

**To:** Ed Shepard, Oregon/Washington State Director of the B.L.M., with a  
Copy to: Western Oregon Plan Revisions, P.O. Box 2965, Portland, OR 97208

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**From:** Pesticide Poisoning Victims United, a Division of *The Pitchfork Rebellion*

**Mail:** Pitchfork Rebellion, Box 160, Greenleaf, Oregon, 97430

**Note:** We are old-fashioned country folk and prefer 'snail mail' to e-mail. Or give us a 'holler' at: (541) 927-3017

**Date:** Winter Solstice Eve (December 21<sup>st</sup>, 2007)

RECEIVED

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**Our Response to the**  
**Draft Environmental Impact Statement**  
**for the Revision of the Resource Management Plans**  
**of the**  
**Western Oregon Bureau of Land Management Districts**

(Wow, what a mouthful! Henceforth the *Draft Environmental Impact* named above will be referred to, for sake of brevity, as *WOPR* (the humorously apt acronym that we pronounce 'Whopper' as in 'the Giant Unhealthy Burger', and 'Don't tell whoppers!') and, also for brevity, the document you are now reading will henceforth be referred to simply as:

**Counter Proposal to the B.L.M.**  
**in Regard to the WOPR**  
**by *The Pitchfork Rebellion***

# Counter Proposal to the B.L.M. in Regard to the WOPR by *The Pitchfork Rebellion*

## PROPOSAL NUMBER ONE: A Proposal to Extend the Public Comment Period to May, 2008, to Enable Greater Public Input as Public Awareness of 'WOPR' Continues to Build

### Background to Our Proposal for an Extension

Mr Shepard and BLM: *The Pitchfork Rebellion* (a grass-roots movement of forest dwellers that has been spreading like wildfire in Oregon) consists of folks who live in the forest and are therefore more interested in forest issues than most city folks. Even so, we did not know that a public comment period on WOPR had begun until the Register Guard newspaper ran an article on that topic on October 29. Although it might surprise you, the fact is that most folks in Oregon do not know what the letters 'BLM' stand for, let alone have ever visited your webpage or have much of an idea what 'WOPR' is. I have been asking folks, and not very many can tell me what the letters BLM stand for. Like me, most folks in my region (Lane County) had never heard of 'WOPR' until the recent news articles. Right now, most of my forest-dwelling neighbors still have little or no idea what 'WOPR' is or how it will directly affect their lives. And yet it will more directly affect the lives of us rural, forest dwellers than any other constituency.

**For this reason, *Pesticide Poisoning Victims United*, a division of *The Pitchfork Rebellion*, hereby calls for a further extension of the current January 11 deadline.** We are aware of previous extensions but consider them profoundly inadequate due to the fact that the public is being asked to specifically comment on the merits or inadequacies of a three volume *Draft Environmental Impact Statement* that totals 1,606 pages of difficult reading. We point to the fact that the first two pages of volume 1 – where BLM State Director, Ed Shepard, invites the public “to participate in a planning process” that is important to our interests, Mr. Shepard directs the public to specifically comment on one or more of four extremely complex issues (highlighted by bullets in the fourth paragraph of that two-page invitation to the public at the front of volume 1), and then, in paragraph five, asks the public to address those four issues in the context of at least one of the following three bulleted formats:

- errors in our (BLM) analysis
- new or missing information that would have a bearing on the analysis
- a definition of a substantive and new alternative

### Proposal One:

#### Our Proposal in Regard to Extension

It is the opinion of *Pesticide Poisoning Victims United*, a division of *The Pitchfork Rebellion*, and any and all co-signers of this letter, that:

1) The task of *reading* the 1,606 page *Draft Environmental Impact Statement* is an **absolute prerequisite** to the formulation of a well-reasoned comment on that document, especially the

sort of specific and sophisticated comments as called for by Mr Shepard in the first two pages of Volume 1, and would take most serious and able readers several months to read; and,

2) The development of a well-reasoned, well-researched response to the 1,606 pages of reading would take most serious and able members of the public another several months upon completion of that reading;

