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Cindy Enstrom
Cascades Field Manager
BLM – Salem District
1717 Fabry Road SE
Salem, OR 97036

RE: Protest of Final Decision Documentation and Decision Rationale for the Airstrip Timber Sale (Environmental Assessment OR-S040-2009-004)

Dear Ms. Enstrom,

Pursuant to 43 CFR 5003, please consider the following protest of the Final Decision Documentation and Decision Rationale for the Airstrip Timber Sale.

Decision Title: Final Decision, Decision Rationale and Finding of No Significant Impact: Airstrip Thinning Timber Sale

Project Description: The project would log 201 acres of 60-90 year old forest in matrix, and riparian reserves in the LaDee Flats area.

Project Location: Township 4 South, Range 5 East, Section 7, 18 Willamette Meridian

Date of Decision: 11 January, 2012

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

Introduction:

Bark's mission is to bring about a transformation of public lands on and around Mt. Hood 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. Bark has nearly 5,000 supporters who use the public land forests surrounding Mt. Hood, including the areas proposed for logging in this project, for a wide range of uses including, but not limited to: clean drinking water, hiking, nature study, non-timber forest product collection, spiritual renewal, and recreation. We submit this protest on behalf of our supporters and include by reference all comments received by our supporters.

This protest is timely because the legal notice advertising the sale was published in *Molalla Pioneer* on January 18, 2012. Bark commented on the Airstrip Timber Sale Environmental Assessment (EA) in a timely and substantive manner.

AIRSTRIP PROTEST

The BLM's Decision Notice states that the Airstrip Timber Sale is "consistent with the Salem District Record of Decision and Resource Management Plan (RMP)". *Airstrip Decision Notice (DN) at 9.* Bark disagrees. As detailed in our EA comments, several aspects of the sale are in direct violation of the RMP, and have not been changed in the decision. These include failure to conserve BLM-sensitive species, and failure to meet minimum standards for snags and CWD. In addition, the analysis fails to comply with NEPA's requirement for cumulative impacts analysis, and fails to provide adequate analysis concerning the impact to water quality from the road crossing in Section 18, or the increased erosion from skyline yarding, and road & landing construction. For the following reasons, we request that you alter the timber sale to conform with both the requirements of the RMP and NEPA:

1. Failure to Comply with RMP Standards for Snags and CWD

"The NWFP and Salem District RMP set the minimum standards for snag and down wood retention. Changing management standards for the NWFP and the Salem District RMP are outside the scope of this project." *DN at 35.* Bark completely agrees. This is why we fail to understand why the BLM did not address our concern that the levels of snags and CWD in the project area are *already below* the minimum standard set in the RMP. As disclosed in the EA: "Overall snag habitat in the project area does not currently meet the Resource Management Plan's requirement of 40% population densities for the five woodpecker species." *EA at 69.*[1] Neither the Decision Notice nor Response to Comments addresses this important factor.

Bark discussed snag retention exhaustively in our comments, and are disappointed that the BLM chose to cursorily address Bark's concerns in its Response to Comments. The BLM acknowledges that, "[t]he EA clearly shows that current levels of snags and CWD are lower than desired levels" *(DN at 34)* but fails to address that the level of snags and CWD is not only "lower than desired" but also lower than the requirements set by the RMP. In addition, simply noting that there are too few snags, and acknowledging that even more will be lost, is not an actual analysis of the impact of removing the snags.

[1] The Resource Management Plan for the Salem BLM directs managers to retain snags at levels sufficient to support species of cavity nesting birds at 40% of potential population levels. This 40% requirement must be met throughout the Matrix with per acre requirements met on areas averaging no larger than 40 acres. RMP at 21.

A meaningful analysis would ask questions like: In a landscape that is already denuded of snags and CWD, what would the impact of the loss of even more snags and CWD have on the snag dependent species? To answer this question, the BLM would do well to follow the protocol set up for conservation Sensitive Species (see Section 2, below).

