Jasmine Benjamin

From: fpaulete@blm.gov on behalf of RMPWO_Comments, BLM_OR <blm_or_rmpwo_comments@blm.gov>
Sent: Saturday, August 22, 2015 11:42 AM
To: RMP-Comments@heg-inc.com
Subject: Fwd: Comments to Draft Resource Management Plan (RMP)/Environmental Impact Statement (EIS) for Western Oregon
Attachments: CIT Observations and Comments.docx

---------- Forwarded message ----------
From: **Brett Kenney** <brettkenney@coquilletribe.org>
Date: Fri, Aug 21, 2015 at 2:34 PM
Subject: Comments to Draft Resource Management Plan (RMP)/Environmental Impact Statement (EIS) for Western Oregon
To: "blm_or_rmpwo_comments@blm.gov" <blm_or_rmpwo_comments@blm.gov>
Cc: George Smith <georgesmith@coquilletribe.org>, Peter Wakeland <peterwakeland@coquilletribe.org>, Colin Beck <ColinBeck@coquilletribe.org>

Attached, please find the Coquille Indian Tribe's comments to the Draft Resource Management Plan (RMP)/Environmental Impact Statement (EIS) for Western Oregon.

Please contact me if you have any questions or comments.

Thank you.

Brett Kenney, Tribal Attorney
Coquille Indian Tribe
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BLM DRAFT RMP/EIS

Observations and Comments Submitted by Coquille Indian Tribe

The Coquille Indian Tribe has a unique relationship with surrounding BLM forestlands and the management direction established for these lands. By law (P.L. 104-208) the Bureau of Indian Affairs and Coquille Tribe must manage the Coquille Forest subject to the standards and guidelines of Federal forest plans on adjacent and nearby Federal lands, now and in the future. This means that the applicable[1] federal management direction adopted in the BLM RMP that applies to the Coos Bay District will also apply to the Coquille Forest.

GENERAL OBSERVATIONS AND COMMENTS

Observation: The Purpose and Need described in the BLM draft RMP/EIS is focused on single species management for the Northern Spotted Owl (NSO), with alternatives designating vast acreages of reserves which will not contribute to sustained yield timber production.

Comment: The management direction set forth in the Purpose and Need fails to meet the statutory mandate of the 1937 O&C Act, which requires that O&C lands be managed for permanent forest production under principle of sustained yield. In addition, while generation of revenue for counties is a distinct purpose for management of these lands under the O&C Act, the Purpose and Need did not identify revenue generation as a Planning Objective.

Observation: The BLM draft RMP/EIS allocates no more that 30% of the decision area to the Timber Harvest Land Base in any alternative with the majority of the forested land allocated to structural stage progression in reserves.

Comment: The removal of 70% of the O&C forestland base from sustained yield timber harvest is a significant deviation from the clear statutory mandate of the O&C Act. The BLM's emphasis on reserves as a means to provide NSO and marbled murrelet habitat represents an expansion of the large-block reserve approach used in the Northwest Forest Plan, which has failed to stop the decline of the Northern Spotted Owl. After two decades of this management direction Western Oregon NSO populations continue to decline, and the species may be extirpated from the Coast Range within 35 years. The BLM acknowledges that it has no opportunity, through habitat

[1] The BLM Coos Bay District is comprised of 325,000 acres of varied landscape extending from the sand dunes of the Pacific Ocean to mountains and valleys of the Oregon Coast Range. In contrast, the Coquille Forest is 5,410 acres of commercial forest land located in a small portion of the much larger Coos Bay District. There are many aspects of the BLM/RMP management direction that will not apply to the Coquille Forest or applicability will be in a different context as Indian trust land. Recreation, Roads/Trails, Minerals, Livestock Grazing, Lands with Wilderness Characteristics and Wild Horses are few examples. Also, administrative policies adopted by the BLM regarding additional protections for T&E species which are not required by law would not be applicable to the Coquille Forest.

management in the Coast Range, to reduce risks to the NSO during the next 50 years.[2] While the late successional forest reserve (LSR) strategy has largely failed to reverse the decline in NSO populations, the implementation of this strategy has reduced timber harvest on federal lands in excess of 80% with devastating impacts to rural communities and county governments. This begs the question: *Why does the BLM in this new planning process continue a management direction that has failed in the past and has little chance of achieving its primary purpose of NSO recovery in the future?*

Observation: It appears that the BLM made a decision at the outset of its planning process to continue the strategy of the past two decades, which has been to reserve large blocks of land from sustained yield harvest in an attempt to recover the NSO. This upfront determination assumes that maintaining a network of reserves, removed from sustained-yield management, is necessary to achieve the conservation and recovery of the NSO. While predictive modeling may give credence to this strategy, the actual outcome of two decades of reserve-focused management demonstrates otherwise. The Barred Owl and its aggressive invasion of NSO habitat, not timber harvest, has been identified as the most significant threat to the NSO. There is no assurance that this trend of Barred Owl invasion and NSO population decline will not continue, regardless of how much of the forest the BLM puts off limits to sustained yield harvest.

