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Jim Roden
Clackamas River Ranger District
595 NW Industrial Way
Estacada, OR 97023

Re: Wildcat Thinning in the Zig Zag Ranger District

Dear Jim,

Please accept these comments from Bark regarding the Wildcat Thinning Proposal.

Upon reviewing the project and visiting the planning area, we have serious concerns about this project. We are very concerned about the use of categorical exclusions (CEs) by the Zig Zag Ranger District and do not feel it is the best way to have an informed and participatory public process. CEs should be used for their original intended purpose of conducting “no brainer” activities such as repairing and replacing infrastructure – not for circumventing public input and avoiding environmental analysis.

The CE used to promote this logging project in predominantly native forest has created a significantly shortened time span for stand examination by the public. This is made even more problematic by inadequate documentation. For example, while the marking of the wetlands in unit 6 is appropriate, understanding what all the flagging meant took valuable time. Since time is exactly what the public doesn't have due to the expedited nature of CEs, this is a problem with your documentation. Treating the CE as an opportunity to skirt a necessary level of communication with the public is not appropriate. Can an accurate map be too much to ask from a Federal Agency planning a logging project on public land?

Categorical Exclusions

In limited circumstances, the NEPA regulations authorize agencies to use a “Categorical Exclusion” for a “category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations.” 40 C.F.R. §§ 1508.4, 1500.4(p). Neither an EIS nor an EA is required for categorically excluded actions, but the NEPA regulations require Federal agencies to provide for “extraordinary circumstances” in which otherwise categorically excluded actions require an EA or EIS. 40 C.F.R. §§ 1507.3(b)(2)(ii) & 1508.4. The Forest Service provides that a proposed action may be categorically excluded from documentation in an EA or EIS only if: (i) the action is within a category listed in FSH at Sections 31.1b or 31.2 and (ii) there are no extraordinary circumstances that may result in significant individual or cumulative environmental impacts. FSH 1909.15, 30.3(1)(b) (emphasis added).

Significant Individual or Cumulative Impacts May Result

The National Environmental Policy Act (NEPA) directs all federal agencies to assess the environmental impact of proposed actions that significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C). NEPA requires the agencies to prepare an Environmental Impact Statement (EIS) when proposing a major federal action that may significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C), 40 C.F.R. § 1501.4(a)(1). If an action is not categorically excluded, an agency must prepare an environmental assessment (EA) to determine whether it needs to prepare an EIS. 40 C.F.R. § 1501. With respect to the Wildcat project area, a CE is inappropriate because there are several factors, including Critical Habitat for northern spotted owls, that indicate the project may have a significant effect on the environment.

The agency implementing the project, not the public, has the burden of demonstrating that significant adverse effects will not result from the proposed project. *Id.* § 1508.13. To determine whether a proposed action may significantly affect the environment, agencies must consider both the context and the intensity of the action. 40 C.F.R. § 1508.27. The context of the action includes consideration of the affected region and locale. *Id.* § 1508.27(a). In analyzing “intensity,” the agency must consider such factors as the “unique characteristics of the geographic area such as proximity to ... ecologically critical areas,” a high level of controversy surrounding environmental effects, “the degree to which the action may adversely affect an endangered or threatened species” or its critical habitat, and “whether the action is related to other actions with individually insignificant but cumulatively significant impacts.” *Id.* at §1508.27(b)(3), (b)(4), (b)(9), (b)(7). A CE is inappropriate for the Wildcat project because thinning could pose a serious risk to Critical Habitat for the northern spotted owl.

While the thinning isn’t going to occur in nesting, roosting, and foraging (NRF) habitat, it will degrade dispersal habitat. Even though the area is in the vicinity of the Salmon-Huckleberry Wilderness, it appears the a significant portion of the adjoining land is clearcut Forest Service land, and further out is Forest Service plantation or private industrial timber lands. This does create a significant question as to whether there should be any added degradation to useful spotted owl habitat. Furthermore, we would like

information about Sensitive species and Survey and Manage species that were on the C3 list, some of which now require surveys again.

Apart from threatening Critical Habitat for the northern spotted owl, this project is inappropriate for a categorical exclusion because there are far too many issues that remain unclear. For example, on page three of the documentation, it clearly states that “the project is not in riparian reserves,” but on the ground in unit 6 the wetlands flagged in the upper portion of the unit become an open flowing stream. An open flowing stream in September is a stream with yearlong sources and a permanent stream. Therefore, it should be listed as a riparian reserve.

It is curious to see that while the first page of the CE appears to indicate that key snags will be retained (“All non-hazardous snags will be retained”), the probably more accurate description is left undistributed in the “project file” (“Other details of the project can be found in the project file”). Since the native stand units do contain remnant snags, the details of whether or not they will be removed are important. Sadly, these details are not openly published. The western border of unit 6 contains a noticeable amount of remnant snags which are reasonably decayed. Wouldn't it be prudent to adjust the unit boundary to exclude this region? As for the remnant snags found intermittently throughout units 1, 2, and 6 (i.e., the snag in unit 1 at N 45, 18.984; W 122, 04.633). How successful does the Zig Zag Ranger District expect to be in maintaining them? What about the snags just outside of the unit boundaries (e.g., along the northern and northwestern boundaries of unit 1). Is information about them also located in the project file?

Building more roads is always a non-starter. Roads bring with them all sorts of troublesome issues (soil compaction, changes in ground hydrology, invasive exotic plants, litter, guns, etc.). An accurate examination of the current end of 2609-104 shows it to be a shooting gallery where trees have been shot in half. A short walk about 100 feet into the unit is an exotic invasive plant (*Ilex aquafolium* – English Holly); while this could have come from a bird dropping, it is note-worthy that it occurred so close to the road. Further, the open firing range nature of 2609/2609-140 intersection should be of concern to the RD. While Bark has significant experience with working in areas of shooting (South Fork Watershed), this area was troubling.

The western corner of Unit 1 has significant quantities of Coarse Woody Debris (CWD, downed logs of significant size). Running any kind of timber removal equipment through this area can only work to significantly damage and destroy this rare feature. This corner of the unit should be removed from the planning area.

We are also concerned about what is written versus what happens on the ground is where things tend to break down. For example, the south-eastern facing portion of unit 1 has reasonably wide spacing and gets more light than the south-western edge – how will this affect the variable spacing plan for the unit? Will the naturally occurring opening in unit 1 just west of the SE facing border with its trees with 32” dbh trees (N 45, 18.943; W 122, 04.557; 29’ error) be actively included in your plan or will the on-the-ground operations treat it as it would treat any other portion of the stand? What about the stand in

unit 2 with the 38” trees? Planning issues aside, implementation is the most important portion of the project. Will there be enough oversight and on-the-ground planning?

Conclusion

A Categorical Exclusion is inappropriate for the Wildcat Thinning project for numerous reasons. First, the Zig Zag Ranger District has not provided sufficient information about the project regarding whether roads will be constructed for the project and how the plan will deal with remnant snags and coarse woody debris. Moreover, the information that has been provided is vague and misleading. Also, the project area is Critical Habitat for the northern spotted owl, such that further analysis needs to be done regarding the effects of thinning on owl habitat and competition with the barred owl. Without further information, it is unclear that thinning does not pose significant individual or cumulative impacts. The Forest Service must complete a thorough environmental analysis of the Wildcat Thinning Proposal and provide more information with respect to the details of the proposal. Using a CE to circumvent public input and avoid environmental analysis is unacceptable. Additionally, we are concerned about unprotected riparian areas.

Thank you for considering our comments.

Sincerely,

Sandi Scheinberg
Executive Director, Bark