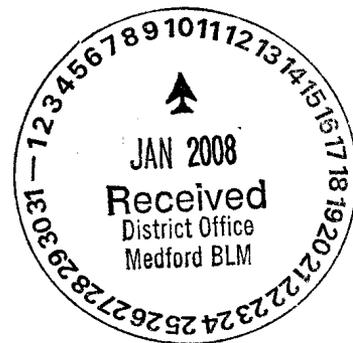


Western Oregon Plan Revisions
P.O. Box 2965
Portland, Or. 97208

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Dear BLM Revisionists,

These are my comments on your Western Oregon Plan Revisions Draft Environmental Impact Statement (DEIS).

Introductory Comments:

After reading a substantial part of the DEIS documents, I have concluded that BLM's Revision Plan is proposing some of the most anti-environmental policies and interpretations of laws that I have seen put forward in a long time.

I am a founding member of the Applegate Partnership and have been actively working as a community volunteer, trying to improve BLM's Forest management policies and citizen collaboration for over 30 years. As a cooperative adjacent BLM neighbor and concerned conservationist, I have seen many of BLM's past timber dominant forest management strategies fail. A few of those past BLM strategies that have failed include plans to eliminate all old growth, extensive use of herbicides to kill unwanted vegetation and clearcut monoculture tree farms.

And this Revision Plan will also fail unless BLM adopts a conservation ethic that lives up to its motto, "as the Nations principal conservation agency," by protecting the environment first and cutting trees second. But the fact is, BLM has taken up a timber dominant strategy again in all the action alternatives proposed in the DEIS. They are insisting that timber cutting is their primary objective by law and protection of the environment is a secondary consideration.

The historic misuse of our public forest lands has come about through BLM's misguided interpretations of the O and C Lands Act which is only one of the laws governing their management policies. Although the O and C Lands Act requires the Secretary of the Interior to manage O and C Lands for "permanent forest production," such management must be in accord with "sustained yield principles." Although excellent "sustained yield principles" for BLM's forest lands were adopted in their present Resource Management Plans, they are now being abandoned. There are no sustained yield principles articulated in the DEIS revision documents that will assure habitat protection for many species.

The O and C Act does not require the Secretary to cut all old growth timber or all commercial timber as rapidly as possible or according to any particular schedule. The Secretary has discretion to determine how to manage the forest on a "sustained yield basis" that provides for permanency of timber production over a long term period. The O and C Act does not limit the Secretary's ability to take steps now to avoid future endangered species listings or their forest protection disruptions (see June 1995 ROD/RMP pg. 17 and 18 for more information on the Secretary's authority that has not been articulated in the DEIS.)

To proceed with this proposed DEIS and its undue degradation of these checker boarded ecosystems is the sign of negligence, mismanagement and wrongful conduct by our public officials from the top on down. The Proposed Plan Revision is an embarrassment to your concerned staff because it is not based on the best available science and its conclusions are not ecologically sound. The only answer I see to the madness being advanced in the DEIS

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is for the BLM to start again using the Northwest Forest Plan and their existing Resource Management Plans as a foundation and build from there. The BLM is mistaken in their exclusive applications of the O and C Act. Just like the Forest Service manages the O and C lands under their jurisdiction, the BLM can and should use an adaptive ecosystem management's approach for all action alternatives.

Narrowness of the Purpose and Need:

Under the Purpose and Need section of the DEIS (XLIV), the BLM has restricted their selection of alternatives and habitat and species protection by suggesting that their forest management over the past 13 years was in conflict with the mandate of the O and C Act (dominant use of timber production). Contrary to this present interpretation of the O and C Act, the Northwest Forest Plan (NFP) and all of BLM's existing Resource Management Plans (RMPs) have definitely stated there is no conflict with the O and C Act and that these plans comply with the requirements of that federal law (see Records of Decision for all RMPs developed in 1994/95).

