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Please consider these comments from Cascadia Wildlands and Klamath Siskiyou Wildlands Center when making a decision on the Wagon Road Pilot Project Environmental Assessment.

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This project includes:

- * Regeneration Harvest on 121 acres in Matrix,
- * Density Management on 5 acres in Riparian Reserves to enhance *Xerophyllum tenax*
- * Hardwood Conversion in 9 acres of a Marbled Murrelet buffer.
- * Broadcast Burning in Riparian Reserves, requiring a 3' wide fire trail scraped to mineral soil to within 45 feet of the stream.
- * 1.1 miles of new road building. Roads will be gated after project.
- * 0 miles of existing road decommissioning.
- * Use of 320 lbs. of nitrogen fertilizer and 400 lbs. of phosphoric acid on disturbed soils.
- * 21 acres of ground-based logging, including .5 acres inside riparian reserves.
- * Replanting with 200 trees per acre in matrix, and 435 TPA in hardwood conversion.
- * Incidentally takes two adult spotted owls and 1.5 juvenile spotted owls.¹

1. Purpose and Need

The EA states that one of the “needs” for this project is to “break existing administrative and legal **gridlock** in order to move forward with ecosystem restoration”.² The EA failed to define gridlock or identify where it is taking place. The data does not support the notion of “gridlock”. In fact, we have found that over the past 5 years the Coos Bay BLM has advertised almost 150% of their target volume annually under the Northwest Forest Plan³, and successfully sold most of that.

NEPA documents must be accurate, but the “gridlock” assertion appears to be baseless. NEPA requires that the EA be clear, without unsubstantiated innuendos and inflammatory claims.

Another “need” for this project is to address the “**lack of quality early-successional habitat** across all ownerships”.⁴ The EA failed to adequately document this need also. Private industrial forestland in the checkerboard, and immediately adjacent to this project, have been recently clearcut, or are in an early-seral stage. The EA argues that this early-seral habit is not good enough for early-seral dependent species because these clearcuts:

“...are densely reforested to truncate the length of early-succession and often involve the use of herbicides to limit competition of brush with desired tree species (Swanson et al. 2010). Spies et al. (2007) modeled 100 years into the future to determine what the Oregon coast landscape would look like under all current forest management policies. Industrial forest management is expected to “intensify over time, decreasing the period required for plantations to reach canopy closure, increasing the uniformity of plantations and decreasing the occurrence of remnant trees in the open, early-

¹ Wagon Road Biological Opinion. page 54.

² Wagon Road EA page 3.

³ Between 2007 and 2010, the Coos Bay BLM offered 159 mmbf, sold 152 mmbf, which is about 147% of the annual 28-mmbf target volume. For 2011 sales, see <http://www.blm.gov/or/districts/coosbay/timbersales/index.php?display=2011>

⁴ Wagon Road EA. page 4.

successional stage.” This would result in the decline of overall ecological diversity associated with early-successional forest types.”⁵

However, the referenced studies, Swanson and Spies, never did any surveys on industrial forest clearcuts to see what wildlife they do or do not provide for. The claim that this project is needed to provide for early-seral dependent species, because other clearcuts do not, is without basis. The EA should have cited some study with some wildlife surveys in older clearcuts.

In fact, industrial style clearcuts all go through a dense brush phase in the coast range. It occurs several years after the herbicides are sprayed and before the canopy closes. While it is not 20-30 years, there is *so* much clearcutting on private industrial forest land, with such short rotations, that there are a large number of acres in the heavy-brush stage at any one time. One only has to look at the private land clearcut that adjoins the project area to the south for a good example of this. The EA failed to consider this existing early-seral habitat in the “need” for this project.

The scoping notice stated:

“The structure and composition of early successional stages are important to perpetuating species populations at the local scale, thereby enabling reestablishment of species into the regenerated forest and promoting the sustainability of current ecosystem dynamics while providing timber harvest opportunities.”⁶

Our scoping comments asked for the EA to identify what “structure and composition” is needed and what specific wildlife species is “important to perpetuate” that is not sustained on the adjoining industrial clearcuts. For instance, the industrial clearcut just south of section 17 has tall salmonberry, elderberry, hazelnut, rhododendron, and other early-seral brush species. To measure the ultimate success of a “pilot project”, it is necessary to identify specific species, structure and composition that the project is intended to perpetuate.

The Purpose and Need statement in the EA was not clear and did not list any native wildlife needing early-seral habitat. It is important for this need to be established because without it, it is unclear what this pilot project is piloting. The need for more mature forests for wildlife is well established. Since this is a 70-year-old forest that already provides some NRF habitat, it was explicitly designated in 1992 as critical habitat for the northern spotted owl. The EA failed to establish why it was needed as critical habitat for the NSO in 1992, but now there is no need to let it become an older forest.

The BLM likes to point to the **LSRs, claiming that is all that is needed by wildlife dependent on older forests.** However, when the LSRs were established in 1994, the extent of the barred owl impacts on the northern spotted owl were not known. Now we know that LSRs are not adequate to provide for both owls. Even the Northern Owl Recovery Plan requires older forests to be protected in the matrix. This forest is one of

⁵ Wagon Road EA. page 4.

⁶ Wagon Road Pilot scoping notice. Coos Bay BLM. 5-18-11.

the closest forests the BLM has to becoming superior NRF habitat for owls, and nesting habitat for murrelets in the near future.

Another problem is the claim that existing LSRs provide for old growth species, therefore mature forests in the matrix can be clearcut. However, almost half of the near-by LSRs are old clearcuts -- young tree plantations. There are thousands of acres of these plantations in the adjoining Late Successional Reserve that are younger than this stand, and will not reach NSO nesting habitat as quickly as this stand will under the no-action alternative. Therefore, the EA should have considered whether these matrix stands are also important to the recovery of the spotted owl and marbled murrelet. Section 17 is either close to, or is providing a large block of the best nesting habitat on the landscape, closer than young plantations in the LSR. The EA failed to consider this important contribution to spotted owl and murrelet habitat in the no-action alternative.

The “need” to provide early-seral habitat implies the need to replace fire-damaged stands that were salvage logged. This type of early-seral habitat with structure is indeed rare on the landscape because of BLM’s salvage logging. But this project will not replace what is missing. This project will not provide large decayed trees and snags to any significant volume. In fact, it will reduce habitat down to just enough to protect 40%⁷ of the cavity nesters. There isn’t even an alternative that considered providing for 80% of cavity nesters, or 100%, or 200%, as in a post-fire stand.

The EA failed to describe what else this project would provide for. Since the project will remove 60% of cavity nesting habitat, there must be some other early-seral structure, other than snags, that this project will promote. But what is it? The EA never tells us what early-seral plant species will be promoted and for what wildlife species. It appears that if the entire logged area is covered in scotchbroom or blackberry or some other invasive species, it could still meet the need of the project as described in the EA. The EA never describes any need for native brush like hazelnut, huckleberry or salmonberry. (Well, there is a description of how bad salmonberry is on page 16, and why it must be removed.) Worse, the EA never describes how the existing, healthy nut and berry producing plants will be crushed by the logging, and set back for decades.

Our scoping comments asked for the EA to describe how different this project is from other alternatives the BLM usually considers for plantations, such as thinning using skips and gaps, or in unsalvaged post-fire events. Other BLM clearcut proposals also only protect 40% of cavity nesters. The legacy component of large, soft pieces of down wood, left over from the first logging is also protected in the usual BLM thinning projects, so that component should not have been considered a benefit over other alternatives included in the EA.

The Wagon Road project has the appearance of being just like any other BLM clearcut, with no good description of how it is different. Just saying it is a pilot project focused on early-seral habitat is just a statement, not a description of how this part of the purpose and need will be achieved. The EA simply failed to enumerate what specific legacy

⁷ Wagon Road EA page 28.

components are needed, as well as the specific wildlife species that need them, that is not currently being provided for in either a no-action alternative, in a thinning alternative, or on adjoining industrial clearcuts, and why these components are important to develop now in section 17 through a regeneration harvest.

2. Riparian Reserves

Beargrass: This project will log in riparian reserves to benefit Beargrass. The EA states “Beargrass requires an open forest overstory with filtered light (Fluharty et al. 2010) and responds to thinning and fire treatments.”⁸ The problem is, a riparian reserve in the temperate rainforest of the coast range is not prime habitat for beargrass. The other problem is that the Northwest Forest Plan forbids managing for plants like beargrass in the riparian reserves.

It is illegal for the BLM to log in Riparian Reserves for any purpose, except “as needed” to enhance aquatic species. Beargrass is not an aquatic species.

The EA incorrectly claims this statement applies to the coast range and the project area: “There has been a decline in abundance and quality of traditional beargrass gathering sites, likely due to forest encroachment resulting from the absence of fire (Shebitz et al. 2009).”

No, the coast range is NOT suffering from the absence of fire⁹. The decision document, or the new EA must correct this statement. There is absolutely nothing the BLM can present to back this up for wet forests. The BLM cannot simply pull unsubstantiated statements out of the air in a NEPA document.

Franklin and Johnson clearly say the coast range wet forests are not suffering from fire suppression in wet forests¹⁰. Beargrass might be present due to a past fire or past clearcut, but the riparian reserve must be allowed to recover back to its original old-growth species composition. Beargrass promotion is not a legal use of a riparian reserve. The BLM cannot artificially maintain it by logging in Riparian Reserves. The Northwest Forest Plan does not allow it. Using the questionable excuse that the riparian reserve is suffering from the absence of fire is also not allowed under NEPA.

One of the big problems with managing for beargrass is that the BLM feels it must do prescribed burning, only in the riparian reserve, burning the entire 5 acres, making sure sufficient heat is applied to individual beargrass plants. This completely unnatural event in a wet part of this wet forest will require the construction of a fire trail scraped down to mineral soil 3’ wide. What a fun OHV trail that will turn out to be. None of this is *needed* to restore large trees in the riparian reserve. This reserve is well on its way to restoring

⁸ Wagon Road EA. page 5.

⁹ Applying Restoration Principles on the BLM O&C Forests in Southwest Oregon. Franklin – Johnson. Nov. 30, 2010. Page 3. “Moist Forest ecosystems evolved with infrequent... wildfires.... Generally, silvicultural treatments are not needed to maintain existing older forests on Moist Forest sites and can actually contribute to degradation of such forests.”

itself just fine.

Page 41, the EA again claims, “Due to forest encroachment from the absence of fire, beargrass is believed to have declined in traditional gathering sites.” This is completely unfounded when describing the riparian reserve of the Wagon Road project. The riparian reserve has traditionally been forested, the forest has not “encroached”. Beargrass is declining here because past disturbance is being healed by time, not by a lack of fire or an encroaching forest. The EA cannot make these claims and comply with NEPA’s requirement for clear, honest, correct, high-quality information.

The riparian area in question has very steep slopes, and is dense with native understory shrubs such as salal, Oregon grape and huckleberry. It has deep moss and abundant well-decayed coarse woody debris. This area is currently, and may historically have been, a good huckleberry gathering area. Nothing about the ecosystem suggests that this was, or will become, a successful beargrass site. The tribe owns other sites better suited to beargrass enhancement that are not already dedicated to aquatic enhancements.

The EA never considered the impacts to the Riparian Reserve if the tribe is successful in opening up the forest enough to enhance beargrass. Will it be visited often by the tribe collecting plants? Will streamside plants be allowed to be disturbed? How many people will come and how will the trampling of many feet down the steep slope impact the soft soil? The EA left out all the impacts of a potential successful beargrass enhancement.

Beargrass is not an aquatic species. “The plant thrives with periodic burns and is often the first plant to sprout in a scorched area”.¹¹ It grows in open areas, especially burnt areas. The coast range has a very long fire return interval, so long, Franklin and Johnson says these moist forests are not yet impacted by fire suppression. While there might be some existing beargrass in the riparian reserve of this project, it will not likely survive forest succession into old growth. Riparian Reserves are set aside to provide old growth habitat, now or in the future. There is no way the riparian reserve can be “restored” to enhance this non-old growth, non-aquatic species. “Beargrass is found in open forests and meadows”¹². While these riparian reserves were open forests after the last forest fire and after the last clearcutting, the future of riparian reserves is NOT open forests or meadows. Beargrass grows in “open woods and clearings”¹³, not in mature forest conditions, as the Riparian Reserves is supposed to. Trying to force long-term habitat conditions for beargrass in riparian reserves is not allowed under the Northwest Forest Plan.

