



# CASCADIA WILDLANDS PROJECT

EDUCATING, ORGANIZING, AND AGITATING FOR THE ECOSYSTEMS OF CASCADIA

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Western Oregon Plan Revisions  
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## **Re: Western Oregon Plan Revision Draft Environmental Impact Statement comments**

Please accept the follow comments on behalf of the Cascadia Wildlands Project and our 600 dues-paying members. We are a non-profit conservation organization based in Eugene, Oregon, with a field office in Cordova Alaska. We are working to protect and restore the ecosystems of the Cascadia bioregion, and one of our organization's primary goals is to permanently protect remaining older forests in the region.

The Oregon Bureau of Lands Management's Draft Environmental Impact Statement for the Western Oregon Plan Revision (WOPR) is a radical departure Northwest Forest Plan, the 1994 federal forest management framework that was designed to keep a number of older forest dependant species from going extinct. Your preferred alternative 2 goes against everything our organization stands for. It aggressively proposes to log tens of thousands of acres of currently protected old-growth and streamside reserves that were set aside for species recovery and build over 1,000 miles of new road into the forest that already has thousands of miles that are in need of maintenance.

As you know, this plan was hatched out of a settlement negotiation between the Bush administration and the old-growth logging industry. It wrecks of corruption, will continue to build distrust of federal agencies in charge of stewarding our public lands, and directly challenges the recovery strategy of the Northwest Forest Plan. Moreover, it has and will continue to polarize formerly disparate constituencies that have begun to build collaborative relationships. These relationships have resulted in restoration-based timber sales moving forward without appeal or gridlock. You should stop wasting hard-earned tax-payer dollars on a plan that is based neither on science nor follows the law.

Before you issue your Final Environmental Impact Statement and respective Records of Decision, please consider and respond to the following comments.

### **The Intention of the Northwest Forest Plan is Being Undermined**

The Northwest Forest Plan came about because the a number of older forest dependant species, including the northern spotted owl and marbled murrelet, were being pushed closer to the bring

of extinction due to rampant logging of their habitat. Judge William Dwyer, who presided over the legal challenges that led up to the Forest Plan, said that the logging allowed under the plan was the bare minimum the laws (and species) would tolerate.

The plan set up a system of land allocations and looked at forest management in a new direction—through an ecosystem-based approach on both National Forest and Bureau of Land Management lands on the westside of the Cascades—the range of the northern spotted owl. Late Successional Reserves, Riparian Reserves, Adaptive Management Areas and Matrix were delineated across the map with varying intentions. This approach was a compromise that would allow for the recovery of imperiled species as well as timber opportunities.

Late Successional Reserves: WOPR alternative 2 would allow the BLM to wiggle out of its long-standing duty to protect and restore older forest habitat under the Northwest Forest Plan by drastically reducing acres set aside in the reserves. Recall the following observations the Eugene District made about the Northwest Forest Plan conservation strategy in its 1995 RMP ROD:

“The Record of Decision for the 1995 Eugene District RMP states two **objectives** for the Late Successional Reserve allocation: 1) Protect and enhance conditions of late successional and old-growth forest ecosystems which serve as habitat for late successional and old growth forest-related species including the northern spotted owl and marbled murrelet; 2) maintain a functional, interacting late successional and old growth forest ecosystem.” (ROD, 28)

Management direction for Late Successional Reserves compelled the formation of **Late Successional Reserve Assessments** prior to habitat manipulation. Late Successional Reserve Assessments, amongst other things, generally include: 1) a history and inventory of overall vegetative conditions within the reserve, 2) a fire management plan, 3) criteria for developing appropriate treatments, 4) a list of known or suspected late successional associated species within the LSR and information on their locations. These documents guide all management with the reserves.

