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**APPEAL TO THE REGIONAL FORESTER
OF THE UNITED STATES FOREST SERVICE
REGION 6**

BARK,)
)
) 36 CFR § 215 Appeal
) In Re: Appeal of the Decision
APPELLANT) Notice #2, for the **Collawash**
) **Thinning Environmental**
) **Assessment**
vs)
LINDA GOODMAN, REGIONAL FORESTER,)
DECIDING OFFICER.)
_____)

APPELLANT’S: NOTICE OF APPEAL, REQUEST FOR STAY, REQUESTED RELIEF,
AND STATEMENT OF REASONS

Dated this 20th day of October, 2005

NOTICE OF APPEAL

To: Appeal Deciding Officer
Ms. Linda Goodman, Regional Forester
Region 6, U.S. Forest Service
ATTN: 1570 APPEALS
P.O. Box 3623
Portland, Oregon 97208-3623
Emailed to: appeals-pacificnorthwest-regional-office@fs.fed.us, cc: to Andrei Rykoff,
Alex P. Brown on October 20, 2005.

Dear Ms. Goodman,

In accordance with 36 CFR 215, Bark hereby appeals the Decision Notice #2 and Finding of No Significant Impact to implement Alternative B of the Environmental Assessment (“Collawash Thinning EA”), signed by the Mt. Hood National Forest (“MHNF”) Forest Supervisor, Gary L. Larsen on September 5, 2005.

Decision Document: Collawash Thinning Environmental Assessment, Decision Notice #2, and Finding of No Significant Impact.

Decision Date: September 5, 2005.

Responsible Official: Gary L. Larsen, Forest Supervisor, MHNF.

Appeal Period End Date: October 20, 2005.

Description of the Project: The Proposed Action proposes to log 237 acres of forest, 88 acres of which is designated as Riparian Reserves, the remainder is designated as Matrix. The entire project falls within areas designated as B-8 Earthflow areas and/or B-2 Scenic Viewsheds. The project would open approximately .7 miles of currently overgrown and reforested road and construct .25 miles of new road.

Location: Within the Collawash watershed, in the Clackamas River Ranger District. The project area is located in T.6 S., R.6 E.; T.7 S., R.6 E.; T.7 S., R.5 E.; Willamette Meridian.

Appellant’s Interests:

Bark has a specific interest in this sale, and that interest will be adversely affected by this timber sale. We have previously expressed our interest in this specific sale, and have standing to appeal this decision according to 36 CFR § 215.11 (a)(2). Bark is a non-profit organization based in Portland, Oregon and has worked to protect the Mt. Hood National Forest since 1999. Members and staff of Bark live in the communities surrounding the Mt. Hood National Forest and use the Forest extensively for recreation, viewing wildlife and wildflowers, municipal water, hunting, fishing, overall aesthetic enjoyment, and other purposes. Specifically, members and/or staff of Bark have used the Collawash Project area for recreation, non-timber forest products (in this case mushroom collecting), and for drinking water. The value of the activities engaged in by Bark members and staff will be irreparably damaged by this project. We have a long-standing interest in the sound management of this area, and the right to request agency compliance with applicable environmental laws.

REQUEST FOR STAY

Although an automatic stay is in effect for this sale as per 36 CFR 215.10(b), we formally request a stay of **all** action on this project, including sale preparation, layout, road planning, any advertising, offering for bids, auctioning, logging, road construction, or other site preparation by a purchaser pending the final decision on this appeal.

A full stay is essential to prevent unnecessary expenditure of taxpayers’ money, an irretrievable commitment of agency resources, and irreversible environmental damage. Without a stay, the federal government may waste taxpayer money preparing a sale that may later be cancelled.

Because we might pursue a legal challenge to this sale with or without this stay, offering this timber sale may unnecessarily expose the government to liability and the purchaser to financial losses.

