



BARK

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May 11, 2009

Cindy Enstrom
Cascade Field Manager, Salem BLM
1717 Fabry Rd, Salem OR 97306

RE: Protest of Gordon Creek Thinning I Final Decision and Decision Rationale

Dear Ms. Enstrom:

Pursuant to 43 CFR 5003, Bark hereby protests the Gordon Creek Thinning I Final Decision and Decision Rationale signed April 28, 2009 which is based on the Gordon Creek Thinning Revised EA #OR080-07-05 dated March 2009. Bark has submitted detailed comments on this project for both the original and the Revised EA which are part of the administrative record.



Decision Title: Final Decision and Decision Rationale for Gordon Creek Thinning I.

Project Description: The project will log 780 acres within 81 acres of Riparian Reserve and 699 acres of Matrix lands, with some units adjacent to the Bull Run Watershed. The project would include 2.2 miles of new road construction and fuel treatment.

Project Location: T. 1 S., R. 5 E., Section 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 13; Section 15, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Willamette Meridian, Multnomah County, Oregon.

Date of Decision: April 28, 2009

Name of Deciding Officer: Cindy Enstrom, Field Manager, Cascades Resource Area, Salem BLM

Introduction:

Bark's mission is to bring about a transformation of Mt. Hood National Forest and surrounding BLM forests into a place where natural processes prevail, where wildlife

thrives and where local communities have a social, cultural, and economic investment in its restoration and preservation. At this time, we represent over 5,000 supporters who work in, recreate around and depend on drinking water from Mt. Hood National Forest. Bark volunteers and members hike in the planning area, have grown up going on field trips to the adjacent educational trail, and have an interest in the future of the watershed.

Bark believes that the Gordon Creek Thinning I Final Decision(Decision) will cause unnecessary damage to the Gordon Creek watershed. Bark shares the concerns expressed in prior comments submitted bythe Portland Water Bureau (PWB) and other concerned groups and individuals that this project will lead to impacts to critical drinking water supplies. Other sections considered under the Revised Environmental Assessment but not covered in this Decision, would log within 100 ft of the town of Corbett's water supply. Specific to this Decision, proposed Section 13 is adjacent and overlapping with the Bull Run Watershed Management Unit, the city of Portland's water supply. We believe these services provided by our public lands ought to be the highest public priority. This protest is timely because the legal notice advertising the sale was published in *The Oregonian* on April 30, 2009. Bark commented on both the Original EA and the Revised EA in a timely and substantive manner.

Bark urges BLM to cancel the auction for this timber sale and avoid creating contractual obligations that will impede constructive dialog to resolve differences over this sale.

The Gordon Creek Thin I Final Decision (part of a larger project described in the Gordon Creek EA) approves harvest in approximately 792 acres (DR section 8.0, DR Table 3). This harvest includes:

- Thinning 780 acres within the following 2005 RMP Land Use Allocations (LUA),
- 699 acres within the General Forest Management Area (GFMA) portion of the Matrix LUA,
- 81 acres within the Riparian Reserve LUA. Approximately 3 of these acres will be thinned to a lower density (four ½ acre and one 1 acre low density canopy gaps) in unit 5 (EA unit 13B) (See maps 1 and 2),
- Clearing 12 acres of vegetation within the road rights-of-way accessing sections 13 and 15 (DR Table 3),
- Harvest approximately 723 acres of thinning (Units 1-5) plus 12 acres Right-of-Way (described above) using ground-based yarding,
- Harvest approximately 57 acres of thinning (Units 3 and 5) using skyline yarding,
- Construct approximately 2.2 miles of new road to accommodate skyline logging equipment and log transport,
- Improve approximately 0.8 mile of road to the minimum standard necessary for hauling, including spot rocking, blading, and brushing, curve alignment, and tree removal,

- Block and stabilize all newly constructed and improved natural surface roads (3 miles),
- Stabilizing entails installing water-bars or other shaping of roads for drainage, placing woody debris, and/or seeding. These roads are behind locked gates. Trench and berm road blocks will be used to block these roads,
- Seed and fertilize approximately 9 acres of natural surface roads adjacent to harvest units,
- Renovate and maintain approximately 6.2 miles of existing road. Renovation may include blading and shaping of roadway and ditches, small slide/slump repairs, clearing brush from cut and fill slopes, cleaning or replacing culverts, and applying rock surfacing material to depleted surfaces,
- Install 30 linear feet of new culvert material,
- A total of 214 acres in units 2, 3, 4, and 5 will have treatment of the thinning slash following harvest. The areas to be treated are located within the unit area, generally along roads and property lines,
- Within 30 feet of the edge of each landing all tops, broken pieces, limbs and debris over 1 inch and longer than 3 feet will be piled and covered. Piles will be 20 feet minimum distance from residual trees. Piles will be burned in compliance with the Oregon Smoke Management Plan after thinning operations have been completed and fall rains have begun.