3) It must be noted that few (other than the already 'in-the-loop' Timber Industry 'public' and a few – not many – somewhat 'in-the-loop' environmentalists) members of the general public would have gained awareness of, and access to, the 1,606 page document **immediately upon its August release**; thus, the several months required for reading and the additional several months required to form a well-reasoned response to that reading, reasonably estimated to be a combined minimum of six months, **should commence only after a ninety day period called 'Public Awareness Outreach Period'** during which the availability of the *Draft Environmental Impact Statement* document is made available to as many members of the general public as possible, **allowing time for public awareness of the issue to reach a reasonable level**. Thus, November 9, your original announced end of what would have been a ninety day public comment period (which you have since extended, we believe, until January 10) would be an appropriate end to our proposed 'Public Awareness Outreach Period' and the start of a six month 'Public Comment Period' that would culminate in May of 2008. **THUS WE ASK THAT THE PUBLIC COMMENT PERIOD BE EXTENDED TO MAY 2008.**

### **PROPOSAL NUMBER TWO:**

#### **Proposal to Remedy the Lack of BLM Analysis of Increased Traffic of Logging Trucks on the Highway 36 Corridor Due to WOPR and How that Traffic Impacts the Safety of Residents of the Highway 36 Corridor that runs between Junction City and Mapleton and Includes the Rural Communities of Cheshire, Low Pass, Horton, Blachly, Triangle Lake, Greenleaf, Deadwood, Tide, and Brickerville**

##### **Background to Proposal Number Two**

In our initial overview of your Draft Environmental Impact Report, we see what we believe is a major omission. Nowhere in your analysis of environmental impact on us – 'us' being the people who actually live in the forests where your increased harvests will take place – do we see any treatment at all of an item of GREAT CONCERN to us: **Increased traffic of logging trucks along Highway 36 and similarly effected roads in other heavily impacted forest regions.** Granted, sitting at a desk in the city, the issue of increased traffic of logging trucks on Highway 36 might seem trivial. However, for us forest dwellers who live along the Highway 36 corridor between Mapleton and Junction City – this includes such tiny towns as Cheshire, Low Pass, Horton, Blachly, Triangle Lake, Greenleaf, Deadwood, Tide, and Brickerville – **THIS IS A MAJOR ISSUE OF DIRECT ENVIRONMENTAL IMPACT ON OUR LIVES.**

**Try to get this picture:** The **only** paved-road that we can take to go any significant distance from our driveway is Highway 36. For we rural folk that live along the Highway 36 corridor, that 'highway' is, literally, our 'Main Street'. We have to take it to go anywhere, even to run the kids to school or grab a carton of milk. Most of us have to get on Highway 36 even to visit our closest neighbor. **Now get this: Highway 36 is a VERY narrow, two-way traffic (one lane each direction) mountain road with the glorified designation: 'Highway'.** In fact, this narrow, windy mountain road is not what city-folks think of when they hear the term 'highway'. This

narrow road is *extremely* dangerous, as it repeatedly winds its way around blind ‘extreme bends’. If the car coming toward you from the other side (which you can’t see until it is right on you) of the bend is even a couple inches into your lane **you are dead**. We also have lots of mudslides (due to Timber cuts), black ice, and tumbling rocks to contend with. **Now add this to the picture: Dozens of logging trucks racing dangerously along Highway 36 EVERY DAY.** That is what we *currently* experience due to the heavy logging along Highway 36 by the *private* timber industry. **If the BLM increases their logging along the Highway 36 corridor it will increase the traffic of log trucks on our already over impacted ‘Main Street’.** This is a serious matter of public safety concern; we know people who have been killed by these trucks, most recently the owner of our local cafe (she was killed, coincidentally, shortly after a photo of her cafe was pictured in a news article about *The Pitchfork Rebellion*; in that article her cafe was identified as the location of our meeting with the reporter).

In your Draft Environmental Impact Report you do not address the issue of increased traffic of log trucks in heavily logged communities; thus, we offer this proposal:

#### **Proposal Two: Commission Traffic Study**

We propose that the BLM commission a study to determine the estimated increase in logging truck traffic along the Highway 36 corridor and similarly impacted rural communities. That data should include the predicted increase of log truck traffic related to each of the options on the table, including BLM’s preferred ‘Option Two’. After the study is completed, we propose that you have another public comment period to enable concerned citizens to respond to the data.

