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Bureau of Land Management
Western Oregon Plan Revisions
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SUBJECT: Comments on the Draft EIS – Western Oregon Plan Revision

This land-use plan revision process represents a milestone in the history of the BLM. Never before has a planning effort been supported by such a wealth of detailed site-specific information handled and analyzed by the latest in information processing techniques. Furthermore, this data has been cataloged and displayed in the Draft EIS in a manner that makes it readily accessible to the public. For this, the Bureau is to be commended.

Logically, given the wealth of data, information, and decision techniques available, the process that follows should result in a landmark management decision. This decision could be, and should be, tightly reasoned with a comprehensive display of assumptions, probabilities, trade-offs, and opportunity costs structured so as to make the decision rationale fully accessible to and understandable by the public.

My review of the Draft EIS indicates that this almost certainly will not happen without significant changes between Draft and Final EIS.

The Draft EIS contains significant structural and conceptual defects that effectively limit or negate the utility of much of the data presented. Furthermore, these defects make the development of a fully rational and documented decision process difficult, if not impossible.

Following is my attempt to identify the most important conceptual and structural defects within each of the sections of the Draft EIS together with suggestions for possible corrections.
CHAPTER 1 – PURPOSE AND NEED

The Draft EIS (Page 3) correctly indicates that the purpose of the plan revision is to integrate the mandates of the O&C Act with other applicable regulations including, but not limited to, the Endangered Species Act (ESA). The DEIS goes on to prematurely limit the scope of the analysis by limiting concern only to those “species listed as threatened or endangered under the Endangered Species Act”.

For the past 30 years, the BLM has attempted to limit the impact of the ESA on the O&C program by doing the bare minimum required, namely, responding to only the needs of species formally listed as threatened or endangered. The BLM has consistently failed to recognize and come to grips with the primary purpose of the ESA, which reads as follows:

Section 2b: “The purposes of this act are to provide a means whereby the ecosystems (emphasis supplied) upon which endangered species and threatened species depend may be conserved...”.

It should be abundantly clear by now that the scarce resource that must be dealt with is not spotted owls nor marbled murrelets, but rather the old-growth ecosystem itself.

It is a fools errand to continue to attempt yet another version of single species management driven by the endangered listing process especially in view of the fact there are 300+ species waiting their turn to jam up the timber production machinery.

RECOMMENDATION #1 - Rewrite Chapter 1 – Purpose and Need so as to accurately reflect: 1) the scarce nature of functioning old-growth stands across all ownerships within the region; 2) the need to determine the importance of the remaining remnants of the old-growth ecosystem on BLM lands within a regional context in order to meet the primary purpose of the ESA; and, 3) the need to seek ways to integrate the ecosystem requirements of the ESA within the timber production mandate of the O&C Act.

Ancillary to the above, but not addressed at all in the DEIS, is the potential importance to long term timber production of existing old-growth stands especially within the parameter of significant climate change. The DEIS discards any consideration of climate change in a single sentence by dismissing the very concept as “speculative”.

Climate change is far from a “speculative” concept. Ice core analysis has demonstrated a very close relationship between CO2 in the atmosphere and temperature over the past 400,000 years. Current CO2 levels are 40% greater than any ever encountered over that entire time span. Climate change is a virtual certainty with only how much and how fast yet to be determined.
Existing remnants of old-growth are the current embodiment of an ecosystem that has survived climatic changes in the past. They carry documentation of the genotypic and phenotypic responses that fostered survival through past climactic upheavals in a language we have yet to fully understand. Somewhere within the complex web of plant, animal, and microbe interaction that occurs in old-growth may well lie the key to future timber production within a changed climate. It seems foolhardy to tinker with or throw away the last copy of the instruction book before we learn to read and understand it.

RECOMMENDATION #2 – Include within Chapter 1 the recognition that maintenance of the original old-growth genotype within functioning ecosystems may be critical to long term timber production especially given the unknown magnitude of global climate change.

The BLM has stated that although it is producing “one region-wide Environmental Impact Statement, the end product will be six consistent, but independent, Resource Management Plans...” (DEIS Summary, cover). The boundaries of these six planning units are essentially the existing administrative BLM District boundaries, which also serve to delineate the Sustained Yield Units for which the sustained timber yields are computed.

If, in fact, the goal of this planning exercise truly is to manage the lands consistent with the O&C Act while remaining in compliance with the Endangered Species Act (DEIS Summary, pg. XLIV) the use of District boundaries as a means of delineating the basic planning units is incomprehensible.

The single factor responsible for the Northwest Forest Plan, subsequent litigation, and for this plan revision is the question of how the remaining remnants of the old-growth ecosystem are to be managed on a regional basis. If the BLM hopes to succeed in meeting its dual goals of compliance with the O&C Act and the ESA, the basic planning units should be delineated so as to facilitate data collection and analysis relating to timber productivity as well as to the distribution and characteristics of the remaining old-growth resources. The administratively determined District boundaries are simply inadequate on both points.

Given the dual goals of the BLM, it would seem that using the geographic boundaries of the Physiographic Provinces (DEIS, pg. 183) would make the most sense.

From a timber management standpoint, the physiographic provinces capture and portray differences in rainfall patterns, soil types, associated vegetative types, reforestation problems, fire intervals, site quality, topography, and other related parameters. From an old-growth ecosystem standpoint, they capture and portray differences in the amount and distribution of existing old-growth stands, current conditions on intermingled private lands, differences in the relationship between BLM and USFS lands, stand structure, etc.
I believe the use of Physiographic Provinces as the basic planning units would greatly facilitate the decision process within BLM as well as enhancing public understanding of the rationale behind it.

Given existing BLM capabilities with the GIS and other automated systems, the subsequent disaggregation of an adopted Province-wide plan to the individual Districts should not be an insurmountable problem.