The Response to Comments continues to talk in percentages, rather than hard numbers, which obscures the fact that there are far too few snags in the project area (*see, eg, DN at 34*). As Bark noted in our comments, the EA states, "[a]pproximately 90% of large diameter trees, snags larger than 15 inches and CWD would be retained in the project area . . .at least 96% of these features would be retained in this contiguous block of BLM land." *EA at 77*. However, Table 11 indicates that Unit 7A has no snags over 15 inches per acre, Unit 7 B has 1.1 snags per acre (but none over 25 inches) and Units 18A & B each have 1.4 snags per acre. *EA at 69.* 96% of 0 to 1.4 snags per acre, which is already below the minimum standards, is not enough! That, coupled with the reality that this project area is an forested oasis in a desert of clear-cuts and managed plantations, means that *every single large snag* has significant environmental significance.

In Bark's comments, we raised serious concern about the BLM felling the two largest snags in the project area and likely several more.[2] The two 60-inch diameter old growth snags in the ROW for the road in 7B presumably provide the majority of the habitat for cavity nesters in the project area. Removal of these two snags would have an incredibly significant impact on cavity nesters – including the five known woodpecker species[3] and Bureau Sensitive bats. Despite this significant impact, the EA simply stated that: "[f]alling two old-growth snags for road construction in Unit 7B would reduce the number of large snags in the project vicinity. This would reduce high value habitat for bats, primary excavators, and cavity users in the watershed by an **unknown percentage**." *EA at 78* (emphasis added).

The Response to Comments failed to provide any more specificity of the extent and impact of the loss of these snags on cavity nesters and snag dependent species. It merely states that "[t]he environmental effects of falling snags and impacting CWD – including two large (60 inches diameter) remnant snags (Unit 2 [EA unit 7B], right-of-way) – are within the effects analyzed in the RMP/FEIS (1994)." *DN at 35*. Bark is

[2] Bark volunteers identified more large snags that are likely to be felled or damaged as a result of this project (specifically the road building in Unit 7B), including:
– 30 foot tall, 4 ft dbh snag 10 feet from ROW in Unit 7B, P2 17 + 45 that we assume will be felled as a safety precaution.
–5 ft dbh snag right on the side of the ROW at P2 16 + 25.
There is also the very real possibility that other snags in the project area will be felled to comply with OSHA safety standards, decreasing the amount of snags in the project area still further than the EA analyzes.

[3] The hairy woodpecker, red-breasted sapsucker, and pileated woodpecker are present in the project area. Northern flicker and downy woodpecker are found in and around the project area. p70

unclear how this is responsive to our concerns, and also disagrees with the BLM's claim. First, Bark believes that the BLM is violating NEPA by failing to provide meaningful analysis of the environmental impacts of logging these important remnant snags. The BLM suggests that it analyzed falling these two remnant snags in the EA on pp.69-70, 73-74, 77-78 and 79-81. Yet, upon review of all of these cited sections in the EA, Bark still only found acknowledgements that, indeed, there are too few snags in the project area (p.69-70), that this project will result in the loss of more snags (pp.73-74), that falling the two snags will reduce high value habitat by an unknown percent (p.78) and that no action would retain the snags (p.80). None of the cited sections sufficiently analyze of the extent of impact that the loss of these snags would have on cavity nesters and snag dependent species in the project area.

Second, Bark disagrees that the effects are within the effects analyzed in the RMP/FEIS because the proposed action will violate the snag retention standards set out in the RMP. As there are already fewer snags in the project area than the minimum amount required by the RMP, removal of any more snags would create greater impacts than analyzed, anticipated or allowed by the RMP.