### **PROPOSAL NUMBER THREE:** **Proposal to Study the Increased Exposure to Herbicides** **of Forest-Dwelling Humans** **that Would Result if the Clear-cutting of Public Forests** **called for by the W.O.P.R. ‘Preferred Option’, Alternative Two** **or Other Options were Implemented**

#### **Background to Proposal Number Three**

*Pesticide Poisoning Victims United*, a division of *The Pitchfork Rebellion*, hereby alerts the BLM to the fact that we are deeply troubled to find no information in the Draft Environmental Impact Statement for WOPR on the **increased exposure to herbicides** that forest dwellers will experience if clear-cutting is increased on BLM lands, especially in light of the recent changes in BLM Herbicide policies as announced in the September, 2007, *Record of Decision on Vegetation Treatments Using Herbicides*. Our movement (‘The Pitchfork Rebellion’; see *Eugene Weekly* front-page article from March 16, 2006, attached as Appendix One to this letter) began in 2005 when community members along the Highway 36 corridor banded together in mutual concern in regard to the health effects of long term exposure to timber industry herbicides on forest dwellers. We are concerned about the long term health effects on humans. Each member of *Pesticide Poisoning Victims United*, a division of *The Pitchfork Rebellion*, has been harmed by unwanted exposure to timber industry herbicides or other pesticide exposure. Imagine our surprise to see no information at all on such a significant environmental impact-factor as increased use of herbicides provided in a document titled, ‘Environmental Impact’. It seems to us country folk that spraying pesticides/herbicides all over the mountain range we live in is a major environmental impact to the water, air, soil, and the health of forest dwellers. We are aware that the policy of the BLM on the use of herbicides has recently been changed, allowing for greater

use. Thus, increased logging on BLM lands will most likely result in increased use of herbicides by BLM, especially in regard to the projected increase of clear-cuts called for in WOPR.

**Picture this:** We residents of the Highway 36 corridor are surrounded by 50% private timber industry lands and 50% BLM lands. Most of our exposure to herbicides has been related to the private timber lands. This exposure includes aerial spraying by helicopters. **We are so saturated by herbicides already that the prospect of increased exposure to these dangerous – often cancer-causing – chemicals is absolutely opposed by most members of the community, Republicans and Democrats alike.** Our movement includes hunters, fisherman and even loggers concerned about their exposure to these poisons, not just the typical ‘environmentalists’. Many Republican, church-going, conservative mothers are every bit as concerned about this issue as any environmental activist. Why? Because: Concern about deformed babies, cancer, and other illnesses related to chronic herbicide exposure crosses all party lines.

In your Draft Environmental Impact Report you do not address the issue of increased exposure of forest dwellers to herbicides related to the various options on the table including BLM’s preferred option Two; thus, we offer the following proposal.

### **Proposal Number Three**

We propose that your team study the new BLM policies on herbicides and then commission a study to determine the estimated increase in herbicide exposure to forest dwelling humans in relation to each alternative outlined in WOPR, including but not limited to the ‘preferred option’, Alternative Two.

## **PROPOSAL NUMBER FOUR:** **Proposal to Study the Impact on Watersheds** **that Increased Use of Herbicides by the BLM will Have** **according to the Various Alternatives Described in the WOPR**

### **Background to Proposal Number Four**

The O&C Lands Act of 1937 requires the BLM to “protect watersheds”. Since herbicides in the watersheds are now recognized as a very real and growing problem, your Draft Environmental Impact Report should have seriously studied this issue and published the findings. This is a serious omission given your charge to protect watersheds. Thus we offer the following proposal.

### **Proposal Number Four**

We propose that you commission a study on the environmental impact to watersheds that would accompany each alternative outlined in WOPR, including but not limited to the ‘preferred option’, Alternative Two.

## **PROPOSAL NUMBER FIVE:** **The Endangered Species Act and Increased Use of Herbicides by the BLM**

### **Background to Proposal Number Five**

The BLM is required to protect endangered species. Increased use of herbicides by the BLM in relation to WOPR may seriously impact several endangered species including Salmon and the Spotted Owl. But nowhere in the WOPR Draft Environmental Impact Statement is the issue of increased herbicide exposure of endangered species addressed. We believe that is a serious omission and thus offer the following proposal.