The Eugene District RMP ROD provides further direction for LSR management: “Manage late seral habitat within LSRs and all other land use allocations (to the extent compatible with objectives for those allocations) to maintain regionally viable populations of species associated with habitat and components of late seral forests.” (Eugene District RMP ROD, 38)

The ROD goes on to explain the intention of the LSR network: “Management emphasis in the LSRs and Riparian reserves will be for those species whose preferred habitat is late seral stages, mature and old growth forests. This allocation will retain mature and old growth habitat in these stands until younger forests develop the structural and functional components needed by species such as the spotted owl and marbled murrelet.” (ROD, 59)

“Emphasize owl recovery in Late Successional reserves.” (ROD, 61)

Under WOPR alternative 2, thousands of acres of existing LSRs are turned into Timber Management Areas, with a single objective of timber production. Please reconcile the inconsistencies we are seeing between the Eugene District RMP ROD and WOPR when it comes

to managing LSRs. How do plan to satisfy your obligations under the Endangered Species Act and the viability provision of the National Forest Management Act with this radical change in management direction? In the WOPR FEIS and ROD the BLM must analyze and address the change in status of LSRs and the relevance of the LSR Assessments.

*Aquatic Conservation Strategy, Riparian Reserves and Watershed Analyses:* WOPR alternative 2 takes another radical deviation from the Northwest forest Plan when it comes to managing aquatic habitat. The WOPR would remove the BLM from the Northwest Forest Plan's Aquatic Conservation Strategy. (WOPR DEIS, 111). How does the BLM propose to meet its Endangered Species Act obligations to protect listed species?

The ACS was designed to maintain and restore watershed function. Among other things, it set up as system of Key Watersheds, which are to “serve as refugia and are crucial for maintaining and recovering habitat for at risk stocks of anadromous salmonids and resident fish species. These watersheds include areas of high quality habitat and areas of degraded habitat. Key watersheds with high quality conditions will serve as anchors for the potential recovery of depressed stocks... Tier 1 Key Watersheds contribute directly to conservation of at-risk anadromous salmonids, bull trout and resident fish species.” (Eugene RMP ROD, 19)

Riparian Reserve (RR) management, a component of the ACS, “is a key element of management intended to maintain or enhance the fisheries potential of streams and other waters consistent with BLM's Fish and Wildlife 2000 Plan... This management is also intended to promote the rehabilitation and protection of at-risk fish stocks and their habitat.” (Eugene District PRMP EIS, xiii)

“Together with other components of the ACS, RRs will provide substantial watershed protection benefits. RRs will also help attain and maintain water quality standards, a fundamental aspect of watershed protection. Both RR and LSRs will help regulate streamflows, thus moderating peak streamflows and attendant adverse impacts to watersheds.” (Eugene District PRMP EIS, 1-5)

The 1995 Salem RMP FEIS contradicts the BLM's recent conclusion that a drastic reduction of the Riparian Reserve system will have little to no effect on water quality. Specifically, the FEIS states that “the most significant factors related to potential water quality effects for each alternative are the Riparian Reserves or riparian management areas, the level and location of road building, an the amount and method of timber harvest permitted.” (FEIS, 4-14) “The effects of the alternatives on riparian zone conditions adjacent to streams and other waters would vary depending upon the width of riparian management areas or Riparian Reserves and the amount of vegetative occurring in those areas.”

The 1995 RMP FEIS also discredits the BLM's recent proposal to drastically reduce buffers around intermittent streams. “By including greater protection of intermittent streams, the proposed resource management plan will thus provide for greater overall watershed protection of upslope, riparian, and downstream areas than in other alternatives.” (FEIS 4-40).

Watershed Analyses (WAs), another component of the NWFP's ACS, were designed to inform management of individual watersheds.

