Act of 1973 (Act), ... in the following manner: ... B. Interagency Cooperation — (1) Develop cooperative approaches to threatened and endangered species conservation that restore, reconstruct, or rehabilitate the structure, distribution, connectivity and function upon which those listed species depend. C. Recovery — ... (2) Develop and implement recovery plans for threatened and endangered species in a manner that restores, reconstructs, or rehabilitates the structure, distribution, connectivity and function upon which those listed species depend. In particular, these recovery plans shall be developed and implemented in a manner that conserves the biotic diversity (including the conservation of candidate species, other rare species that may not be listed, unique biotic communities, etc.) of the ecosystems upon which the listed species depend. ... D. Cooperative Efforts — (1) Use the authorities of the Act to develop clear, consistent policies that integrate the mandates of Federal, State, Tribal, and local governments to prevent species endangerment by protecting, conserving, restoring, or rehabilitating ecosystems that are important for conservation of biodiversity. ... (4) Integrate ecosystem-based goals of the Endangered Species Act with existing mandates under other environmental laws, such as the National Environmental Policy Act, Clean Water Act, Clean Air Act, Marine Mammal Protection Act, Magnuson Fishery Conservation and Management Act, and Fish and Wildlife Coordination Act." USFWS, NMFS. 1994. **Notice of Interagency Cooperative Policy for the Ecosystem Approach to the Endangered Species Act.** *Federal Register* for Friday, July 1, 1994.

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Doug Heiken  
Conservation and Restoration Coordinator  
Oregon Wild, formerly Oregon Natural Resources Council (ONRC)  
Protecting Oregon's wildlands, wildlife and waters since 1974.  
PO Box 11648 | Eugene OR 97440  
541-344-0675  
[dh@oregonwild.org](mailto:dh@oregonwild.org)

# PNW Clear Cuts 1972-2002

While this map shows numerous clear cuts, a substantial amount of clear cutting had already occurred by 1972 in much of Oregon and Washington. The GIS data for clear cuts on this map is based on data from the PNW Research Station.



## Legend

- National Forest
- BLM
- Rivers
- Roads

- County Lines
- NWFP Boundary

## Year of Clear-Cut

### Disturbance

- Cut 00-02
- Cut 72-77
- Cut 72-77, Fire 00-02
- Cut 72-77, Fire 92(91)-9
- Cut 77-84
- Cut 77-84, Fire 00-02
- Cut 77-84, Fire 92(91)-9
- Cut 84-88
- Cut 84-88, Fire 00-02
- Cut 88-92(91)
- Cut 92(91)-96(95)
- Cut 96(95)-00
- Water



OREGON WILD

0 15 30 60 Miles