Removing the overstory in a riparian reserve, to enhance beargrass, is not allowed and is clearly illegal. Riparian Reserves are “where riparian-dependent resources receive primary emphasis”.¹⁴ Beargrass is not a riparian-dependent resource. “Under the Aquatic Conservation Strategy, Riparian Reserves are used to maintain and restore riparian structures and functions of intermittent streams, confer benefits to riparian-dependent and

¹¹ http://en.wikipedia.org/wiki/Xerophyllum_tenax

¹² <http://www.blueplanetbiomes.org/beargrass.htm>

¹³ http://montana.plant-life.org/species/xero_ten.htm

¹⁴ Northwest Forest Plan. B-12.

associated species other than fish, enhance habitat conservation for organisms that are dependent on the transition zone between upslope and riparian areas...¹⁵ Beargrass is not a riparian structure, it is not a function of intermittent streams, it is not riparian-dependent and associated species, it is not dependent on the transition zone between upslope and riparian areas. Clearly, thinning, removing the overstory, building a road-like fire trail, to enhance beargrass in a riparian reserve is not allowed.

***Craterellus Tubaeformis*:** While walking in the Riparian Reserve to be managed for beargrass, we found abundant incidence of *Craterellus Tubaeformis*, a Survey and Manage Category D species for Washington and California. This fungus has been found to grow only where there is abundant coarse woody in the coast range. “Results indicated the volume of well-decayed CWD is particularly important to the probability of *C. tubaeformis* occurrence in stands less than 100 yr of age.”¹⁶ Since the mushrooms were well distributed throughout the riparian reserve, this indicates there is currently sufficient woody debris. The presence of *C. tubaeformis*, and its requirement for abundant CWD, does not comport with the EA’s description.

Studies also find that “*Craterellus tubaeformis* ... is encountered only rarely in stands without a hemlock component.”¹⁷ The current prescription for logging in the riparian reserve is to favor Douglas fir and remove hemlock. This changes the native character of this forest, removing an ecologically significant component, and will not bode well for this fungi species. Neither will opening up the canopy, yarding corridor impacts, prescribed burning, and other logging impacts.

Craterellus tubaeformis and beargrass are not companion species and do not have similar habitats. The presence of *Craterellus tubaeformis* indicates it is impractical to open up the canopy to grow beargrass instead.

These Riparian Reserves do not need thinning. The EA tries again to justify beargrass enhancement in reserves by claiming, “Stand projection simulations on the Coos Bay District suggest that unthinned stands may not regularly produce large diameter forest structure associated with late-seral forests until the stands are about 200 years old (USDI 2003)”¹⁸. IF that reference is for a legitimate study, it was likely on artificially reforested plantations, not in a 70 year old, almost mature, naturally regenerated forest. However, in the EA references, “USDI 2003” refers to the “North Coquille DM/CT EA”, NOT a study. The other study the EA uses to justify logging in the riparian reserves is “Tappeiner et al. (1997) found that many Coast Range old-growth stands developed under low stocking densities and developed large diameter trees capable of providing large structure by the time those trees were 50-years-old.”¹⁹ This stand is 70 years old, far older than the Tappeiner studies. It is simply not a relevant justification for enhancing beargrass in reserves.

¹⁵ NWFP B-12

¹⁶ Habitat and host associations of *Craterellus tubaeformis* in northwestern Oregon. M. J. Trappe. <http://www.mycologia.org/content/96/3/498.full>

¹⁷ id. <http://www.mycologia.org/content/96/3/498.full>

¹⁸ Wagon Road EA. page 27.

¹⁹ Wagon Road EA. page 27.

The BLM claims the riparian reserve is “overstocked”²⁰, but offers nothing to back up this claim either. There are no facts on how many stems per acre exist in the proposed density management reserve, or how many will remain after it is logged.

The EA claims this 70-year-old riparian reserve, that was never artificially planted, has “low stand vigor”.²¹ We disagree. The riparian reserve does not have low stand vigor. It has normal vigor for a naturally regenerated 70-year-old forest. The EA offered no evidence of “low vigor”.

In trying to justify logging for beargrass, the EA mis-quoted the Northwest Forest Plan: “The 1995 RMP has management direction to apply “silvicultural practices for Riparian Reserves to control stocking, re-establish and manage stands and acquire desired vegetation characteristics” (p.13).” Conveniently left out is the last part of that statement: “... acquire desired vegetation characteristics *needed to attain Aquatic Conservation Strategy objectives.*” (Emphasis ours. And that is on page C-32, not page 13 as the EA states). The EA forgot to mention the “needed” part. Logging is not “needed” unless (1) existing vegetative conditions are somehow preventing attainment of the ACS objectives and (2) the ACS objectives could not be attained without logging. This is clearly not the case with the Riparian Reserves in this project.

The EA clearly says the riparian reserves would become “old growth” like within 100 years if no logging occurred. “In the absence of stand-replacing disturbances, the harvest unit as a whole would probably enter horizontal diversification (old-growth) stages within 100 years.”²² And if left alone for just 10 years, the stand would be designated as “mature” at 80 years old. If they are thinned instead, putting much of that structure on a log truck, mature forest conditions and later, old growth, will clearly be delayed or degraded. For instance, many of the future snags would be removed. Stumps could pass on root rots. Yarding corridors would have compacted or eroded soils. Logging will degrade the riparian reserves. There is absolutely no science in the EA showing that logging will enhance riparian functions or is *needed* to meet ACS objectives.

The EA actually makes no claim that the existing vegetative conditions are preventing attainment of the ACS objectives or that the ACS objectives could not be attained without this commercial logging. The BLM is only asserting that this logging will speed development of late-successional forest habitat. In fact, the Riparian Reserves will do just fine, or better, without thinning. The logging proposed in this sensitive land use allocation is illegal and must be dropped.

The yarding corridors through the reserves, the removal of many future snags, the reduction of cavity nesting habitat down to 40% of the population, and the planned broadcast burn afterwards, all degrade the reserves. One way it degrades the reserves is it destroys the existing brush growth. Currently, 20’ tall rhododendron bushes, lush

²⁰ Wagon Road EA. page 5.

²¹ Wagon Road EA. page 5.

²² Wagon Road EA. page 27.

huckleberry and elderberry bushes dominate the understory. Trampling this old, large brush, cutting it, and burning it, means this important wildlife component of the reserves will be ruined for decades.

In fact, the riparian reserve is not overstocked. It was reforested naturally, it was never artificially replanted, and is well on its way to a full recovery, including providing abundant wildlife snag habitat as suppression mortality continues. There is no justification given in the EA to remove any of these future snags.

Hardwoods and DBH limit: The EA states that Hardwoods would be removed from Riparian Reserves in preference to suppressed conifers.²³ This is a bad idea. Hardwoods are a natural component of species near streams. Big leaf maple, myrtlewood trees, and alder should be allowed to remain as an important component of the reserve, as they are important for species diversification and restoring a species mix that is similar to what was present before logging disturbance 70 years ago. Hardwoods should also be allowed to retain their natural clumps, and never single stemmed. While conifers are a more important commercial species, this is a riparian reserve, where the commercial aspect is not the point. Therefore, hardwoods must not be removed when they are older and bigger than near-by suppressed conifers.

The EA states that trees greater than, or equal to 24" DBH would be reserved from harvest in the riparian reserve²⁴. This DBH limit is a bit useless since there are not trees greater than 24" in the riparian reserve logging area. If there are, the Decision Document should disclose how many. If the BLM believes that a DBH limit is important, then it is important to make it low enough to actually cover most of the larger trees in the riparian reserve. The EA states that reserve average trees that are 12" DBH²⁵. Therefore, a reasonable DBH limit would be trees over the average, like 16" or 18" DBH. Clearly, in a riparian reserve that averages 12" DBH, cutting a tree that is 20" DBH is not appropriate and does not meet the purpose and need for logging in the reserve.

In fact, when this riparian reserve was first proposed for thinning, as unit 116 in the East Fork Coquille Timber Sale, the EA determined that 18" would be the upper diameter limit (see Table C-4 in that EA). Why would the BLM determine that now the trees between 18" and 24" are fair game to log? If there was justification for 18" upper diameter limit in 2005, this EA should explain why it is now changed to 24" DBH.

Another interesting observation when looking at these same units in the East Fk. Coquille EA is that in the older EA the riparian reserves extended past road 18-10-17. The west end of the riparian reserve with density management in the Wagon Road EA stops before road 17. The west end of the next riparian reserve south also extends much further west and south in the East Fork Coquille EA than the Wagon Road EA. Why did those EAs extend the headwaters of the reserve much further than the EA now is? Did the reserves shrink?

²³ Wagon Road EA. page 16.

²⁴ Wagon Road EA. page 20.

²⁵ Wagon Road EA. page 42.

Broadcast Burning: The EA states the riparian reserves, and only the riparian reserves will be broadcast burned.²⁶ The EA failed to give a reason for this, but it implies it is to enhance beargrass. Fire is not a natural component of the reserves. The fire-return interval is about 300 years, and according to Franklin and Johnson, these forests are not suffering from fire suppression, especially since there was a fire here just 70 years ago.

Burning can have negative impacts on the reserves, potentially killing some of the few retention trees left in the reserve, burning soil organisms, and burning up the existing and abundant understory vegetation. One of the worst impacts will be the three-foot wide fire trail scraped down to mineral soil within the riparian reserves, and to within 45' of the streams.²⁷ The EA didn't tell us the length of this fire-trail (please tell us now), but if it encircled the entire 5 acres, it could be ½ mile long.

The EA failed to consider the environmental impacts of implementing a non-natural, non-historic component in the reserves. The Northwest Forest Plan requires burning within riparian reserves only when needed to meet ACS objectives.²⁸ The EA failed to demonstrate that burning these reserves in a wet forest was needed, especially since the EA failed to demonstrate that logging in the reserves was needed to meet ACS objectives.

The BLM must drop the riparian reserve part of the project. Logging in the Riparian Reserve has nothing to do with the pilot project focus of early-seral habitat, and is blatantly illegal under the Northwest Forest Plan.

3. Other ACS issues

Regeneration harvests degrade the watershed because it increases peak flows. This is not allowed by the Aquatic Conservation Strategy. While the EA discusses peak flows and roads, it fails to discuss peak flows and regeneration harvesting.

The previous EA that proposed a regeneration harvest in section 17 was the 2005 East Fork Coquille EA. That EA documents that removing overstory vegetation from the watershed will increase peak flows in streams, which in turn, increase erosion and degrade the watershed. "Studies suggest a direct association between the high evapotranspiration rates of coniferous forests and the deviation in year-to-year water yields following harvest".²⁹ "Water yield increases are repeatedly detectable when at least 20% of forest cover has been removed" within 30 years.³⁰ In that document the BLM also stated that "Seventy-nine percent of the forest vegetation in the watershed is older than 30 years of age",³¹ leaving 21% of the watershed under 30 years of age. This exceeds the 20% threshold to show water yield increases. Since more of the watershed has been

²⁶ Wagon Road EA. page 17.

²⁷ Wagon Road EA. page 20.

²⁸ NWFP C-36 FM-4.

²⁹ EFC EA. Coos Bay BLM 2005. page 58.

³⁰ EFC EA. Coos Bay BLM 2005. page 58.

³¹ EFC EA. Coos Bay BLM 2005. page 58.

clearcut since 2005, it exceeds it even more. Additional regeneration harvesting will cause peak flow increase beyond the 20% safety level, degrading the watershed even further. The Aquatic Conservation Strategy does not allow this. It requires the BLM to “Maintain and restore in-stream flows... The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.”³²

The EA failed to consider this, and instead, just waived away the peak flow issue by saying there is “no noticeable impact” from regeneration harvest at the site scale, therefore there is none at the watershed scale.³³ The word “noticeable” means the BLM did not take into account the cumulative impacts of regeneration harvests in the watershed. While each clearcut is not noticeable, cumulatively they have a noticeable impact, which the EA failed to consider.

The EA also states “The water resources analysis concluded there would be no effect to peak flows or annual yield from the vegetation treatments (p.1-2). This analysis is not included in the EA, not even in an appendix. Please send it to us. Our guess is that it does not include a valid study showing regeneration harvests do not increase peak flows, as all other studies we know of show they *do* increase peak flows.

Under the heading of “Resources Not Analyzed in Detail”, the EA has a section on Peak Flows and Forest Harvest. There, the EA claims no peak flows are possible if the unit is less than 2,000 feet elevation, out of the snow zone. We disagree. Studies have found peak flows are still possible at lower elevations. The EA itself says “large rainfall events cause peak flows.”³⁴ While the area is “less susceptible” than snow area, it is none the less susceptible. Also, the unit is very close to 2,000 feet elevation. According to Google Earth, the unit climbs to 2,200 feet (680 meters). While some of the unit *is* less than 2,000 feet, most of it is close to 2,000 feet and some of it over. This makes the EA Peak Flow analysis even more faulty.