“WA is one of the principle analyses that will be used to meet the ecosystem management objectives of the RMP. WAs will be the mechanism to support ecosystem management at approximately the 20-200 square mile watershed level... WAs will focus on collecting and compiling information within the watershed that is essential for making sound management decisions... It will serve as the basis for developing project-specific proposals, and determining monitoring and restoration needs for a watershed... The results of WAs may include a description of the resource needs, issues the range of natural variability, spatially explicit information that will facilitate environmental and cumulative effects analyses to comply with NEPA regulations, and the processes and functions operating within the watershed... Ultimately, WAs will serve as the basis for developing project specific proposals and determining monitoring and restoration needs for a watershed. Project specific NEPA planning will use information developed from WAs.” (Eugene District ROD, 113-114)

The BLM’s preferred WOPR Alternative 2 opening **200,000 acres** of currently protected riparian reserves to logging. (WOPR DEIS, XLVIII). In the WOPR FEIS and ROD, the BLM must address the relevance and importance of WAs and what their role will now be.

### **Similarities Between Rejected 1995 Salem RMP Alternatives and Today’s WOPR**

According to the 1995 Salem RMP, the current management plan “provides a predictable and sustainable supply of timber... at the **highest level possible.**” (1995 ROD, Introduction, no page #)

The current management plan “is the best alternative for providing a sustainable level of human use of the forest resource while still meeting the need to maintain and restore the late-successional and old-growth forest ecosystem.” Id.

The 1995 RMP continues: “Although management under alternatives A, B, or no action would provide higher levels of timber supply than the proposed resource management plan alternative, those alternatives would not provide adequate assurance that the processes and functions of late-successional and old-growth forest ecosystems would be maintained and restored, and would not provide adequate assurance that the riparian habitat essential for many aquatic and terrestrial species would be maintained and restored. Alternatives A, B, and no action would have negative long-term impacts on the northern spotted owl.”

1995 RMP ROD, Introduction (no page #). “Alternatives A, B and no action are deemed **unlikely to satisfy the requirements of the Endangered Species Act.**” Id.

Alternative 2 of WOPR most closely resembles these rejected alternatives from the current RMP. Under WOPR Alternative 2, the Salem BLM alone would offer 1.72 billion board feet of timber in the next ten years. This is equivalent to 172 million board feet of timber every single year, or a five-fold increase from the current plan. The only alternatives in the 1995 RMP with an equal or greater Probably Sale Quantity were those that were “deemed unlikely to satisfy the requirements of the Endangered Species Act.” 1995 ROD, Introduction (no page #). The

Riparian Management Areas in WOPR Alternative 2 are also similar to those that were rejected as inadequate in the 1995 RMP.

In the WOPR FEIS/ROD, the BLM must analyze and disclose why WOPR alternative 2, which is similar to rejected RMP alternatives in the 1995 RMP, is legal today when it comes to aquatic habitat and northern spotted owls.

### **Areas of Critical Environmental Concern**

ACECs are a component of Special Areas and are set aside due to their remarkable values. The BLM is doing a grave disservice by removing protection for a number of ACECs on the Eugene District. This goes against the intentions of the 1995 Eugene District RMP ROD: “Retain existing Areas of critical Environmental Concern, including RNAs that meet the criteria for designation. Retain other Special Areas including Environmental Education Areas (EEA). Provide new SAs where needed to maintain or protect important values.” (Eugene District RMP ROD, 67)

The ROD goes on to say: “Preserve, protect or restore native species composition and ecological processes of biological communities in ACEC. ACEC, especially RNA, will be available for short or long term scientific study, research and education and will serve as a baseline against which human impacts on natural systems can be measured.”

Under WOPR alternative 2, a number of these critical areas go away (some in their entirety, some only the O&C land) and would be scheduled for timber harvest, including:

#### *Coburg Hills and Dorena Lake Relic Forest Islands*

The reasons for this area being designated in the past are as follows: “Relic Forests Islands provide examples of old-growth and mature forest ecosystems on the fringes of the Willamette Valley, Oregon. The areas provide representative examples of mature and old growth plant communities found in low elevation forests adjacent to the Valley. The areas also provide late successional refugia for species that may later recolonize adjacent lands managed for timber. The areas are also important habitats for various wildlife species, including several species of raptors.” (Eugene District RMP ROD, 2-49)

#### *Cougar Mountain Yew Grove*

This area “exhibits a populations of large Pacific Yew trees on the Eugene District. Because of the high interest in Pacific Yew as a pharmaceutical, this area was identified as an important reserve for this species.”