REQUESTED RELIEF

1. Withdraw the Decision Notice and/or prepare an adequate Environmental Analysis that complies with the National Environmental Policy Act or
2. Modify the sale to meet the objections presented in Appellants' Statement of Reasons and consistent with the National Environmental Policy Act, National Forest Management Act, these statutes' implementing regulations, and the Mt. Hood National Forest Land and Resource Management Plan (MHLRMP) as amended by the Northwest Forest Plan

INTRODUCTION:

The Environmental Assessment (“EA”) for the Collawash Thinning project analyzed four alternatives: Alternative A (no action), Alternative B (thin 204 acres of matrix land and 88 acres of riparian reserve, the Proposed Action, subject to this appeal), Alternative C (thins 204 acres of matrix land, reopens but does not build roads), and Alternative D (thins 149 acres of matrix land, reopens roads but does not build roads, eliminates thinning of natural second-growth stands).

The EA has been divided into two different Decision Notices and FONSI. The Appellant has submitted a separate Notice of Appeal for the “Decision Notice #1 and FONSI.” When the Appellant refers to the “Proposed Action” in this document, we are referring to the Decision as outlined in the “Decision Notice #2 and FONSI.” The alternatives analyzed in the EA, therefore, include the following as it pertains to the Decision Notice #2 and FONSI: Alternative A (no action), Alternative B (log 55 acres of matrix land, the Proposed Action, subject to this appeal), Alternative C and D are the same for Decision Notice #2.

The Appellant believes Forest Supervisor Gary Larsen’s DN and FONSI are in error and not in accordance with the legal requirements of the National Environmental Policy Act (NEPA), 42 U.S.C.4321 *et seq.* and its implementing regulations; The National Forest Management Act (NFMA) 16 U.S.C. 1600 *et seq.* and its implementing regulations; the Administrative Procedures Act, 5 U.S.C. § 706; the Mt. Hood Forest Plan (MHLRMP); and the Forest Service Manual.

REASONS:

Value of Native Stands in Heavily Managed Area

The 55 acres of thinning units (9A, 9B and 10) that are natural second growth are of primary concern. These stands are some of the last intact forests in the area, particularly along road 4620, which is very fragmented from past management. These few intact stands need to stay undisturbed. Most of the surrounding area is in the form of young plantations or recent clearcuts. Not only do they contain nesting/roosting/foraging and dispersal habitat for the threatened northern spotted owl, but also provide valuable habitat for other wildlife as well. According to the EA, “Approximately 55 acres of optimal cover within SR39 would be downgraded to thermal cover” (p. 52). At least seven migratory bird species (Vaux’s swift, brown creeper, red crossbill, pileated woodpecker, varied thrush, hermit warbler, Hammond’s flycatcher, Wilson’s warbler, and winter wren) using the 55 acres of late-seral stands would be forced to relocate in an already

fragmented habitat (EA, p. 56). Currently healthy soil in these 55 acres would be brought to unhealthy conditions (EA, p. 59-60). The natural second-growth stands provide good potential habitat for the pine marten and pileated woodpecker, but thinning would cause significant habitat deterioration, primarily due to the removal of snags. (EA, p. 55)

Snags provide essential habitat for wildlife, and the natural second-growth stands are abundant with them. The EA states that “unmanaged stands similar to the Collawash natural second-growth units have approximately 5 medium snags per acre and approximately 2.9 large snags per acre.” However, “Managed stands similar to the Collawash plantations have approximately 0.1 medium and 0.1 large snags per acres” (EA, p. 41). These numbers demonstrate the significant detrimental impact thinning has on snag habitat. According to the CHSWA, a key objective is to “Restore and retain habitat for late seral associated species in Late Successional Reserves, Riparian Reserves and key connectivity areas important to flows across the landscape” (CHSWA, 1-3). These areas include Riparian Reserves that need to be managed for this objective. Steps to restore and retain this habitat include the creation and maintenance of snags and down logs. These habitat features are relatively abundant in the Collawash native second growth stands, and snag density will be significantly reduced as a result of logging.