The Response to Comments tries to mitigate this loss by stating that "the CWD created will remain on the site and provide this type of habitat. The remaining large diameter/old growth trees in and adjacent to the unit would continue to provide decadence in the stand and could become large snags in the future." *DN at 35.* This fails to mitigate the loss of the snags, as 1) CWD does not provide habitat for the same species that snags do (specifically woodpeckers and bats will not use downed wood for nesting and foraging) and 2) there is a significant, and unknown, time lag before a live tree becomes sufficient snag habitat. Even if snags were created through management actions, Bark cited a study in our comments finding created snags killed within the last 10 years had little decay and had neither ant colonies nor adequate nesting roosting cavities.

In conclusion, further loss of snags in the project area would violate the RMP by reducing snags below the already minimal levels, and the EA violates NEPA by failing to provide an adequate analysis of the impact of the loss of these this important habitat on snag-dependent species in the project area.

Similarly to snags, coarse woody debris (CWD) is lacking in the Airstrip project area and falls below the RMP's requirements. Hard CWD is lacking in all of the units and soft CWD is lacking in 7B. *EA at 70.* The hard CWD is almost exclusively small diameter that does not meet RMP management direction.[4] *Id.*

Up to 10% of existing CWD would be directly impacted by logging operations. Although trees larger than 36 inches diameter would be left as CWD and provide habitat for dead wood species, again, the EA does not account for the time lag needed

[4] Minimum of 240 linear feet of logs per acre, reflecting the species mix of the original stand. All logs must be at least 20 inches in diameter and 20 feet in length. RMP at 21.

for the trees to decay to the point where they provide adequate habitat. *EA at 74.* Bark volunteers observed that of the little CWD in unit 7B, much of it is found in the path of the road and skyline yarding corridors planned in unit 7B. In a forest that already has too little CWD, activities that adversely impact 10% of the little remaining CWD do not comply with the RMP.

2. Failure to Conserve Special Status Species

In the Decision Notice, the BLM states that "The project will not contribute to the need to list any BLM Special Status species because . . .No suitable habitat for BLM Special Status species known or likely to be present would be lost, though some habitat will be modified." *DN at 16.*

Bark does not know how the BLM can come to this conclusion regarding the special status bats in the project area, when it failed to follow its protocol for surveying, and managing sensitive species, and is explicitly losing some (or all) of the best available habitat.

In the its governing Manual, the BLM is directed that it is in the interest of the public and the affected special status species for BLM to undertake conservation actions for such species before listing is warranted or the designation of critical habitat becomes necessary. It is also in the interest of the public and the affected special status species for BLM to undertake conservation actions that improve the status of such species to the point where their special status recognition is no longer warranted. *BLM Manual 6840.22*

Implementing the direction of the Manual, the Salem RMP sets out specific processes to manage Sensitive Species on BLM-managed land. *RMP at 29.* First, the BLM is supposed to determine whether or not special status species are, or may be present in a project area. Second, the BLM is supposed to conduct field surveys according to protocol and other established procedures. Next, it should identify impacts of proposed actions to Bureau sensitive species and **clearly describe the impacts** in environmental analyses. Finally, the BLM is directed to modify, relocate or abandon a proposed action to avoid contributing to the need to list . . . bureau sensitive species, or their habitats. *RMP at 29* (emphasis added).

The EA states that four bat species of concern are suspected to occur in the Airstrip Timber Sale area, but fails to provide any further information. *EA at 71.* In Bark's EA comments, we asked several specific questions that are essential to determining the level of impact from this action on these Sensitive Species. The BLM failed to reply to these questions in its Response to Comments, so I include them again: Have there been surveys done for the bats in the project area? Where are the bats located? What kind are they? What actions is the BLM doing to protect their habitat?

Without the answers to these questions, the BLM cannot be meeting its obligation to conserve sensitive species, nor can it provide accurate environmental analysis in the EA.

The EA does concede that "[b]at species which use snags or large trees could be directly affected by loss of up to 10% of large diameter trees in Unit 7A and large snags throughout the project area." *EA at 76.* However, as discussed above, the loss of the two large snags – and possibly more – in Unit 7B would reduce high value habitat for bats, primary excavators, and cavity users in the watershed by an unknown percentage. *EA at 78.* The best the EA tells us is that project will adversely impact an unknown number of bats in unknown locations by an unknown percentage.