Comment: The initial decision to designate large areas of reserves in all of the alternatives needlessly narrows the range of alternatives, and precludes the BLM from considering strategies which would result in more active management across the forest landscape. In order to properly analyze a full range of alternatives, the BLM must include alternatives that allow for sustained yield harvest across the landscape while still meeting other statutory mandates.

In addition, a baseline alternative is needed to determine the maximum sustained yield capacity (annual growth less mortality) of the planning area, based on current inventory data. Using the full sustained yield level as a benchmark for the biological productivity of the forest, a more meaningful analysis of the incremental economic impacts of conservation measures could be conducted.

Observation: In a reference analysis contained in the BLM 2008 RMP/EIS, it was determined that BLM lands in the planning area were capable of producing 1.2 billion board feet per year if managed solely for timber production, without regard other Federal laws and regulations.[3] This maximum sustained yield capacity determined in 2008 would be higher now as a result of seven years of accumulated growth, which significantly exceeded harvest levels over the seven-year period. The most aggressive harvest alternative (Alternative C) proposed in this draft RMP/EIS is less than 50% of the sustained yield capacity determined in 2008.

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[2] Comparison and Synthesis of BLM Draft RMP/EIS Alternatives. Report prepared for Association of O&C Counties, May 14, 2015.
[3] DEIS, Chapter3 –Page 261.

Comment: The management direction proposed in all alternatives would result in large annual accumulations of growing stock (standing forest inventory) each year. While the impacts of NSO critical habitat that overlay the Harvest Land Base have not been determined for all alternatives, project level ESA consultation will undoubtedly reduce harvest levels even further, resulting in even greater accumulation of growing stock within the planning area.

Dense, overstocked stands with large accumulations of fuels do not create healthy forest conditions. The large, unmanaged blocks of reserves could increase the risk of catastrophic stand replacement events such as wildfires, insect and disease infestation, and wind throw. Climate change could exacerbate these risks. Such events can directly result in significant economic and habitat losses. Control responses and rehabilitation actions can result in additional expense. Rather than removing 70% of the planning area from sustained yield timber harvest by focusing on reserves, the BLM should explore the benefits of active management across the landscape through the analysis of additional alternatives.

SPECIFIC OBSERVATIONS AND COMMENTS PERTAINING TO THE COQUILLE TRIBE AND MANAGEMENT OF THE COQUILLE FOREST

Observation: The Tribe's management goals for the Coquille Forest are distinctly different from the BLM's management goals as described in the draft RMP/EIS. The Coquille Forest is currently designated for timber production under the 1994 NFP, and was designated for timber harvest when Congress transferred those lands to the Coquille Tribe through the Coquille Forest Act. The National Indian Forest Resources Management Act directs that the Coquille Forest be managed under the principle of sustained yield, and in accordance with Tribal objectives. Under the Coquille Forest Resource Management Plan, the dominant use for Coquille Forest lands is sustained yield timber production.

This is because the Coquille Forest was created in partial satisfaction of a Congressional mandate. The Coquille Restoration Act required the Department of the Interior to approve an economic self-sufficiency plan for the Tribe. That plan, ultimately adopted in 1994, called for the restoration of 59,000 acres as a cornerstone of the Tribe's self-determination. The Tribe is located in a remote, heavily forested area, and was to rely substantially on sustainable forest production to provide vital government services to its members.

Despite the plan's clear recommendations, Congress restored only 5,400 acres, and imposed perhaps the most stringent management regime of any Indian trust land forest in the nation. These facts have directly impacted the Tribe's ability to recover from the effects of Termination.

After its restoration the Tribe was recognized as a government, but unlike other governments, it had no land base or other activity to tax. The transfer of the Coquille Forest was made to provide a source of economic benefits and cultural benefits to the Tribe. It was intended to be a place of special significance to the Tribe and a sustainable source of ongoing government revenue. That purpose is reflected in the Coquille Forest Resource Management Plan and continues to this day.