### Proposal Number Five

We propose that you commission a study to determine the environmental impact to endangered species that would accompany each alternative outlined in WOPR, including but not limited to the BLM 'preferred option', Alternative Two.

### Proposal Number Six:

#### *The Pitchfork Rebellion 'Preferred Option'*

WHEREAS 50% of our forests are privately owned and treated as industrial tree farms by Big Timber companies who clear-cut the trees and then spray the soil with toxic, cancer-causing herbicides made by Big Pesticide companies; and,

WHEREAS most of the other 50% of our forests are on public lands managed by the federal Department of the Interior through the Bureau of Land Management (BLM); and,

WHEREAS most of the private and public forestlands described above were intentionally divided into a giant 'checkerboard' in which each square of privately owned timberland (e.g. Weyerhaeuser) is adjacent to a square of BLM-managed public timberland thus forming a 'Whole Forestland' that consists of alternating squares of private and public forestlands that directly interact with one another by virtue of being inherently linked; and,

WHEREAS the above described interlinked squares of private forestland and public forestland that form the 'Whole Forestland' are separated only in the minds of people and not in *actual reality* (by reason of their being forever and unalterably linked biologically as one interconnected ecosystem consisting of interacting life forms and interconnected watersheds); and,

WHEREAS the 1937 O & C Act, despite having been written by friends of Big Timber in an era of little awareness of environmental issues, **an era before today's watershed-harming herbicides had been invented**, an era in which today's ability to build roads in hard to access timberlands did not exist, an era in which logging hard-to-access trees on steep slopes by helicopter was not possible (all of which means that the Oregon State Senators who made the O&C Act law could not have imagined the intensive, high-technology logging practices of today on either private or public timberlands and the environmental impact this would have) does nevertheless charge the BLM with 'protecting watersheds' in public forests; and,

WHEREAS BLM spokesperson Brad Keller has publicly stated that the 1937 O & C Act is trumped by the Endangered Species Act, Clean Air Act, and Clean Water Act; and,

WHEREAS we believe that the privately owned 50% of the checkerboard that is managed by Big Timber companies as a network of industrial tree farms featuring clear-cuts and heavy use of herbicides is so heavily worked and overburdened that the interspersed publicly owned (mostly BLM managed) squares of forestland should be managed primarily as Old-Growth Tree Reserves so as to act as a much needed balancing factor within the context of the 'Whole Forestland' interconnected ecosystem described above; and,

WHEREAS we believe that the management of BLM forestlands exclusively as Old Growth-Tree Reserves **is required if real protection of watersheds and endangered species is to occur according to existing laws** (the O&C Act watershed provision, the Clean Air Act, the Clean Water Act, and the Endangered Species Act), this requirement being due to the high-intensity industrial logging of the interconnected squares of private forestland that demand a counter-balance to salvage the ecosystem of the combined 'Whole Forestland';

We, *The Pitchfork Rebellion*, hereby declare that:

- 1) Our preferred option in regard to those alternatives offered by the BLM in relation to the WOPR is **whichever option will result in the least logging on public lands**, which, at present, we believe is the 'Take No Action Alternative';
- 2) **We do not consider any of the BLM-offered alternatives to be satisfactory in protecting watersheds, clean water, clean air, or endangered species and therefore offer our own 'PREFERRED OPTION', which we call: *The Pitchfork Rebellion* 'Preferred Option'.**
- 3) Our 'Preferred Option', written by *The Pitchfork Rebellion* on behalf of **any and all forest-lovers who wish to rally around this option**, consists of the following provisions: a) BLM-managed public forestlands will be managed exclusively as Old Growth Tree Reserves as a counter-balance to the severely over-burdened private timberlands; b) When we achieve 'a' above, the O&C Act-related funds that currently help support eighteen Oregon counties will be replaced by payments to those counties by the Department of the Interior for 'Global Warming Reduction Services Rendered', that service being carbon capture and storage in Old Growth Trees, a service that is accomplished by permitting the publicly owned

