



September 24, 2019

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ADMINISTRATIVE PROTEST OF THE DECISION RECORD #1 FOR THE POOR WINDY FOREST MANAGEMENT PROJECT AND FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-ORWA-M070-2018-0010-EA <<https://go.usa.gov/xnMxR>>

Pursuant to 43 CFR 5003, The Klamath Siskiyou Wildlands Center (KS Wild), Cascadia Wildlands, and Oregon Wild hereby formally protest the Decision Record #1 and Finding of No Significant Impact (DR1/FONSI) for the Poor Windy Forest Management Project. Our organizations provided timely substantive comments regarding the Poor Environmental Assessment (EA) and thus have standing to administratively protest this DR1/FONSI. This protest is timely because it is submitted in signed hardcopy to the BLM interagency office in Grants Pass within 15 calendar days of publication of the “Oh Windy” timber sale legal notice that appeared in the Medford Mail Tribune newspaper on September 12, 2019

The Poor Windy project and the Oh Windy timber sale are located on BLM-administered lands in the Grants Pass Resource Area, Josephine/Douglas Counties, Oregon.

The September 12, 2019 Decision Record (DR#1) would implement Alternative 2 on portions of the project area that were analyzed in the Environmental Assessment for the project.

Forest management activities authorized in DR #1 includes 926 acres of total treatment, specifically:

- 638 acres of HLB UTA selection harvest and modified group selects,
- 35 acres of HLB LITA commercial thinning,
- 172 acres of LSRD selection harvest,

- 14 acres of DDR-TPCC selection harvest,
- 67 acres of Outer and Middle Riparian Zone commercial thinning,
- 926 acres of activity fuels treatments,
- 2.01 miles of new permanent road construction,
- 1.83 miles of existing permanent road reconstruction
- 1.98 miles of new temporary road construction,
- 0.16 miles of existing temporary road reconstruction, and
- 30.16 miles of haul road maintenance,
- The use of the existing railroad car bridge and the associated stream ford, and
- Dry condition operations

This administrative protest concerns all timber sale activities involved in the Oh Windy timber sale legal notice associated with Decision Record#1. The protest does not concern and pre-commercial thinning and/or hazardous fuels reduction activities that are not associated with the Oh Windy commercial timber sale.

STATEMENT OF REASONS

Our organizations are supportive of young tree thinning projects, and we remain steadfastly opposed to significant canopy removal in fire-resistant mature/old growth forest stands. We believe the BLM can best meet its timber production and forest resilience objectives by implementing a project that addresses fire hazard and degraded watershed conditions while maintaining those components of the watershed with the best hydrological and ecological conditions: the remaining mature forests.

In past years the Grants Pass Resource Area demonstrated significant success in producing timber volume while increasing forest resiliency through implementing the dry forest restoration principles of forest ecologists Jerry Franklin and Norm Johnson (Franklin et al.2012. These ecological restoration thinning projects brought stakeholders together and sold at auction for considerably more than their appraised value, while avoiding protests and litigation (e.g. Jumping Bean timber sale, Williams IVM plantation timber sale). Grants Pass silviculturists enthusiastically promoted Jerry Franklin's ecological forestry principles in the Cold Elk timber sale planning process.

We are extremely concerned that the Grants Pass Resource Area has abandoned the successful ecological forestry restoration paradigm in favor of a return to controversial logging that removes or downgrades NSO nesting roosting foraging habitat and even goes so far as to remove RA 32 structurally diverse stands, the highest quality NSO habitat remaining on BLM lands.

From our perspective it appears that selection and implementation of Alternative 2 with the Oh Windy timber sale was inevitable and preordained such that public commenting was largely meaningless. We had sincerely hoped that both past BLM success in implementing dry forest restoration forestry and timely input of our ecological forestry alternative during scoping would be seriously considered prior to DR#1 to implement max logging in alt 2.

We continue to request for a collaborative approach to project planning that incorporates forest values in addition to timber production. BLM must involve interested parties early and often in the planning process so that interested parties concerns can be substantively rather than procedurally addressed during project development. Meaningful public involvement is more than simply procedurally responding to comments, rather it requires attempting to understand and incorporate the concerns and values of a wide range of interested parties into project layout and design. Unfortunately, the Grants Pass Resource Area chooses to ignore our repeated requests for collaboration regarding the wide range of forest values at issue.

Decision #1 violates the National Environmental Policy Act

1. FLAWED FINDING OF NO SIGNIFICANT IMPACT

The 9/12/19 Finding of No Significant Impact (FONSI) for the Poor Windy Forest Management Project EA is in error. An EIS must be prepared.

Intensity

Due its huge size and high intensity basal area removal/acre, alternative 2 has much greater negative impact to the wildlife, land, and people of Southwestern Oregon than any previous Medford District timber project. The project is 6 times the size of recent timber sale projects and merits an EIS. The 75 page EA is clearly inadequate for this huge project.

Impacts that may be both beneficial and adverse.

Substantial cumulative impacts warrant a full EIS that better complies with NSO recovery actions and critical habitat protections by more effective measures to address cumulative effects. When viewed cumulatively, the impacts of the Poor Windy project have a significant impact on the environment that necessitates an EIS to be prepared.

The EA was arbitrarily limited to 75 pages as per DOI memo. We assert the EA is inadequate to support the FONSI due in part to these page limitations. The 75 page EA lacks detailed analysis of several potentially significant impacts. The BLM must prepare an EIS to conduct detailed analysis for possible significant impacts that have not been fully analyzed, disclosed in detail or removed from the proposed action.

The EA lacks detailed analysis for 23 issues listed in appendix C (Sept EA:120).

Soil Productivity and Slope Stability (Sept EA:154)

The EA fails to include a standalone soils section or soils specialist report that would have detailed analysis for potential soil instability for new roads, cumulative compaction percents for each unit and field review of slope stability issues for units. This omission of a soils section and supporting specialist report is unprecedented. Large timber sale EAs always have a soils section supported by a specialist's soils report. For example the Grants Pass Field Office 360 page 2017 Picket West project EA had an eight page soils section produced by a qualified soil scientist. The Poor Windy EA fails to identify specific units or portions of units that may need to be

eliminated from the proposed action due to anticipated detrimental soil impacts from proposed action. For example, field reviews by a BLM soils scientist resulted in the dropping of several units in the Elk Camel project due to potential for soil damage and reduced slope stability from proposed logging. Failure of soils reporting in the EA of site specific soils and slope reviews means that EA assertions of “negligible” soil erosion cannot be scientifically supported. Many Poor Windy units are located on 50-100% slopes where there is high risk for erosion/landsliding but there is no detailed unit specific analysis in the EA or supporting soils reports on the project website. (see EA maps p.181-190). Detailed soils analysis and field review ensures that significant soils impacts are unlikely due to management actions. The FONSI cannot assure that significant damage to soils will not occur due to management actions.

The Decision arbitrarily changed existing TPCC designations and authorized logging on lands previously withdrawn from the harvest land base (see DR Appendix D – Decision Record 1 TPCC Management Decision Table). The Sept. EA: 154 states: “Lands within the District-Designated Reserve – Timber Production Capability Classification (DDRTPCC) land use allocation were removed from the Harvest Land Base because they were incapable of supplying a sustained yield of timber harvest [existing baseline]” and further states that “This project follows RMP management direction for DDR-TPCC (RMP, pp. 55-56) land use allocation which directs the BLM to designate and undesignate these areas as DDR-TPCC and return or remove them to or from the HLB when field examination indicates that those lands either did or did not meet the criteria for reservation.” (emphasis added) Neither the EA nor the DR provides or cites field examinations to support the TPCC Management Decision Table. Apparently no qualified soil scientist was directed by decisionmaker to evaluate the TPCC lands and make recommendations based on field examinations as described in the RMP. Arbitrarily returning these TPCC lands to the HLB and authorizing logging could result in significant soil impacts (soils is generally why the TPCC lands were withdrawn in the first place.) Furthermore the arbitrary decision to change TPCC designations was made with no opportunity for the public to comment on the changes and violates the intent of NEPA.. The changes identified in the DR were never proposed in the EA. The EA merely described a process by which the changes would be made with no opportunity for the public to make their own field examinations or review agency field examinations prior to TPCC decisions.

Hydrology and Water Quality (Sept EA p. 138)

The EA fails to include detailed analysis of numerous headwater streams (e.g. 7th order basins and smaller) that could have summer low flows decreased due to past and proposed logging (i.e., cumulative effects analysis). Decreased summer low flows due past on proposed logging is a significant impact because of numerous species dependent on summer stream flow (e.g. threatened coho salmon).

The EA fails to include detailed analysis of percent road miles that are connected to stream systems and to what extent if any specific BMPs applied at specific stream crossings would reduce the percent of miles connected to stream systems. The EA fails to have this critical quantitative analysis for named streams where connectivity is identified and unidentified intermittent streams. Techniques are available for conducting road inventory of “connected miles” at <https://www.pacificwatershed.com/> and elsewhere but the Grants Pass Field Office has failed to conduct intensive road inventories to identify specific locations that are connected and needing BMPs (e.g. additional cross drains, critical dips).

Riparian Reserve Forest Health and Wood Recruitment for Streams (Sept EA p. 148)

The EA fails to include detailed analysis about the Proposed action logging of large trees > 20” DBH from middle and outer riparian reserves of intermittent streams and how the logging of large trees would affect future large wood recruitment and species dependent on decadence along intermittent streams. See Spies et al. 2013 attached.

The EA failed to include detailed analysis of meander widths of coho critical habitat streams and the potential need to increase the 120 ft no cut buffer due to future channel migration as described in RMP FEIS and SW Oregon ROD.

Diameter Limits and Large Trees Definition (Sept EA p. 129)

The EA failed to include detailed analysis of possible old growth logging and old growth tree logging in stands >160 years. Old growth trees 32”-40” dbh would be available for proposed action logging. Undisclosed logging of old growth trees is a significant impact that could be avoided with detailed analysis. In other words, the proposed action could log old growth trees without anybody knowing about it.

The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Multiple aspects of the Poor Windy project qualify as having a substantial dispute as to its size, nature, or effect, as reflected in our scoping comment: 1) such as the potential for the project to increase fire risk, 2) the project's potential significant impacts to NSO, competition between barred owls and NSO, 3) BLM's failure to analyze and disclose impacts on climate change, 4) implementing HLB prescriptions and associated ground disturbing actions on soils that were intentionally withdrawn from sustained-yield timber harvest, and 5) old growth logging.

Alternative 2 would allow logging in forest stands >160 years and >200 years that would qualify as old growth. Logging old growth stands or old growth trees is highly controversial from both a scientific perspective and public opposition at a national level. Alternative 2 would allow the logging of very large and very old trees (32-40 inches DBH depending on LUA). Logging large old trees is controversial because the logging of these trees is an irreplaceable or irretrievable

commitment of resources since these trees cannot be replaced in our life time if ever. An EIS is needed to disclose old growth logging or old tree logging as a significant impact.

Old forests are defined in the RMP FEIS as 200 years but >160 years is often used as a standard for BLM surveys and modeling old growth “characteristics. Besides the age criteria, old growth trees are also defined as >32” DBH. KS Wild monitoring of Clean Slate timber sale found trees 240 years that were identified for logging. Field review of Poor Windy unit 23-09 revealed groves of trees in draws that were >200 years and one tree was 84 inches DBH. Since the proposed action provides for logging trees up to 40” DBH in LITA and UTA of any age, it’s nearly certain that some old growth trees and old growth stands will be logged. Old growth stand or old growth tree logging is a significant impact warranting an EIS. The RMP FEIS did not specifically disclose old growth or old growth tree logging that is a likely result from the RMP timber harvest prescriptions, thus, old growth tree or old growth stand logging must be analyzed in this project in an EIS.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk.