In contrast, the BLM's draft RMP/EIS allocates the majority of the BLM forest land base to late successional reserves (LSR), which will not contribute to sustained yield timber production. It is important to recognize that while there is a statutory nexus between management of BLM Coos Bay District lands and the Coquille Forest, the dominant management direction described in the draft RMP/EIS for BLM lands is vastly different from management goals established for the Coquille Forest.

Comment: Several Government-to-Government meetings have occurred between the Tribe and the BLM to discuss and reach agreement on language to be included in the RMP/EIS and ROD that provides some opportunity to achieve Tribal goals in management of the Coquille Forest as well as meeting the requirements of the Coquille Forest Act. As a result of these discussions, the Tribe has requested the following language be included in Chapter 3-AE&EC –Tribal Interests, under Issue 7—Affected Environment: *Additionally, the Coquille Forest, managed by the Coquille Tribe is "subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future" (Title V of the Oregon Resource Conservation Act of 1996 (Public Law 104-208)). This means that the federal management direction adopted in the BLM RMP that applies to the Coos Bay District will also apply to the Coquille Forest where applicable, in that such management direction will establish the suite of possible management approaches available for the Coquille Forest consistent with the management goals of the Tribe. Because the Coquille Forest is managed by the Bureau of Indian Affairs and the Coquille Indian Tribe for purposes distinct from BLM forest lands, the BLM RMP will not determine which specific land use allocations apply to which specific portions of the Coquille Forest or the rate or extent of timber harvest on the Coquille Forest, and the criteria set forth in the BLM RMP for selecting those land use allocations shall not apply to the Coquille Forest.*

The Coquille Indian Tribe asserts that, as that term is used above, "federal management direction" addresses only those subject matter items that are described in the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl. In addition the Tribe asserts that nothing in the above language is intended to diminish or otherwise affect the trust responsibility owed by the Department of the Interior or the Bureau of Land Management to the Tribe regarding the Coquille Forest, or otherwise. Moreover, as we have conveyed in previous correspondence, this trust responsibility applies to the process to change or replace the Coos Bay District resource management plan because doing so directly impacts management of the Coquille Forest.

In addition, the following language has been drafted by the BLM and the Tribe to replace the description of Environmental Effects in Chapter 3-AE&EC –Tribal Interests Issue 7:

As noted above, the Coquille Tribe is required by law to manage the Coquille Forest "subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future" (Title V of the Oregon Resource Conservation Act of 1996 (Public Law 104-208)). The analysis of effects to BLM-administered lands of the alternatives generally reflects how these alternatives would affect resources on the Coquille Forest. For example, if the Coquille Tribe elects to manage a portion of the Coquille Forest as Late-Successional Reserve, their Late-Successional Reserve management would have similar site-specific effects as Late-

Successional Reserve management on BLM-administered lands, because it would follow the same management direction. However, it is not possible for the BLM to identify specific effects of the BLM RMP on the Coquille Tribe stemming from the management of the Coquille Forest. As noted above, the BLM RMP will not determine which specific land use allocations apply to which specific portions of the Coquille Forest or the rate or extent of timber harvest on the Coquille Forest. Absent such information, the BLM cannot ascribe any particular effect of the BLM RMP on the Coquille Tribe as a result of the BLM RMP establishing the suite of possible management approaches available for the Coquille Forest.

Observation: In the preferred Alternative B there is a management objective to maintain early seral habitat conditions for several decades after harvest. This would be accomplished by relying on natural tree regeneration after harvest, or a combination of natural regeneration and planting at lower stocking levels.

Comment: In much of the moist forest area, this practice would make it more difficult and expensive to reestablish productive commercial timber stands under the principles of sustained yield management. In regard to the Coquille Forest, this BLM management objective would be a violation of the management objectives for Indian trust forest land set forth in the National Indian Forest Resources Management Act.[4]

Observation: In Chapter 3-AE&EC—Socioeconomics the BLM concludes that employment effects in Coos, Curry, Douglas and Klamath Counties would be disproportionately negative under Alternatives A and D. Low income cities, Census Designated Places (CDPs) and tribes in these counties would also be vulnerable to these disproportionately negative effects. Under alternative B (preferred alternative), employment effects would be disproportionately negative for Coos and Curry counties, and low income cities, DCPs, and Tribes in these counties would also be vulnerable. Under the preferred alternative (alternative B), the BLM Coos Bay District would have the greatest reduction in harvest volume of all the BLM Districts when compared to the No Action Alternative (50%). Under Alternative D, there would be significant decreases in BLM-related employment in three districts (20% in Roseburg; 48% in Coos Bay; and 18% in Klamath Falls).