While we have concerns about any logging proposed in naturally regrown stands, Unit 9A (428 A), is a particularly poor choice. This stand is a healthy, intact native forest with very large Doug fir scattered throughout the unit. See PHOTO 1. These trees are well beyond the age that could benefit from any “release.” There was large woody debris on ground and several large snags present throughout unit. The planned new road appears (orange flagging?) to be punched through some large downed woody debris and right next to (or possibly including) several very large remnant trees. Such a road would adversely affect adjacent trees by compacting roots and demolishing downed woody debris which is in very short supply in the project area. Downed wood is a critical feature of a healthy habitat and any remnant logs must be protected in both native and plantation stands (such as unit 8) where they are present. Logging in native stands would jeopardize this important characteristic.



PHOTO 1: Example of large Douglas-firs scattered throughout unit 9A

Soil, Roads, Hydrology

Earthflow

The Collawash Watershed is the most unstable watershed in Mount Hood National Forest and constitutes a Tier 1 watershed, meaning it is habitat to a wide variety of threatened anadromous fish. Further, the sites selected for commercial thinning under this project are the most unstable within the watershed. The Collawash Watershed, especially the specifically selected area, is inappropriate for the Proposed Alternative.

The Forest Service is acting arbitrarily in their decision choices and providing false justifications for unsound conclusions. One major inconsistency is clear in the DN #2 for the natural second growth forests. In order to reduce constructed and re-opened road mileage, the Forest Service decided to utilize helicopter logging methods. But the new roads, because of their specifically selected location, were predicted to have negligible impact on the watershed. The DN explains that “while these roads would have been located on gentle terrain and would not have crossed any streams or unstable areas, I have decided not to build these roads at this time...” (DN#2, p. 1). Why has the Forest Service chosen to reduce project revenue, and in doing so increase continued deficits, by employing a more costly logging method if the same outcome is to be expected from the cheaper technique? Further confusion arises from a comparison to the first DN (for plantations), which has not declared any change in logging methods. The plantation sites are just as, if not more, unstable than the natural second growth sites and will therefore experience the same, if not worse, adverse impacts from additional road building. The Forest Service decisions are arbitrary and ill-justified and must be modified in order to appropriately underline all the impacts that may result from the project, and indicate how these impacts are directing the decisions made. Hypothesized impacts and resulting decisions should be in accordance with the CHSWA.

This has not been the case thus far. The EA does not follow the CHSWA’s management prescriptions which severely caution against any additional road building and other disruptive logging activities (CHSWA, 2-21, 1-7, 3-15, 1-6, 2-14). The DN fails to acknowledge or account for the discrepancy between the EA’s positive assessment of post-thinning conditions and the CHSWA’s contrary admonition of general and location-specific logging activities. The following sections are meant to highlight these discrepancies and give a more accurate understanding of adverse conditions that may materialize after the project.

Steep Slopes & High Risk of Landslides

There are active landslides near units 9A, 9B, and 10 that, according to the EA, are associated with previous logging activity (p. 63). If these sites are harvested, there is a high probability for increased landslides in the future. Any sediment produced as a result of timber harvesting flows directly into the Collawash River from perennial and intermittent streams. Dutch Creek, for example, which is at the base of the units 9 and 10 drains directly into the Collawash River. Additionally, most of the units fall under an “Ancient Landslide (Dormant)” categorization in the Landform Type Map (CHSWA, 2-20), which has a medium to high relative hazard rating. The relative hazard rating is based on (1) susceptibility of landform type to mass-wasting events and (2) likelihood of sediment from that event reaching a defined channel. This indicates that not only is the sediment production rate abnormally high in the units, but also, there is a high probability that nearby streams will be impacted by this sediment production. The information

provided in the CHSWA, therefore, directly contradicts the EA's speculation that threatened fish species and overall water quality will not be adversely influenced by the project.

The Flows Map (CHSWA, 3-41) indicates that units 1-4 are in a "Mass Wasting / Sediment Area" flowing directly into the Collawash River, while units 9 and 10 occupy the same type of area, instead flowing into Dutch Creek, which then flows into the Collawash River. While mass wasting and sediment production is a problem under normal conditions, the CHSWA admits to the escalation of this hazard as a result of forest management activities such as Alternative B. "Management activities on these landforms [those with an inherent risk of mass wasting, including the majority of Collawash thinning units]," the CHSWA states, "increase the relative hazard for inducing landslides and mass wasting occurrence" (CHSWA, 2-21). The CHSWA further recommends that roads built on unstable topography be removed in order to "maintain or restore natural flows" (CHSWA, 1-7). What will be done to prevent landslides as a consequence of this project?