NSO take is uncertain due to large scale removal/downgrading of NSO habitat. Irreversible soil impacts are uncertain because there was no field review of units and roads resulting in site specific recommendations to mitigate soil loss. Impacts to NSO due to habitat loss and increased barred owl competition are uncertain due to lack of analysis of NSO habitat fragmentation over the vast planning area. Summer low flow depletions are uncertain because lack of analysis of cumulative effects and analysis at appropriate scales. Sediment effects to coho salmon are uncertain but likely significant.

The degree to which the actions may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Appendix D – Decision Record 1 TPCC Management Decision Table allocates withdrawn lands to future timber harvest.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative effects of private/proposed logging, MP97 fire and future fires will exacerbate habitat fragmentation and increase barred owl competition over the vast planning area. NSO take is probable. Cumulative sediment impacts from public/private roads is killing coho salmon eggs.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The decision will exacerbate coho killing sedimentation of streams. Habitat fragmentation will exacerbate barred owl competition and cause NSO to decline at a more rapid rate than no action.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

We identify numerous violations of several laws in this protest.

- 2. The EA analysis is flawed because it did not incorporate relevant findings of many scientific publications provided by KSWild and other in its analysis.**

We provided PDFs of publications during scoping and in support of our EA cmt letter. The EA analysis is biased or just plain wrong because it failed to incorporate opposing scientific finding of BLM interpretations and speculation about impacts. We use the findings of several of these citations to support our protest issues.

- 3. Cumulative effects: changes to NSO habitat**

BLM discloses that 401 acres of foraging habitat downgrade and removal would occur within 9 recently occupied owl sites. The EA fails to analyze and disclose cumulative impacts whether any of those sites overlap with the 6 acres to be impacted by nesting removal, and if the actions are likely to result in incidental take. Further, BLM proposed to remove 5 acres of foraging habitat from road construction and 0.5 acres of nesting habitat within 5 recently occupied core areas. Again, the EA failed to analyze the removal and downgrade of all of these areas cumulatively. The EA failed to disclose site specific locations on which the public may provide informed comments. The BLM claims that this action need not be mitigated because habitat removal locations occur in areas known or likely to have low frequency use within the core area such as upper slopes or ridges. The BLM provides no cite or data to support this conclusion.

- 4. The EA is defective because BLM's project actions continue to rely on outdated assumptions about dispersal habitat using the so-called 40/11 rule (40% canopy, 11-inch dbh trees on average retained at the landscape/section scale), and not the more recent peer-reviewed publication (Sovern et al. 2015) that documents juvenile dispersal habitat a equivalent structurally to NRF habitat rather than t old 40/11 rule.**
- 5. The EA falsely assumes that project activities will have no effects on the 43 owl home ranges just outside the assessed area as those NSO sites are on adjacent private lands where cumulative effects are mounting (direct, indirect, nearby and within the project area).**
- 6. The EA falsely assumes "proposed commercial thinning in active spotted owl home ranges would modify stand structure but maintain the function of NRF and dispersal-only habitat."**

This assumption lacks an empirical foundation and is inconsistent with habitat simulation models that show how thinning following recovery plan prescriptions will cause more harm to NSO habitat than forest fires.

The EA "proposes commercial thinning in NSO and a 24 in dbh limit on hardwoods and at least 10% treatment retained in untreated "skips" to provide "structural complexity and refugia." The alleged effectiveness of these actions are arbitrary and capricious.

- 7. The EA fails to discuss that mixed severity fire actually creates NSO habitat in the southern range of the owl (Baker 2014) while logging removes it. Thus, the entire reason for thinning to**

reduce fire intensity is unsubstantiated, arbitrary, and capricious decision making by BLM that conflicts with the literature.

- 8. The EA states that it will maintain trees greater \geq 45 inch-dbh but never states how many of those trees actually occur in the project area nor why BLM used 45 inches as the cut-off instead of the more conventional and scientifically defensible >20 -inch dbh standard used.**
- 9. The EA is defective because it failed to inventory the HLB stands and then calculated how much timber volume such a project would produce.** The EA analysis is conducted to support a pre-ordained outcome instead of informing BLM actions and decision making.

10. Narrow Purpose and Need not consistent with NEPA

The purpose and need (and the proposed alternative) is narrowly drawn to intentionally exclude (or discredit) alternatives that do not maximize timber production ahead of all other management objectives.

11. Fire hazard Increased

The EA proposed action to conduct regeneration logging that will increase fire hazard for decades is arbitrary and capricious.

12. Flawed determination of relative density

The EA failed to analyze and disclose how post-harvest relative density would be determined for LUAs. NEPA required that methods for analysis be disclosed. The EA did not fully explain RDA and RDAs determination methods.

The BLM response to comment states how relative density is calculated, ostensibly from existing stands but the EA/response to comment fails to explain how post logging relative density is calculated. The EA is in error because it fails to disclose and discuss considerable uncertainty about post logging relative density. The EA p. 12 Table 2-3 indicates “relative density 30 (+/-10) percent”. The EA fails to discuss the +/-10 error margin for relative density or how it was calculated. The prescriptions based on the 2016 RMP standards have not been implemented on previous timber sales in the Grants Pass RA. Lacking empirical data from previous RMP prescription thins, the EA cannot assure the accuracy of predicted post logging relative density. This is important because the new prescriptions/marketing standards together with post harvest mortality (tree shock, windthrow, logging damage etc) could cause the relative density to fall below RMP standards and also violate the BiOp for maintaining required canopy percent. Disclosure of uncertainty of post harvest relative density needs to be disclosed in an EIS due to the large scale of proposed logging (thousands of acres) and irreversible impact if units are overcut with alt 2 prescriptions. The EA fails to disclose that Alt 3 with its conservative relative density objective would not exceed RMP standards

13. Critical habitat and Late-Successional Reserve

The EA is inadequate for NSO because it fails to analyze how many of the Late- Successional Reserve acres are within CHUs

14. NSO prey

The EA falsely concludes that treatments would benefit prey species, and ignores the contrary information provided in the BA specific to this project area. The exclusion of USFWS data on impacts to owl prey is a significant omission that undermines agency conclusions and analysis. The EA failed to analyze effects to prey species present in the planning area cumulatively. The BA/BiOp cannot substitute for required analysis in NEPA documents. NEPA is “stand alone” from the ESA consultation requirements.

15. Red tree voles

The EA failed to disclose the number of red tree vole sites that will be impacted by the proposed logging.

The BLM response to Topic 28 Red Tree voles states: “This issue was considered but not analyzed in detail because the BLM is implementing the Southwestern Oregon RMP which does not require the consideration of past Survey and Manage listed species (September EA, p. 154).”

KS wild RTV comment is not disputing the RMP decision that “does not require the consideration of past Survey and Manage listed species (September EA, p. 154).” The comment is not about compliance with the RMP or FEIS impact analysis for red tree voles in Southwest Oregon. The comment is about impact disclosure relevant to NEPA and species viability within the planning area. BLM and USFWS data about known RTV sites within the planning area is available information as per NEPA. The EA fails to discuss or disclose direct and indirect impacts to these known RTV sites due to thinning to create stands with more open canopy. Red tree vole nest trees could be logged. RTV colonies would likely be lost with thinning prescriptions for UTA, LITA and non-NRF LSR due to percent canopy reductions. The cumulative effect of private land logging and alt 2 logging could fragment existing RTV habitat and contribute to the loss of viability within the planning area. Possible loss of species viability would contribute to the need to federally list the southern population of RTV. Possible loss of viability of RTV within the vast planning area is a significant impact that needs to be spatially analyzed and disclosed in an EIS. Course scale RTV analysis in the RMP FEIS cannot substitute for project scale analysis for RTV viability.

16. Artificial NSO calls and responses

The EA failed to account for the effects of NSO that are not detected with survey protocol because some NSO do not respond to artificial calls. **BLM response to Topic 29 is rebutted with the following:** Neither the EA nor the response to comment addresses uncertainty about NSO presence when NSO fail to respond to artificial calling. NSO do not always respond to artificial calls possibly because they do not want their presence known to barred owls. The EA fails to discuss this “non-response” issue via interviews with BLM NSO surveyors about non-response. It is common knowledge among BLM NSO surveyors that NSO are present in some areas but do not respond to artificial calling. The EA fails to admit that occupied NSO habitat could be logged thus creating the risk of unauthorized take. Uncertainty about NSO presence due lack of response to artificial calling needs to be thoroughly analyzed and possible impacts disclosed in an EIS due to large size of this project and the irreversible impact on occupied NSO habitat from massive proposed logging.

17. Recovery Action 32 habitat

The EA's contention that no RA32 habitat exists within the downgrade and removal of NRF acreage in NSO critical habitat is arbitrary and capricious.

The BLM response to Topic 30 "Recovery Action 32"+ is about "structurally-complex forests" and does not explain the relevance or relationship of "structurally-complex forests" to RA 32 habitat. The EA is inadequate because it provides no mapping of RA 32 habitat in relations to units. BLM is clearly in error about units with RA32 that will be logged. Alleged compliance with the RMP does not excuse the EA from disclosing the units that will have RA32 logging. KSWild staff have observed old growth stands within unit 23-09 that have RA 32 features: snags, nest platforms in deformed trees, large down wood and old growth trees.

18. Harvest Land Base, Recovery Action 32, and Critical Habitat

The BLM is proposing harvest on 5,711 acres with potential impacts to NSO habitat. Included is 973 acres of nesting removal, 605 acres further of NRF harvest. The BLM fails to analyze or disclose whether those acres are RA32 habitat or within CHUs. (EA, p. 34).

19. Timber salvage MP 97 fire impacts

The Sept. EA/DR#1 failed to specifically analyze and disclose where timber salvage of MP 97 fire would occur, impacts of soil health from salvage logging, fire and fuels impacts, and habitat impacts from such salvage logging for the project area. The BA and BiOP for NSO are not valid because they have not been updated via renewed consultation with USFWS.

20. Nesting, Roosting, Foraging/Dispersal removed for regeneration harvest

The EA failed to analyze and disclose where NRF and Dispersal habitat is removed with regeneration logging.

21. Climate change and prescribed fire

The BLM cannot claim that the project will not have significant effects on climate change due to prescribed burning when it fails to provide how many acres of the 20 year estimate will be comprised of the Poor Windy project actions.

22. Climate change and ecological forestry

The BLM's choice to not analyze climate change impacts or to analyze our Ecological Forestry alternative in detail is arbitrary and capricious and a violation the RMP/ROD and FLPMA.

23. Climate change: logging

The EA failed to quantitatively consider the consequences of alt 2 for greenhouse gas production. The EA fails to consider indiscriminate logging that decouples mortality from fitness, survival and resilience. This is especially important in light of climate change. Conserving genetic and phenotypic diversity is important for climate adaptation. The BLM is logging genetically adapted trees needed to survive future climate change.

24. Climate change-project scale impacts not disclosed.

Even though this project will emit GHG and worsen climate change which will in turn violate numerous BLM legal mandates, the Poor Windy EA eliminated carbon storage and climate change from detailed analysis because "there would be no potential for reasonably foreseeable significant effects of the Proposed Action beyond those disclosed in the 2016 Proposed Resource Management Plan/FEIS." This refusal to analyze alt 2 for GHG ignores many flaws in the RMP EIS.