Comment: The majority of Coquille Tribal members live in counties that will suffer disproportionately negative employment effects under the proposed alternatives. This will create hardships for Tribal members and increase demand on Tribal government programs to meet the needs of stressed Tribal families.

The significant shift in harvest volume from the BLM's Coos Bay, Roseburg and Medford Districts to the northern districts will have negative impacts on forest and mill infrastructure. This change will adversely affect the Tribe's ability to harvest and market timber from the Coquille Forest and result in decreased timber revenue. Timber revenue accounts for approximately 20% of the Tribe's general fund budget. A decrease in timber revenue and

[4] P.L. 101-630, SEC. 305(b)

increased demand for important Tribal Government services due to negative effects on employment will result in significant adverse impacts to the Coquille Tribal government and Tribal members.

OTHER OBSERVATIONS AND COMMENTS

Observation: The alternatives have a variety of Survey and Protection requirements for the marbled murrelet. These requirements vary from none in Alternatives A and Sub. C, to surveys being required in Zones 1 and 2 and protection of habitat within ½ mile of sites in other alternatives.

Comment: It is recommended that the final preferred alternative and ROD, if based on a system of late successional reserves, have no requirements for marbled murrelet survey and protection. The vast network of late successional reserves would be sufficient for the marbled murrelet.

Observation: Several of the alternatives use stand age as the criteria for designating LSR / Structurally Complex Forest.

Comment: It is recommended that the final preferred alternative and ROD use stand condition based on existing, district specific information as the criteria for designating LSR/ Structurally Complex Forest rather than stand age.

Observation: Riparian reserve total width and inner zone width are established as "one shoe fits all" distances in the alternatives for intermittent, perennial, non-fish bearing and fish bearing streams. No flexibility is provided to deviate from the default widths.

Comment: It is recommended that the final preferred alternative and ROD provide flexibility to designate riparian reserve total width and inner zone width based on specific stream reach conditions where existing data is available or will be obtained in the project development process.

CONCLUSION

The observations and comments described above highlight the Coquille Tribe's concerns and recommendations about the management direction and objectives proposed in the Draft RMP/EIS.

The Tribe has been engaged in the planning process both at the government-to-government level and through the CAAG Tribal working group. At the outset of the planning process the BLM made the upfront determination that the dominant use of the forest lands in the planning area would be the conservation and recovery of threatened and endangered species, primarily the NSO. This determination has resulted in a Plan with the primary management objective of creating and maintaining a network of large blocks of late successional reserves, and the

allocation of less than 30% of the decision area to the Harvest Land Base in any alternative. Throughout the planning process, the Association of O&C counties expressed a high level of concern and asserted that the BLM's Purpose and Need statement was fatally flawed by failing to place sustained-yield timber production as the primary purpose of the planning effort.[5] The Tribe shares this concern.

Once this single species management approach was set by the BLM, it became apparent that no amount of input in the planning process would alter the determined strategy. Therefore, the Tribe's efforts have been directed toward developing language to be included in the RMP/EIS and ROD that provides some opportunity to achieve Tribal goals for management of the Coquille Forest as well as meeting the requirements of the Coquille Forest Act.

[5] DEIS, Summary –Page xxxiii.

City of Grants Pass
"Where The Rogue River Runs"

August 19, 2015

Jerry Perez, State Director
Bureau of Land Management
1220 S.W. 3rd Avenue
Portland, OR 97204

RMP's for Western Oregon
Bureau of Land Management
P.O. Box 2965
Portland, OR 97208

Re: BLM Western Oregon Draft Resource Management Plan

The City of Grants Pass objects to all four of the BLM's proposed alternatives (A, B, C & D) that have been presented for public comment pursuant to the Resource Management Planning Process (RMP).

The City questions BLM's authority to authorize harvest levels below the sustainable yield target that is required by the O&C Act of 1937. All of the RMP's proposed alternatives are below the obligatory sustainable yield target.