forestlands of Oregon to be managed as Old Growth Tree Reserves, a service to America and the world that deserves just compensation, the just compensation being the equivalent of the lost O&C land revenue that those eighteen counties have historically received by virtue of the fact that the forestlands being referred to are located within the bounds of those counties and were, in 1916, seized by the federal government in a manner that harmed the tax-income of those eighteen counties; c) Until and unless 'a' above is achieved – the condition that all BLM-managed public forestlands be managed as Old Growth Tree Reserves – the following plan for payments to the eighteen O&C counties will be implemented (by an Act of Congress that the BLM will request) rather than the above described 'b'. We want a *decrease* in logging in public forests from current levels (year 2007 = current) **coupled with an increase in the percentage of money the counties get from timber receipts on O & C lands from 50% to 75%.** (Currently, the feds get 50% for 'management fees'; we think they deserve 25% and the counties **where the trees are located** deserve 75%.) This way, the eighteen O&C counties will receive *more* money than now – schools, parks, and other worthy public services can be better funded – **and we can decrease current levels of logging in public forests to protect the watersheds as required by the O&C Act of 1937 and the Endangered Species Act.** And, at the same time, the Federal Government will have taken a **real step toward Global Warming carbon reduction.**

#### **Background to our Proposal (above) to Increase the Share of O&C Logging Dollars to Counties while Decreasing the Share to the Federal Government**

The following bulleted facts are based on our initial research into the history of the O & C lands and depend largely on an article titled *BLM Seeks Public Comment on Revisions to 'O&C' Land Use*; the article appeared in the Tuesday, October 23, 2007 issue of *The Hillsboro Argus* and lends heavily on comments attributed to Brad Keller, the BLM Tillamook Field Office manager.

- The BLM is responsible for the management of over 2.5 million acres of public forest land, of which about 2.1 million acres are 'O&C' lands. That responsibility came about by government confiscation of private lands from 'O&C' Railroad Company in 1916, the details of which now follow.
- In the 1860's, the Federal government, desiring to entice a private railroad company to build a line from Portland, Oregon, to the California border, negotiated the following deal with the 'O&C' Railroad Company. If 'O&C' would build the line – no easy task with the limited technology of that era – the government would grant them ownership of alternating 20 mile strips on either side of the tracks under the stipulation that the land could only be re-sold by 'O&C' in parcels of 160 acres and at a maximum price of \$2.50 per acre. 'O&C' built the line and acquired the 2.1 million acres.
- After the railroad was built, the government reneged on the deal. Claiming that some fraudulent land sales had taken place – in which case an effort should have been made to put an end to those fraudulent sales – Congress re-confiscated the land from 'O&C'.

Congress did pay 'O&C' \$2.50 per acre for the land (which by 1916 was worth far more) but it was a forced-sale; 'O&C' had no option to say 'no'.

- However, this created a cry of foul from the eighteen counties who, by 1916, had 'O&C' lands within their boundaries, some counties more than others. The argument was as follows. If 'O&C' had sold those 160 acre parcels to various buyers, those buyers would have built homes, ranches, and various enterprises, all of which would have been taxed by the counties. In other words, the Federal government, according to the principle of just compensation, should have to pay those counties an amount of money that would equal the amount lost.
- In the year 1937, twenty-one years after the re-acquisition of 'O&C' lands by the Federal government, a law called *The Oregon and California Lands Act of 1937* was passed. According to that Act, those above referenced eighteen counties would receive 50% of the funds from Timber harvests each year on the old 'O&C' lands within their boundaries.
- Now, with counties needing additional funding for schools and other programs, there is interest in increasing the amount of timber harvested on the BLM managed 'O&C' lands. Obviously, the larger the timber harvest, the larger the 50% portion that goes to those eighteen counties. In this regard, Lane County Commissioner Bobby Green was quoted in the October 29, 2007, issue of the Register Guard as asking: "If not this [increased funding via increased timber harvest], then what?" Our answer to that question now follows.