The EA again excuses this project from causing peak flows, because peak flows in rain-dominated areas include “roads and other harvest practices (primarily through soil compaction) that can also increase peak flows”. Well, 1.1 miles of new road with permanent road beds, and 21 acres of tractor logging, including in riparian reserves, meets that criteria. The EA excuses itself by saying the proposed regeneration harvest is less than 1% of the sub-watersheds. Again, it’s the cumulative impacts the EA failed to look at. While this project might be 1%, the EA failed to disclose the percent of the watershed that is clearcut.

The EAs conclusion that there would be no effect to peak flows, even cumulatively from this project, is unsubstantiated and without merit.

³² Northwest Forest Plan page B-11.

³³ Wagon Road EA page 58.

³⁴ Wagon Road EA page 62.

4. Marbled murrelets

Murrelets are susceptible to nest predation when their occupied habitat is too close to forest edges. The regeneration harvest units appear to not leave enough buffer in some areas, such as the 160 year old occupied habitat in the northwest corner of section 17, and the 450 year old forest next to the hardwood conversion area. Edge effects can occur over 700' into the stand. Yet the regeneration harvest will give only a 300' buffer³⁵ to occupied and unsurveyed murrelet nesting habitat

Road 28-10-17 goes right through this narrow strip of occupied murrelet habitat, and could fragment the much older forests that will not be logged. The EA should consider alternatives that do not fragment this habitat by not allowing wide road reconstruction here.

“Landscapes dominated by edge habitats favor generalist species at the expense of those dependent on interior habitat and microclimate. Some bird species may experience higher failure rates due to predation and nest parasitism when nesting on edges (see Noss and Cooperrider 1994 for a discussion). For now, protecting remaining refugia sites is critical to maintain populations of late-successional species, and facilitate re-colonization of recovering habitats. Based on the existing age class distribution, four decades of growth will be needed for late-seral stands to attain the vegetative and structural complexity of functional old-growth habitat.... emphasis should be to defer harvest as long as possible in stands that contribute most to connectivity. Priority for harvest deferral should be given to those stands which connect to adjacent subwatersheds or to larger more contiguous stands.”³⁶

These conditions already exist in section 17, a contiguous stand of mature forests. This watershed analysis recommendation must be considered, at least in the no-action alternative.

The BLM last did murrelet surveys around the stand in 1999 and 2000.³⁷ That was *around* the stand, not in the unit. There are plenty of big trees with platforms scattered within the aggregates that will be clearcut next to. The BLM should have done recent murrelet surveys within the harvest unit.

5. Northern Spotted Owl

This project is within CHU OR-60, as designated for spotted owls in 1992. Because it was illegal to degrade critical habitat, the Coos Bay BLM had to withdraw their proposal to clearcut units 116, 117, and 139, what is now the Wagon Road Project. But in 2008 the USFWS illegally³⁸ removed critical habitat protection on over 1.5 million acres. Because it was illegal, the USFWS is currently re-doing critical habitat designations. We found it

³⁵ Wagon Road EA. page 35.

³⁶ EFC Watershed Analysis. Page V-25

³⁷ Wagon Road EA .page 29.

³⁸ See our CHU comments dated August 10, 2007, submitted by Earthjustice.

surprising that the EA claims “this area will not be designated as Critical Habitat when the new rules are published.”³⁹ In a phone conversation with the USFWS on December 6, 2011, it was confirmed that there has been NO PROMISE this area will *not* have those CH protections restored. The BLM is over confident this area will not be re-designated in mid-January 2012. After all, if it was critical in 1992, there is no good reason why it would not be re-designated as critical.

The ESA forbids degrading critical habitat, and a regeneration harvest (and questionable hardwood conversion) degrades this forest.

When this sale was surveyed for spotted owls, a spotted owl was found right inside the unit. Plenty of spotted owl habitat is scattered throughout the unit. In fact, the map depicting spotted owl habitat is wrong, and left off important habitat. One place spotted owl habitat was left off was in part of the Hardwood Conversion area, above spur 9, and into the regen harvest part of the unit. Trees over 50” DBH, and likely over 150 years old dominate that area. Yet the Map 5, Spotted Owl Habitat, failed to show any owl habitat in this area.

Under the no-action alternative, the EA failed to consider whether these 151 acres in section 17 are our next-best old growth needed to sustain healthy populations of late-seral species, especially now that barred owl is competing for space with the spotted owl. Instead, the EA claims this is Matrix, so it would be clearcut under the no-action alternative. That is incorrect. This area was designated as spotted owl critical habitat in 1992. That designation was illegally removed in 2007 and will likely be restored under the new critical habitat designations in 2012. The BLM had to drop the last clearcut proposal of these stands in 2005 (East Fork Coquille Timber Sale) because the court found it is illegal to degrade critical habitat. It will likely remain illegal in the future.

Even if critical habitat is not a factor – in just a few years this stand will provide high quality spotted owl nesting habitat. The spotted owl recovery plan forbids clearcutting here because of Recovery Action 32. Indeed, seven acres within the project area already meet the terms of RA 32⁴⁰. The EA claims these 7 acres are being protected (except for yarding corridors and new roads), but fail to recognize that these scattered 7 acres speeds up the recovery of the 70-year-old forests surrounding the 7 acres. A spotted owl was even using this forest last summer. The no-action alternative should have considered the time period for the stand to recovery fully.

The EA also failed to consider the 7 acres of NRF habitat within the unit. Clearcutting right around these 7 acres will degrade them and eliminate any interior habitat they now harbor.

If the EA were to be clear and correct, as NEPA requires, the no-action alternative description on page 32 would have described the emergence of a rare, valuable, late-seral

³⁹ Wagon Road EA page 29.

⁴⁰ Wagon Road EA page 34

forest important to threatened and endangered species. Only political bias and a desire to regenerate harvest prevented an honest assessment of the future of this forest.

The BLM claims this is matrix land and thus they have a right to clearcut it. However, NEPA requires that the BLM consider waiting to clearcut in Section 17 until the lands set aside for the spotted owls, previously clearcut LSRs, recover into spotted owl habitat. There is NOTHING in the Northwest Forest Plan that requires the BLM to clearcut this matrix forest right now.

Another reason the “it matrix” argument doesn’t hold up is that when the Northwest Forest Plan designated Matrix and LSRs, very little was known about the future impact of the Barred Owl. Now that we know the Barred Owl’s impacts on Spotted Owls, the BLM can no longer claim LSRs are adequate protection. This new information must be considered in every project that degrades spotted owl habitat (or almost spotted owl habitat).

Map 6: The Northern Spotted Owl Habitat Probability map shows known owl sites and predicted owl sites. For some unknown reason, the BLM old growth forests closest to the project, in sections 15, 16, and 9 were not modeled. Why not? If a predicted owl site were to be identified in section 16 (as there could be), it would change the spotted owl analysis in the EA. Map 5 documents there is plenty of NRF habitat in the BLM land in section 16, so why was only half of it modeled? Google earth also shows NRF habitat in BLM lands in section 15. Why was it left out of the modeling. It is only one mile away, yet other modeling was done on BLM lands over 2 miles away, where a “predicted” owl was located. This oversight must be corrected before any final decision.

6. Port Orford Cedar

There is a significant component of POC within this stand. We were disappointed to see many healthy POC’s marked with blue paint for logging. Any uninfected POC should be protected as a potentially disease-resistant tree.

POC are not subject to the export ban of federal timber. It is excluded from the law and can there be exported, and will likely be exported. Therefore, the volume of POC that will be sold must reduce any calculations of how many local jobs this project will provide.

Our scoping comments were clear about retaining uninfected POC and the allowance for export. It is unfortunate the EA ignored these comments. An alternative could have been developed that protected POC.

The POC management guidelines include “planting to increase the presence of POC”⁴¹
The BLM must do this throughout the project area.

⁴¹ Management of POC in SW Oregon FEIS. 1/2004. page 2-22.

The BLM is co-managing this project with the Coquille Tribe. The Tribe has a different standard of protecting Port Orford Cedars than the BLM. Recently, the Tribe has written that:

“It is true that the Tribe must follow the same standards and guides on adjacent federal forest lands; however the Tribe is not mandated to follow BLM policies, procedures, or instruction memorandum recommendations. The Tribe has complied with the NWP by developing a tribal management strategy for controlling the spread of POC Root Rot diseases.”

The Tribal management strategy is apparently different than the strategy that the BLM developed in the Port Orford Cedar EIS. The EA was not clear on whether the NEPA developed POC protection measures are being used, or if would use the tribal management strategy for controlling *Phytophthora lateralis*.

7. Hardwood Conversion

This project includes 9 acres of “density management and hardwood conversion treatments” designed to help marbled murrelet recovery. Specifically, the proposal is to remove “hardwoods that would not contribute to future habitat and thinning overstocked conifer stands to develop structural complexity”. Taking hardwoods is justified because “It may take over 100 years before conifer begins reestablishing onsite.”

We looked at the Hardwood Conversion section of this proposal and were very disappointed to see inappropriate blue marks for trees to be removed. North of spur 9 was a mature, if not an old growth forest with large, old, conifer overstory. The only hardwoods north of spur 9 were the occasional understory trees, yet they were marked blue for cutting. We do not see how it benefits murrelets to pluck out all the understory big-leaf maple, myrtlewood, as well as the occasional alder.

We also saw healthy Port Orford Cedar marked for cutting within the Hardwood Conversion 9 acres. We didn’t see any conifers that were “overstocked”, as the EA claims. That marking did not meet the purpose and need for hardwood conversion.

In past Hardwood Conversion stands, the BLM has promised not to remove non-alder in Hardwood Conversion proposals (in Skattered Skeeter and Brummed Out, for instance). The BLM must be consistent and implement that procedure in here. The BLM should also drop all of the hardwood conversion where it already contains a nice conifer overstory, unless the BLM can specifically point to studies showing understory hardwoods harm murrelets.

In the area south of Spur 9, there were more alders between the road and the murrelet habitat. However, even here, it is doubtful that removing the alders and other hardwoods will benefit murrelets. Just the act of rebuilding spur 9, running logging trucks and ground based logging taking too many trees, disturbing too much soil, will NOT improve the murrelet forest health. We saw a number of crows in the area. These corvids will be able to access more interior forests in the adjoining murrelet occupied habitat. The EA

admits “It may take over 100 years before conifer begins reestablishing onsite. This would result in an edge effect during this timeframe.”⁴² We will protest this negative impact on the murrelet occupied habitat.

The EA gives no accurate description of the mature forest already occupying part of the hardwood conversion area. The EA gives us no reason for the Port Orford Cedar to be taken out and no reason for not replanting it. The EA offers no alternatives to address the hardwoods the BLM thinks are harmful, like just releasing existing conifers, instead of clearcutting hardwoods and conifers. The EA also failed to describe the benefits of nitrogen-fixing alders, and the wildlife value of big-leaf maples and myrtlewoods, and the impacts of losing these benefits.

In fact, the EA gives inaccurate information, apparently to justify logging in the mature forest north of spur 9. It says: “The stand north of the unsurveyed suitable habitat is predominantly hardwoods.”⁴³ That half of the hardwood conversion unit is NOT predominately hardwoods. The EA must be corrected. Where the hardwoods do exist south of Spur 9, there are some conifers already interspaced, and clearcutting those alders is not necessary, and is dangerous impact to the adjoining murrelet habitat.

The EA also says: “Where salmonberry is present, conifer establishment may not occur at all”. But, isn’t prolific salmonberry the goal of the other 121 acres? It’s not hurting murrelets and is a goal elsewhere. “The hardwood conversion could increase predation”.⁴⁴ So don’t do it. “Nest predation is a major cause of nest failure for murrelets based on research where 56% of the failures in known nest trees in North America were due to predation.... As the hardwood stands already constitute an edge, current nesting would likely be >210 feet from the stand edge.”

The EA claims that logging out the hardwoods would “meet Recovery Action 3.3.1.1 (USDI 1997)”.⁴⁵ If the EA is talking about the Marbled Murrelet 1997 Recovery Plan, there is no section 3.3.1.1. Instead, the Recovery Plan clearly says “Unthinned buffers should be left around any occupied stands.”⁴⁶ It also says the BLM can implement “short-term actions” such as “maintaining and enhancing buffer habitat”.⁴⁷ Clearcutting, with a recovery expected in 80 years (or even in 50 years to get where we are today), is NOT a short-term action. The Murrelet Recovery Plan gives the BLM no permission to clearcut the alders or even to pluck out the understory hardwoods from a mature forest, and it certainly doesn’t give the BLM to cut most Port Orford Cedars out of the hardwood conversion area.