If BLM is going to restrict their present management goals, they must make a better case than just referencing the 1990 Headwaters vs BLM Law case (which was considered in the above RMP RODs) and the 2003 Settlement Agreement with timber interests. Both of these references in the Purpose and Need statement are being used to distort BLM's ability to designate reserves, adaptive management areas and other beneficial forest needs.

In fact, the use of the Forest Service's National Forest Management Act (NFMA) goals (which BLM now specifically objects to in their DEIS Purpose and Need statement) in developing alternatives applicable to BLM lands in 1995, was found to be "in accordance with direction and authority provided in the Multiple-Use Sustained Yield Act, The Federal Land Policy Management Act, The Oregon and California Lands Act and the Endangered Species Act (pgs. 42-50 Records of Decision/Standards and Guidelines For Amendments to FS/BLM Planning Documents Within the Range Of The Northern Spotted Owl). There needs to be a further explanation of what has changed to now make this agreement so objectionable to the BLM.

In addition to there being no case law restrictions for the use of NFMA goals in developing BLM alternatives, I have never seen any reference to the use, restrictions, or provisions of NFMA in any BLM/ NEPA documents that were proposed to cut timber during the past decade. Neither does the Settlement Agreement mention or stipulate any specific terms that would eliminate the NFMA goals from BLM's planning process. The Settlement Agreement specifically states under Miscellaneous Provisions 4.6, "Nothing in the terms of this settlement agreement shall be construed to limit or modify the discretion accorded the Agencies under any statutes administered by them or applicable to their activities or by general principles of administrative law." There is no valid reason BLM cannot broaden their DEIS Purpose and Need and reconsider any alternatives they rejected because they respond to the need for protecting forest habitat through a reserve system as well as producing forest products.

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The DEIS Does Not Contain An Adequate Range of Alternatives:

The BLM is proposing to revise their existing RMPs to replace the Northwest Forest Plan (NFP) land use allocations and management direction. Their stated purpose and need for this action is to manage the BLM and administered lands for permanent forest production in conformity with principles of sustained yield, constant with the O. and C. Act and their applicable Federal laws. The BLM has also signed a settlement agreement that requires at least one alternative that "will provide permanent forest production across the O. and C. lands without reserves except as required to avoid jeopardy under the Endangered Species Act."

The settlement agreement referred to above only called for one alternative without reserves. But all three action alternatives put forward by BLM don't have reserves. This failure by BLM to provide an adequate range of alternatives will constrain the options available to the decision maker. All three action alternatives are limited in their scope and slanted toward one particular direction based solely on a misguided interpretation of the O. and C. Act. The BLM has limited its alternatives to measures that only the agency can adopt and interpret.

BLM's failure to study in detail an alternative that includes the U.S. Forest Service is incomprehensible. Since 1994, the two land management agencies have developed and adopted a common management approach to the lands they administer throughout an entire ecological region. This joint management direction is a comprehensive ecosystem management strategy based on the best available science and an attempt to anticipate and forestal future environmental problems. With the BLM now planning to change management direction, the Forest Service and joint ecosystem management strategies are in a state of limbo.

The least BLM should do under these circumstances is do a detailed study of an alternative that would transfer forested BLM lands to the Forest Service. This alternative seems very appropriate for consideration given that the F.S.. already manages thousands of acres of O. and C. lands without BLM's narrow interpretation of the O. and C. Act. The F.S.. will also be continuing their management with the land allocations and standards and guidelines of the N.W. Forest Plan on millions of acres in Western Oregon. A detailed study of an alternative of this sort would provide the result of an analysis that is substantially different from those of the three proposed action alternatives in the DEIS and prove to be more cost effective and ecologically sound.

The BLM should also consider a detailed study of other alternatives considered but eliminated. It is not appropriate to disregard alternatives merely because they don't offer a complete solution to the problem or the fact that an alternative requires legislative action (as in repealing or changing the O. and C. Act). The proposed action in the DEIS deals with a broad problem and the range of alternatives to be evaluated must be broadened as well. A potential conflict with a local or Federal law does not necessarily render an alternative unreasonable (see 40 C.F.R. 1502.14(C)).