Statement of Reasons

For all the reasons stated in our comment letters, Bark is protesting the decision to approve the Gordon Creek Thin I timber sale. Please consider the following points of most concern:

Scope of Analysis and Range of Alternatives

BLM failed to adequately respond to public comments. BLM's Decision Rationale responded to only selected public comments and dismissed many others without adequate justification or explanation. BLM failed to adequately consider and disclose relevant environmental impacts outlined in not only Bark's, community members' and other organizations' letters, but also comment letters from the Portland Water Bureau. While the interests of our supporters and concerned citizens are integral to the success of NEPA, the Portland Water Bureau is tasked with protecting the drinking water for over 860,000 Oregonians. When comments reveal flaws in the agencies analysis, it is arbitrary and capricious for the agency to refuse to provide further analysis to support its decision.

BLM failed to consider reasonable alternatives, such as: not thinning in riparian reserves, not building new roads, not allowing winter logging, reducing fire hazard by minimizing the creation of dangerous logging slash and minimizing the adverse microclimate effects of canopy removal, retaining more untreated "skips" where natural mortality can recruit new complex forest structure, and implementing more creative variable density thinning techniques in the matrix to create better spotted owl

foraging habitat. Most importantly, BLM failed to consider the recommended change of the Portland Water Bureau of removing treatments in Section 13.

Cumulative Impacts Overlooked

The BLM is mandated to attain Aquatic Conservation Strategy (ACS) objectives. The Gordon Creek logging project involves 80 acres of logging in the Riparian Reserves. The Northwest Forest Plan greatly restricts logging in the Riparian Reserves, unless needed to attain ACS objectives. In the EA and Revised EA, the BLM does not actually show how the riparian areas are falling short of ACS objectives and therefore does not make the case that thinning will help achieve them.

In addition, the EA does not properly analyze the private land logging adjacent to unit 15. The BLM must start accounting for the fact that the remaining intact forests on our public lands are often providing the remaining habitat for many species. Although, there are specific restrictions for threatened species, we expect to see the BLM go beyond the baseline expectations of analyzing the effects on these species and consider the drastic impacts of increasing logging in a watershed that is already so denuded by industrial logging.

Fuel Reductions are Arbitrary

The analysis of fuels and fire hazard is incomplete and misleading. The analysis fails to provide a clear framework to evaluate and weigh the complex effects of logging on fire hazard. The analysis fails to recognize that leaving stands untreated in this environmental setting is less hazardous than logging because the area has a long fire return interval; untreated stands tend to retain fine fuels in canopy where they are relatively less available for combustion, while logging moves fine fuels to the forest floor where they are generally more available for combustion; slash fires can escape to cause unintended fire effects; logging makes these stands hotter-dryer-windier; logging will expose these stands to increased wind damage which will add a dangerous pulse of fuels to the forest floor; BLM's decision increases discretion to leave more logging slash untreated; and logging equipment, slash treatments, and human activity associated with logged areas increases the risk of fire ignition.

Bark submits the following:

- The thinning and patch-cut openings proposed for Section 13 will increase, rather than decrease, the fuel hazard and fire risk in these stands and place the Bull Run at greater risk of a fire.
- The Bull Run Management Act, as amended by the Little Sandy Protection Act PL 107-30 directs the Secretary of Interior to manage its lands within the Bull Run Watershed Management Unit (BRWMU) in accordance with the tree-cutting restrictions outlined in Section 2(b)(2)(B). This prohibits all tree-cutting in the BRWMU.

- Fuel hazard levels are likely to increase from the thinning. Logging activities increase the risk of human-caused fire ignitions is also a concern. Thinning the stand to low enough densities to where it would not carry a crown fire will result in greater loading of fine fuels on the forest floor and could predispose the heavily thinned stand to windthrow. Windthrow during strong east-wind events is a particular problem for the Bull Run because of its proximity to the Columbia Gorge (Sinton et al., 2000).¹
- Studies do not support the projects intent to reduce likelihood of fire. For moist, west-side Cascade forest types that are characterized by an infrequent, stand-replacement fire regime, thinning for fire risk reduction is not appropriate. Efforts to manipulate stand structures to reduce fire hazard will be of limited effectiveness.
- The Christiansen and Pickford study cited in the Revised EA overestimated the decomposition rate for smaller-diameter post-thinning fuels, which are the size class of most concern.
- A new study by Mitchell et al. (2009) concludes that the benefits of carbon sequestration in untreated natural stands may exceed the fuel reduction benefits associated treatments such as overstory thinning in westside Cascade stands.

Operations may Increase Access into the Highly-restricted Bull Run Watershed

Bark has routinely stated our concern with the correlation between logging, associated road development and the increased presence of off-highway vehicles (OHV), especially ATVs and motorcycles. The Decision will result in a temporary opening of the forest floor resulting from logging and new roads enticing users to enter the forest. The area is adjacent to private lands where OHV use is permitted, such as in the private holdings adjacent to these units. The BLM has done an inadequate job of analyzing this impact and/or planning to ensure that OHVs or other motor vehicles cannot enter the Bull Run Watershed Management Unit.