The proposal is to replant 435 Douglas fir trees per acre. Why? Why not replant disease resistant Port Orford Cedar since this is a large component of the overstory that you will be disturbing. Planting 435 TPA means it will need pre-commercial and commercial

⁴² Wagon Road EA page 17.

⁴³ Wagon Road EA page 34.

⁴⁴ Wagon Road EA page 36.

⁴⁵ Wagon Road EA page 35.

⁴⁶ Marbled Murrelet Recovery Plan. 1997. Page 143.

⁴⁷ Marbled Murrelet Recovery Plan. 1997. Page 121.

thinning, not to mention the final clearcut harvest at 80 years old. This amount of ground and canopy disturbance is NOT good for murrelets.

Here the EA states that clearcutting the alders would not *create* an edge because they are already an edge. Yet the EA also says that the hardwood conversion will increase predation. These are conflicting claims. The amount of true hardwood acres in the vicinity of spur 9 is small. There isn't that much sky between the occupied habitat and the mature forest in the northern part of the hardwood conversion stand. The EA information is inconsistent, incorrect, and simply appears to justify an agenda to cut more Port Orford Cedars.

Above the Hardwood Conversion area, within the regeneration harvest area, we found many big, old Port Orford Cedars marked with blue paint – POC over 40 and 50" DBH. BLM told us they were marked for a yarding corridor. Why would a yarding corridor run through so many valuable, older conifers? One has to cut even more PoC to yard out the few myrtlewood and maple trees marked in the understory of the mature forests. This is obviously a timber grab for PoC that can be exported. We understand that the BLM has re-marked some of these trees orange for retention, but only those over 40". We hope the 39" PoC was remarked also. Please tell us the fate of the remarking, including the age of the cedars in that area.

Clearly, clearcutting out the hardwoods, including non-alder hardwoods and even conifers, does not meet the purpose and need for hardwood conversion or for the entire project. We were disappointed by the mismatch between stated purpose of the pilot project and the different story we found on the ground. Much of the "hardwood conversion" area, which was in fact a biologically diverse mixed of mature conifer forest, rich in understory brush; abundant nuts and berries, which would be crushed and soil compacted in the course of this logging, undoing conditions that the pilot project is designed to promote.

NEPA requires a more detailed description of the present condition and the environmental impacts of logging here. The hardwood conversion conclusion, that "the long-term beneficial effect would speed up the development of future recruitment habitat"⁴⁸, is unfounded, especially without a land-allocation change. This is matrix land, and the BLM has every intention of clearcutting it in 60 years once conifers are planted.

8. Old growth trees should be protected

The BLM claims this project will protect old growth. "Conservation of older stands and trees are in our proposed restoration strategy because of their ecological and cultural significance."⁴⁹ Therefore, our scoping comments said that old growth trees must not be left isolated, with the surrounding forest clearcut around it, leaving the tree susceptible

⁴⁸ Wagon Road EA page 36.

⁴⁹ Applying Restoration Principles on the BLM O&C Forests in Southwest Oregon. Drs. Jerry Franklin and Norman Johnson. November 30, 2010. Page 4. Posted on the Coos Bay BLM Pilot Project web site.

logging damage, blow down, or sun scald. Protection of old growth is a major component of this project, and that includes fully buffering the remnant old growth trees in the stand. The EA failed to respond to this comment, making no commitment to protect old growth retention from logging damage.

Contractors should be financially penalized for every old growth tree that is damaged by other trees falling on them, from yarding damage, or from the slash burning. The decision document should confirm that the BLM is committed to protecting these trees with proper oversight and contract stipulations.

Yarding Corridors: Old growth must be protected from yarding corridors. As we mentioned earlier, we found old-growth-like trees marked for cutting in the eastern part of the project. When we asked the BLM about this, they said the Tribe had marked those trees for a yarding corridor, but the BLM said they would re-mark SOME of them. We were told any Port Orford Cedar over 40” would be remarked as retention. We were concerned that 39” and 33” trees we found would not be remarked, and we wondered how old they were. On 12-5-11 I received an email from BLM stating that at least 12 of those trees were re-marked back to orange, for retention, and more could be remarked. Please tell us, how many were remarked, in what area of the project, and how old those trees were. In fact, the BLM should be marking trees for retention that are older than the stand age of 70, trees retained from the first harvest. DBH should have nothing to do with it. Also, all healthy Port Orford Cedar should have been retained, as one of those could contribute to disease resistant POC.

Tailhold and Guyline trees: Within and near to the area proposed for logging in section 17 are very old forests (450 years old) and 160 year old occupied marbled murrelet habitat, not to mention old trees retained individually and in aggregates. Our scoping comments asked the BLM to disclose the impacts of tailhold and guyline trees on these older trees and forests. The BLM has a policy, written in a 2009 CE (is there a more recent policy?), detailing what is allowed in the use of BLM tailhold and guyline trees. It says:

“Use of tailhold and guyline trees to facilitate logging operations Use of tree protection devices would be required; however, trees may be damaged on occasion as a result of bark or skyline slip resulting in partially girdled trees. Trees that are partially girdled, which may die within a few years, would remain on site to provide snag or coarse woody habitat for wildlife.”⁵⁰

The EA should have disclosed if any old growth trees will be used, damaged, or killed for tailhold or guyline trees. For instance, spur 3 ends at an aggregate block. If this, or any other aggregate block needs to be yarded through, the EA should have disclose this, and considered the damaging impacts of yarding through what is supposed to be a retention area.

When the Coquille Tribe used BLM old growth trees for yarding in Section 5 (4 miles south of this project), those trees were cut down, put on a log truck, and removed. We did

⁵⁰ Categorical Exclusion Review. DOI-BLM. 9/21/09. Fiscal Year 2010 Tailhold and Guyline requests. Pg 1.

not understand how this was in compliance with the BLM policy for tailhold and guyline trees. We even saw a 400-year-old tree the Coquille Tribe cut on BLM land in the area used for yarding. We have asked the BLM several times to explain how the Tribe could use old growth trees, *in an occupied marbled murrelet stand*, without protective devices, and not leave them on site if they did need to be cut down. We have never received an adequate answer.

Now we are facing a similar situation, with occupied marbled murrelet forests surrounding a proposed regeneration harvest, designed by the Coquille Tribe, which will use guyline and tailhold trees to yard the sale. Since the EA failed to address the protection of older trees from being used as tailhold and guyline trees, and killed, it could mean this is exactly the BLM and the Tribe's intention. The EA failed to even mention the impacts of guyline and tail hold trees to old growth trees outside of the harvest units. Will they be protected? If not, why not? The BLM must address this comment, otherwise it will be brought forth into a protest.

9. Aggregate Retention Area

The aggregate blocks for this pilot are much smaller than they are on Roseburg BLM pilot project. If both projects are meeting the same goal of VRH in "wet forests", either the Roseburg BLM is correct, or Coos Bay is correct, but both can't comply with the same description by Drs. Johnson and Franklin for aggregate retention:

"The general prescription proposed in the Coos Bay Pilot Project is retention of 20 to 30% of the pre-harvest forest. The majority of the retention will be in the form of small (e.g., ½ to 3-acre) intact patches ("aggregates") that are not entered during the harvesting operation."⁵¹

The final sale layout appears to not comply with this: 30% aggregate with *most* in the ½ acre to 3-acre intact patches. The 10 intact patches scattered throughout the unit total 5 acres⁵². 5 acres is 4% of the pre-harvest forest, not 20 or 30%. Table II-2 (page 13 and 16) is counting Survey and Manage buffers and all near-by Riparian Reserves to come up with a total of 30% aggregate. But "aggregate" means scattered patches within "the pre-harvest forest". It is not intended to include forests that are not part of the regeneration harvest area.

The EA page 14 claims the percent of aggregate retention is based on "151 acres available for regeneration harvest". Wrong! Survey and Manage areas are NOT available for regeneration harvest, and neither are the Riparian Reserves.

There is 121 acres available for regeneration harvest. This is the part of the forest Franklin and Johnson referred to as "the pre-harvest forest", not the already reserved forest outside of logging area.

⁵¹ A Guide to Creating Diverse Early Successional Ecosystems through Variable Retention Regeneration Harvest on the Coos Bay District of the BLM. June 1, 2011. Jerry Franklin and Norm Johnson.

⁵² Wagon Road EA. Table II-2 page 13 and page 16.

BLM is also counting too many acres of riparian reserves (30 acres⁵³) as aggregate retention. Franklin-Johnson said, of the Coos Bay Pilot:

“Riparian buffers that extend into harvest units can often be counted as contributing to some portion of the retention target. Limitations on credit for riparian buffers are necessary, though, because such buffers typically are spatially concentrated in portions of harvest units, rather than well distributed throughout the unit.”⁵⁴

Therefore, while a small part of riparian reserves could be counted, not every acre of riparian reserve within section 17 can be counted, which is what appears to have happened. The EA never actually tells the public where these 30 acres of riparian aggregates are. This oversight should be corrected.

Are the 5 acres that are being “enhanced” for beargrass being counted? Clearly those should not be counted as they are being heavily thinned, not retained.

Only riparian reserves that contain structures targeted for aggregate retention⁵⁵ can be counted as aggregate retention. The EA described one of these riparian reserves (the 5 acres to be enhanced for beargrass), and from that description, the riparian reserves is just in terrible shape and has no structures that would have been prioritized for an aggregate retention. The EA failed to describe what important forest structures are being protected as aggregate retention in other reserves.

We looked into the requirements of aggregate retention for these comments when we saw the big difference between the Roseburg BLM Wet Forest Pilot Project with this Pilot Project. The difference in the size of the aggregates is obvious. It appears the Roseburg BLM is following the requirements, and the Coos Bay BLM is skirting the requirements to the greatest extent possible, and not working in the spirit of VRH in wet forests. This does not speak well for a *pilot* project.

10. Dead Wood

Snags are the component most common early-seral structure missing from the landscape, especially on private land (industrial clearcuts provide for plenty of brush after herbicides wear off). Therefore, our scoping comments asked for the pilot project EA to fully describe how the snag component will be restored (or retained), and in what quantity, *compared to the no-action alternative*. Unfortunately, the EA ignored our comments, and failed to describe the natural dead wood component existing now, and in the future undisturbed stand. Comparing it to a natural forest fire producing abundant snags, would also have been useful.

⁵³ Wagon Road EA page 15.

⁵⁴ A Guide to Creating Diverse Early Successional Ecosystems through Variable Retention Regeneration Harvest on the Coos Bay District of the BLM. June 1, 2011. Jerry Franklin and Norm Johnson. Page 3.

⁵⁵ These targets are described on page 3 of the above paper.

By having no comparison of snag habitat under the no-action alternative we have no way of knowing if the EA is destroying this important missing component of the landscape. If the regeneration harvest is supposed to be emulating natural early-seral habitat, a fire event, by replacing valuable snag habitat, we have no comparison of that scenario either.

Therefore, we do not know how close we are to providing the missing early-seral habitat. The only thing we do know about snags is that the one and only action alternative will displace or kill 60% of the cavity nesters present now⁵⁶. One alternative that the BLM failed to include was to retain the biggest trees that would otherwise be cut and put on a log truck, to provide for 100% of early-seral snag habitat and 100% of cavity nesting habitat.

The Franklin/Johnson June 30 paper on the Coos Bay Pilot brings up the importance of snag creation using fire, or mechanical means.

“Additional retention will occur as individual trees and snags and small clusters of trees. Retention of some of the individual trees will be to provide candidates for snag creation either using fire (broadcast slash burning) or mechanical means”⁵⁷.

The EA failed to include this method for snag creation. Though the EA is unclear, it appears the only broadcast burning will be to enhance a non-aquatic species (beargrass) in the riparian reserve.

In comparison with the other wet-forest pilot project following the Johnson-Franklin restoration principles, the Roseburg BLM will create groups of snags with fire. The Forest Service often does this also. The main purpose of the Coos Bay BLM project is to create early seral features; the most important one missing from the landscape is snags. Our scoping comments went into this in detail, but the EA failed to respond.

If fire, the most natural and best method for creating snags will not be used, the EA should have compared the different environmental impacts of using another method. But unfortunately, the EA completely failed to describe any method of snag creation.

Coarse Woody Debris already on the ground should be protected by the purpose and need for this project -- were it is stated that significant coarse woody debris would be protected in aggregate retention. However, Coarse Woody Debris could actually be threatened by all the ground-based logging, as well as the prescribed burning. The Northwest Forest Plan says:

“Coarse woody debris already on the ground should be retained and protected to the greatest extent possible from disturbance during treatment (e.g., slash burning and yarding) which might otherwise destroy the integrity of the substrate.”⁵⁸

The EA failed to describe how this resource would be protected during prescribed burning and tractor logging. We cannot see how this project can avoid degrading the abundant well decayed CWD in the unit.