Our answer to the county funding crises is simple: Rather than **increase the timber harvest** – which we will argue cannot be done without violating *The Oregon and California Lands Act of 1937* provisions in regard to protecting watersheds and without harming various endangered species in violation of the Endangered Species Act – we propose an **increase in the percentage of the timber harvest funds paid to the counties from the current 50% to %75**, and a decrease of the Federal percentage from a 50% share to a 25% share. This proposal is based on the following analysis of the above bulleted facts. The original deal between the Federal government and 'O&C' Railroad had not promised 50% of timber harvests to the Federal government; rather, the 'payment' the Federal government wanted and received was for 'O&C' to agree to build a railroad line between Portland and the California border, as it was deemed that this would result in an economic and development boom (which it did). When the Federal government re-acquired (by force) the 'O&C' lands, they said it was to prevent fraudulent land deals from occurring. Thus, it was a policing issue, and, because the Federal government had already received their payment (in that the railroad line was built as promised), they were not really entitled to seize the land for financial gain, but only to prevent fraudulent deals as they declared in 1916. Nevertheless, the Federal government, twenty-one years after re-confiscating the land, passed a law giving themselves 50% of the money from Timber Harvests on those former 'O&C' lands, the other 50% going to the counties. The BLM is entitled to *some* percentage of the harvest funds by virtue of the fact that they manage the lands, **but we propose that 50% is an excessive management fee** – especially when one realizes that they retook the land supposedly to prevent fraudulent land sales and then kept the land so as to profit not only from its timber resources but also from its mineral resources. **We propose that the eighteen counties should either: a) collectively sue the Federal government in demand of an increased percentage of the harvest money; or b) Seek the assistance of a State Senator in drafting a bill that would increase the county's percentage of that pie.**

Note: Although our 'preferred option' is 75% to 25% split of the monies, other percentages less than 75% but more than 50% that can be shown to make up for the 'lost revenue' due to

decreased timber harvests are on the table. The numbers need to be 'crunched' but the principle is this: Increase the percentage of the pie that goes to the counties enough to make up for the decreased timber harvests on BLM lands, rather than increasing the harvests.

**Statement of Concern About Corruption**  
**within the Department of the Interior**  
**and How that Corruption Pertains to WOPR**  
**with a Call for an Outside Investigation**  
**and the Abandonment of WOPR**

The Bureau of Land Management is now planning a huge increase in the logging of old growth trees on public lands. The Western Oregon Plan Revision, known by the very appropriate acronym 'WOPR' (pronounced 'whopper'), would increase the clearcutting of old growth on public lands by a whopping 700%, according to the Old Growth Legacy Campaign. **The BLM is required by law to make no plan revisions that are detrimental to endangered species.** The BLM is a part of the Department of the Interior, as is the Fish and Wildlife Service. As reported in the November 28, 2007, issue of the Portland Oregonian newspaper (the article is provided below), a scandal has been uncovered within the Department of the Interior that directly relates to endangered species. A Bush administration appointee, Julie MacDonald, repeatedly overruled recommendations by agency biologists on endangered species, including Northwest species such as the marbled murrelet, northern spotted owl, and bull trout. MacDonald had no background in endangered species, being from the private sector. According to the Oregonian of November 28, Sen. Ron Wyden views the Interior Department as "riddled with ethical lapses and corruption" and is calling for an outside investigation. He is calling for the outside investigation because he does not trust the Interior Department to conduct an honest investigation. A reading of the following news article should cause all persons interested in the WOPR to ask: Did the scandalous behavior of Bush appointee Julie MacDonald affect the endangered species analysis within the WOPR Draft Environmental Impact Statement? **We believe the answer is yes, and, therefore, WOPR is dead and needs to be completely redone, or, better yet, abandoned.**

**We hereby endorse Senator Ron Wyden's call for an outside investigation into corruption within the Interior Department.**

**The Biggest Fault of the WOPR**  
**Draft Environmental Impact Statement**

Of the many major faults of the WOPR Draft Environmental Impact Statement, the biggest is the failure to analyze how the plan would impact Global Warming. Your statement that a consideration of the WOPR in the context of Global Warming is beyond the scope of the Draft Environmental Impact Statement is **PROFOUNDLY UNACCEPTABLE.** Serious scientists are declaring that civilization as we know it may collapse due to Global Warming; in such an era, how can an environmental impact statement not address that most serious issue? This is a serious enough omission to warrant a stop to all WOPR plans until a

scientific study on the impact of the various WOPR alternatives on Global Warming are analyzed. The fact that it is a difficult job that will likely take a minimum of two years is no reason to leave the job undone. We hereby call for a complete suspension of all WOPR plans until this analysis is completed.