**Recommendation #3 – For the purpose of the plan revision and EIS, the recognized Physiographic Provinces should be used as the basic planning units in lieu of BLM District boundaries.**

**CHAPTER 2 – ALTERNATIVES**

The appendices to the DEIS demonstrate quite effectively the BLM’s sophistication in large-scale data handling and its abilities to do complex analyses within a spatial orientation. Recognizing these capabilities, Chapter 2 in its present form becomes extremely puzzling.

It appears a decision has been made to prematurely focus public attention on a very narrow range within the broad spectrum of viable decision possibilities. Or, a skeptical reader might come away with the distinct impression that a decision has been made a priori and the public is being asked to review small variations on the selected theme in order to preserve the illusion of objectivity.

This chapter does not comply with either the letter or intent of NEPA and applicable regulations. The alternatives section is the heart of the EIS. NEPA requires that the alternatives be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public (40CFR1502.14). The BLM is charged with rigorously exploring and objectively evaluating all reasonable alternatives in enough detail so that reviewers may evaluate their comparative merits (40CFR1502.14a&b).

The alternatives currently listed do not demonstrate an earnest attempt to develop a full range of reasonable options nor do they facilitate or foster the development and display of opportunity costs expressed, for example, in terms of timber production foregone in order gain a greater probability of maintaining old-growth species, and vice versa. This capability will be vitally important if a viable Record of Decision is ultimately to be produced.

Serious re-working of this chapter is called for, if the spectre of “arbitrary and capricious”, currently looming large upon the horizon, is to be avoided.
I suggest the decision spectrum be bounded on one side by a "Maximum Timber" alternative. This alternative would depict conditions that would exist were the BLM lands to be managed in strict conformance with the O&C Act itself with no consideration for other values or resources and with full recognition of timber production as the dominant use.

The opposite end of the spectrum would be bounded by a "Maximum Environmental Amenity" alternative which would manage the lands in such a way as to comply with the ESA, Clean Water Act, and other applicable statutes to the fullest degree possible with timber production being a subsidiary use.

I would then suggest a serious and creative effort be undertaken to formulate and structure four or five potentially selectable alternatives between the two extremes. The Max Timber and Max Environmental alternatives at the boundaries of the spectrum would make it possible to conduct sensitivity analyses and determine opportunity costs as one moved up and down the spectrum seeking to determine the preferred alternative.

**Recommendation #4** – I recommend Chapter 2 be rewritten to include a Maximum Timber and a Maximum Environmental alternative thus fixing the spectrum within which a rigorous and documented search for a preferred alternative could take place.

**CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES**

Cumulative impacts are "additive" impacts to a particular resource. An EIS must analyze them without regard to land ownership, and include impacts of past actions, presently ongoing actions, and reasonably foreseeable future actions (40CFR1508.7). A complete picture of forces already acting upon a particular environmental resource is essential in making reasonable decisions about the future management of that resource.

The BLM did not cause old-growth to become a scarce resource by itself, but it was a participant in the process. The BLM will not maintain adequate remnants of old-growth by itself, but it can contribute to the process. Cumulative effects caused the problem, and cumulative efforts by multiple agencies will attempt to fix the problem.

BLM’s State Director Guidance (pg. 5) writes off the need for a display of cumulative effects in a few short sentences - "...almost all environmental effects described will be cumulative effects. Therefore, there will not be separate sections or discreet analysis labeled as cumulative effects."

Sound decision making, in this case, would demand that an old-growth ecosystem cumulative effects display and analysis be provided for each alternative under consideration. This analysis should address the effectiveness of each alternative, together
with USFS and other agencies' efforts, to address the requirements of old-growth related species in a regional context.

**Recommendation #5 –** A cumulative effects display and analysis detailing positive and negative effects on regional efforts to provide for old-growth related species should be provided for each alternative.

**ENTIRE DOCUMENT**

The entire DEIS is in need of a thorough technical edit. In a generic sense, most troubling is the fact that one comes away with the distinct impression that the document is aimed at justifying a pre-conceived decision rather than facilitating a rigorous search for the most rational alternative. Relevant in this instance is 40CFR1502.1: “An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions”; and 40CFR1502.2(g): “Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.”

In addition, there are numerous instances throughout the document that need clarification and/or correction. Rather than a comprehensive listing, I am providing just the following two examples by of illustrating the type of intensive technical edit that is required:

1. **DEIS Summary, pg. LII:** Figure 2 shows BLM projected county payments compared to historic payments. Taken at face value, the graph indicates that payments to the counties under the Secure Rural Schools Act were as great or greater than the peak of timber receipts in 1988 and 1989. This gives a false impression, primarily because the graph fails to correct for inflation. Redrawing the graph using constant 2005 dollars would correctly show that the payments under SRSA were at the average level of timber receipts between 1985 and 2000 rather than equaling or exceeding the peak levels.

2. **DEIS, pg. 10:** states that the O&C Act provides 50% of timber sale receipts to the counties. This does not give the complete picture. The Act provides 50% to the counties plus an additional 25% “after back taxes and reimbursements to the US Treasury are settled.” Thus, for some time after the late 1950’s, the counties received 75% of timber sale receipts. Eventually, these receipts became so high that they approached “windfall” status, and there was talk outside of Oregon about changing the O&C Act. The counties opted to voluntarily return 25% back to the BLM. These “plowback” funds were to be used for recreation developments, reforestation, and other forest development activities. The plowback funding represented a unique Federal/County partnership, and facilitated intensive timber management on the O&C lands.
Recommendation #6 – I recommend the entire document receive an intensive technical edit so as to maximize the utility of the information presented both to the decision process and to public understanding.

Ron [Signature]