Forest management practices directly affect Grants Pass. Josephine County is a region with a high percentage of Oregon's wildfires. These fires have a negative effect on the health of our citizens and businesses. It can be argued that these fires and the intensity/impact have a direct correlation to the lack of coordinated sustainable forest management practices and adherence to required harvest levels. The City is confident that proactive management practices can create fire resilient forests and maintain a healthy community, forest, and program goals.

The City opposes the inclusion of any additional portion of the Rogue River into the National Wild and Scenic Rivers System. The inclusion into the National Wild and Scenic Rivers System could affect scenic easements, private lands, their uses, conditions of residential and other development, vegetative management, and other property rights. The unintended consequences can negatively affect economic development including travel and tourism.

The City encourages BLM to increase its coordination with our region, specifically Josephine County, and we request a further study which should result in the consideration of additional forest management alternatives.

Regards,

Mayor Darin Fowler

CF#15-091

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BOARD OF COMMISSIONERS

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Coos County

Robert "Bob" Main **John Sweet** **Melissa Cribbins**

RMPs for Western Oregon
Bureau of Land Management
PO Box 2965
Portland, Oregon 97208

RE: comments on Draft Resource Management Plan/Environmental Impact Statement

Coos County would like to submit the following comments in opposition of the draft management plan:

1. Almost no consideration was given the 1937 O & C Act which is the dominant reason for the existence of the O&C timber lands.

2. The draft planning documents show the decision area to be 2.5 million acres with growing stock volume estimated between 70 and 80 billion board feet. Annual growth is projected in excess of 1 billion board feet. The allowable sale quantity for alternative B is not acceptable in light of the O&C Act that states that the predominant use is to support the 18 O&C counties. All of the alternatives are too low considering the O&C Act mandate.

3. The BLM Purpose and Need did not recognize the generation of revenue for the Counties as a planning objective despite this explicit purpose under the O&C Act. Even under Alternative C, payments to Counties would only provide 50% of the historic average. Alternative B, the Preferred Alternative, would be just 27% of the historic average. Is the federal government going to mitigate the economic / social losses to the O&C counties?

4. As the non-sustainable thinning of Reserves is depleted payments will decline over time. Payments to counties, if based on fiscal year 2012 timber sales, would provide $11.7 million dollars, 9% of the historic average. Again, is the federal government going to mitigate the economic/social losses to the O&C counties, especially Coos and Curry Counties?

5. Chapter 3, key points page 472 "Using non-market valuation techniques the analysis estimates the 2012 value of recreation on BLM-administered lands at $223 million" yet in another key point "The annual harvest value of timber, compared to $23 million in 2012"
The definition of non-market valuation technique: a non-market good or service is something that is not bought or sold directly. Therefore, a non-market good does not have an observable monetary value. (Definition from Green Health Facts) We want to know how a direct comparison can be made between hard cash dollars and non observable monetary value!

Robert "Bob" Main	John Sweet	Melissa Cribbins
Chairman	Commissioner	Commissioner

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973

CARL WILSON
STATE REPRESENTATIVE
DISTRICT 3

HOUSE OF REPRESENTATIVES

Aug. 20, 2015

Jerome Perez, State Director
Bureau of Land Management
1220 S.W. 3rd Ave.
Portland, OR 97208

By Email and by USPS
(blm_or_rmpwo_comments@blm.gov)

RMPs for Western Oregon
Bureau of Land Management
PO Box 2965
Portland, OR 97208

Re: Inclusion of Rogue River in Wild & Scenic River Program

Dear Director Perez:

I am writing to underscore and reinforce Josephine County Board of Commissioners' objection, as codified in Resolution 2015-034 (attached), to the inclusion of any additional portion of the Rogue River in the National Wild and Scenic Rivers System. In examining BLM's Draft RMP/EIS and suitability study I find no compelling reason to support inclusion of 63 additional miles of well-regulated and protected river frontage to the W&S System.

I am adamantly opposed to any further erosion of private property rights. The complex patterns of property ownership along the middle section of the Rogue River, much of it privately held, ensures that a decision to include that corridor in the Wild & Scenic System will have an adverse effect on land use, development, and maintenance on those lands.

Additionally, limitations on vegetation management practices puts additional acreage at risk for catastrophic wild fire, as has become the regrettable, seasonal norm for our region. We cannot afford to continue to create vulnerable landscapes through mismanagement; managing these interface areas as "wild" would imperil populated portions of our county.

Please give all due consideration to the objections you've received to this plan.

Sincerely,

Representative Carl Wilson

900 Court St NE, Salem, OR 97301 - 503-986-1403
rep.carlwilson@state.or.us