#### *Cottage Grove Old-Growth*

This area was identified due to its “multiple canopy layers represent the late successional stage of mesic Douglas fir plant community with some existing older trees representing ages of 500 years old or more... Cottage Grove school system has indicated a strong interest in developing the area for environmental education purposes...”

In the WOPR FEIS/ROD, the BLM must analyze and disclose the environmental effects of undesignating these ACEC and in some case, turning them into timber management areas.

### **No Action Alternative Is Not no Action**

Contrary to the requirements of the National Environmental Policy Act, there is not a true “no action” alternative. Allegedly, the BLMs mapping since 1995 is now more efficient and estimations of Riparian Reserve acreage have been improved. Because of this, under the no action alternative, there would be a reduction in Riparian Reserves from 522,000 to 364,000 acres. This would supposedly increase the ASQ by 32%. (WOPR DEIS, 566) This is not “no action” and violates a primary tenant of NEPA: examining a no action alternative along with action alternatives. The FEIS must analyze and consider a true no action alternative.

### **Other Agency Strategies Rely on the NWFP Reserve Network**

Many species’ recovery strategies and plans rely on the Northwest Forest Plan’s reserve strategy. Without the reserves, there are no teeth to many of these plans. Elimination of the Northwest Forest Plan on BLM lands will likely invalidate numerous assumptions built into conservation plans tiered to the plan, including Clean Water Act Water Quality Restoration Plans and the Oregon Plan for Salmon and Watersheds. For example:

*The Oregon Coastal Salmon Restoration Initiative:* The OCSRI emphasizes the importance of the Northwest Forest Plan’s Aquatic Conservation Strategy:

“The aquatic conservation strategy associated with the Northwest Forest Plan should dramatically improve fish habitat, watershed stability, and water quality over time. **This is one of the major anchors of the OCSRI restoration strategy.**”(OCSRI Executive Summary Page 10)

“The Bureau of Land Management and the U.S. Forest Service are involved in funding and implementing the Northwest Forest Plan, **which is a critical element of the OCSRI.**” (OCSRI Executive Summary Page 12)

“The Northwest Forest Plan is expected to substantially improve watershed health and salmon production on federal land and in downstream areas. The aquatic conservation strategy and the commitment to monitoring **provide a cornerstone to the OCSRI.**” (OCSRI Volume 1 Page 7)

*State of Oregon Salmon and Steelhead Plans:* The state of Oregon salmon recovery plans also rely heavily on the Northwest Forest Plan and the Aquatic Conservation Strategy:

“Oregon believes that, for federal lands, the Northwest Forest Plan makes **significant positive contribution toward meeting ESA and Clean Water Act needs.**” (Final Oregon Coastal Coho Assessment)

“Federal agencies are making substantial investments in salmon and watershed restoration. The Bureau of Land Management and the U.S. Forest Service are involved in funding and implementing the Northwest Forest Plan, **which is a critical element of the Oregon Plan.**” (Oregon Plan Steelhead Supplement)

Water Quality Restoration Plans: (WQRPs) are written by the US Forest Service and BLM to comply with section 303d of the Clean Water Act. The WQRPs that we have reviewed without exception are based on the Northwest Forest Plan Aquatic Conservation Strategy. For example the Graves Creek (Medford BLM) WQRP states:

“The recovery of water temperature conditions in Grave Creek will be dependent upon implementation of the BLM Medford District Resource Management Plan (RMP). Paramount to recovery is adherence to the Standard and Guidelines of the NFP to meet the Aquatic Conservation Strategy (ACS). This includes protection of riparian areas as reserves...” (Grave Creek WQRP, 24)

All of the WQRP we have reviewed rely on the reserve network to stay intact. In your FEIS/ROD, please address how you will maintain valid WQMP, and more importantly, how the DEQ will meet its 303d requirements of the Clean Water Act when you depart from the riparian reserve strategy.