25. Tiering to the RMP

The BLM routinely tiers to the FEIS for the SWO 2016 RMP stating that the reserves function as their contribution to RA32 stands and for NSO recovery. However, if the same basal area postharvest metrics are prescribed for stands that are meant for timber production and also NSO recovery the BLM is operating outside of the FEIS analysis for NSO and the reserve system function. This tiering is unlawful because it tiers to a programmatic FEIS for the RMP without the site specific analysis for RA-32 stands on public lands.

26. Watershed Analysis/Water Quality Restoration Plans/ OAR 340041-0004

Alt 2 failed to incorporate or seriously evaluate watershed analysis findings and recommendations. Alt 2 failed to identify and incorporate water quality restoration plan recommendations for reducing road related sediment. The EA failed to analyze the impacts of the proposed project on water quality under OAR 340041-0004.

27. Fire risk

The BLM fails to establish how treatment of LSR fits the stated purpose and need to reduce the risk of large-scale, high-intensity fire in light of recent scientific research, specific to the Klamath-Siskiyou region, that found closed forests and NRF had higher fuel loads than other forest types, but burned at lower severity in the Douglas and Big Windy Fire {Lesmeister et al. 2019}.

28. Fisher and Marten

Though surveys conducted by the BLM did not detect fishers or marten within the project area, it did not conduct a survey this year, and the BLM fails to analyze to disclose whether the project area is suitable for fisher habitation, what potential effect removal or degradation of habitat may have on the species' viability, and its plan for future monitoring throughout the project.

29. Biophilia

The EA fails to evaluate the value of forests to humans and how logging and road building of this project affects human values of the forest in the planning area. Local site specific impacts to humans from logging and logging roads are dismissed. Harm to Protestors staff and members use and enjoyment of forest stands in the planning area is not disclosed.

30. Harvest Land Base complex habitat roads and landings

The EA failed to disclose or analyze a reasonable alternative for why the 92 acres of HLB high quality, structurally complex habitat was necessary for road and landing construction.

31. Thinning reduces dead wood especially snags.

The EA analysis failed to show that alt 2 thinning will cause long-term reductions in future levels of dead wood habitat as compared to alt 3 or the no action baseline.

32. The EA is defective because it fails to analyze and disclose likely reduced summer low flows due the past and proposed replacement of old growth/mature conifers with young trees.

Poor Windy EA

The Poor Windy EA:135 did not conduct detailed analysis of the effects of proposed timber harvest on summer low flows by stating: "This issue was not analyzed in further detail because

none of the analysis areas is expected to have a measurable difference in streamflow conditions due to project activities.”

This statement about no measurable effect to summer low flows from proposed timber harvest is speculation and not based on available data and conclusions in scientific publications.

Cumulative Effects

The EA:133 erroneously states “Because of the small treatment areas relative to the analysis areas, this difference is not expected to be measurable for the analysis areas described.” This statement fails to consider the additive and cumulative effects of all timber harvest in the planning area; past, present, future (i.e. cumulative effects). The EA fails to consider 127 acres of regen harvest in LITA in combination with 4 acre openings that would mimic depleted low flow effects reported in Perry and Jones 2017 (EA:14-15). Twenty to 30% of the 4,078 treatment acres in UTA would be in openings up to 4 acres. UTA treatments would result in 815-1223 acres in openings resembling clear-cuts and dominated by young trees for decades. Late Successional Reserves would also have up to 25% of the treatment area in openings up to 4 acres. LSR treatments would result in up to 643 acres in openings resembling clear-cuts and dominated by young trees for decades. The proposed action would result in up to 1,993 acres in openings that would be expected to cause summer flow depletions beginning about 15 years after replanting and continuing for 30 years or more (i.e. long term impact). In addition to BLM proposed openings, the Oregon Department of Forestry would log 1,128 acres with heavy thins and clear-cutting (EA:176). Private land logging would account for an additional 1,216 acres of potential clear-cutting/heavy thins. The cumulative effects of up to 4,337 acres put into a “young stand” category is certain to have effects on some small headwater streams. The EA failed to conduct the necessary analysis to identify headwater streams most in danger of summer flow depletion. The EA fails to make any analysis of the effect of past conversion of mature/old growth forest to young stands that has likely depleted historic summer low flows (i.e. cumulative effect). This depletion is highly likely to be significant but BLM failed to conduct spatial analysis for small headwater streams (e.g. 6th and 7th field basins) where conversions to plantations have been substantial.

Duration of reduced summer low flows

Summer streamflow deficit effect is not limited to stands aged 15 to 45 years old as inferred/stated in the EA. Perry and Jones (2017) showed that the summer low flow deficits peaked at a stand age of 50 years after harvest, which are the oldest post-harvest stands existing in paired watershed experiments (control watersheds were 150 to 500 years post-disturbance). Perry and Jones (2017) state that deficits increased as stands aged from 25 to 50 years (approximately) and there is no indication of a reduction in the low flow deficit in stands aged 50 years and older. Hence it is reasonable to infer that stands older than 50 years also produce summer streamflow deficits.

Rain Dominated Watersheds.

The EA:133 states that “Lower summer streamflows because of timber harvest are less likely in rain-dominated catchments”. Nearly all of Perry and Jones sites were at elevations that would be rain dominated (see Perry and Jones 2017, page 2). The EA statement is speculative and not supported by Perry and Jones 2017 research at sites representative of the planning area.

Riparian Reserves

The EA:133 states “None of the 4-acre group select areas would be located within the Riparian Reserves, and low flows appear to be more sensitive to transpiration from vegetation in the

riparian than the rest of the catchment (Moore & Wondzell, 2005). Catchment hydrological responses for the H.J. Andrews Experimental Forest found streamflow response is strongly sensitive to harvest distance from the stream channel (Abdelnaour et al., 2011), therefore impacts from these 4 acre group selects would not likely be measureable.” The preceding EA statement misinterprets Abdelnaour et al. 2011 who state on p. 11:

“Our simulation results suggest that post clearcut annual streamflow increases with decreasing harvest distance to the channel (Figure 8). This streamflow sensitivity to harvest location stems from the fact that subsurface flow generated from an upland clear-cut area, as opposed to a lowland clear-cut area, has a relatively longer flow path. This longer flow path subjects subsurface flow to downslope plant water uptake, which reduces the amount of water that reaches the stream channel. These results are consistent with previous findings on the importance of riparian forest buffers and lowland vegetation in reducing subsurface flow to streams [*Jordan et al.*, 1993; *Lowrance et al.*, 1997].”

Abdelnaour et al. 2011 (as stated above) is about the effects of clear cutting increasing streamflow. Cutting down forests close to the stream would cause the greatest increase in streamflow. Furthermore, the EA:133 Riparian Reserve statement is not supported by Jones and Perry 2017 who found that the depleted summer low flows are a watershed effect and do not ascribe higher importance to riparian forests for either summer baseflow depletion or augmentation.

During a April 2018 science conference at OSU about timber harvest and effects on lowering summer streamflows, the question was posed as to whether BLM protective Riparian Reserve management would ameliorate reduced summer low flows from logging on upland areas. Both Julia Jone and Steve Wondzell agreed that BLM Riparian Reserve management could not ameliorate reduced flows caused by upland logging. R. Nawa (KS Wild) was at this conference and it was emphatically stated several times that Riparian Reserve buffers cannot mitigate for upland logging causing depleted low summer flows.

Moore and Wondzell (2005) did not state that riparian vegetation alone affects evapotranspiration, merely that riparian vegetation appears to have important effects on ET. The studies that Moore and Wondzell (2005) cite in support of this assertion were from *Eucalyptus* watersheds in Australia that may not be relevant to watersheds in the planning area.

Evapotranspiration

The EA fails to take a hard look at how proposed logging is significantly increasing long term evapotranspiration and ultimately reduces summer low flows. Abdelnaour et al 2011:15 states:

“Successional changes in forest transpiration are generally consistent with changes in forest Leaf Area Index (LAI), sapwood basal area, and net primary production (NPP) [*Watson et al.*, 1999; *Zimmermann et al.*, 2000]. *Ryan et al.*, [1997] found that forest LAI increases initially after disturbance, reaches a maximum in young stands, and thereafter decreases. *Moore et al.* [2004] found that young Douglas-fir forests in the Pacific Northwest have a higher

sapwood basal area and use nearly three times as much water during the growing season as old-growth forests. *Acker et al.* [2002] found that the NPP of young stands in the Pacific Northwest is larger than the NPP of mature and old stands (Figure B1). Furthermore, several experimental studies found that the streamflow in managed forests is reduced to below old-growth values due to rapidly transpiring young vegetation [*Bond et al.*, 2008; *Hicks et al.*, 1991]. “ [and most recently Perry and Jones 2017]

The EA fails to discuss that the proposed action will remove many tens of thousands of mature trees and possibly hundreds of old growth trees that will ultimately be replaced with young trees that evapotranspire at 3 times the rate of the trees cut. The increased evapotranspiration of replacement trees will ultimately reduce low summer streamflows in the long term beginning about 15 years after logging and continuing for at least 30 years or more. The age at which forests recover hydrologically from summer low flow deficits is not known.

Conclusion

Any reductions of flow, even minor ones, would reduce the rearing capacity of streams for coho salmon. Critical habitat would be degraded due to reduced summer flows. Long term reduced summer low flows (30 years or more) due to proposed logging warrants re-initiation of consultation since there are no conservation measures in the programmatic BiOp or RMP BiOp that address the issue of reduced summer low flows that would develop from the proposed Poor Windy logging. The EA does not analyze site specific effects of timber harvest on depletion of summer low flows of small headwater streams or the effect of reduced flows on coho salmon rearing in the catchments affected.

33. The Grants Pass Field Office failed to provide the public a field trip to the proposed timber harvest areas despite a written request by KS Wild in our November 18, 2018 Scoping Letter.

A forest management project of this scale and intensity certainly warrants a public field trip to more effectively satisfy BLM's duties to inform the public during the NEPA process and be more responsive towards better communication between BLM and Klamath Siskiyou Wildlands about proposed logging and road building. Furthermore, nearly all Oh Windy timber sale units are behind locked gates which makes access difficult for the public.

34. The Grants Pass Field Manager failed to respond to our November 18, 2018 scoping request for BLM collaboration with interested parties towards consensus based management for the Poor Windy project as described in FR 73:61294; DOI Implementation of NEPA.

We note that Part 46.110 (c) states: “*the Responsible Official must, whenever practicable, use a consensus-based management approach to the NEPA process.*”

43 CFR § 46.110 Incorporating consensus-based management states

(a) Consensus-based management incorporates direct community involvement in consideration of bureau activities subject to NEPA analyses, from initial scoping to implementation of the bureau decision. It seeks to achieve agreement from diverse interests on the goals of, purposes of, and needs for bureau plans and activities, as well as the methods anticipated to carry out those plans and activities. For the purposes of this Part, consensus-based management involves outreach to persons, organizations or communities who may be interested in or affected by a proposed action with an assurance that their input will be given consideration by the Responsible Official in selecting a course of action.

We believe that the requested collaboration among interested parties towards consensus based management would improve communication and lead to non-controversial timber sales that can be efficiently implemented, however, the Grants Pass BLM refuses to collaborate with interested parties as intended by the DOI via NEPA.