⁵⁶ Wagon Road EA. page 16.

⁵⁷ A Guide to Creating Diverse Early Successional Ecosystems through Variable Retention Regeneration Harvest on the Coos Bay District of the BLM. June 1, 2011. Jerry Franklin and Norm Johnson.

⁵⁸ Northwest Forest Plan. page C-40

11. Monitoring

Our scoping comments stated that, because this is a “restoration” project of early-seral habitat, the BLM should provide for 100% of the woodpecker and cavity nesting population, not just 40%. Unfortunately, our scoping was ignored and the BLM is going to maintain only 40% of the woodpecker and cavity nesting population. What is confusing is that the BLM is also going to “monitor bird populations using standard protocols.”⁵⁹

The EA failed to explain the purpose of this monitoring. Is it to make sure the cavity nesting population was actually reduced to 40%? What is also unclear is the EA says “Appendix D contains the study design and survey protocol” for monitoring the bird populations. However, Appendix D is Fungi, not monitoring. Perhaps the EA meant Appendix E.

Appendix E describes the monitoring of the “Neotropical bird” population after logging the pilot project area with a “traditional regeneration harvest”⁶⁰ on private industrial forest land. That is backwards. This project is meant to enhance early seral species, like Neotropical birds. The comparison should be the bird population before logging, compared with the bird population after logging. If the bird population goes down after logging, this project has failed.

The EA describes comparing the pilot project, after logging, with the Lone Rock Timber Land just west of section 17, that was clearcut this past summer. That’s not a fair comparison. The Pilot Project area has many old growth remnant trees, the Lone Rock Timber land did not. The Pilot Project adjoins occupied marbled murrelet habitat as well as unsurveyed, likely occupied marbled murrelet habitat. The Lone Rock Timber land has no such structure around its unit. Clearly, there will be more birds on the BLM regeneration harvest than private land because of these, and other factors. If the BLM really wanted to see if the goals were met in this project, the BLM should compare the bird population before logging and after logging, on the same site, not compare two sites as different as apples and oranges.

Monitoring should be done on more than just neotyropical birds. Monitoring should be done on cavity nesters, butterflies, moths, and other early-seral species mentioned in the presentations of Johnson and Franklin. Nuts and berries is a goal, as well as cavities. Why limit monitoring to just neotyropical birds? Especially since this is a pilot project, we should be monitoring to see how well our objectives were met, providing for multiple species early-seral dependent wildlife.

For a pilot project designed to be replicated over thousands of public land acres, on lands that are our next-best-old growth, monitoring is important to make sure the creation of early-seral habitat is doing what it is supposed to do, to make sure it is worth setting back

⁵⁹ Wagon Road EA. page 18.

⁶⁰ Wagon Road EA. page 75.

this almost-mature forest by 70 years. Desired outcomes needed to be clearly defined, and a monitoring protocol described. The EA failed to do either one. The EA also failed to describe how monitoring will be funded and implemented over what period of time.

Monitoring should also track the impacts to wildlife that is dependent on mature forests. Did the marbled murrelets really benefit from removal of all the hardwoods in their buffer, including removing maple and myrtlewood trees? What about species like bats that could be impacted because this forests provides higher quality roost sites than younger forests? Also consider White-footed voles, perhaps the rarest rodent in North America, which depends on mature alder habitat, proposed to be destroyed in both the hardwood conversion and riparian reserve.

12. Roads

The current road density for this watershed averages 4.1 miles per every square mile!⁶¹ Our scoping comments said that any project with “restoration” in the name MUST address this serious condition, and asked for an alternative that would build fewer miles of road, or fully decommission more miles of road. Unfortunately, the EA did not address our scoping comments.

Our scoping comments also asked for the EA to disclose, for each segment of new road being proposed, how many acres of harvest that road will access. For the longest road segments accessing the fewest acres, an Alternative could have considered dropping that segment of road. The EA failed to address that issue also.

The BLM claims, “each proposed road segment is integral for implementing the Proposed Action...”⁶² We disagree because this simply says that every acre of the 121 proposal must be accessed. It doesn’t tell us how many acres each road segment accesses, and, for instance, if spur x were eliminated, the proposal would be 120 acres instead of 121.

The EA should have discussed how many acres each road segment accesses, so that new roads that access the least acres could be reconsidered. If just a few acres were dropped, entire road segments could be dropped. The Purpose and Need did not require 121 acre clearcut. A 120 or 115-acre clearcut would have also met the purpose and need, and should have been considered if it meant significantly less road building. Lengths of new roads could have been considered in different action alternatives (see section 14 for more on alternatives).

For instance, take Spur 8. It access very few acres of the matrix land that road 17 or road 9 does not access. How many acres of matrix would have had to be dropped if Spur 8 was not built? One or two acres? Clearly, the BLM could still meet the purpose and need without having to build that new road. Or, is spur 8 only needed to log in the Riparian

⁶¹ EFC Watershed Analysis. Page V-25

⁶² Wagon Road EA. page 9.

Reserve? Since the riparian reserve logging is illegal (see section 2), spur 8 is not needed at all.

Spur 9 is also questionable. It only accesses the hardwood conversion, and the hardwood conversion is not only unnecessary, the BLM should drop it altogether, and allow Spur 9 to continue its path of self-decommissioning. Opening up Spur 9 will promote OHV use right next to a marbled murrelet occupied habitat. The EA failed to consider that impact.

Spur 2 and 3 look questionable. How many acres will they access that the main road cannot access? Not many. An alternative should have considered that this project could significantly reduce new road miles, and lose only a few acres of logging, by eliminating spur 2.

The EA states that the 2010 Transportation Management Plan was used to determine the transportation system for this project. However, that plan states “TMO’s will be established for new roads to ensure that they are properly incorporated into the transportation system”⁶³.

Decommissioning: Our scoping comments stated that road decommissioning must be meaningful, such as slash pulled over the road, tilling excessive compaction and native plant species planted in the road bed.

Unfortunately, EA uses the word “Decommission”, but the definition of decommission on page 18 implies that the road bed would remain on the ground. The roads would only be blocked by “earthen or rock barriers” and as such would remain available for use by OHVs. Since the roads will be “existing” after they are built, and BLM allows OHV on all existing roads, OHVs would be allowed on all the new spurs in the project areas. The EA states “Closure of decommissioned roads would... prevent vehicular traffic”.⁶⁴ The EA then describes a method of closure that does NOT prevent vehicular traffic: “tank traps and boulder barriers”. The EA provided no evidence that these methods prevent OHV traffic. The EA failed to consider the impacts of OHV traffic on these roads after they are so-called decommissioned.

In the Roseburg BLM pilot, new roads will be fully decommissioned by pulling up the compaction and by replanting desired early-seral vegetation in the roadbed. ATVs will be discouraged by pulling slash over the road. The Wagon Road EA failed to consider an alternative that does the same.

The EA states that 1.2 miles of road would be decommissioned. However, there is no map of where the 1.2 miles of proposed decommissioning are. Table II-3 has “closure type” next to road numbers, but few of the road numbers appear on the project map, and none of the project spur roads appear in the table.

Fertilizer: EA page 23 states that fertilizer would be used on the roads, even roads within

⁶³ 2010 Western Oregon Transportation Management Plan. Page 17.

⁶⁴ Wagon Road EA. page 23.

riparian reserves. Fertilizers can have negative impacts in a watershed. Used cumulatively with private forest land, fertilizers cause algae blooms in water, and can easily be washed down into fish-bearing streams. The northwest forest plan states: "... chemicals shall be applied only in a manner that avoids impacts that retard or prevent attainment of Aquatic Conservation Strategy objectives."⁶⁵

The EA argues that: "Fertilizer would be applied at the rate of approximately 32 lbs. available nitrogen + 40 lbs. available phosphoric acid per acre. There would be approximately 10 acres of disturbed area across the entire project that would need fertilization. This amount of fertilizer (320 lbs. nitrogen and 400 lbs. phosphoric acid) would not affect water quality and would not be measureable or detectable in drinking water supplies. A much larger amount of fertilizer is applied to agricultural lands and populated areas (lawns and gardens) in the DWPA's."⁶⁶

That is exactly the problem. While the amount of fertilizers on this 10 acres might be less than that applied to agricultural lands, it contributes to the cumulative impacts. Agricultural lands in Sitkum, just upstream from the project area, as well as the fertilizers sprayed on all of the adjoining industrial forest lands are likely already causing a ph imbalance in the watershed. The EA should have considered the cumulative impacts of yet another 920 pounds of nitrogen and phosphoric acid fertilizer.

Routine road maintenance: The EA threatens that if we don't build new roads and log here, "sediment delivery to streams and fish habitat from some roads would continue". Therefore, the EA concludes that if BLM doesn't log here, there will be "Chronic sediment input to streams" that will reduce "spawning production, juvenile rearing survival, and insect production".⁶⁷ It is unclear from the EA where this is occurring currently, that would continue if the project were not logged. It is also unclear if the EA is telling the public that the BLM will refuse to do routine road maintenance on existing logging roads if more logging can't occur. Please clarify if this is indeed what the BLM is saying, and if not, correct the mis-information stated on page 43 of the EA. NEPA requires that the EA be clear and correct.

The EA also says that BLM is doing a lousy job of road maintenance: "Adjacent streams have been subject to episodic and/or chronic fine sediment input due to poor road design and lack of maintenance."⁶⁸ This sounds like deferred maintenance. BLM is referencing the 2010 TMP, which requires: "In accordance with Statement of Federal Financial Accounting Standard #6 (SFFAS), BLM is required to disclose the amount of deferred maintenance on roads and other facilities. To comply with SFFAS, deferred maintenance on roads must be identified and submitted according to the following procedures".⁶⁹ Has the BLM complied with this requirement for the project area roads that have lack of maintenance?

⁶⁵ Northwest Forest Plan C37.

⁶⁶ Wagon Road EA. page 61

⁶⁷ Wagon Road EA. page 42.

⁶⁸ Wagon Road EA. page 42.

⁶⁹ 2010 TMP. page 19

It appears that the BLM can not afford to maintain the roads they now have, including controlling unauthorized ATV use. Building another mile of new roads, with a permanent road bed, could set the BLM back even more.

13. Reforestation

The EA describes reforestation for the regeneration harvest to be 200 trees per acre of Douglas fir, western redcedar and Port Orford cedar. They would be tubed. No other alternatives were considered.

Our scoping comments had asked for an alternative that stayed true to the original proposal of a no-tree planting (or only minor tree planting). Drs. Jerry Franklin and Norm Johnson were very clear that the wet-forest pilot project must use primarily natural regeneration. They say:

“Elements of a silvicultural prescription for regeneration harvests in Moist Forests to provide diverse early successional habitat and regeneration of shade-intolerant tree species ... Regeneration of trees will be primarily by natural regeneration.”⁷⁰

This is the original recommendation for the Wet Forest Pilot Project, as presented at our December meeting in Washington DC to Ken Salazar. It was the basis for the Secretary to approve the wet-forest pilot projects. Natural regeneration is critical to the entire purpose of early-seral restoration. It should have remained a part of this project, yet it was not even considered as an alternative in the EA. The BLM failed to give a good reason for completely eliminating this important concept.

The Purpose and Need for this project includes “maintaining a complex early-successional forest stage for 20 to 30 years”⁷¹ Considering the profuse natural regeneration that will occur in the area (because of the “variable retention” strategy), planting an additional 200 trees per acre has the potential to undermine this purpose, and stock this stand as heavy as an industrial tree plantation. 200 trees per acre averaged over 121 acres of a regeneration harvest is 24,200 trees that will be planted.

The EA does say that replanting will not occur “near natural seed sources like the retention aggregates”. But the EA never tells us how close planting will stop – at the drip line? Perhaps 50’ or 100’ from the drip line? There are scattered retention trees throughout the stand, as well as the group aggregate areas. The EA tells us the largest opening without an aggregate retention is 10 acres⁷², and within those 10 acres are a number of individually retained trees. The next largest opening is something less than 10 acres with retention trees. If reforestation stays 100’ away from the dripline of all these trees and areas, there isn’t area much left to plant.

⁷⁰ Applying Restoration Principles on the BLM O&C Forests in Southwest Oregon. Dr. Jerry Franklin and Dr. Norman Johnson. November 30, 2010. Page 8.

⁷¹ Wagon Road FONSI. page 1,

⁷² Wagon Road EA. page 15.