The BLM has failed to disclose whether they have been in consultation under the Watershed Security Program. To support our claims we submit the following quotes from the Program's language:

The Water Bureau continues to work on improvements and updates to the watershed security program after the September 11, 2001 terrorist attacks in New York City and Washington DC prompted changes for all major water providers around the country. The Water Bureau works with county, state and federal law-enforcement agencies involved in Bull Run security issues. In accordance with Public Law 107-188, the Public Health Security and Bioterrorism Preparedness and Response Act, the bureau completed a Security Vulnerability

¹ Sinton, D.A., J.A. Jones, and F.J. Swanson. 2000. Windthrow disturbance, forest composition, and structure in the Bull Run basin, Oregon. *Ecology* 81(0): 2539-2556.

Assessment, required by Congress for all water systems serving populations of over 100,000 people. The assessment included a review of the watershed from a security perspective. The bureau's Emergency Response Plan was updated during Water Year 2003 and submitted to the EPA and the State of Oregon Department of Human Services (DHS). A new security program was also implemented.

All roadways into the watershed are gated, locked, and posted...Water Bureau Rangers and Forest Service law-enforcement officers made contact with a total of 34 trespassers during Water year 2008. The majority of trespass cases were incidents that occurred outside the water-supply drainage and involved individuals either walking up the lower Bull Run channel or encroaching on the boundary in the Lolo Pass area. (pg 2)

The Program Report also states a rigorous inspection of all authorized vehicles that includes fuel leaks and other potentially hazardous repercussions of motorized access into the watershed unit. "The tour leader inspects the vehicle for fuel leaks before entering the watershed. At the beginning of the tour, all participants are informed of the watershed rules." (pg, 4)

With regards to potential access by rogue off-highway vehicle users, the BLM has not shown as serious a commitment to ensuring that they are honoring these standards for the Bull Run Watershed. The Decision cites several places in the EA as reference for plans to enforce restrictions, however none of those citations provide best known practices for reducing the chance of access. In the absence of best management practices, or a mitigation and enforcement plan that is funded and can guarantee no increase in illegal access into the Bull Run Watershed, it is arbitrary and capricious for the BLM to implement the Decision.

New Roads Lead to New Problems

The Forest Service has decommissioned over 18 miles of roads in 2008 and has projected to take out another 27 miles in the next year. Sixty-five miles of road already exist in the Gordon Creek watershed and approximately 25% of the roads are within 200 feet of a stream. (Gordon Creek WA 1-8) In the adjacent Mt. Hood National Forest, the Forest Service completed a Roads Analysis in 2003, in which roads within 200 feet of a stream were labeled as posing the highest level of aquatic risk. These roads are now the priority for decommissioning. The Salem District RMP states, "Reduce road density by closing minor collector and local roads in areas or watersheds where water quality degradation, big game harassment, or other road-related resource problems have been identified." (RMP 64)

The BLM has not justified the divergence from RMP guidelines in the Decision and should be addressing the cumulative impacts of roadbuilding in a watershed adjacent to an area with such a strong mandate for removing roads. From the Bull Run 2008 Watershed Control Program Report:

The Mt. Hood National Forest prepared an Environmental Assessment in 2006 that authorized decommissioning the remaining unneeded roads in the Bull Run Management Unit. The plan identified roads slated for active decommissioning (culvert and bridge removal) versus those that can be passively decommissioned (i.e., allow vegetation to overtake the roads). Approximately 18.7 miles of roads in the Bull Run water-supply drainage were actively decommissioned during the 2008 field season. Only 2.6 miles of active road decommissioning remains to be completed for the water-supply drainage. Federal funding for the remaining work is obligated in an existing contract; the work will be completed during the 2009 field season. (pg, 1)

The BLM's law enforcement staff for the Salem District currently face significant challenges in being able to conduct security patrols on BLM lands within and adjacent to BRWMU. Bark is concerned about the added security challenges posed by constructing new access roads in areas that are within a few hundred feet of the Bull Run boundary.

Conclusion

With regards to these ongoing concerns, we hereby request a stay on the Gordon Creek Thinning I project. If you have further questions, please contact me. Thank you.

Sincerely,

Alex P. Brown
Executive Director

Works Cited for incorporation into the record

Brown, R.T., J.T. Agee and J.F. Franklin. 2004. Forest restoration and fire: principles in the context of place. *Conservation Biology* 18(4) 903-912.

Christiansen, E.C. and S.G. Pickford. 1991 Natural abatement of fire Hazard in Douglas-fir blowdown and thinning fuelbeds. *Northwest Science*, 65(4): 141-148.

Edmonds, R.L. 1987. Decomposition rates and nutrient dynamics in small-diameter woody litter in four forest ecosystems in Washington, U.S.A. *Canadian Journal of Forest Research*, 17: 499-509.

Mitchell, S.R., M.E. Harmon, and K.E.B. O'Connell. 2009. Forest fuel reduction alters fire severity and long-term carbon storage in three Pacific Northwest ecosystems. *Ecological Applications*, 19(3) 643-655.

Sinton, D.A., J.A. Jones, and F.J. Swanson. 2000. Windthrow disturbance, forest composition, and structure in the Bull Run basin, Oregon. *Ecology* 81(0): 2539-2556.