35. The EA fails to provide a reasonable alternative to the Proposed Action (alt 2) as required by NEPA.

Alternative 3 that the EA claims is based on our Ecological Forestry alternative (EA: 19) was not adequately analyzed to emphasize its clear differences from the proposed action as intended by NEPA. The EA misinforms the decisionmaker about the factual parameters, intent and effects of our Ecological Forestry alt. as analyzed as alt 3. We stated in our scoping letter that “The Ecological Forestry alternative would modify the anticipated proposed action to reduce the intensity of logging impacts as per NEPA and provide clear choices for decision maker.” We provided the Ecological Forestry alt as a modification of the proposed action, not as a standalone alternative.

- a. Assuming alt 3 is based on our Ecological Forestry alt, the EA:13 errs by indicating “0” fuels treatment for alt 3. We did not indicate in the Ecological Forestry alt that proposed action fuels treatments be dropped. The EA makes alt 3 decidedly inferior to the proposed action by indicating “0” fuels treatment acres for alt 3. We do not see how the EA can claim alt 3 is based on our Ecological Forestry alt when we did not specify that fuels treatments acres be reduced to “0”. In addition, indicating “0” fuels treatment acres guarantees that it cannot be adopted due to prevailing concerns about fires in the Medford District.
- b. The EA failed to identify Franklin et al. 2012 as the basis for alt 3 as we did for the Ecological Forestry alt. This is important because this publication provides the conceptual and practical basis for forest management that is decidedly different than the proposed action. It would be too cumbersome to repeat the general basis and details for silvicultural prescriptions from the publication into our scoping comment but the EA failed to even identify Franklin et al 2012 in conjunction with alt 3. For example, Franklin and Johnson 2012:435 state: “Retain and improve survivability of older conifers by reducing adjacent fuels and competing vegetation—old trees can respond positively (e.g., McDowell et al. 2003)” Alt 3 that proposes “0” acres of fuels treatment is not based on Franklin and Johnson 2012 as posited in our Ecological Forestry alt.

- c. The EA failed to identify that skips and openings would be accomplished in alt 3 UTA as we did with Ecological Forestry alt. Individuals, Clumps and Openings (ICO) is a detailed silvicultural techniques described in Churchill et al 2013a and Churchill et al. 2013b used to better mimic the clumps and openings created with historic natural fire regimes. Our Ecological Forestry alt did not specify ICO for LITA where the proposed action would employ standard BLM prescriptions to maximize timber volume. Thus whereas the Ecological Forestry alt provides a fundamentally different approach to UTA as compared to LITA, alt 3 does not make this important distinction which would be reflected in NEPA analysis.
- d. The EA:12 failed to identify that there would be DBH limit of 32” for UTA and LITA in alt 3 as we stated in the Ecological Forestry alt. The 32’ DBH limit is important because this diameter limit would ensure that all old growth trees are retained and eliminate the need for an EIS to disclose the significant impact of old growth logging that would be allowed with the Proposed Action (i.e. logging of trees 32”-40” DBH and >200 years). We have previously documented old growth trees 32”-36” and 240 years old and identified for logging within the Clean Slate timber sale that had only a 36” dbh limit. Old growth logging issue is very important for us in decision making as it would give the decision maker a clear choice to log old growth trees (>32”DBH and >200 years) with the proposed action or not to log old growth trees with the Ecological Forestry alt.
- e. The EA:13 failed to identify reduced roads for alt 3 as was stated in the Ecological Forestry alt. Restrictions on road building we identified for LSR and RR were not identified in alt 3. The Ecological Forestry alt would have substantially reduced sediment producing roads as compared to proposed action and gave the decision maker a clear choice about the intensity of road construction which is very high (22 miles) with both action alts in the EA.
- f. The EA:19 states that the Ecological Forestry alt we submitted was somehow not compliant with the RMP but does not specify the reasons for “non-compliance” with the RMP. We were very careful to use the 2016 RMP to identify parameters that were analyzed in the RMP FEIS and could be implemented without exceeding any RMP standard and still provide for economically viable and technically feasible timber sales. The Ecological Forestry alt does not exceed any impact analyzed in the FEIS. The RMP provides for considerable discretion for the implementation of logging and road building by field offices as long as minimum decadal acreages for each district are offered in timber sales.

The court has recently found the Grants Pass Field Office was in error for not properly analyzing the Ecological Forestry alternative we submitted for the Lower Grave forest management project. It appears that the Grants Pass Field office has once again erred by not analyzing the Ecological Forestry alt as submitted by KSWild, Oregon Wild, and Cascadia Wildlands in our November 21, 2018 scoping letter. We requested collaboration and a field trip to better inform the BLM of our intent with the Ecological Forestry alt but the Grants Pass Field Office ignored our written requests for collaboration and failed to provide a field trip. The Grants Pass Field Office then proceeded to arbitrarily develop alt 3 in lieu of our Ecological Forestry alt. for analysis in the EA. The Grants Pass Field Office failed to communicate with us about implementation parameters of the Ecological

Forestry alt as submitted not being “compliant” with the RMP. We have shown in a-e above how alt 3 fails to incorporate important parameters we submitted as the Ecological Forestry alt.

36. The Environmental Analysis failed accurately analyze the benefits of alternative 3 compared to alternative 2

Timber Volume

Since alt 3 harvests 49 MMBF less than alt 2, this 49 MMBF (EA:62-63) would be available as a second entry and provide that the harvest is spread out over more years rather than concentrated as in the PA. The EA fails to accurately explain the benefits of spreading the harvest volume over an extended time period as compared to maximizing harvest over the next 3 years.

The EA failed to model action alternatives into the future to compare the volume available in the HLB 10, 20, 30 and 70 years post harvest. We assert that maximizing volume under proposed action UTA guidelines (e.g. 30% openings, 4 acre regeneration harvest, 20% relative density) in the Poor Windy UTA units would eliminate the potential for economical thinning harvest for 50 years or more in the units logged. The Economic analysis does not predict volumes available into the future.

The EA fails to explain how the Medford District will apportion the 105 MMBF from the Grants Pass Resource Area in coming years when the ASQ for the entire district is 37MMBF with GP accounting for 1/3 the harvest land base(EA:5-6). Thus 105MMBF is about ten years of projected harvest for the GP resource area. The EA fails to investigate the adverse effects of putting a glut of public timber on the market from Poor Windy, Evans and other which will compete with private markets and drive the price down (cumulative effect). The EA fails to discuss why Grants Pass timber sales under the RMP have gone no bid..e.g. Clean Slate and others. The EA/Decision fails to discuss what has been done differently with Poor Windy timber sales to avert no bid

Old Growth Logging

The EA fails to discuss how alt 2 allows the cutting of old growth trees between 32”DBH and 40” DBH while alt 3 would have little to no old growth logging. The EA fails to discuss controversy inherent with old growth logging.

Regeneration Harvest

The EA fails to adequately discuss the adverse impacts of regen harvest in the proposed action as compared to no regen harvest in alt 3 (e.g. increased fire hazard). Controversy about regen harvest would be avoided with alt 3.

Emphasis of alt 3 treatment on younger LSR stands

The EA fails to accurately report that the 20” DBH limit in LSR would cause older stands to be deferred from harvest and the needier of treatment younger stands treated.

Windthrow

The EA:25 discusses windthrow but fails to compare the risk of windthrow for alternatives or specific units, such as those located on saddles. In general, Alt 3 that retains a higher canopy would have less risk for windthrow. The EA fails to assess windthrow from previous thins and apply that

knowledge to the proposed action (adaptive management). The EA failed to provide an accurate assessment or summary of how proposed thinning has had adverse impacts in the Medford District (See USDI BLM 2015- Monitoring Report with several instances of blowdown and canopies reduced due to below NSO standards due to blowdown). The EA:25 assessment of windthrow is not based on what the impacts actually are (likely significant blowdown in some units) and not what BLM would like them to be (negligible natural blowdown).

37. The EA violates NEPA because the action alternatives and baseline conditions are inadequately described. The EA fails to estimate live Trees Per Acre (TPA) retained for relevant size classes for each unit in each alternative and baseline No Action TPA for comparison.

The EA failed to quantitatively disclose the intensity of logging in the proposed action and alternative 3 with respect to number and size of trees logged in each alternative. These data are available from stand modeling and would have importance in demonstrating the differences in the alternatives with respect to stand structure. The EA failed to provide estimates of trees/acre in relevant size classes for the No Action Baseline and reduced tree densities in the action alternatives. Specifically the EA failed to estimate in tabular form the number of small trees (8-20" dbh) per acre, large trees (21"-31" dbh) per acre and very large trees (>32" dbh) per acre that are currently present in each unit (No Action Baseline) and the number of trees per acre that would remain subsequent to harvest (Proposed Action and Alternative 3). The difference between the densities (TPA) would provide a quantitative comparison of alternatives as required by NEPA. This issue is primarily about NEPA required descriptions of proposed actions as compared to baseline conditions.

Public disclosure and Responsible Official consideration of TPA is necessary for a reasoned choice among alternatives for a project where one objective is to manage for structural diversity. Large tree density is a significant indicator for structural diversity.

Recent BLM EAs (e.g., Clean Slate) and response to comments typically falsely assert that information regarding the number and location of trees that would be identified for harvest does not become available until after the analysis is completed and the stands are marked and cruised. While "cut" trees may not be physically marked or identified during EA development, estimates of pre- and post-logging TPA by size class is "available information" as per NEPA with FVS stand modeling or other techniques.

Estimates of reduced TPA by relevant size classes is needed for at least two reasons. First this information accurately describes the quantitative differences about logging intensity between action alternatives as compared to the no action baseline (i.e. reduced TPA describes the alternatives as required by NEPA). Second, TPA by relevant size class provides quantitative information about the effects of the alternatives on stand structure. Stand structure is very important in determining impacts to NSO, other species and resiliency to disturbance. "Significantly" as used in NEPA requires consideration of both context and intensity (40CFR part 1508.27). Reduced tree densities by size class in each unit can be estimated with various computer models such as ORGANON. Stand Structure (TPA by diameter class) would disclose

the intensity of logging proposals with quantification of reduced trees per acre in each logging unit. Since this data is available, we assert that BLM must estimate the TPA by size classes present in each unit (No Action baseline) and the number of trees/acre that remain in each unit for each alternative. Decreased trees per acre in suggested or similar 3 size classes would provide a clear quantitative comparison of no action baseline and reduced tree densities of the action alternatives (i.e. alternative description requirements of NEPA). Information about the existing size and number of trees in each unit is available from various stand exams and Forest Operations Inventory but providing tree size data in 2 inch size increments is difficult to comprehend because there are too many size classes. Similarly, lumping data for all units is not useful and it's impossible to interpolate the actual numeric values from coarse scale bar graphs sometimes provided. Combining the unit specific data into three relevant DBH size classes (e.g., 8-20"; 21-31"; >32") would sharpen the differences between alternatives as required by NEPA.

We are hindered in making substantive and site specific comment when the EA fails to disclose quantitative information about estimates of reduced TPA in relevant size classes in each unit. We cannot make informed choices or recommendations to the decision maker about logging of individual units if these numeric estimates about stand structure are withheld by BLM or converted to units useful only to a prospective timber purchaser (e.g. thousands of board ft.), basal area units, relative density percents important to foresters and/or canopy cover percent important for NSO habitat requirements.

38. The EA failed to adequately discuss how the proposed action alternatives would fragment and/or remove barred owl/spotted owl habitat as compared to no action. Reducing canopy to 40% or less and 4 acre openings would contribute to the cumulative effect of increasing barred owl competition with Northern Spotted Owl and increase the risk of barred owls replacing NSO in the planning area.

The EA failed to adequately discuss how thinning to 40% or less, 4 acre openings, and regeneration harvest would fragment existing continuous blocks of NSO habitat by converting closed canopy to an open canopy and increasing edge effects (Techniques using GIS mapping are available to analyze this impact). Existing evidence suggests barred owls compete with NSOs for habitat and prey with near total niche overlap. Interference competition (Dugger et al. 2011; Van Lanen et al. 2011) would result in increased NSO site abandonment, reduced colonization rates, and likely reduced reproduction (Dugger et al. 2011; Forsman et al. 2011; Wiens et al. 2014), ultimately resulting in probable range-wide population reductions (Forsman et al. 2011). Barred owl effects on NSO survival and colonization appear to be substantial and additive to effects of reduction and fragmentation of habitat in NSO home ranges. The magnitude of the barred owl effect may increase somewhat as habitat quantity decreases and fragmentation increases (Dugger et al. 2011). The EA failed to analyze in detail that the proposed action would contribute to ongoing cumulative reduction and fragmentation of NSO habitat (i.e. private land plus public lands fragmentation, habitat loss) that would increase competition between NSO and barred owls and likely result in further NSO reductions in the planning area.

The EA ignored fragmentation effects from proposed logging or implied that fragmentation is only occurring on private lands via clear-cutting when the BLM is proposing regeneration harvest, 4 acre openings and convert currently closed canopy forests to "open grown forests"

with significant canopy reductions. The downgrading and removal of large areas of NSO habitat means that the habitat is being fragmented.

BLM response to this comment p.3 states: “The EA took a hard look at barred owl and spotted owl interaction (September EA, pp. 32, 35, 47, 158-160).”

The EA p 32 states that “NSO protocol surveys are not designed to locate barred owls, however, barred owls have been detected in 49 of the 60 [NSO] sites within Poor Windy project area, and in areas outside of known sites.” The EA fails to take a “hard look” at the relevance of high detection rates of barred owls at NSO sites and what this means with each action alternative for the planning area. The EA fails to discuss how each alternative would affect future detection rates of barred owls within NSO sites.

The EA p. 48 states “Increasing barred owl populations, barred owl competition and interaction negatively impacting spotted owls, and decreasing spotted owl occupancy or reproduction is expected to occur following recent decreasing population trends (Davis et al., 2011; Forsman et al., 2011; Dugger et al., 2106; USDI/USFWS 2016), with barred owl removal and developing large blocks of older forest providing the best NSO population response (USDI/BLM 2016e, pp. 948, 962, and 973).” This summary of published literature provides no context or comparative relevance to the Poor Windy alts. Merely repeating known science is not a “hard look”.

The EA p.35 states that “Harvesting [in alt 2] would negatively affect the capability of Harvest Land Base to support NSO occupancy, foraging, breeding, sheltering and dispersal, and refuge from barred owls.” The EA fails to take a hard look at alt 2 negative affect on the capability of the Harvest Land Base to support “refuge from barred owls” as compared to the more benign alt 3. The EA provides no analysis to support the false assumption that alt 2 and alt 3 would have the same degree of negative affect on the capability of the Harvest Land Base to support “refuge from barred owls.” Furthermore there is no science that suggests that existing stands support “refuge from barred owls”. The EA p. 158 contradicts the assertion of forest stands providing “refuge from barred owls” by stating “current research provides no evidence that the BLM can manage individual forest stands to provide northern spotted owls with a competitive advantage over barred owls (Dugger *et al.*, 2011; Wiens *et al.*, 2014). **Instead, research reaffirms the importance of older forest conditions and managing for large blocks of unfragmented older forest** (Dugger *et al.*, 2011; p. 2463; Wiens *et al.*, 2014; pp. 36– 38). (USDI/BLM 2016e, p. 948).” (emphasis added). Neither the EA nor response to comments addresses the cumulative effect of alt 2 fragmentation of NSO habitat, especially in the HLB. Alt 2 fragmentation of NSO habitat is known to increase barred owl competition.

The EA: p.159 states: “This indicates that, within the scope of the alternatives and the RMP, the northern spotted owl population response is determined by the effect of barred owl encounter rates on northern spotted owl survival. (USDI/BLM 2016e, p. 961).”

Fragmentation of NSO habitat as proposed in alt 2 would likely increase barred owl encounter rates with NSO and this impact could be significant. The EA is clearly in error by dismissing barred owl competition/forest fragmentations as an “**Issue Considered but Not Analyzed in Further Detail**” (see Appendix C; p.114). Cumulative impacts of fragmentation (public and private lands) of NSO habitat needs to be fully analyzed in an EIS with spatially explicit analysis to identify alternatives and specific units that are causing measurable fragmentation.

39. **The EA is defective because the EA failed conduct surveys and provide in the EA spatially explicit mapping of unstable areas within or adjacent to stream channels that would need to be left untreated to prevent logging related erosion. There was no soils or geotechnical unit surveys identified in the EA to detect unstable areas that would be included to riparian reserves and not logged.**

The RMP:77 says to includes unstable areas that are likely to deliver material such as sediment and logs to the stream if the unstable are fails. See Table 6 below.

Table 6. Riparian Reserve distance by water feature.

Feature	Riparian Reserve Distance*
Fish-bearing streams and perennial streams	One site-potential tree height distance from the ordinary high water line or from the outer edge of the channel migration zone for low-gradient alluvial shifting channels, whichever is greatest, on each side of a stream
Intermittent, non-fish-bearing streams	Class I and II subwatersheds: One site-potential tree height distance from the ordinary high water line on each side of a stream
	Class III subwatersheds: 50 feet from the ordinary high water line on each side of a stream
Unstable areas that are above or adjacent to stream channels and are likely to deliver material such as sediment and logs to the stream if the unstable area fails	The extent of the unstable area; where there is a stable area between such an unstable area and a stream, and the unstable area has the potential to deliver material such as sediment and logs to the stream, extend the Riparian Reserve from the stream to include the intervening stable area as well as the unstable area
Lakes, natural ponds and reservoirs > 1 acre, and wetlands > 1 acre	100 feet extending from the ordinary high water line
Natural ponds < 1 acre, wetlands < 1 acre (including seeps and springs), and constructed water impoundments (e.g., canal ditches and pump chances) of any size	25 feet extending from the ordinary high water line

* Reported distances are measured as slope distance

EA slope maps p. 181-190 show that many units are located on slopes 50%-100% where unstable areas are certain to be found above or adjacent streams (e.g. headwalls, inner gorges). EA riparian: maps p.191-200 illustrate inner and outer riparian zones but fail to illustrate that any riparian reserves have been extended to include unstable areas.. We assert that there are numerous unstable areas adjacent stream channels on intermittent streams on very steep slopes that are outside the no cut riparian reserves (generally 50ft for intermittent stream channels). The 2016 RMP/ROD requires that these unstable areas be found and managed to prevent erosion. The EA failed to include analysis by soil scientists, geologists or other qualified professionals to identify unstable areas and fragile soils with field reviews of each unit, LIDAR or other methods to determine features with instability. Geology maps may show areas as being old landslides that need field review. The EA failed to provide for field reviews of units to detect and protect unstable areas that could be used to modify or drop units and proposed roads. The EA contains no systematic review of each proposed new road construction within, across or adjacent streams. The EA failed to provide analysis of each new road segment to determine if the road location is appropriate due to possible unstable areas or erosive soils on steep slopes.. The EA failed to indicate if any prospective roads or units were dropped due to soil or stability issues. The EA must disclose if any of the units or stream crossings are at risk for debris flows. The EA

provides no indication that qualified road engineers field checked each proposed road and made specific recommendations about application of BMPs such as critical dips, outsloping and cross drains. Our concern is that road construction will be put into contracts with no review by qualified road engineers.

The EA is defective because it lacks a soils section where methods to identify unstable areas would be discussed. The Grants Pass Field Office 2017 Picket West project EA had a 8 page soils section produced by a qualified soil scientist. The Picket West EA: 195 states:

“Field surveys conducted from June 2016 to March 2017 were used to identify the inception point for ephemeral, intermittent and perennial streams, springs, wetlands, waterbodies and unstable slopes in an area near proposed commercial timber harvest units.”

The Poor Windy EA has had no similar field surveys by qualified professionals that were available for review during the EA comment period. Any decisions based on the defective EA cannot comply with RMP requirements with respect to unstable areas, compaction, and erosive soils.

40. The EA:49 uses 5th field watersheds for cumulative impacts. This scale is too large for analysis relevant to adverse impacts to coho salmon spawning and rearing.

Coho often spawn and rear in 6th and 7th field watersheds where impacts would be concentrated and significant.

The EA:48 inappropriately limits cumulative impact analysis to relatively large 5th field watersheds to justify dismissing sediment and water quantity impacts. At the 5th field scale proposed action logging and road building sediment would only affect a relatively small proportion of 5th field watersheds. The project boundaries do not appear to use 5th field watershed boundaries making analysis problematic. At 6th and 7th field watersheds the sediment impacts would be more concentrated and likely having an effect on water quality/quantity and coho salmon. The 6th and 7th field watersheds would be completely within the project area. Similarly, analysis of decreased summer low flows (Perry and Jones 2017) could be predicted with modeling for 7th field catchments but not likely at 5th field watersheds. To summarize, analysis is necessary at the 5th field scale but it is not sufficient to predict impacts to coho salmon that spawn and rear in 6th and 7th field watersheds. At a minimum, cumulative sediment effects analysis would have to include watersheds for all fish bearing streams in Table 3-20 p.3-4 of Fisheries and Aquatic Habitat Report since many of these streams are affected by multiple road crossings (EA Table B 20 p.60-62) and crossings of undocumented intermittent channels where sediment would enter the stream channel from roads.

41. Contrary to statements in the EA, the proposed action would result in significant additions of coho killing sediment to already severely sedimented streams due to connectivity of 321 miles of haul roads to 141 perennial streams and connectivity to hundreds more intermittent streams not identified. The EA fails

to identify any site specific BMP/PDF for any specific stream crossing to reduce sediment laden water from the road entering the stream system and increasing stream bed fine sediment. The EA fails to disclose substantial coho take due to additions of fine sediment to coho spawning streams that already exceed or are close to exceeding the 15% fine sediment standard.

Degraded Baseline Stream Conditions

The Fisheries Report p. 10 states: “During incubation of eggs and alevins, survival and emergence rates can be reduced when sediment exceeds 15 percent of the area (Bjornn & Reiser, 1991).” The 15% [fine] sediment standard is equaled or exceeded on Fortune Branch, Panther Creek, McCullough Creek, Bear Creek, Lawson Creek, Woodford Creek, Windy Creek, Coyote Creek, , Board Tree Reach, Wolf Creek, Tom East Creek, Grave Creek, McKnabe Creek, Poorman Creek, and Butte Creek. These elevated sediment levels are consistent with findings reported by Anlauf et al. 2011. Coho spawning areas have been degraded in the planning area largely due to road related sediment. The NMFS BiOp says 90% of logging sediment comes from logging roads (logging roads connected to the stream system).

Cumulative Sediment Impacts

The EA: 54 states “Some short-term direct and indirect effects to water quality were identified due to pulses in sediment and turbidity from road work, generally during the first significant storm event of the wet season. While these effects from sediment could potentially occur, they would still remain within acceptable water quality limits for turbidity, and sediment loads would occur during peak flows and would be difficult to distinguish from background levels.”