Steep Units of Concern:

Unit 9B (428) B East side is very steep.

Unit 10 (429)

The soils of the proposed units in the Decision are the most sensitive in the entire watershed area. All of the units' soils falls under one of the following two categories: 'Moderate Deep' to 'Deep' soil, categorized as "very erosive soil types...are usually unstable, associated with large ancient landslides both dormant and active;" or 'Stream Adjacent Soils,' categorized as "very erosive, unstable, lack topsoil and organic horizons...they are always associated with perennial streams and major drainage ways, they are constantly subject to erosional forces despite heavy to modest forest cover" (CHSWA, 2-12). Limiting road construction to relatively stable areas within the project units does not fulfill BMPs because it completely ignores the fact that the majority of units are wholly located in extremely sensitive soil areas that are also highly unstable. Absolute, not relative, soil stability is the issue. Unit placement *did not* avoid sensitive soil types as advised by BMPs, and because of this, selective placement prevents sediment delivery only relative to other highly unstable areas. Is this acceptable in a special emphasis watershed? The EA claims: "Adverse impacts eliminated or substantially reduced by use of BMPs" (EA, p. 20). However, as indicated through this example, BMPs are only partially followed, and therefore the adverse impacts *are not* avoided and the EA does *not* address all of the significant impacts. Because the EA fails to properly implement effective BMPs, it does not comply with requirements set in the Mt. Hood LRMP that "compliance with state requirements *shall* be met through planning, application, and monitoring of Best Management Practices" (MHNLRMP Four-53, italics added).

Because of the highly unstable nature of the proposed units, clearly and consistently indicated by the CHSWA, the project's initial objective to "manage for conditions contributing to watersheds ability to produce long term high quality water" will not be met (USFS thinning letter – May 6, 2002). Subsequent documents modified the objective to "enhance riparian reserves by accelerating the development of mature and late-successional stand conditions" (EA DN#1 and #2, p. 1). This objective will also not be met under the project's current outline. Increased sediment delivery to streams will worsen water quality, and therefore worsen riparian reserve conditions, irregardless of the alleged forest stand condition improvements.

Roads

The Collawash River is especially prone to sediment production and delivery due to its “flashy” nature; this characteristic is a direct result of the dense road network in the Collawash watershed. As indicated by the Mean Monthly Flow Chart (CHSWA, 3-12), the Collawash River is much flashier than the Upper Clackamas River and Fish Creek, which are highly comparable in other regards. The Mean Daily Stream Discharge Chart (CHSWA, 3-13) indicates a significantly higher winter discharge for Collawash River than for the Clackamas River. Because of this increased winter discharge, summer flow is kept at a minimum. This is critical to “sustaining habitat for riparian flora and fauna, maintaining cover, forage and travel corridors for other terrestrial wildlife, and providing water for human uses...affecting not only the amount of water available for these beneficial uses, but also the quality of water” (CHSWA, 3-15). Collawash’s tendency for flash flooding, elevated sediment production, and summer low flows are a direct result of the already extensive road system veining the watershed. The CHSWA claims, “Currently, there is a greater amount of sediment production and delivery sites than what existed under the reference sediment regime. Many upland forested sites that were not sediment sources in the past are now sites of chronic production; most can be directly attributed to roads” (CHSWA, 3-8). The Collawash watershed is a particularly poor area for road construction, especially considering it has the highest road density of the entire National Forest (CHSWA, 3-14).

The Collawash watershed hosts 3.5 miles of roads per square mile; the Fan Creek subwatershed hosts an astounding 6.2 miles of roads per square mile. The impact of the existing roads should be the primary objective addressed in any project proposed in the watershed. Considering that there are 6.2 miles of roads per square mile within the Fan Creek subwatershed alone, the Forest Service should be focusing on reducing that density.

Riparian Logging

We are concerned about the large amount of Riparian Reserve logging included in this project under Alternative B. