

ATTACHMENT

PUBLIC COMMENT TO THE REVISED AUGUST KNOB SALVAGE ENVIRONMENTAL ASSESSMENT (EA# OR118-06-09) AND BLM RESPONSE

The August Knob Salvage Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were released for public comment from July 18 to August 16. The EA and FONSI were sent to 32 parties that had expressed an interest in the project and total of two letters were received in reply. BLM responses to substantive comments are presented in this Attachment to the Final Decision Documentation for the August Knob Salvage Timber Sale.

Klamath Siskiyou Wildlands Center (KS Wild)

Comment 1: We are still very concerned about the proposed logging of wilderness quality lands proposed for logging in sections 23 and 24 and the proposed logging of green old-growth trees to facilitate yarding unit 2. Unfortunately, by refusing to recognize the ecological and social values of green old-growth forests like those in Kelsey Whisky and Westside, the Glendale Resource Area (more than any other Resource Area covered by the Northwest Forest Plan) has established that it does not possess the environmental ethic found in most Americans. Many reasonable people believe that the Glendale Resource Area has “declared war” on old-growth ecosystems and the animals that depend on them.

BLM Response: The BLM thoroughly responded to this similar scoping comment in Appendix 3 of the EA. None of the harvesting activities proposed by the August Knob Salvage EA are adjacent to the Wild Rogue Wilderness. Also, as is clearly stated in Appendix 2 (p. 62), the August Knob project area has not been designated, nor is in the process of consideration for designation, as a Wilderness Area under the Wilderness Act of 1964 [Wilderness Act, Public Law 88-577].

BLM does not believe that there is any true “social consensus” regarding the BLM’s management of timbered lands in Oregon. If there is indeed any “social consensus,” it is found in the Congressional directive of the O&C Act to produce a sustainable supply of timber from these lands. Until Congress provides different direction, BLM will continue to follow present management direction. The cutting and removal of green trees is proposed on matrix land only to facilitate salvage logging operations, which is an activity consistent with that land use allocation.

Comment 2: The August Knob timber sale calls for only leaving one snag per acre in harvest units. EA page 78 and 81. The August Knob EA is silent as to analyzing and disclosing the minimum number of snags necessary to maintain 40% population levels for some woodpecker species and required CWD levels for these stands. We strongly urge the BLM to leave at least 5-8 snags per acre as leave trees in the harvest units. By leaving 5-8 snags per acre the BLM would allow for wildlife habitat, nutrient cycling,

structural diversity, CWD recruitment, and increased needle-cast in a planning area that desperately needs those forest attributes.

Please note that the DecAID Wood Advisor for southwest Oregon recommends maintaining 5-8 trees per acre in order to maintain cavity nesters at 30 to 50 percent of their potential. Further, the Guidelines of Snag and Down Wood Prescriptions in Southwestern Oregon (White, 2001) recommends leaving 6 snags per acre in the Douglas-fir plant series averaged across a 6th field watershed.

Please also note that the concept of “averaging” snags across the landscape, rather than leaving an appropriate number of snags in harvest units, was flatly rejected in federal district court in the Timbered Rock litigation.

BLM Response: The project design feature (PDF) incorporated into the development of Alternative 2 stated that “Only mortality above the level needed to meet snag retention and other habitat goals and provide desired levels of coarse woody debris would be harvested (RMP, p.186)” (EA, p. 15). To maintain 40% level of snags for some woodpecker species the RMP clearly defines retention levels as “40% percent of the mean number of snags found in unentered stands.” Alternative 2 would meet those retention levels, as is explained below:

Although pages 78 and 81 state that “The 12 acres of harvesting would not create units over seven acres in size, which would retain green trees and at least one wildlife snag per acre,” this was based on the interdisciplinary team’s initial assessment of the amount of existing snags prior to the Blossom Fire of 2005. On further field analysis to determine snags prior to the Blossom Fire (most trees are dead or dying) 14 snags (pre-Blossom) were identified in Unit #2 (three acres) which would be 4-5 snags per acre. The contract provisions for this timber sale states that “All non-hazardous pre-existing (prior to the Blossom Fire) dead and down woody debris greater than or equal to 16 inches diameter would be retained from cutting or removal.” Therefore, it is expected that all harvest treatment areas would contain at least 40% of mean number of snags.

The RMP also says to “[meet] the 40 percent minimum throughout the Matrix with per-acre requirements met on average areas no larger than 40 acres” (RMP, p. 40). The actual harvest acres and sizes of units 2 and 3 have been reduced from the original unit analysis and therefore the average snag retention would be well over the 4-5 average per acre because of the unentered portions of the stands contain large amount of snags. The RMP defines a snag as ‘Any standing dead, partially-dead, or defective (cull) tree at least 10 inches in diameter at breast height (dbh) and at least six feet tall’ (RMP, p. 114).

KS Wild’s citation of Diane White’s “Guidelines for Snag and Down Wood Prescriptions in Southwestern Oregon” provides support that the August Knob Salvage would provide substantially more than 6 snags per acre averaged across a 6th field watershed. As mentioned in the EA, only 12 acres of the 1,669 acres burned in the Blossom Fire are

proposed for salvage harvesting. Averaging created snags (as much as 40 snags per acre) from the fire would well exceed the minimum snag retention suggestion.

Comment 3: Ground-based yarding systems are not compatible sustainable fiber production or soil and hydrological health. The impacts of yarding corridors through remaining green tree patches on “edge” effects and connectivity should have been analyzed and disclosed in the EA.

BLM Response: The impacts of yarding on soil productivity were analyzed in the Effects of Alternative 2 (Proposed Action) on Soils and Water section of the EA which determined that:

given the scope of the project, and the improvements to productivity that would be made as a result of Alternative 2, **the proposed action is anticipated to have a negligible impact to soil productivity** and erosion rates at the watershed scale. Compaction would not exceed 12%, and productivity loss would not exceed 5%, within any one unit, or within the Planning Area as a result of this action. This would keep impacts from compaction and productivity within those levels assessed under the RMP [EA, p. 28].

The impacts of yarding on hydrology were addressed in the Water Resources section of Appendix 2 of the EA which determined that:

Since effects are generally of greater magnitude within smaller watersheds, and since road acres and open space conditions would remain below those levels where measurable changes in watershed hydrology have been shown to occur, this **project would not be expected to have a measurable effect on watershed hydrology** or water resources within the Mule Creek HUC 6 sub-watershed [EA, p. 71].

The impacts of yarding corridors on wildlife were addressed on page 8 of the EA which determined that:

Units, landings and yarding corridors contain no suitable nesting, roosting and foraging (NRF) for spotted owls. Only Unit 3 has an area that may serve as dispersal habitat and would continue to do so following harvest.

KS Wild has not provided specific information that would either modify the analysis or make factual corrections to the analysis.

Comment 4: The EA did not fully disclose and analyze the cumulative impacts of the proposed fire salvage in conjunction with logging in the Kelsey Whisky timber sale. We strongly suggest that the decision maker familiarize herself with the opinion and order regarding cumulative effects analysis found in the 9th Circuit’s 2004 holding in KS Wild v. BLM.

The BLM has not addressed the cumulative impacts on future fire behavior, snag retention, soil health, hydrology and wildlife.

BLM Response: “Kelsey Whisky” is not a timber sale, but rather a project area that has been analyzed under an EIS. Because the Kelsey Whisky EIS does not include any activities within the analysis area of the August Knob EA (Mule Creek HUC 6), cumulative effects analysis involving Kelsey Whisky EIS activities are not required, nor have you provided specific information that would either modify the analysis or make factual corrections to the analysis.

Comment 5: Page 20 of the EA indicates that “approximately five to seven green trees 38” to 43” in diameter would be removed in the landing area” for unit 2. The removal of these green old-growth trees can be avoided if the decision maker elects to implement mitigation measure #1 proposed on page 38 of the EA. It is unclear to us whether RTV surveys were conducted for the green trees proposed for removal.

BLM Response: As stated on page 72 of the EA: Surveys were conducted in the Planning Area and though active red tree vole nests were found in the vicinity of the Proposed Action, no live trees within the prescribed buffer distance of one potential tree height would be removed by the Proposed Action. Also, live green trees would likely be removed under Mitigation Measure #1 due to safety and feasibility issues regarding yarding corridors.

Comment 6: The EA (page 67) indicates that the “project area was not surveyed for special status fungi.” We hereby provide the BLM with notice that the ROD and the ASRs relied on to avoid S&M fungi surveys are illegal.

The EA (page 68) claims that “Surveys for Special Status, including Survey and Manage, vascular and nonvascular plants within the August Knob Salvage units are currently underway.” The purpose of NEPA is to allow for informed public commenting and informed agency decision-making. The public cannot provide informed comments if significant elements of the timber sale are not available during the commenting period. The presence or absence of survey and manage plant species should be analyzed and disclosed in the EA.

BLM Response: KS Wild’s comments concerning the Northwest Forest Plans Annual Species Reviews involve matters in litigation, to which KS Wild is a party. The federal district court in Oregon has upheld the ASRs. Klamath Siskiyou Wildlands Ctr. v. BLM, 2006 U.S. Dist. LEXIS 9612 (D. Or. 2006).

Pre-disturbance surveys have been completed to protocol, and there is no Survey and Manage or Bureau Special Status vascular or nonvascular plant species within the August Knob project area (see attached 2001 ROD Compliance Review Form).

Comment 7: The EA (page 72) indicates that “active red tree vole nests were found in the vicinity of the Proposed Action” yet the location and number of these nests is not disclosed or analyzed. The EA (page 72) implies that active RTV nests receive a “one potential tree height” buffer, when in fact, clusters of known nests should receive a 10 acre buffer.

BLM Response: See response to “5.” Information regarding the location and number of RTV nest sites are included in the project record. Within a 10 acre buffer the minimum distance of an RTV nest to the edge of the buffer is one site potential tree (USDA, USDI 2000).

Comment 8: It is unclear to us why the BLM is proposing to log dead snags along the dozer fire lines. Is the purpose solely timber volume, or is there some sort of safety concern that is not described in the EA. To our knowledge, People are not currently using the dozer lines, and so existing snags pose no hazard to human beings.

BLM Response: As is clearly stated on page 10 of the EA: “Salvage of fire killed trees would allow the BLM to retrieve some economic value from these trees and partially achieve RMP board foot volume commitments.”

Comment 9: As you know, the dozer lines are visible from Mt. Bolivar, include several creek crossings, and come very close to the only designated wilderness area administered by the Medford BLM. It also appear that segment “D” of the dozer lines is located in an LSR. We urge the BLM to refrain from politicizing its fire suppression practices. Please refrain from salvaging the wilderness quality lands surrounding the dozer lines.

BLM Response: In regard to the comment “As you know, the dozer lines are visible from Mt. Bolivar, include several creek crossings, and come very close to the only designated wilderness area administered by the Medford BLM,” Appendix 2 (p. 69) states that “The Planning Area is located within VRM (Visual Resource Management) Class IV category lands. The Proposed Action is consistent with VRM IV visual resource management objectives as stated in the Medford District Resource Management Plan” (p. 69). Also, none of the harvesting activities proposed by the August Knob Salvage EA would occur adjacent to the Wild Rogue Wilderness.

In regard to the comment “It also appear that segment “D” of the dozer lines is located in an LSR,” segment “D” is located in the LSR but it is a road, not a dozer line, therefore hazard trees may need to be felled for safety reasons but, as is stated on page 19: “Hazard trees felled in the LSR and riparian reserves would be left on site”.

In regard to the comment “Please refrain from salvaging the wilderness quality lands surrounding the dozer lines” Appendix 2 (p. 62) clearly states that the August Knob project area has not been designated, nor is in the process of consideration for designation, as a Wilderness Area under the Wilderness Act of 1964 [Wilderness Act, Public Law 88-577].

The Siskiyou Project

Comment 10: The BLM needn't "push the envelope" and invite controversy over this timber sale by leaving the barest possible level of snags in harvest units that it thinks the ecosystem, and the law, might require. Please work collaboratively with the public to recognize and incorporate the values of additional CWD, wildlife habitat, nutrient cycling, needle-cast and structural diversity that would be achieved by maintaining 5-8 snags per acre in harvest units.

BLM Response: See response to "2."

Comment 11: The impacts of yarding corridors through remaining green tree patches on "edge" effects and connectivity should have been analyzed and disclosed in the EA.

BLM Response: See response to "3."

Comment 12: The EA did not fully disclose and analyze the cumulative impacts of the proposed fire salvage in conjunction with logging in the Kelsey Whisky timber sale. We strongly suggest that the decision maker familiarize herself with the opinion and order regarding cumulative effects analysis found in the 9th Circuit's 2004 holding in KS Wild v. BLM.

The BLM has not addressed the cumulative impacts on future fire behavior, snag retention, soil health, hydrology and wildlife. Instead the agency has elected to rely on illegal Bush-Administration CEQ guidance recommending that the BLM ignore the substantive requirements of NEPA by turning a blind eye to the cumulative impacts of past projects and practices.

BLM Response: See response to "4." As stated in the EA regarding cumulative effects:

As the Council on Environmental Quality (CEQ), in guidance issued on June 24, 2005, points out, the "environmental analysis required under NEPA is forward-looking," and review of past actions is required only "to the extent that this review informs agency decision-making regarding the proposed action." Use of information on the effects on past action may be useful in two ways according to the CEQ guidance. One is for consideration of the proposed action's cumulative effects, and secondly as a basis for identifying the proposed action's direct and indirect effects. Past harvest activities have been accounted for under the satellite change detection data used to estimate harvesting the last few decades.

The CEQ stated in this guidance that "[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." This is because a description of the current state of the environment inherently includes the effects of past actions. The CEQ guidance specifies that the "CEQ regulations do not require the consideration of the individual effects of

all past actions to determine the present effects of past actions.” Our information on the current environmental condition is more comprehensive and more accurate for establishing a useful starting point for a cumulative effects analysis, than attempting to establish such a starting point by adding up the described effects of individual past actions to some environmental baseline condition in the past that, unlike current conditions, can no longer be verified by direct examination.

The second area in which the CEQ guidance states that information on past actions may be useful is in “illuminating or predicting the direct and indirect effects of a proposed action.” The usefulness of such information is limited by the fact that it is anecdotal only, and extrapolation of data from such singular experiences is not generally accepted as a reliable predictor of effects.

Scoping for this project did not identify any need to exhaustively list individual past actions or analyze, compare, or describe the environmental effects of individual past actions in order to complete an analysis which would be useful for illuminating or predicting the effects of the proposed action [EA, p. 21, 22].

Comment 13: Page 20 of the EA indicates that “approximately five to seven green trees 38” to 43” in diameter would be removed in the landing area” for unit 2. The removal of these green old-growth trees can be avoided if the decision maker elects to implement mitigation measure #1 proposed on page 38 of the EA. We thank the ID Team for proposing mitigation measure #1 and we hope that the BLM will decide to implement it.

It is unclear to us whether RTV surveys were conducted for the green trees proposed for removal.

BLM Response: See response to “5.”

Comment 14: The EA (page 67) indicates that the “project area was not surveyed for special status fungi.” We hereby provide the BLM with notice that the ROD and the ASRs relied on to avoid S&M fungi surveys are illegal. Were the green trees proposed for logging to facilitate the landing for unit 2 surveys for RTVs?

BLM Response: See response to “5” and “6.”

Comment 15: It is unclear to us why the BLM is proposing to log dead snags along the dozer fire lines. Is the purpose solely timber volume, or is there some sort of safety concern that is not described in the EA. To our knowledge, People are not currently using the dozer lines, and so existing snags pose no hazard to human beings.

As you know, the dozer lines are visible from Mt. Bolivar, include several creek crossings, and come very close to the only designated wilderness area administered by the Medford BLM. It also appear that segment “D” of the dozer lines is located in an LSR.

BLM Response: See response to “8” and “9.”

SOURCES

USDA, USDI 2000. Instruction Memorandum No. OR-2000-086. *Management Recommendations for the Oregon Red Tree Vole* *Arborimus longicaudus*, Version 2.0.