These sediment pulses are significant because some would occur during coho spawning and egg incubation. The turbid water entering stream systems from roads would eventually settle out as fine sediment that would exacerbate reduced egg-to-fry survival, especially in spawning areas that exceed 15% fine sediment. The coho spawning areas have no buffering capacity for any additional road sediment. A large (not small) road related pulse would occur during the first large rainfall event in November that would mobilize the fine sediment created by log haul during the dry season. Subsequent pulses would occur as wet season log haul is authorized during dry periods. Each time log haul is suspended due to rainfall exceeding 0.5 inches there would be a pulse of coho killing sediment from accumulated log haul road fines. Small but chronic sediment pulses from roads over multiple logging operations is how the coho spawning areas have become degraded with fine sediment and will continue to be degraded with the thousands of log haul trips from the proposed action.

The EA: 54 states:

“For this project, it was determined that little to no sediment loads would be produced from individual units, landings, or crossings along haul routes. No treatment buffers, BMPs, and specific associated PDFs identified in Appendix B would result in no direct or long-term sediment inputs to streams above background levels. In other words, no measurable sedimentation downstream

would occur above levels described for the No Action Alternative. Therefore, water quality and aquatic habitat downstream would not be negatively affected by actions proposed in Alternative 2. No changes to current slope stability, the risk of slope failure or the risk of periodic slope failures beyond ranges of natural variability are expected.”

The generic statements above are biased, speculative and not supported by data, publications, factual information about the proposed action or scientific evaluations of the effectiveness of BMPs for reducing sediment. Sediment denial as stated in the EA does not make coho killing sediment from proposed logging, road building and log haul magically disappear. Compliance with programmatic NMFS BiOp for critical habitat(as asserted in Fisheries Report) does not mean there will be no sediment impacts to coho which must be disclosed accurately and without bias in the EA.

The Hydrology Report p. 25 states: “Haul routes have been evaluated to determine which road segments may be hydrologically connected to perennial streams (Table B-20 EA:108). Of the proposed haul routes, there are 141 perennial stream crossings that are hydrologically connected.” The Hydrology Report contains no recommendations for site specific BMPs at any of these 141 perennial stream crossings or hundreds of undocumented intermittent stream crossings. All of these stream crossings can and will receive sediment laden water subsequent to log haul. Since no specific BMPs such as R26 (EA:) are identified in the proposed action for specific locations the cumulative sediment analysis cannot conclude that presumptive BMPs will prevent log haul sediment from reaching coho spawning beds. Applying BMP R26 to disconnect streams from 321 miles of haul route would be a major undertaking which the BLM has not budgeted for. For example, the Hydrology Report p. 26 states: “Maintenance activities may include adding cross-drains to inside road ditches to divert surface flow to stable soils and vegetation to re-infiltrate. In some locations, sediment basins may be installed to settle out sediment before important stream crossings. ” We want to emphasize the word “may”. Since the hydrology report and proposed action fails to identify any specific locations for cross drains or sediment basin the effectiveness of these BMPs cannot be identified in the assertion of “log haul sediment being reduced to “no action” levels”. Again we want to reiterate that a science base road inventory of connected road segments to streams In the project area would reveal a need for a huge amount of road work not identified in the EA or supporting documents. For example, the Hydrology Report fails to report the percent of the haul road system that is connected to streams both perennial and intermittent. Significantly reducing “percent log haul connected” would take a lot of road maintenance, re-contouring to outsloping, critical dips, large berms, reverse grades, and a large number of cross drains, replacing failing culverts... none of which is identified in the proposed action with site specificity indicating a commitment.

The EA failed to assess the effectiveness of BMPS/ Project Design Features as they relate to “minimizing” sediment impacts to coho salmon. The EA failed to take a hard look at effectiveness of barriers in preventing sedimentation of streams. Forest Service researchers have compiled a literature review titled: “Effectiveness of Best Management Practices that have Application to Forest Roads: A Literature Synthesis” available at

<<https://www.nrs.fs.fed.us/pubs/53428>>. The literature synthesis by Edwards et al. 2016:96 states:

“Larger particles, particularly sands, dominate the settling process because settling velocities of smaller particles (silts and clays) are too low for deposition to occur during the time that water is ponded (Barrett et al. 1998a, Keener et al. 2007). Clays also are affected by Brownian forces that can keep them in suspension almost indefinitely (Smith 1920); thus, particles less than 0.02-mm diameter (i.e., medium-sized silt and smaller particles) are not removed effectively by ponding or by filtering/clogging with nonreactive barriers (Kouwen 1990). To illustrate, silt fence materials tend to remove 80 to 99 percent of sands compared to 50 to 80 percent of silt loams, and only up to 20 percent of silty clay loams (U.S. Environmental Protection Agency [EPA] 1993). Consequently, as the percentage of smaller particles in runoff increases, the trapping efficiency of nonreactive barriers decreases (Wishowski et al. 1998).” Emphasis added.”

Edwards et al. 2016 analysis (cited above) means that sediment barriers such as hay bales and fabric rolls staked into connected ditches are least effective at trapping finer that are the most detrimental to coho salmon spawning habitat. The EA failed disclose the inefficiency of barriers to retain fine sediment which will make its way past them and adversely affect coho critical habitat. We anticipate the BLM may implement temporary sediment barriers adjacent critical habitat. Even if these barriers are temporarily effective, much of the sediment they retain will eventually make it to the stream when the barrier is removed or is overwhelmed with sediment. Stream crossing upstream of critical habitat will send pulses of sediment downstream to affect critical habitat. Distances to critical habitat identified in the EA only gives an index of the delay period for road haul sediment to reach critical habitat. Once the sediment gets in headwater streams it will eventually wend its way down to critical habitat as fast moving suspended sediment or slower moving bedload.

The EA/ Hydrology Report identified connected perennial streams at road crossings but failed to provide a table that identifies intermittent streams and units that are hydrologically connected to specific streams. The EA contains no site specific BMPs to address these site specific sources of sediment to stream systems.

The EA/Hydrology report failed to disclose that with wet season log haul during “dry conditions” hydrologic connectivity and sediment impacts would be greatly increased because intermittent streams may be flowing during and shortly after log haul is suspended during >0.5 inches of rain. The “dry condition” restriction on wet season log haul is mostly to protect the road from damage and has only partial effectiveness to prevent sedimentation from connected roads at both perennial and intermittent crossings.

The EA:53 deceptively states that “proper road maintenance, BMPs, PDFs (Appendix B), and good project maintenance should reduce the risk of [hydrologically connected disturbance from roads, landings and logging corridors] sources being above background conditions for sediment delivery to surface waters”

The EA lacks analysis to support this sweeping speculative statement of sediment denial. The EA/Hydrology Report failed to evaluate each existing road segment, each proposed road segment and each culvert for log haul during “dry conditions” in the wet season. Sediment impacts are certain to occur on roads in poor condition and culvert failure would cause a large

pulse of sediment entering the stream. The log haul roads must have over a thousand culverts and some are at high risk of failure but the proposed action does not identify specific culvert replacement sites. The proposed action has a “wait and see” approach. Based on the EA, the BLM intends to wait until there are failures rather than take pre-emptive action (e.g. no culverts identified for replacement/repair in PA). When and if ongoing sediment impacts are identified during the wet season, it then depends on sale administrators to correct inadequacies of the proposed action as described in the EA. This is not how BMPs are supposed to work. BMPs are supposed to be preventative not a “after the fact” application as can be expected with the proposed action.

The EA failed to accurately estimate the thousands of log haul trips that would generate sediment, especially with wet season conditioned haul. We assert that when you multiply 3-4 truckloads per day times 100 or more days for each timber sale, the dust related sediment and wet season log haul sediment impacts become significant and cannot be dismissed as “negligible” or “not above background levels” due to the assertion that the increased sediment can’t be measured easily. Log trips provide and index if not a real incremental increase of sediment to streams. The huge volume of timber (105-140 MMBF) removed means cumulative sediment impacts from log haul that cannot be dismissed (i.e. intensity as per NEPA)

The EA:52 makes contradictory statements about the proposed 8.2 miles of permanent new roads, sometimes erroneously stating no new roads will be constructed and therefore no impacts. The proposed new roads cannot be identified on maps in the EA due to similar choice of color patterns for new roads. We have been unable to field check and the EA contains no field evaluations of each of these proposed permanent new roads. The 8.2 miles of proposed new roads is a significant long term impact that has not been analyzed in detail.

42. The EA fails to discuss the human need for quality nature experiences and the adverse impact of proposed logging on the human experience of logged areas.

43 CFR part 1508.14 “Human Environment” shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.” Science has found that humans have a biological need for nature experiences for a variety of reasons. It’s not just recreational hiking as is commonly assumed. The biophilia hypothesis asserts the existence of a biologically based, innate human need to affiliate with life and lifelike processes (Wilson 1984), hence, the human need for nature. The types of biophilia values are utilitarian (e.g logging), naturalistic, ecologicistic-scientific, aesthetic, symbolic, humanistic, moralistic, dominionistic, and negativistic. We assert that managing for Nesting Roosting Foraging habitat for spotted owls would provide for many of these human values as well as BLM legal mandates. Managing forests for < 40-60% canopy habitat with removal of NSO habitat as anticipated in the proposed action would not provide for these values. More to the point, our members value forests with high canopy cover provided by large trees (scoping photos 1, 2a, 3a). They do not value weed infested stump-fields (post-logging) with no effective shade (scoping Photo 2b). For most citizens, public forests are the only forests they have for realizing their nature centered values because of the close proximity of these public forests to where we live. The superlative forest in unit 23-09 is very close to Grants Pass and easily accessed to provide nature experiences needed by humans (e.g. protestor’s staff and members).

Deer North unit 7-11 near Selma was harvested to standards similar to RMP UTA. Forest Structure has been reduced to scattered mature trees with less than 40% canopy. Subsequent to harvest at least a dozen trees blew down further decreasing canopy in unit 7-11. More recently leave trees are showing poor vigor as they die (snag at left of photo 2B) or are dying (center tree in photo 2B has brown needles). Ground cover is dominated by brown alien grasses and shrubs that would result in a fast moving fire contrary to stated objectives. While BLM monitoring continues to assert that silvicultural objectives are being met at unit 7-11, our members would be harmed by this logging that has dramatically reduced canopy cover causing the site to be hot, dry and overrun with weeds. None of our members wants to visit a hot dry logged area overrun by weeds and dying trees to obtain identified human needs for a forest experience. There are fundamental differences between what a silviculturist values as a forester and what our members value as humans. The EA fails to evaluate the value of forests to humans and how logging and road building affects human values of the forest.

The Decision violates the Clean Water Act

- 43. The EA/action alternatives failed to identify specific BMPs and general locations for implementation for each proposed new road segments and each haul route road to decrease connectivity of roads with the stream channel system by hydrologically disconnecting the unpaved log haul routes from the stream system with cross drain culverts, outsloping, berms, sediment traps and critical dips. Failure to provide site specific BMPs at actual sites means expectations of sediment minimization is not assured and unprotected coho take will occur since 90% of project sediment will come from roads.**

The EA:89-108 merely lists BMPs but fails to identify specific or even general locations where they would be implemented and how many would be implemented. For example, cross drains are important for reducing connectivity of roads with the stream system but the EA/proposed action does not specify a single cross drain location or indicate how many new cross drains would be installed to reduce connectivity of new and existing haul roads with the stream system. The EA provides site specific logging units, roads and haul routes but addresses sediment abatement with BMPs in a programmatic fashion which is not likely to be effective. Since the EA fails to identify structural BMPs needed to disconnect the road system from the stream system they will not be incorporated into project contracts or road upgrades. In other words contract BMPs will only address drainage and protection of the road surface and not reduce connectivity with streams.