Not only does the Response to Comments fail to answer the specific questions Bark asked about the resident bats, it strangely suggests that other habitats for bats include large decadent trees such as those scattered in and around the thinning units, and caves, mines, cliffs, bridges and buildings. *DN at 37.* While Bark can see how some of the few remnant old growth trees in the project area might provide bat habitat,[5] we have been to the Airstrip project area and are fairly certain that there are no caves, mines, cliffs, bridges, or buildings in the project area that could act as alternate habitat.

In addition, given that the area is surrounded by clearcuts and managed plantations, functional habitat does not exist around the project area and there will be a long time-lag before similar habitat is created. As the BLM has not adequately analyzed or disclosed the actual impacts of this project on sensitive species, it cannot guarantee that this action will not contribute to the need to list these species under the ESA.

3. Impacts from Increased Erosion

The BLM recognizes that the skyline yarding in this project will increase erosion rates by 6 tons per year. *EA at 67.* Erosion rates typically last from 3-5 years, resulting in 18-30 tons of sediment loss in the area from skyline yarding, which is concentrated in Unit 7B. *EA at 67.* While admitting to (though not analyzing impacts of) the increased erosion from skyline yarding, the EA fails to analyze the loss of soil from constructing a road on a 20% slope, or from the construction of 54 landings, which could be significant.[6] Inexplicably, the EA concludes that the cumulative effects from erosion would not be detectable on a local scale. *Id.* The EA does not reconcile this conclusion with the loss of up to 30 additional tons of soil from the project area, nor does it

[5] However, with so many unknown factors concerning bat population in the area, the BLM cannot rely on these trees that may or may not provide suitable habitat without further study.

[6] The WEPP model indicates that sediment from forest management practices, specifically skyline yarding, could increase sediment by 6 tons/year. *EA at 60.* The model did not include sediment from the landings, hauling, or ground-based yarding, all of which are known to add sediment to the waterways.

discuss where this displaced soil will go. The Response to Comments did not address Bark's concerns on this issue or provide the requested analysis.

4. Stream Crossing and Sediment

In its Response to Comments, the BLM fails to address several of the specific questions that Bark raised concerning the stream crossing in Section 18. In order to provide an opportunity for the BLM to address the original concern, it is inserted below:

The BLM's proposed road through section 18 is a cause of concern. Bark visited the proposed stream crossing site and saw that while the creek is fairly small, at the proposed crossing it runs through a trough approximately 4 feet deep and 12 feet wide. This unique feature appears to require an enormous amount of fill to bring it level with the rest of the road bed. This fill seems like it will be a significant source of fine sediment to the stream when it is used as a haul route, and it is quite unclear how the BLM intends to stabilize it. However, neither the trough nor fill were mentioned in the EA. Please provide detailed plans for this stream crossing that include a discussion of the fill needed for the trough, how it will be stabilized, and the impacts of this fill on water quality.

Also, the proposed road in Section 18 would be a natural surface road. Will this road be left over the winter? If so, how can the BLM ensure that it will not be a major source of sediment to the small creek? When the crossing is removed, will all the fill from the trough also be removed? If not, isn't it likely that when the stream swells in the winter that all the fill material will enter the stream system? What would this impact be?

Without answering these site-specific questions, the BLM cannot support its claim that "Sediment generated at the temporary crossing in section 18 is analyzed in the EA and would be unlikely to exceed Oregon's water quality standards (EA pp. 31, 60-61)."