In addition, since the "no action" alternative is thought of as continuing the present course of action until that action is changed, alternative management schemes should be compared in the DEIS to those impacts projected for the existing plan.

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In this case, alternatives must include management plans of both greater and lesser intensity, especially greater and lesser levels of resource development. All three action alternatives (#1,2 and 3) increase the level of timber production and the intensity of management. The DEIS needs an evaluation of alternatives with lesser resource development and afforded the same broad analysis as the proposed alternatives.

BLM is using a "First Tier " DEIS to support site specific off highway vehicle (OHV) decisions without site specific analysis:

The DEIS is programmatic EIS rather than a project specific EIS. The programmatic EIS is typically used for broader geographic area and emphasizes policy level alternatives, commutative impacts and program level impacts. Unlike a project-specific EIS, there are usually no defined facilities or specific sites to be evaluated in a programmatic EIS.

In the case of the DEIS, BLM is mistakenly relying on a programmatic EIS for NEPA compliance for site specific decisions on 17 OHV "emphasis area" designations (a designation that is not found in BLM's National Management Strategy for OHV use, Jan 2001 or the present RMPs). BLM is also mistakenly designating approximately 2 1/2 million acres of public land to OHV use that limits users to an unknown number of designated roads and trails (to be designated within 5 years) with no environmental analysis whatsoever. The BLM needs to undertake site specific analysis if a programmatic EIS supports site specific decisions. Presently, there is no site specific analysis for any of the OHV designations in the DEIS (see State of California vs Block 690 F.2d 753 (9th Cir 1992) and City of Tenakee Springs vs Block 778 F.2d 1402 9th Cir 1985).

The BLM National Management Strategy for OHV Use on Public Lands (Jan 2001) also calls for (among other important directives) a "thorough analysis of motorized OHV issues and concerns throughout the land use planning process," and says further, "The BLM will conduct (under NEPA) sound environmental analysis in compliance with all applicable executive orders and statutes..." The glossary of that document states, "An RMP is based on an analysis." None of the BLM's OHV designations in the DEIS are based on any analysis whatsoever. It seems BLM must prepare a supplement to the DEIS to analyze the impacts of all their OHV designations. You can't designate and then analyze 5 years later, especially since the Medford BLM hasn't analyzed the areas they designated 13 years ago.

Having attended the BLM open house in Grants Pass on OHV "emphasis area" designations, I was disappointed to find that BLM staff knew very little about the areas being proposed for designation. All the maps of the Medford District's proposed designations showed lots of roads but not many trails and everyone of the staff was unclear about which ones would be used. It was obvious that these "emphasis areas" were chosen because they were already getting some OHV use but no resource protection, analysis or attention.

BLM is under the obligation to take the required actions outlined in the Department of Interior's National Management Strategy For Motorized Off-Highway Vehicle Use on Public Lands, Land Use Planning and Review Of the Designation Process (pg.4), prior to designating OHV Areas.

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See the attached articles I have written for our local Applegate newspaper for additional comments regarding OHV use on BLM lands in the Applegate and beyond and other plan revision issues.

BLM must continue the Adaptive Management Areas (AMA) designations in the DEIS

As a member of the Applegate Partnership Board of Directors, I supported the decision we made to submit the attached comments requesting that a special designation of the Applegate Watershed be acknowledged for all the alternatives in the DEIS. I would like to go beyond that proposal in my own comments and suggest the BLM continue with all the AMA land use allocations in their present RMPs for the DEIS. The objective of the AMAs is to develop and test new management approaches to integrate and achieve ecological and economic health and other social objectives. They are intended to be opportunities for learning for both the agencies and communities.