- 44. The Decision/Alt 2 failed to adequately incorporate/implement water quality restoration plans especially as these plans relate to reducing road related sediment into streams.**

The Decision violates the Endangered Species Act

45. Recently occupied NSO sites

The BLM makes distinctions about whether a site was recently occupied or not and without including a definition of "recently occupied". The agency also proposes treatments such as 173 acres of nesting habitat removal within 6 "recently occupied" owl sites may be implemented. BLM must disclose when those sites were occupied. This action is opposed to the goals of the Endangered Species Act and Northern Spotted Owl recovery plan, may constitute incidental take, and undermines the conservation goals of 2016 RMP.

46. The BLM Medford District has failed to re-initiate required ESA section 7 consultation with National Marine Fisheries Service with respect to threatened Southern Oregon Northern California Coast coho and Oregon Coast Coho fish species and their habitat. Re-initiation is needed due to new information about reduced summer low flows following by timber harvest that was not covered in NMFS consultations for the RMP(USDC NMFS 2016) and subsequent Programmatic Biological Opinion (USDC NMFS. 2018).

The EA: 68 states that the Poor Windy Project is covered by the programmatic BiOp WCR-2017-7574:

“The Poor Windy project is within the Rogue Basin which is in the range of the federally threatened Southern Oregon Northern California Coasts (SONCC) and Oregon Coast Coho salmon. Consultation for the Endangered Species Act and Essential Fish Habitat for the Magnuson-Stevens Fishery Conservation and Management Act with the National Marine Fisheries Service is covered under the *Endangered Species Act Section 7(a) (2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat for the Programmatic Forest Management Program for Western Oregon (WCR-20177574).*”

The Programmatic BiOP WCR-2017-7574 states on page 221:

“2.10 Reinitiation of Consultation

This concludes formal consultation for Resource Management Plan for Western Oregon.

As 50 CFR 402.16 states, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained or is authorized by law and if: (1) the amount or extent of incidental taking specified in the incidental take statement is exceeded, (2) **new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion**, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action.” (emphasis added)

Similarly, the July 17,2019 programmatic BiOp verification letter from Ken Phippen (NMFS) states:

“Reinitiation of consultation on this action is required and shall be requested by the BLM where discretionary Federal involvement or control over the action has been retained or is authorized by law and (a) the amount or extent of taking specified in the Incidental Take Statement is exceeded, (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (c) the identified action is subsequently modified in a manner that has an effect to the listed species or critical habitat that was not considered in the biological opinion, or (d) a new species is listed or critical habitat designated that may be affected by the individual action (50CFR402.16). “ (emphasis added)

The Programmatic BiOP WCR-20177574 states on page 225:

“3.5 Supplemental Consultation

The BLM must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or **if new information becomes available that affects the basis for NMFS’ EFH Conservation Recommendations** (50 CFR 600.920(1)).” (emphasis added)

New Information: Perry and Jones 2016

New published information identifies significant decreased summer low flows from forest lands due to conversion of mature/old growth Douglas-fir forests to young stands (Perry and Jones 2017). The Programmatic BiOP WCR-20177574 pages 132-138 discuss effects of timber harvest and roads on peak flows but do not address significant decreases in summer low flows caused by conversion of mature/old growth Douglas-fir forests to young stands. Similarly, USDI/BLM 2016e (p. 408) failed to analyze depleted summer low flows from conversion of mature/old growth Douglas-fir forests to young stands which has likely occurred on most watersheds that support listed coho salmon in western Oregon. Although Perry and Jones 2017 provides new compelling information about depleted low flows beginning 15 years following timber harvest, reduced summer low flows due to timber harvest has been reported in the scientific literature since the 1970s (Hicks et al. 1991; Haar et al. 1979). Despite this scientific information the BLM has not addressed this impact from timber harvest in their 2016 RMP, 2016 FEIS, NMFS programmatic consultation for forest management projects (USDC NMFS 2018) or NMFS consultation for the RMP (USDC NMFS 2016).

- 47. The proposed action fails to comply with stipulations in the NMFS Biological Opinion for incidental take of coho salmon (USDC NMFS. 2016). The incidental take statement includes the following reasonable and prudent measure necessary to minimize the impact of the amount or extent of incidental take:**

“The BLM shall implement measures through management direction¹ and anticipated travel management plans to minimize take of ESA-listed species due to sediment and stormwater contaminants derived from the use of roads.” (SWO RMP:37).

The EA/ proposed action fails to adequately implement the following RMP management direction consistent with the RMP BA and NMFS 2016 (RMP) BiOp:

“Implement road improvements, storm proofing, maintenance, or decommissioning to reduce or eliminate chronic sediment inputs to stream channels and waterbodies. This could include maintaining vegetated ditch lines, improving road surfaces, and installing cross drains at appropriate spacing.” (SWO RMP:93)

“Decommission roads that are no longer needed for resource management and are at risk of failure or are contributing sediment to streams, consistent with valid existing rights.” (SWO RMP:93)

“Fully decommission or obliterate (permanent closure) roads with no future resource management need. Decommission (long-term closure) roads not currently needed for resource management but that will be used and maintained again in the future. Apply road closure BMPs as needed (**Appendix C**). Close roads only with the approval of affected permittees consistent with valid existing rights.” SWO RMP:96.

Implementation of the above management direction for roads within the planning area would identify a very large number of road miles needing treatment. The EA/proposed action is grossly inadequate to implement management direction and the BiOp because no roads other than newly constructed temporary roads would be decommissioned/obliterated.

It is clear from the 2016 BiOp that NMFS assumed that management direction and BMPs would be implemented to reduce sediment and vehicle pollutants from roads. The following is excerpted from the 2016 BiOp p.199-200. The most relevant passages for the DR/ proposed action are underlined for emphasis.

“The BLM proposes the following Management Direction that would minimize the amount of runoff to streams:

- Allow road construction, and stream crossings where there is no operationally feasible and economically viable alternative to accomplish other resource management objectives In addition to the Management Direction that limits road construction in the RR, the BA says “It is extremely unlikely that any new road or landing construction would occur within the inner zone of a RR. BLM’s recent experience is that most road construction or renovation to provide access for RR thinning projects occurs in what would be the outer zone (at least 50 feet from intermittent streams and 120 feet from perennial streams), or entirely outside of the RR.”
- Implement road improvements, storm proofing, maintenance, or decommissioning to reduce or eliminate chronic sediment inputs to stream channels and water bodies. This

¹ KS Wild interpret the proposed action as an outcome of “management direction”.

could include maintaining vegetated ditch lines, improving road surfaces, and installing cross drains at appropriate spacing⁴⁴.

The following are a subset of the BMPs that could be implemented for road work:

- Locate roads and landings on stable locations, ridge tops, stable benches, or flats, and gentle-moderate slopes.

- Locate roads and landings away from wetlands, Riparian Reserve, floodplains, and waters of the State, unless there is no practicable alternative. Avoid locating landings in areas that contribute runoff to channels.

- Disconnect road runoff to the stream channel by outsloping the road approach. If outsloping is not possible, use runoff control, erosion control and sediment containment measures. These may include using additional cross drain culverts, ditch lining, and catchment basins. Prevent or reduce ditch flow conveyance to the stream through cross drain placement above the stream crossing.

- Effectively drain the road surface by using crowning, insloping or outsloping, grade reversals (rolling dips), and waterbars or a combination of these methods. Avoid concentrated discharge onto fill slopes unless the fill slopes are stable and erosion proofed.

- Locate cross drains to prevent or minimize runoff and sediment conveyance to waters of the State. Implement sediment reduction techniques such as settling basins, brushfilters, sediment fences, and check dams to prevent or minimize sediment conveyance. Locate cross drains to route ditch flow onto vegetated and undisturbed slopes.

- Space cross drain culverts at intervals sufficient to prevent water volume concentration and accelerated ditch erosion. At a minimum, space cross drains at intervals referred to in the BLM Road Design Handbook 9113-1 (USDI BLM 2011), Illustration 11 –‘Spacing for Drainage Lateral.’ Increase cross drain frequency through erodible soils, steep grades, and unstable areas.

- Install cross ditches or waterbars upslope from stream crossing to direct runoff and potential sediment to the hillslope rather than deliver it to the stream.

Luce and Black (1999) found that incorporating design features such as cross-drains and ditch relief culverts into roads reduced the hydrological connection of these structures. Forest vegetation buffers flow and prevents sediment from reaching streams (Copstead and Johansen 1998).”

There are no specific numeric proposals to implement underlined items at specific locations or road segments in the proposed action (e.g. “prior to log haul 30 cross drains will be installed at priority locations identified in Table B20 pp 108-110”). There are no proposals to hydrologically obliterate identified abandoned roads within and adjacent units but there are specific mapped proposals to construct 30 miles of road. The EA/proposed action fails to provide for distinction between road related sediment reduction BMPs (generally permanent or long lasting covered by 2016 BiOp, e.g. R26), routine road maintenance for temporary effects (covered by 2018 BiOP and routinely described/ implemented in timber sale contracts, e.g. water bars) and road renovation/construction for timber sales that would comply with the 2018 BiOp

requirement (e.g.temp road construction followed by decommissioning). We conclude that the DR/Proposed Action fails to implement actions to substantially reduce sediment from existing haul roads and proposed new roads..

We have learned that the 2019 Medford District aquatic restoration projects will not fulfill the 2016 BiOp's requirements for reducing road related sediment into coho streams because no timber haul roads within coho watersheds will be decommissioned or storm proofed. See attached 2 page letter dated June 6, 2019 from E. Burghard (BLM) to R. Nawa (KS Wild). The Poor Windy project failed to include BMPs to permanently re-direct road related sediment to vegetated slopes and not into stream channels (e.g., permanently disconnect roads from streams with road BMP R26 at roads listed in Table B20 page 108-110). While anticipated temporary BMPs are necessary to comply with 2018 BiOp (e.g. hay bales, sediment detention digouts), permanent changes to drainage are needed to comply with 2016 BiOp since they are not being done under other programs (e.g. Aquatic Restoration Programmatic EA).

The Decision violates the O&C Act

- 48. The EA/Decision does not address Alt 2 logging will likely violate the O&C Act's mandate to regulate stream flow. The RMP FEIS failed to analyze reduced summer low flows due to past and proposed logging.**

The Decision violates the 2016 RMP.

49. RMP LSR non-compliance

The EA admits that its prescriptions in LSR stands that allegedly are not currently functioning as NRF habitat, proposed treatments would delay NRF habitat from developing from 20-80 years. (See EA pp. 34-35). This is in violation of the ROD/RMP direction to not use silvicultural prescriptions that preclude or delay development by 20 years or more compared to development without treatment. (RMP/ROD, p. 72). (p. 5)

50. NSO habitat in LSR removed for roads

Building more roads to remove more NSO habitat in structurally complex fire resilient habitat does not meet the management direction for the LSR and is in violation of the RMP and FLPMA. These acres would have habitat removed for the long term and will not contribute to the ROD/RMP direction to promote and develop NSO habitat in our lifetimes. BLM has not analyzed or disclosed why these routes were necessary to meet the purpose and need of the LSR logging prescriptions.

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51. Gap placement

For the proposed alternative the BLM does not analyzed or disclose a PDF for LSR that would require gap placement to promote NSO habitat/function. The gaps are too big in NSO/LSR habitat and function to remove NRF contrary to RMP.