In addition, the EA and Response to Comments asserts that BLM personnel would visually monitor turbidity at stream crossings on haul route during contract administration to ensure compliance with DEQ standards of less than 10% increase in turbidity. *EA at 30.* Again, the BLM did not answer our specific questions in our comment letter, including: how often will a BLM timber administrator be on site? In every significant rain event? How many stream crossings will he/she be able to monitor? What will happen if there are visual signs of turbidity? Will the BLM use a turbidity meter or simply look at the stream? We requested details of your water quality monitoring plan, and this was not included. Without adequate detail and answers to these site specific questions, the BLM cannot support its conclusions that sediment will not exceed ODEQ water quality standards.

5. Cumulative Effects Analysis

One of the most important part of a NEPA analysis is looking at the impacts of the proposed project within the context of past, present and reasonably foreseeable future actions. This "cumulative impacts analysis" provides both the agency and the public a big picture view on how each individual project contributes to the overall degradation or restoration of the environment. NEPA specifically requires the agency to analyze the impacts which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result by collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. Bark raised the concern in our comments that the BLM failed to address the cumulative impacts of Airstrip in the context of an already degraded watershed. The BLM failed to respond substantively to these comments, and so I include them again:

The North Fork/Lower Clackamas River Watersheds has been extensively logged and managed and left to illegal OHV use. A rare section of naturally regenerated second growth forest, the Airstrip project area is surrounded by clearcuts and plantations. With such degraded surrounding lands, the ecological importance of the habitat found in the project area is heightened, and the incremental impact of losing this habitat is also greater than may appear if only looking at direct impacts.

What the EA does do is summarily describe the lands directly adjacent to the project area: Lands adjacent to section 7 on east north and west, and western half of south line are all recent clearcuts and young plantations. USFS manages section 17 immediately east of 18 and has USFS has 2,557 acres of logging projects planned on these second growth plantations, including No Whisky, No Gin and ReThin. *EA at 42.* The remainder of 18 is private land managed for timber, recreation and a storage area for maintenance supplies. *EA at 39-40.* Most private industrial forest land in this watershed will be intensively managed with regeneration harvests scheduled on commercial economic rotations very 50-60 years. *EA at 35.*

What the EA fails to do is to provide any meaningful analysis of the incremental impact of the Airstrip project on this already denuded landscape. Most cumulative effects sections in the EA conclude that there are no cumulative effects from the project because there are no direct effects. However, as noted above, there are several quantifiable direct impacts from the project, including: increase in soil compaction and erosion, loss of important habitat for bats, woodpeckers, salamanders and other species; and an increase in sediment from logging and road building in riparian area and stream crossing.

While the DN states that the Interdisciplinary Team (IDT) evaluated the project area in context of past, present and reasonably foreseeable actions and determined that there is a potential for cumulative effects on water quality, and on carbon storage, it does not explain why there was no similar analysis to assess cumulative impact from loss of

snags and CWD, degradation of water quality, impacts to plant and animal species, and soil health. This is especially problematic given that the area has been highly impacted by past logging, other management, and illegal use activities. Again, simply stating that other activities are occurring or will occur does not suffice as an adequate cumulative impacts analysis. The lack of meaningful analysis violates NEPA and needs to be addressed in a supplemental EA.

Request for Relief:

1) Bark is still primarily concerned about logging on steep slopes and the loss of snags & CWD from the constructing the road in unit 7B. Bark continues to advocate for the BLM to end construction of new road where it makes a sharp turn to the east and forego logging the southeast portion of the unit. By not building the remainder of the road, and not logging these steep slopes, the BLM would avoid some of the most significant environmental impacts of the proposed project and retain the most high quality snag habitat in the project area.
2) Bark requests that the BLM prepare a supplemental EA that addresses the many questions that Bark has raised, and provides sufficient analysis as to the direct and cumulative environmental impacts of the proposed project, especially from the loss of snags and CWD, increased erosion, and sediment from the stream crossing.

Thank you for your consideration of this Protest. I am happy to answer any clarifying questions and/or discuss this Protest, as necessary.

Sincerely,

Brenna Bell, Esq.
NEPA Coordinator/Staff Attorney