The only reference to adaptive management in the DEIS basically stated, that adaptive management "is not a stand alone process," and that it "would be integrated into NEPA and land use planning process." Adaptive management seems to be integrated so deeply in the DEIS that I couldn't find exactly where in the planning process it was being used. The only reference to AMAs was found in the few paragraphs of the background summary on the Northwest Forest Plan (pg. 8). The DEIS has given no explanation or rationale why AMAs can't continue in the revision action alternatives. From many peoples' perspective (including agency people) the AMA concept and strategy that preserves ecological integrity of ecosystems balanced with the social needs in the communities has been a success. It is imperative that this kind of experimentation continue.

The AMAs were set up to provide opportunities for all Federal agencies, NGOs, local groups, landowners, communities, and citizens to work together to develop innovative management approaches. Even the timber industry and O. And C. counties seem to be very interested in using the AMAs to evaluate silvicultural practices and standards and guidelines. In the settlement agreement that prompted BLMs plan revision, the BLM agreed to propose some specific projects to be based on the principle of management across the entire landscape in 3 AMAs. (See settlement agreement section 3.3-3.3.1-3.3.2-3.3.3-p.65). Although the DEIS doesn't report the results of those projects (are they important?) it seems there is a lot of interest in keeping AMAs functioning from many different interest groups.

With at least 20 percent of BLMs actions each year in rural interface areas (Medford District) it is imperative that BLM continue to consider the interests of adjacent and nearby landowners, especially in establishing desired future conditions of these mixed ownership watersheds. The AMAs are perfect places to develop and apply new management approaches to the achievement of ecological health, and economic and other social objectives. There needs to be a broad public discussion and analysis of the value of keeping these AMA designations before BLM drops them without a word in the DEIS.

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What has been the fate of BLM's deferred watersheds?

In 1995, the Record of Decision and RMP deferred from management activities approximately 49,636 acres (from 12 watersheds in the Medford District alone) because of high watershed cumulative effects. Although the ROD said they would be reevaluated during the next planning cycle or by Jan. 2003 (ROD pg 42), I could find nothing in the DEIS about their rehabilitation if any. What has happened to them? Has restoration taken place?

What has happened to the Rural Interface Areas (RIAs) in the 1995 ROD/RMP. Pgs. 288.89 and 242)

There are over 136,000 acres of Rural Interface Areas in the Medford District and an unknown number (to me) in other districts. These designated land use allocations in the 1995 ROD/RMP were adopted to "consider the interests of adjacent and nearby rural residential land owners during analysis, planning and monitoring activities occurring within RIAs." Why were these important designations removed from discussion of their need and value to both the BLM and these communities? BLM is refusing to identify and address concerns related to the possible impacts of the proposed management activities on RIAs. This is another example of why the DEIS needs a broader range of alternatives to consider these issues.

Allowable sale quantity/ impacts confusion

If the Allowable Sale Quantity (ASQ) for the No Action Alternative in the DEIS is considered to be 32 per cent greater than the 203 MMBF per year declared in the 1995 RMP (Pg. 566 DEIS), are all the impact comparisons to the No Action Alternative throughout the DEIS using the effects of the 203 ASQ or the increased ASQ of 357? It seems the comparisons throughout the DEIS will be skewed one way or the other. Can the BLM compare new ASQ volumes for all the alternatives based on new information and at the same time accurately compare the impacts of cutting those new volumes of the action alternatives using the old ASQ impacts of the No Action Alternative? These impact comparisons need more explanation to be understood if BLM is increasing the volume of the No Action Alternative (which is not the continuation of the current management plan, ASQ), along with the Action Alternatives.

The DEIS is AWOL on climate change

The DEIS mistakenly "assumes no change in climate conditions." (pg 491). The BLM is ignoring some of the latest current science including recent studies showing that logging in Oregon's forests releases significant amounts of carbon that otherwise would be sequestered by forests managed for long term sequestration. There are also studies that show old-growth forests are carbon sinks and sequester more carbon per acre than any forests on earth. (see Turner, DP et al, 2007 and Harmon, ME et al. 2004). BLM must consider a global warming strategy in every action alternative that addresses the dangerous impacts of climate change including the endangerment of species in these forests.