52. Purpose and need: Late-Successional Reserve

The intent of the proposed alternative to conduct commercial and operationally feasible timber harvest within LSR units (where prescriptions proposed match the relative stand density of a LUA that is solely for timber harvest) contradicts the purpose and need of LSRs to develop NSO habitat. These management prescriptions are in direct conflict with the purpose and need of this project to develop NSO habitat.

We provide the following rebuttal to BLM response to this comment (Topic 25).

Unit 01-08 has 74 acres HLB-UTA and 43 acres LSR (Appendix D – Commercial Harvest Unit Table EA p.166). HLB acres and LSR acres are combined in a single mapped unit with presumably the same prescription. The EA fails to explain how the more restrictive standards of LSR will be implemented when UTA and LSR are combined into single unit. The EA fails to explain how LSR/NRF can be maintained when Alt 2 would reduce relative density to as low as 20% (EA p. 12 Table 2-3). The EA is inadequate because it fails to explain how mixed UTA/LSR or LSR units will meet RMP standards. We assert that LSR/NRF acres will be degraded or downgraded beyond RMP standards due to alt 1 cutting to relative density as low as 20% and likely exceed BiOp canopy standards

53. Nesting habitat in Riparian Reserves

By removing 413 acres of nesting habitat, the BLM fails to follow management direction for Riparian Thinning as described in the in the BA at page 19.

54. Treating and maintaining NSO habitat

When the agency intends to "treat and maintain" spotted owl habitat, the prescriptions must address both canopy cover AND structural conditions important to spotted owls and their prey. And BLM should maintain existing or better conditions, not just maintain some arbitrary minimum condition. The EA fails to disclose that "treat and maintain" actually degrades NSO habitat.

55. The Decision fails to implement management objectives and direction with respect to fish passage. The Grants Pass Field Office has failed to actively collaborate and cooperate with the Oregon Department of Fish and Wildlife (ODFW) about fish passage in the Poor Windy planning area as required in BiOps and RMP.

The following is excerpted from the SWO 2016 RMP p. 91:

Fisheries

Management Objectives

- Improve the distribution and quantity of high-quality fish habitat across the landscape for all life stages of ESA-listed, Bureau Special Status Species, and other fish species.
- Maintain and restore access to stream channels for all life stages of aquatic species.

Management Direction

- Restore degraded spawning, rearing, and holding habitat for fish using a combination of accepted techniques including but not limited to log and boulder placement in stream channels, tree tipping, and gravel enhancement.
- Remove or modify human-caused fish passage barriers to restore access to stream channels for all life stages for native aquatic species. (emphasis added)

The EA: 60 states: “Fish passage barrier culverts or bridges are not proposed to be replaced or upgraded under this project.” Apparently the Grants Pass Field Office failed to actively collaborate and cooperate with the Oregon Department of Fish and Wildlife (ODFW) about restoring fish passage in the Poor Windy planning area as required in BiOps. The proposed action fails to implement fish passage objectives and management direction in the RMP. Culverts to facilitate log haul are undoubtedly hindering coho passage in the planning area but the EA fails to identify any passage barriers or propose to correct them as directed in the RMP.

The EA/proposed action failed to identify all wetlands <1 acre (e.g. seeps/springs) that require a 25 ft Riparian Reserve. (see RMP p. 77 ;Table 6 above.)

The EA fails to discuss field reviews of units to identify wetlands <1 acre such as seeps/springs as protected Riparian Reserves. There is no mapping of seeps/springs in the EA as Riparian Reserves (EA:191-200). On April 13, 2019 R.Nawa (KS Wild) found a spring with 100 ft of perennial flow and wetland vegetation that had no field identification for protection where tractor logging is proposed in Blown Fortune unit 17-1 (EA:181). The unprotected spring is in the NE portion of the unit. We assert there are many more springs/seeps within units that have not been identified as riparian reserves and given proper protection from proposed logging. The RMP is not being implemented. The Decision falsely states that the RMP is being followed for Riparian Reserve identification/protection when in fact spring/seeps are not being identified or protected.

Photos with captions in support of Protest Items

Blown Fortune Unit 17-01 242 acres EA:167

191 acres UTA

51 acres RR

Foraging Dispersal



Photo 1. This spring/seep was not identified in the EA or in the field for protection from ground based logging. No adjacent trees were not marked for retention or the area restricted from ground based logging machines. The Decision/EA fails to identify all springs/seeps in the Oh Windy timber sale as Riparian Reserves and designate field protections as required in the RMP.

Blown Fortune Unit 17-15 22 acres EA:167

14 acres-UTA

3 acres LSR

5 acres-RR

NSO habitat: Capable, Dispersal, Foraging



Photo 2. Blown Fortune 17-15 was heavily cut in some areas and now BLM is proposing with mark to remove even more canopy. Three land allocations in this unit but only one heavy thin prescription for all LUAs. The EA fails to explain how one prescription fits all LUAs and fails to map LUAs in the EA or mark boundaries in the field. The EA fails to explain why this cut over area is being proposed for further canopy reduction. Photo by R. Nawa on April 13, 2019.

Blown Fortune Unit 17-16 91 acres EA:168

17 acres-LITA

37 acres-UTA

16 acres-LSR

21 acres-RR

NSO habitat: Non-Habitat, Dispersal, Foraging



Photo 3. At this location of about 1 acre R.Nawa counted 12 pink marked leave trees up to 30"DBH and 36 cut trees up to 24" DBH on about 1 ace. The mark indicates major canopy reduction in this unit. The EA fails to explain how one heavy thin prescription conforms to RMP standards for a unit that contains LITA, UTA, LSR and RR. Probable regen for LITA acres not mapped in EA or field marked within unit The EA maps are in error because they do not illustrate LUAs except for RR. An EIS is needed to evaluate significance of proposed regen because of uncertainty in the EA about effects to NSO. The EA fails to provide a clear comparison of trade-offs between regen for LITA acres or thinning.

Blown Fortune unit 18-01 46 Acres EA:168

38 acres LITA

2 acres LSR

6 acres RSW (DDR TPPC rocky unplantable soil; see EA:152)

1 acre RR

NSO habitat :Non-habitat, Dispersal/Foraging



Photo 4. Units 18-01 and adjacent 17-02 are proposed for regen (assuming no NSO detections). Regen will fragment a currently continuous closed canopy forest. The EA is in error because it has no analysis of cumulative adverse impacts of public/private fragmentation of NSO habitat (e.g, increased NSO/ barred owl competition as reported by Dugger et al. 2011). An EIS is needed to analyze fragmentation as there was no analysis of fragmentation in RMP FEIS.

Blown Fortune Unit 17-02 55 acres (EA:167)

36 acres LITA(regen)

11 acres LSR

5 acres RSW (DDR TPPC rocky unplantable soil; see EA:152)

3 acres RR

Capable Dispersal/Foraging



Photo 5. Unit 17-02 is dense mature forest with legacy trees up to 46"DBH. Unit 17-02 is accessed with a 0.4 mile temp road on virgin soil marked with red flagging. Route is on gentle ridge with steep side slopes. The EA is in error because it fails to disclose irreversible soil losses from roads, landings etc as significant impact. The EA is defective because it has no analysis or field checking by soils scientist of proposed units and roads.

Blown Fortune Unit 19-02 118 acres EA:168

8 acres LITA

49 acres UTA

44 acres LSR

5 acres RSW (DDR TPCC too rocky to plant)

4 acres NF (DDR TPCC non-forest)

8 acres RR

NSO Habitat: Non-Habitat/ Dispersal/Foraging



Photos 6a,6b. Unit 19-02 is at the end of road32-5-8.1 on very steep ground. 19-02 needs to be re-visited as it was not marked in April. A particularly bad new temp road is proposed on steep

side slopes. Dense mature forest on steep slopes with old growth legacy trees. Eight LITA acres could be identified for regen. Old signs indicate it was once proposed in 5 cows timber sale. The LSR portions of unit will be logged to same standards as UTA. The EA contains no maps illustrating LUAs within units except for RR. This unit has 6 land use allocations. None except RR are mapped in the EA.

Unit 19-02 and numerous others have unmapped DDR/TPCC lands (see EA 151-154). The EA is defective because it merely identifies a RMP process to field evaluate the existing classification of these lands with the e-designation into the harvest land base via a decision authorizing commercial logging. The EA provided no mapping, actual analysis or proposed new designations for DDRTPCC lands for KSWild comment during the 30 day comment period. Commenting on the RMP process for DDRTPCC lands is outside the scope of the Poor Windy project. Specifically the following anticipated actions require site specific NEPA analysis within the Poor Windy EA and an opportunity for public comment on the determination that the DDR/TPCC lands would be removed from DDR/TPCC LUA and put in the Harvest Land Base to expedite logging with the Poor Windy project (see Decision #1).

“In the DDR-TPCC, if the changed TPCC classification no longer meets the reasons for allocating the lands as DDRTPCC, these areas would be un-designated and returned to the harvest land base (USDI/BLM 2016a, p. 56). The un-designation process would be an interdisciplinary team exercise which may include a field visit with the project soils expert, the silviculturist, and the timber sale planner. If needed, other specialist such as the hydrologist would be consulted. This subset of the interdisciplinary team would document the reasons why the classifications were not confirmed, provide the needed geographic information system changes to the appropriate District data steward, and document necessary RMP plan maintenance.” EA:154

The EA failed to analyze impacts from proposed logging of DDR/TPCC lands placed into the HLB with decision #1. The decision table in DR#1 is not supported by recommendations by a qualified soil scientist field review.

Unit 23-09 165 acres EA:168

32 acres UTA

9 acres LSR

37 acres RSW (DDR TPCC too rocky to plant)

69 acres RTW (EA: 153 “Reforestation Temperature Withdrawn. High solar radiation in combination with low available soil moisture.”)

9 acres RMW (EA: 153 “RMW – Reforestation Moisture Withdrawn. Low available soil moisture in combination with competing vegetation and low precipitation during the growing season.”)

9 acres RR

NSO habitat:Dispersal/Foraging/NRF





Photos 7a,b,c,d. The BA and EA failed to identify (map) any RA32 acres for section 7 consultation and resulting BiOp. The photos above illustrate RA 32 high quality NRF characteristics: snags (upper left), nest platforms in deformed trees (upper right), large down wood (middle photo) and old growth trees (bottom 2 photos).

Unit 23-09 has outstanding habitat for late successional species. It's a mix of mostly dense mature forest with legacy trees and groves of old growth in draws/swales where fires did not burn hot. We found no large stumps and it appears to be a rare stand that was not high-graded. A sooty grouse (formerly blue grouse) was heard calling during May visit near the north end of access road. Public field trips to unit 23-09 are practical due to close proximity to Grants Pass but BLM failed to engage the public with a field trip and fulfill its NEPA duties.

Conclusion

The Poor Windy project is much too large in scope and intensity for adequate analysis in a 75 page EA. An EIS is needed to properly engage the public, disclose unit specific impacts and also large scale cumulative impacts due to mixed ownership. An EIS is needed due to considerable uncertainty about implementing untested RMP prescriptions over a vast area. Unreported irreversible soil losses are likely because there has been no soils analysis, field based soils reports or site specific recommendations for proposed units and roads by a qualified soils scientist. The EA fails to acknowledge that the 3 year schedule for decisions will be hampered with changed circumstances (e.g. MP 97 fire), new science, and new information about NSO distribution. The BA/BiOp for NSO is already inaccurate/outdated due to MP 97 fire and is not valid for use to support DR#1.

Regards,

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