Let's assume that half of the 121 acres are farther than 100' from the dripline of a retained tree or area. Do all 24,200 trees get squeezed into that half, resulting in about 400 TPA being planted? Or will each acre that is planted have just 200 TPA? Please clarify your intentions.

In any case, planting 400 TPA over half of the 121 acres, or planting half of the trees, limiting it to 200 TPA over acres that are planted, either level of replanting exceeds the original recommendation for no or scarce reforestation. Planting 200 TPAs is like a bait-and-switch trick. We were told we want brush for early-seral species, and then we are given what will become just another fiber farm with artificial reforestation, using nursery stock seedlings, planted by contractors who must plant on a grid to pass inspection.

The EA tries to assure us that: "If abundant natural regeneration augments planting, the BLM would conduct treatments to maintain 200 trees per acre or a relative density of less than 0.15."⁷³ Again, is this 200 TPA averaged over 121 acres, or averaged over acres that are not near a retained tree?

In any case, the EA contains no monitoring details, no description of who is going to count reforestation, who is going to do the work of reducing regeneration, and how it will be paid for. Exactly how many trees per acre will need to occur before thinning? 210, 250, or 300? What level of stocking will the cutting reduce it to? Who will do this work and how will it be paid for? Precommercial thinning is expensive, and the BLM is extracting all the monetary value from logging in this entry. There is simply no assurance the BLM will follow through on this promise.

Also, monitoring for trees per acre will only occur for 12 years, at the most, maybe less⁷⁴, yet early seral species are expected "to extend for 20-30 years". What about the seed crop at year 13? One good seed crop, with seedlings growing two feet a year, will quickly wipe out the brush. Monitoring for only 12 years seem to mean we could lose the valuable brush by year 20. Yet 1/3rd longer is also a goal, 30 years.

Why even plant 200 trees per acre, in opposition to the pilot project description, if it causes all this extra work of monitoring, thinning, etc.? Why not just trust in the Johnson/Franklin model that you are supposed to be implementing instead?

The purpose of this project is pulled from this description:

"Implementing regeneration harvests in Matrix forests using principles of ecological forestry to help provide a regular flow of structurally-complex, **early** successional habitat (as well as other **early** stages of forest development). These actions could help provide ecologically important habitats that have become increasingly rare..."⁷⁵

Using scattered seed trees and natural regeneration was the norm 70 years ago when this

⁷³ Wagon Road EA. page 21.

⁷⁴ Wagon Road EA. page 18.

⁷⁵ Restoration of Federal Forests in the Pacific Northwest: Strategies and Management Implications". Dr. K. Norman Johnson. Dr. Jerry Franklin. August 15, 2009. Page 6

stand was last logged. As evidenced by the commercial value of the stand now, it was an effective strategy. The EA explains it was only effective because there was a forest fire that prepared the soil.⁷⁶ We disagree. Seed Tree harvesting was a common practice 70 years ago on clearcuts that were not burned, and those areas also reforested successfully, eventually, which is the point – slow reforestation to promote more years as brush.

The EA suggests that the stand in section 17 was aerial seeded which is why it was successfully reforested. We disagree with this also. While aerial seeding was used 70 years ago, it was used to reforest large burns with few green trees left. In contrast, Section 17 was an industrial clearcut, and no business person at that time would spend their profits on aerial seeding when leaving seed trees to do that job was the norm. The unit in section 17 is very diverse, including red cedar, Port Orford cedar, western hemlock, grand fir, Douglas fir, red alder, maple, and other hardwoods and brush species. Clearly this was not aerial seeded in Douglas fir. It has too many older western hemlocks for any artificial Douglas fir reseeding.

Jerry Franklin and Norm Johnson recommended, “Regeneration of trees will be primarily by natural regeneration.”⁷⁷, which means some limited replanting could occur. This should occur where specific species are under-represented on the landscape where they once were more abundant, such as Port Orford Cedar (POC). While the EA does include disease-resistant POC in the planting mix, the most prevalent species planted will be Douglas fir nursery stock.

Other than planting under-represented species, the EA failed to consider no artificial reforestation. For *early seral with structure* creation to be successful, there should be no opening so large that retained trees cannot reseed it. Is this the case, or isn't it?

Johnson and Franklin state that “Regeneration would be considered in the context of the goal of nurturing the development of structurally-complex, early-successional communities. The need for artificial reforestation would be carefully evaluated. This evaluation would consider such issues as the availability of surviving seed trees...”⁷⁸ There was no adequate consideration in the EA, just 24,200 seedlings (average of 200 TPA over 121 acres) that will be planted someplace.

14. Alternatives

We are disappointed that a “pilot project” contains only one action alternative. We provided scoping comments suggesting a number of alternatives could be considered. For instance, we asked for an alternative that considered the original Johnson-Franklin recommendation to not do artificial reforestation; for alternatives to protect more than 40% of cavity nesting habitat; for alternatives that do not include hardwood conversion or

⁷⁶ Wagon Road EA. page 28.

⁷⁷ Applying Restoration Principles on the BLM O&C Forests in Southwest Oregon. Dr. Jerry Franklin and Dr. Norman Johnson. November 30, 2010. Page 8. Posted on the Coos Bay BLM Pilot Project web site.

⁷⁸ Applying Restoration Principles on the BLM O&C Forests in Southwest Oregon. Page 70.

beargrass enhancement or other alternatives suggested below in these comments. The BLM had a number of important alternatives that should have been considered, but were not. The BLM continues to insist that there are no other options to consider than the proposed action, and even failed to respond to public scoping comments on this issue.

This violates NEPA, which requires the BLM to: “Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act.”⁷⁹ “(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”⁸⁰

While the courts have extended most of the ESA requirements to EAs, such as the requirement to consider alternatives, NEPA actually address this specifically for Environmental Assessments. “1508.9 Environmental assessment. . . . shall include brief discussions of . . . alternatives required by sec. 102(2)(E). . .” The Wagon Road had NO discussion of any alternatives except for one action alternative.

The requirement to rigorously explore a reasonable range of alternatives applies to EAs because it applies to EIS’s. NEPA requires the BLM to include in its EIS a “detailed statement . . . on . . . alternatives to the proposed action.”⁸¹ “NEPA regulations describe this alternatives requirement as the ‘heart’ of the EIS and require the agency to produce an EIS that ‘[r]igorously explore[s] and objectively evaluate[s] all reasonable alternatives’ so that the agency can ‘sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public.’ ”⁸² “The existence of a viable but unexamined alternative renders an [EIS] inadequate.”⁸³ The “alternatives provision” of 42 U.S.C. § 4332(2)(E) applies whether an agency is preparing an EIS or an EA and requires the agency to give full and meaningful consideration to all reasonable alternatives.⁸⁴ The alternatives requirement is triggered where unresolved conflicts as to the proper use of resources exist, whether or not an EIS is required. There are plenty of unresolved conflicts involved in this project, as described elsewhere in this appeal.

Reasonable alternatives are those that are viable, feasible, meet the stated goals of the project, or are reasonably related to the purposes of the project.⁸⁵ The BLM must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action, sufficient to permit a reasoned choice.⁸⁶ The agency cannot contrive the

⁷⁹ 40 CFR 1501.2 (c)

⁸⁰ 40 CFR 1502.14 (a)

⁸¹ 42 U.S.C. § 4332(C)(iii).

⁸² *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1120 (9th Cir. 2002) (quoting 40 C.F.R. § 1502.14(a)).

⁸³ *Natural Resources Defense Council v. U.S. Forest Service*, 421 F.3d 797, 813 (9th Cir. 2005) (quoting *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985)).

⁸⁴ *Native Ecosystems Council v. U.S. Forest Service*, 428 F.3d 1233, 1245 (9th Cir. 2005); see *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1229 (9th Cir. 1988)

⁸⁵ *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992); *City of Carmel-By-The-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997); *Trout Unlimited v. Morton*, 509 F.2d 1276, 1286 (9th Cir. 1974).

⁸⁶ *Idaho Conservation League*, 956 F.2d at 1520.

project's purpose so narrowly that competing reasonable alternatives cannot be fully considered.⁸⁷

The BLM is required to consider alternatives in both EISs and EAs and must give full and meaningful consideration to all reasonable alternatives.⁸⁸

The No-Action alternative was inadequate. It should have considered what would happen if no commercial logging occurred in this stand. This is a 70-year old forest that was not commercially replanted, and thus has more species and spacing diversity than a young plantation. It contains scattered old growth trees and currently provides some nesting, roosting, and foraging habitat for the Northern Spotted Owl. It is only about 30 years away from providing good spotted owl habitat, while nearby LSR plantations are less diverse and many more years away from meeting this goal. Considering the NSO is in deep trouble now, the no-action alternative should consider the benefits to the owl from doing nothing.

A no-action alternative would still meet the “need” for restoration, because the definition of restoration the BLM is using fits with spotted owl needs: “...activities that are designed to restore forests and landscapes to conditions that provide the diversity *needed* to restore and sustain native biodiversity and essential ecosystem functions.”⁸⁹ The “economic and social” purposes can still be met by BLM continuing to exceed their timber targets through thinning, for the 20 years of needed thinning remaining.

The no-action alternative should have included how much spotted owl (or late-seral) habitat exists within the watershed, not just on BLM land, but the complete watershed, and then considered if the watershed would benefit from an additional 151 acres in section 17. The BLM has stated they will take a watershed-landscape view of this pilot project, and one of those views should have been the amount of mature and old growth forests remaining.

The East Fork Coquille Watershed Analysis says that 70% of the watershed is currently in plantations under 60 years old.⁹⁰ Historically, 61% of all Coast Range coniferous forests were in old growth condition (over 200 years).⁹¹ Only 12% of the East Fork Coquille watershed is now in forests over 160 years old.⁹² Since the watershed is already below historical acres of mature forests, the no-action alternative should have consider the impacts to wildlife if this stand were not harvested and allowed to continue on its current trajectory of growth into higher quality late-seral habitat.

When determining which is needed more in the watershed, early seral or late seral habitat, the EA should consider the East Fork Coquille Watershed analysis. It states:

“Species requiring old-growth forest habitats, or key habitat components (snags,

⁸⁷ *City of Carmel*, 123 F.3d at 1155.

⁸⁸ *Te-Moak Tribe v. Interior*, 608 F.3d 592, 601-602 (9th Cir. 2010)

⁸⁹ Coos Bay BLM Wagon Road Pilot Project scoping notice.

⁹⁰ East Fork Coquille Watershed Analysis. Coos Bay BLM. May 2000. page ES IV.

⁹¹ East Fork Coquille Watershed Analysis. page V-5.

⁹² East Fork Coquille Watershed Analysis. page V-7.

complex tree canopies, down logs, etc.) have been most affected. Populations of these plant and animal species have declined dramatically, and many are restricted to small isolated habitat islands. The small size and isolation of these populations put these species and ecological communities at risk (Noss and Cooperrider 1994).”⁹³

The no-action alternative should have included the importance of forest connectivity between the 160 year old forests and marbled murrelet occupied sites in the southern and north west part of section 17 and with the old growth in the eastern part of section 17 and the BLM ownership in section 16, and with the older forests in section 18 and 21. Even though we raised it our scoping comments, the EA failed to consider that doing a regeneration harvest of 200 acres of mature forests in the middle of section 17 severely fragment these older forests. The no-action alternative never considered the health of the forests if this fragmentation were to not occur, and the impacts of edge-effects if fragmentation were to occur.

No alternative considered deferring the regeneration harvests until sufficient spotted owl habitat has been restored in the LSR.

The no-action alternative should also consider what projects the BLM will not do, because they are busy doing this one. In the last 5 or 6 years, the Coos Bay BLM has been focusing on doing needed thinning in managed plantations, instead of regeneration harvests. There has been widespread consensus that this is the right path for the BLM – to generate jobs and timber volume by getting caught up on the needed plantation thinning before more plantations are created. The BLM has been able to provide 150% of their timber targets through plantation thinning. There is no additional obligation to get more timber to the mills that this project addresses. It just adds more volume through regeneration harvest while reducing volume from thinning in other areas.

At the public meeting, we were told that the reason for beginning regeneration harvests again is because the plantations that need to be thinned are running out. Are they? The no-action alternative should have given some data on the claim plantations are “running out”. That data should include reducing the Coos Bay BLM harvests back to 27 mmbf a year.

15. Forest Carbon and global warming.

The EA failed to consider the full impacts on carbon from this regeneration harvest, including the tons of carbon lost to the atmosphere through the loss of overstory trees, the delayed regeneration for 30 years, the fossil fuels used to harvest those trees and manage the plantation that results from that harvest, and the loss of carbon that would have been stored from not harvesting.