Habitat Conservation Plans: HCPs for state and private industrial timber owners also rely heavily on the existence of the NWFPs reserve network. Take for example the 1995 Elliott State Forests HCP. The United States Fish and Wildlife assumed:

“Large amounts of the federal lands near the Elliott are designated as late successional reserves. These reserves will be managed to protect and enhance habitat for late successional and old growth-related species, including the spotted owl. Limited stand management will be permitted, to maintain and protect late successional forest ecosystems.” (HCP I-5)

“Late successional reserves would protect habitat for species dependent on these forests, including spotted owls and marbled murrelets. Some silvicultural and salvage activities would be allowed in parts of these reserves, to assist in the development and maintenance of old growth characteristics.” (HCP I-25)

WOPR affects the Forest Service: The WOPR will affect the Forest Service’s owl recovery burden. The 1995 Salem RMP ROD acknowledges the way the Forest Service depends on the BLM’s LSR system to comply with its own legal obligations. The Salem RMP ROD states: “The inefficiencies involved in applying different criteria on Forest Service and BLM-administered land have been noted in previous analyses. For example, in the Report of the Scientific Analysis Team, the Team found that BLM plans were relatively high risk, when compared to the plans of the Forest Service, in terms of conserving the northern spotted owl. As a result, the Scientific Analysis Team found that in order for the Forest Service to ‘make up for significantly increased risks,’ it would have to dramatically increase the size of protected areas on Forest Service land (scientific Analysis Team Report, pages, 12-13). (1995 ROD, Introduction, no page #)

### **Clean Water Act Obligations**

With such a radical reduction in Riparian Reserve acres, how does the BLM propose to meet its obligations under the Clean Water Act? In addition to meeting the goals outlined by Water Quality Restoration Plans, the BLM must adhere to the direction in the Northwest Forest Plan Temperature TMDL Implementation Strategies, which sets the minimum standards for riparian shade and stream temperature. This document was conditionally approved by the Oregon Department of Environmental Quality on September 9, 2005. It is not apparent that the BLM has met the requirements set forth in this document.

### **Global Climate Change**

The WOPR erroneously claims that the issue of global warming is too speculative to address in its analysis. "The analysis assumes no change in climate conditions, because the specific nature of regional climate change over the next decade remains speculative." (WOPR DEIS, 491)

Interestingly, almost 14 years ago in the 1994 PRMP for the Eugene District, there was substantial discussion about this issue.

"... In mature and old growth stands, release and absorption of carbon dioxide tend to be in balance. However, logging especially clearcutting, increases the rate of decomposition of debris on the forest floor, releasing more carbon dioxide. Not until a stand reaches the stage of canopy closure does its carbon uptake offset that release (Alaback, 1989). One forest practice directly releasing carbon dioxide to the atmosphere is prescribed burning after timber harvest. In the absence of burning, however, the decay of the same wood over many years would contribute a similar amount of carbon dioxide..."

"... each million acres of old growth harvested adds .04 percent of the 825 billion tons of carbon currently in the atmosphere..."

"... the cumulative effects of BLM activities under the PRMP and similar activities proposed or anticipated on other forest lands in western Oregon and Washington for the expected 10 year life of the RMP, would add an estimated 100 million tons of carbon dioxide to the world's atmosphere, increasing carbon dioxide to the world's atmosphere, increasing carbon there by .01 percent..." (Eugene District PRMP, 4-9)

The BLM has failed in its NEPA disclosure duties to analyze WOPR's implications on global climate change and must do so in its FEIS and ROD.

### **Fish Habitat**

WOPR alternative 2 most mirrors alternative A in the 1994 Eugene District PRMP when it comes to stream-side protection. Only 75 feet of riparian area would be protected under alternative A along fish bearing streams. Similarly, 100 feet on each side of fish bearing streams

under WOPR alternative 2 would be protected. According to the 1994 Eugene District PRMP EIS, the 75-foot stream buffers didn't offer adequate riparian protection. "In the long term, aquatic habitat would continue to recover under all the alternatives except Alternative A."