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BLM is relying on a flawed Northern Spotted Owl recovery plan.

The NSO is a threatened species under the Endangered Species Act (ESA). The DEIS is basing the recovery of the NSO on a draft recovery plan that more than 100 scientists have asked to be redone. BLM should not be relying on a NSO recovery plan that has failed peer review and has not been adopted by the U.S. Fish and Wildlife Service. Any NSO recovery plan that is linked to BLM's proposed DEIS alternatives must be completed before it uses the results to open up so much more of Oregon's old growth forests to logging. The 113 scientists mentioned above have said that they, "see no scientific basis for either reducing habitat protections for the owl....or departing from a conservation strategy that is rooted in the fixed reserves of the Northwest Forest plan." BLM's DEIS must be put on hold until there is an approved scientifically credible NSO recovery plan, that is likely to avoid lawsuits, in place (see attached articles: Spotted Owl Plan Under Fire and Ignoring Science Invites Lawsuits). The DEIS must also include action alternatives that retain fixed reserves for endangered species.

The fire and fuels sections need to be reevaluated

As stated previously, BLM needs to consider climate change in the DEIS analysis. The likelihood of an increase in average temperatures will undoubtedly lead to increased fire hazard, risk, frequently and severely, and losses due to wild fires.

A climate change analysis would influence harvesting practices that remove more fire-resilient larger trees and include more areas for thinning practices and more fuel reduction activities. The reasonable and foreseeable effects of climate change on all aspects of fire in the forest must be analyzed in the DEIS.

A separate DEIS is needed for each BLM District

By refocusing its goals for the management of these lands in the DEIS from those of the Northwest Forest Plan (NFP) within a 22 million acre Western Oregon Planning Area, BLM has bitten off more than the DEIS can chew.

The size and ecological complexity of the area makes it impossible for the public to consider all the issues in the three DEIS revision volumes covering all of Western Oregon. It is unrealistic to expect a person living in the Medford District to understand and make helpful comments on what is essential to make a reasoned choice among alternatives, impacts, costs, options, issues, etc. for another district or province outside our geographic area. 1600 pages is too much to wade through when much of the document pertains to proposed actions in other ecosystems and locales. This is especially true because BLM is attempting to make many site specific decisions in this programmatic DEIS. These plan revisions that will have consequences both short and long term that affect communities hundreds of miles apart are huge. Even the extended time period given to comment on the DEIS does not eliminate the need to have the six resource management plans put into draft form for the public in each district to consider and analyze. The existing RMPs BLM is revising in the DEIS came as a single draft EIS for each district. That is the only way the BLM can fulfill its responsibilities to these separate communities with diverse interests and forest management issues.

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The fragmentation of the planning area forests must continue to be reduced.

The extensive fragmentation of the forests in the northwest was the basis for implementing the standards and guidelines of the Northwest Forest Plan (NFP). The DEIS No Action Alternative, guided by the NFP these past 13 years has resulted in a reduction in fragmentation in most provinces. Fragmentation is often coupled with habitat loss and the two can result in reduced biological diversity. It is very important that any management plan on BLM lands continue to reduce forest fragmentation and to increase forest connectivity.

The problem in the DEIS is that Alternatives 1 and 2 would increase fragmentation in most provinces and Alternative 3 would increase fragmentation in all provinces. The NFP indicated that the existing fragmentation is already beyond the threshold that disrupts connectivity of habitats and is contributing to species population declines. The DEIS must make sure that all the action alternatives continue to decrease fragmentation and the resulting loss of connectivity.

Since I am on the Board of Directors of the National Center For Conservation Science and Policy (NCCSP) please include their comments as part of my own.

Thank you for the opportunity to comment of the DEIS (see attachments that follow).

Sincerely,



Christopher Bratt

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