⁹³ EFC Watershed Analysis, page V-37.

The EA claims there is NO cumulative impacts to carbon from this project. “There are no cumulatively significant impacts... including... carbon storage.”⁹⁴ Later the EA tell us the proposed action “would result in a cumulative 50 year flux of greenhouse gasses... on the order of 9,068 metric tons...”⁹⁵ Which is it, no cumulative impact or a cumulative 50 year flux?

The EA estimates that 9,068 metric tons of carbon will be lost to the atmosphere from the proposed action. This seems low for virtually clearcutting 121 acres and delaying regeneration afterwards. The EA failed to clearly describe how it came to the 9,068 metric tons. Please disclose your calculations. Include how many tones of carbon are lost per year, compared to the standing forest sequestering carbon. This should be done for 70 years, the age of the existing forest, not 50 years.

The EA failed to disclose if the BLM accounted for the delayed seedling growth, where a closed canopy has been delayed for 30 years to enhance early-seral habitat. The EA failed to show that how much carbon use was calculated for the petroleum products used to log, such as:

- * in logging equipment, hauling lumber to mills, and in milling wood products;
- * by loggers and inspectors commenting to the project area in vehicles;
- * by BLM to get to the project area to prepare the sale, do the wildlife surveys, marking stand boundaries, etc.
- *in fertilizers and herbicides, including road-side spraying used in preparation for logging equipment use, as well as used to stabilize roads after logging, as well as the carbon the equipment used to apply chemicals.

When considering the carbon impacts of using fossil fuels for this project, consider the EPA's web site⁹⁶ for calculations of carbon emissions. We used this web site to figure that 9,068 metric tons of carbon is equivalent to the annual emissions from 1,778 passenger vehicles, or the electricity used in 1,131 homes for one year, or burning the coal from 50 railcars. It is also the amount of carbon sequestered by 232,513 tree seedlings growing for 10 years. The BLM will replant 24,200 seedlings (200 per acre for 121 acres) or 1/10 of that.

Some other errors in BLM's calculation that were apparent:

- * The EA quotes the WOPR (USDI 2008) as the source of calculations. But those calculations did not account for a 30-year delayed regeneration. Therefore, the cumulative carbon lost over the next 70 years be double what the BLM predicted.
- * Another error in the calculation stems from the statement that GHG emissions in forestry “is primarily due to fertilization which would not occur associated with the Proposed Action.”⁹⁷ Wrong, 320 lbs. of nitrogen fertilizer and 400 lbs. of phosphoric acid will be used in the proposed action.

⁹⁴ Wagon Road EA. page 3.

⁹⁵ Wagon Road EA. page 51.

⁹⁶ <http://www.epa.gov/cleanenergy/energy-resources/calculator.html#results>

⁹⁷ Wagon Road EA. page 52.

* Another problem is that the carbon calculation covers only 50 years, when this is a 70 year old stand. Perhaps the BLM plans on clearcutting it again in 50 years? Not likely since regeneration is being delayed 30 years.

The EA discusses carbon flux on page 52 3rd paragraph. It references (“a”, above). (“b”, above) and (“c” above), but there is no “a”, “b” and “c” above. What exactly is the EA talking about? By the way, NEPA documents are supposed to be written so the lay public can understand them, and the entire Carbon Flux discussion is about as clear as mud.

The EA then concludes that this carbon loss “would not produce measurable change in global climates”⁹⁸. Of course it won’t. That’s not the point of this exercise. The point is the *cumulative* impacts of carbon loss through deforestation in the coast range. Nothing is significant at the site level. Everything is cumulative and NEPA requires the BLM to consider the cumulative impacts. The EA should have considered the cumulative loss of carbon to the atmosphere from logging the highest carbon sinks in the world. Instead, under the heading of Cumulative effects, the EA says carbon sequestration will *increase* over the next 50 years as a result of this regeneration harvest⁹⁹. This doesn’t make sense. Removing a mature forest and replacing it with a tree plantation that will have reforestation delayed by 30 years cannot cumulative increase carbon in 50 years, especially when considered cumulative with the industrial tree plantations in the watershed, re-clearcut every 50 years.

Instead, the EA should have considered the loss of 9,068 metric tons, plus what is not gained from the forest being left to continue to grow, a significant cumulative impact with other logging in the coast range. It is significant considering the dire nature of climate change, and the cumulative impacts the BLM could have by expanding the pilot project, with delayed regeneration, as BLM hopes. This is especially a huge change to carbon resources from the thinning program that the BLM has been doing for the past 6 years.

The EA referred to a forest service web site for their carbon calculations: <http://www.fs.fed.us/fmnc/fvs/>. However, this web site says that “A climate-sensitive version known as Climate-FVS is currently available for western states.” Why wasn’t this used instead?

Another web site that would be helpful is “The Forest Sector Carbon Calculator” developed by Oregon State University. Though in Beta, it is close to being finished (according to Mark Harmon). In any case, the calculation would be more local and up to date than that used in WOPR 2008. Greater accuracy is important, as this is a *pilot project*, and carbon sequestration in Oregon’s coast range is of such great significance world-wide. The BLM should not skimp on this important topic. The EA simply has unclear and apparently inaccurate calculations. Please re-do them.

⁹⁸ Wagon Road EA. page 53.

⁹⁹ Wagon Road EA. page 53.

16. Cumulative Impacts.

The Wagon Road Pilot Project unit is near to the East Fork Coquille timber sale units and the Weaver Sitkum units. The very same logging roads will be used for hauling both projects, along the very same streams. The Wagon Road Pilot Project EA failed to properly disclose the cumulative impact of both sales likely being logged in the same year, plus the new private land clearcut just west of the project area. There was no discussion of cumulative watershed impacts of new roads and ground-based equipment, peak flows, carbon, as well as the cumulative impacts to wildlife within this very small area of very large impacts. Spotted owls have been known to leave a thinned area, which they could do in the near-by thinning projects, so special attention to cumulative impacts should have been considered on the near-by spotted owls.

Other cumulative impacts: The Coquille Tribe is clearcutting an old growth forests, called the “Additional Acres” timber sale, just four miles directly south of this project, in the same watershed, with logging trucks likely using the same haul roads. Here, the Tribe is clearcutting (leaving as few as 8 trees per acre) spotted owl habitat that is classified as “High Quality” habitat, defined under Recovery Action 32 in the 2008 NSO Recovery Plan, which that plan recommended be protected.¹⁰⁰ The Tribe claims they do not have to protect high quality NSO habitat because Tribes do not have to follow the recommendations of the NSO Recovery Plan.

The Coquille Tribe informed the US Fish and Wildlife Service that they will not comply with this key recommendation in the Northern Spotted Owl Recovery Plan because:
“Although the stands in this BA meet the intent and definition of RA 32, Secretarial Order 3206 places the burden of endangered species recovery on Federal and State Governments first and Tribes last. As interpreted, the federal government must show that recovery actions on tribal lands are absolutely essential in preventing species extinction.”¹⁰¹

Therefore, the EA should have assumed that all of the lands owned by the Tribe in the vicinity of this project will not be afforded protections recommended by the USFWS for recovery of the Northern Spotted Owl. The resultant cumulative impacts to spotted owls from the Wagon Road Pilot Project could be considerable.

17. Jobs

A big part of the Pilot Project purpose and need is about providing local jobs. However, the EA failed to consider all the cumulative aspects of the local economy on jobs. Making a statement like xyz mmbf provides xyz jobs is a narrow analysis.

¹⁰⁰ Recovery Plan for the Northern Spotted Owl. USFWS. May 2008. Recovery Action 32 is described on page 34. For more information, see section on Tribal Management of 58,000 acres, below.

¹⁰¹ Biological Assessment #CFP6-01-2009. Coquille Indian Tribe Chu-aw Claw-she No3 Additional Acres TBA 10/21/2009. Page 1-2.

The “jobs” economic analysis should have compared the amount of jobs provided by regeneration harvest vs. the usual BLM thinning sales. The thinning sales have produced 150% of Coos Bay BLM’s timber target over the last 5 years, so consider that figure when figuring mill jobs, and how many LESS jobs a regeneration harvest provides forestry workers

The EA also failed to consider the export market’s influence on jobs. The Pacific Northwest Research Station announced May 21 that for the first quarter of 2011, West Coast softwood timber exports were up 50.5 percent from the first quarter of 2010. Log exports from Oregon and Washington totaled 379.5 million board feet. Logs and lumber went primarily to China and Japan as well as to Taiwan, Indonesia and South Korea, exporting mill jobs with them.

The EA should have considered if logs from a BLM regeneration harvest could ever make a dent in the jobs lost to the log export market. Because logs from BLM lands cannot be exported, for every raw log that is exported, the BLM would have to produce two logs to make up for the mill jobs lost and to increase local jobs. If the export market has grown 50%, how many more logs can the BLM realistically produce to grow local jobs. If this pilot project is tied to local jobs, while local jobs are being lost through the private timber export market, the export market is relevant to this project and must be considered in the EA.

The EA responded to this scoping comment by saying none of this matters because “It is against the law to export raw logs from federal lands”. Yes, we know. That was our whole point. And that the BLM logs cannot make up for the loss of private logs to the export market when supporting local mills.

18. Maps

The BLM also failed to provide a .kmz google earth file of all the project area. The Roseburg BLM provided that for their wet-forest pilot project, and the Umpqua National Forest does it for their timber sales. If the Coos Bay BLM wants public involvement, there is no good reason why the BLM can’t also provide these easy, simple, small file maps. They should be posted on your web site, and include road locations, stand ages, murrelet protections, old growth locations, retention areas, stream buffers, survey and manage protections, and anything else of importance. The BLM already has mapped all this data. It’s no extra work to provide it to the public.

Google Earth is a free program. Anyone can use it, unlike more expensive GIS mapping programs. The Coos Bay BLM should catch up with the other federal agencies that distribute information for the general public. NEPA requires that “high quality” data be used to inform the public. Google Earth is just normal data these days, not even high quality, so it’s time for Coos Bay BLM to provide kmz files to the public.

There were other problems with maps in the EA. The first edition of the EA failed to show a map with all the existing roads. The BLM fixed that, but it cut into the 30-day comment period. Other maps had an incorrect scale. BLM fixed that also, but it cut even more into the 30-day comment period.

Map 5 shows NSO habitat within the project area, but fails to show any of the new roads or where the aggregates are. If we want to see how new roads impact NSO habitat, or how NSO habitat overlaps, or not, with aggregates, we would have to print out both Map 5 and Map 2, and hold them together up to a window. That strategy failed because the map scales were different (even though the legend was the same).

It shouldn't be so hard for the public to see how all elements of the project fit together. If the Coos Bay BLM refuses to provide .kmz files to the public, like other federal agencies, at least the EA maps should contain all the adequate information for the public to review the project for a full 30 days. NEPA requires better maps from the BLM.

19. Staff Qualifications

The amended cooperative agreement between the Tribe and BLM is posted on BLM's web site. It says that the Tribe will be paid \$116,500 for "technical expertise and support" to the BLM's ID Team, including wildlife surveys, BA preparation and scientific oversight for the Pilot Project.

I asked the BLM for the Tribe's wildlife survey and scientific oversight qualifications. The BLM responded "we do not have qualifications on file."¹⁰² We are surprised that the BLM is paying \$116,000 for "Technical Expertise", without knowing the qualifications of the people doing the work. Our scoping comments asked that the BLM correct this oversight and discuss staff qualifications in the EA, but the EA failed to do so. NEPA requires this information to be disclosed in the EA (1502.17).

20. Economic Impacts and Tribal Agreements with the BLM

The EA failed to have an economic section that describes income expected, and the costs of this project, including funding for the Tribe's work, as required by NEPA.¹⁰³ Especially since this is a Pilot Project, the economic impacts of this project are especially important to disclose and consider. Since the Tribe considers this pilot project a model for the Tribe to manage 58,000 acres more BLM lands, the EA should compare the cost of paying the Tribe to do the ID Team work, compared with the BLM doing the same work using its existing qualified staff at no extra cost. The EA should also describe what BLM budget items will fund the Tribal work.

¹⁰² Email from Kathy Hoffine, 9-19-11

¹⁰³ See 40 CFR 1508.8(b), "Effects includes... economic". See also 1508.14, "When... economic or social and natural or Physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment".

The current “Cooperative Agreement” between the BLM and the Coquille tribe is restricted to “improve watershed health”.¹⁰⁴ The only “goal” of the cooperative agreement is “restoring aquatic and upslope habitats to benefit native fish and wildlife species and water quality”. Therefore, the Tribe’s work on this Pilot Project means that native fish and wildlife species and water quality must benefit from that work.