Alternative A in 1994 closely resembles alternative 2 today. But today, we have a number of listed fish species. The BLM needs to reconcile this contradiction between 1994 planning documents and the WOPR address how it will meet its ESA obligations with buffers of this size in its FEIS/ROD.

### **Incorrect Interpretation of the O&C Act**

The BLM has taken an overly narrow interpretation of the O&C Lands Act, and is using this narrow interpretation to drive the WOPR forward. According to the 1995 Salem RMP, the current plan "meets the requirements of laws directing the management of these forests for sustainable multiple uses, including...the Oregon and California Lands Act." 1995 Salem RMP ROD, Introduction (no page #).

The Salem RMP currently states: "The [O&C] Act does not require the Secretary to harvest all old-growth timber or all commercial timber as rapidly as possible or according to any particular schedule. The Secretary has the discretion to determine how to manage the forest on a sustained-yield basis that provides for permanency of forest production over a long-term period.

One of the purposes of the Endangered Species Act is the preservation of ecosystems upon which endangered and threatened species depend. A forward-looking land management policy would require that federal lands be managed in a way to minimize the need to list species under the Endangered Species Act. *Additional species listings could have the effect of further limiting the Oregon and California Lands Act's goal of achieving and maintaining permanent forest production. This would contribute to the economic instability of local communities and industries, in contravention of a primary objective of the Oregon and California Lands Act. That Act does not limit the Secretary's ability to take steps now that would avoid future listings and additional disruptions.*

Protection of watersheds and regulation of streamflow are explicit purposes of forest production under the Oregon and California Lands Act. Riparian Reserves, including those established on Oregon and California lands under the resource management plan, are designed to restore and maintain aquatic ecosystem functions. Together with other components of the Aquatic Conservation Strategy, Riparian Reserves will provide substantial watershed protection benefits. Riparian Reserves will also help attain and maintain water quality standards, a fundamental aspect of watershed protection. Riparian Reserves, and Late-Successional Reserves will help regulate streamflows, thus moderating peak streamflows and attendant adverse impacts to watersheds."

In its quest to satisfy the old-growth logging industry, the BLM has narrowly, and illegally, interpreted the 1937 O&C Act.

**Timber Harvest Obligations and Annual Sale Quantities**

The BLM has repeatedly argued that a revision of the RMPs and a reduction of the LSR and Riparian Reserve System is necessary because the agency has not been meeting its timber sale targets. However, the current RMP specifically recognizes that “timber sale levels will be an effect of overall management **rather than a target that drives that management.**” (1995 Salem District ROD, 46-47) “The allowable sale quantity represents neither a minimum level that must be met nor a maximum level that cannot be exceeded.” (1995 ROD, 47) The current RMP also assumed that the BLM would likely not meet the 34.8 million board feet ASQ for several years:

“During the first several years, the annual allowable sale quantity will not likely be offered for sale. The resource management plan represents a new forest management strategy. Time will be required to develop new timber sales that conform to the resource management plan.” (1995 ROD, 47.)

Since 1995, the Salem BLM’s timber sale program has been consistent with this projection: while the first 9 years produced an average of 70% of the total ASQ, the BLM has met or exceeded the ASQ every years since 2003. The Salem District offered 35.8 MMBF of timber for sale in 2003, 32.5 MMBF in 2004, and 43.5 MMBF in 2005. The BLM does not need to open up the LSR system and substantially reduce Riparian Reserves to meet timber goals; it is meeting these timber goals exactly as it has expected to.

Thanks for the opportunity to submit these comments. We look forward to the BLM addressing these issues in the FEIS. Please send us a hard copy of FEIS and RODs when they are available.

Sincerely,

/s/  
Josh Laughlin  
Conservation Director

/s/  
Dan Kruse  
Legal Director