Fragmenting mature forests and increasing peak flows in a watershed that is far below historical acres of mature forests, does not improve watershed health. The BLM and the Coquille Tribe must be working under a different cooperative agreement – perhaps one with an economic emphasis instead of a watershed restoration emphasis. Degrading wildlife species habitat is not allowed under this Cooperative Agreement.

The Coquille Tribe is required to submit quarterly reports on the expenditures received through this Cooperative Agreement. The BLM must provide those reports to the public since, in effect, the Tribe is working with the public on this Cooperative Agreement Pilot Project. Five quarters have passed since this agreement was first made. Please post the quarterly reports on the same web page as the original agreement is posted.

21. Pilot Project for Tribal Management of 58,000 acres

At the public meeting for this pilot project, the Tribe invited John Gordon to speak about the Tribes expected outcome of this pilot project: management of 60,000 acres of the Coos Bay Wagon Road BLM lands in Coos County. The Coos Bay BLM Pilot Project web site also showcases the Tribe’s proposal to take over management on 58,000 acres of BLM land on its front page.

We are opposed to this. The Tribe’s proposal has no place in this Pilot Project that has a different purpose than transferring management of federal public lands to the Coquille Tribe. But since it is presented on the Pilot Project main page, it seems to be a part of this project nonetheless. The EA confirmed that “The CIT has presented to Secretary Salazar a proposal to manage the Coos Bay Wagon Road Lands”¹⁰⁵ but dismisses concerns we included in our scoping comments by saying: “There is nothing in the Purpose and Need, other than collaboration between the CIT and the BLM on this pilot demonstration project, to transfer lands to the CIT.”¹⁰⁶ We disagree. The CIT has asked for management of the Coos Bay Wagon Road Lands and has been to Washington DC with Coos County Commissioners several times to lobby for this. The CIT is using this pilot project as a form of “proof” they can manage BLM lands. This Wagon Road Pilot Project is very much in the forefront of the request to transfer management of 58,000 or 60,000 acres of land out of BLM management, into Tribal management, and to take the 58,000 acres out

¹⁰⁴ Cooperative Agreement No. L10AC20045 Coquille River Basin Watershed Restoration, Coos Bay District, Oregon Cooperative Agreement No. L10AC20045. 9/15/2010. Posted on the BLM web site as the agreement authorizing the Tribal work on this project. “Restoration of the Coquille River Watershed”, is the *only* reason for the BLM to pay the Tribe for work on this project.

¹⁰⁵ Wagon Road EA. page 10.

¹⁰⁶ Wagon Road EA. page 10-11.

of Northwest Forest Plan management and other federal wildlife protections.

Because this is showcased on the BLM Pilot Project front page, we will continue to address it in these Pilot Project comments.

Our primary objection is that the Coquille Tribe has demonstrated through their regeneration harvests of high-quality spotted owl habitat (see above) that their forest management goals are primarily to enhance economic returns, rather than enhancing wildlife habitat. The BLM has greater environmental protection goals.

The Tribe has repeatedly used tribal status to circumvent federal wildlife protections. For instance, in the Biological Assessment for the “Additional Acres” timber sale, the tribe wrote: “Although the stands in this BA meet the intent and definition of RA 32, Secretarial Order 3206 places the burden of endangered species recovery on Federal and State Governments first and Tribes last.”¹⁰⁷ Therefore, the Tribe concluded, they were able to virtually clearcut a RA 32 forests (that is, high quality spotted owl nesting habitat, as defined in the NSO Recovery Plan). No BLM district in Oregon has been logging RA 32 forests because they are complying with the recommendations of the Spotted Owl Recovery Plan. The Tribe has stated clearly they will not comply with the recommendations of the NSO Recovery Plan. The USFWS responded to the Tribe:

“The Tribe has determined the removal of 61 acres of spotted owl NRF habitat may affect, is likely to adversely affect spotted owls because implementation of the proposed action will reduced the amount of available spotted NRF habitat below the threshold value of 40 percent.”

“The Tribe has provided their rationale for deciding to move forward with the harvest of these stands... citing Secretarial Order 3206, which places the burden of endangered species recovery primarily on federal and state governments and secondarily upon Tribes. In an email, tribal representatives provided the following information”...

“An indian tribe does not qualify as federal lands. The NSO Recovery Plan expressly applies to “federal lands.”

Another example of the Tribe’s economic focus overriding habitat protections is the marking of old-growth-like Port Orford trees in the northwest corner (and maybe elsewhere) of the Wagon Road Pilot Project for logging. (See section 7 above for more on this). The BLM was there this time to respond to public concerns and re-mark the trees for retention, but if this was out of BLM hands, those valuable and rare trees would have been cut down.

For all these reasons, the Tribe must not be given additional spotted owl habitat to manage because they will likely clearcut it, just as they did with the best spotted owl habitat on the 5,400 acres of BLM land they were given in 1997.

¹⁰⁷ Additional Acres Biological Assessment. Coquille Tribe. 10/21/09. Page 1.

Concerning the high quality spotted owl habitat in the Additional Acres timber sale, the USFWS continued in their Biological Opinion:

“The Tribe has not conducted protocol surveys designed to detect spotted owls in the area of the planned harvest unit... The Tribe plans to implement portions of this proposed action *within the critical breeding season*... While recognizing Secretarial Order 3206, maintenance of “high quality habitat” on non-federal lands is encouraged.”¹⁰⁸

In spite of USFWS encouragement to protect high quality habitat, the Tribe clearcut it (or is clearcutting it), leaving as few as 8 trees per acre. The Tribe writes that “...the Tribe is not mandated to follow, BLM policies, procedures, or instruction memorandum recommendations”¹⁰⁹ when it comes to protecting the Spotted Owl.

The Tribe has proposed managing the 58,000 acres of Coos Bay Wagon Road Lands “according to all applicable plans for federal forest lands”¹¹⁰, but their idea of “applicable plans” is not the Northwest Forest Plan. The Tribe has stated at Coos County meetings they intend to manage it closer to the Oregon Forest Practices Act, a drastic reduction in ecosystem protections.

Even if it was the Northwest Forest Plan, the Tribe has different standards than the BLM. For instance, the Tribe had promised to manage under the Northwest Forest Plan for the 5,400 acres of BLM land they were given earlier, and they clear cut high-quality spotted owl habitat even though the BLM would not have done so. The Tribe claims wildlife protections are a “policy”, and so are other environmental protections, like protections for Survey and Manage species and Port Orford Cedar. The Tribe claims they don’t have to follow these federal land policies.

In another timber sale, the Rasler-Lost-40 timber sale, the Coquille Tribe responded to public comments by saying that: “It is true that the Tribe must follow the same standards and guides on adjacent federal forest lands; however the Tribe is not mandated to follow BLM policies, procedures, or instruction memorandum recommendations.”¹¹¹

The Tribe then explains that protections of Port Orford Cedar from *Phytophthora lateralis* is a BLM policy, so they will not follow it. Instead, they have their own “tribal management strategy for controlling the spread of POC Root Rot diseases.”¹¹² What they will do instead is never disclosed in any public documents.

The Tribe has also determined that protections for Survey and Manage species is a BLM policy, not a regulation they must follow. The Tribe will follow their own RTV policy “by developing a Tribal management direction for protection of known Red tree vole nests on Tribal lands. No additional compliance measures are needed as this species is not listed as threatened or endangered under the Threatened Endangered Species Act, and

¹⁰⁸ USFWS Biological Opinion. 4-13-10, Additional Acres timber sale, page 49 and 56.

¹⁰⁹ Comments and Response to Alder (Lost 40) EA comments. Coquille Tribe. April 7, 2011. Page 6.

¹¹⁰ Slide 5 on the Pilot Project slide show posted on the Coos Bay BLM Pilot Project web site.

¹¹¹ Comments and Response to Alder (Lost 40) EA comments. Coquille Tribe. April 7, 2011. Page 6.

¹¹² Comments and Response to Alder (Lost 40) EA comments. Coquille Tribe. April 7, 2011. Page 7.

has no state protection requirements.”¹¹³

Other reasons why the Tribal management of an additional 58,000 BLM acres, as proposed on the BLM’s Pilot Project web page, is a bad idea: When we tried to enforce the Northwest Forest Plan in the Chu-aw-Clau-she timber sale in 1999 through an administrative appeal, we were told by the BIA that we would have to pay a bond of \$39,000 to appeal. Citizens can appeal BLM sales without posting a bond. The BIA also informed us that only people with economic interests could appeal timber sales, either the seller or buyer of the sale. This is very different than the BLM appeal procedures, where any interested public can appeal decisions. In 2001 the Tribal government was caught logging in violation of a court order over the long New-Years holiday. When the Court reconvened after the holiday, the BIA was fined for the illegal logging. It is unlikely the BLM would ever snub a court order.

The public has a much harder time getting documents from the Coquille Tribe than from the Coos Bay BLM. For instance, unlike the BLM, the Tribe refuses to post any timber sale documents on their web site; the Tribe refuses to have an interested-party email notification list; the Tribe refuses to accept electronic comments; the Tribe refuses to respond to public comments unless the public specifically requests their response, and then the Tribe refuses to email their response. If electronic documents are sent on a CD, they are in a picture form, not searchable text. The Tribe requires an appeal at the same time as comments are accepted, an appeal we know we cannot bring according to the BIA regulations. In other words, the Tribe makes it as hard as possible to have meaningful public input or oversight.

In summary, allowing the Tribe to manage an additional 58,000 acres of BLM lands will weaken federal environmental protections as well as the public participation process.

22. An EIS is needed

For reasons stated elsewhere in these comments, an EIS is necessary. The FONSI is incorrect. NEPA requires preparation of an EIS for all “major Federal actions significantly affecting the quality of the human environment.”¹¹⁴ “Significance” has two components: context and intensity.¹¹⁵ “Context” refers to the setting in which the proposed action takes place, in this case the Coos Bay BLM lands and their resources such as water quality, endangered species habitat, and healthy Port Orford Cedars, which serve as a focal point for environmental analysis.¹¹⁶ “Intensity” refers to “the severity of the impact” and is determined by looking at several criteria.

The Wagon Road Pilot Project decision, considering both context and intensity, will result in “significant” effects to the environment, requiring the BLM to prepare an EIS.

¹¹³ Comments and Response to Alder (Lost 40) EA comments. Coquille Tribe. April 7, 2011. Page 6

¹¹⁴ 42 U.S.C. § 4332(2)(C).

¹¹⁵ 40 C.F.R. § 1508.27; *Anderson v. Evans*, 371 F.3d 475, 488 (9th Cir. 2004).

¹¹⁶ 40 C.F.R. § 1508.27(a).

The project will impact unique characteristics of the geographic area: including Riparian Reserves; Port Orford Cedar, Red Tree Voles, fisher, and other rare species. In addition, species protected by the Endangered Species Act are present on within the project area, including the Marbled Murrelet and Northern Spotted Owl.

As the Ninth Circuit has explained, the BLM must prepare an EIS if substantial questions are raised as to whether a project *may* cause significant degradation. A decision not to prepare an EIS must be supported by a “convincing statement of reasons” demonstrating why a project’s impacts are not significant.¹¹⁷ It is important to note that an EA can never substitute for an EIS.

An EIS must be prepared if the effects “are likely to be highly controversial”.¹¹⁸ Doing a regeneration harvest in an almost-mature public forests with a spotted owl is controversial. Enhancing early-seral habitat in the industrial checkerboard is also controversial.

A project is significant if “the possible effects... are highly uncertain...”¹¹⁹. Clearly, it is uncertain if this project will actually enhance early-seral wildlife habitat, or it is just another fiber farm. The project is significant, needing an EIS, if “the action may establish a precedent for future actions with significant effects”¹²⁰ This is a pilot project, so it obviously establishes a precedent.

A project requires an EIS if it “is related to other actions with individually insignificant but cumulatively significant impacts”. Regeneration harvest in the already heavily clearcut East Fork Coquille watershed fits this requirement.

Finally, this project will “adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.”¹²¹ The project area “has been determined to be critical” in 1992, and is likely to be re-designated as critical in 2012.

This project requires an EIS.

¹¹⁷ *Blue Mtns. Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998).

¹¹⁸ 40 CFR 1508.27 (b)(4).

¹¹⁹ 40 CFR 1508.27 (b)(5).

¹²⁰ 40 CFR 1508.27 (b)(6).

¹²¹ 40 CFR 1508.27 (b)(9).

This concludes our EA comments on the Coos Bay Wagon Road Pilot Project. We are disappointed our scoping comments were not addressed, and hope that these EA comments will receive consideration in your decision..

Sincerely

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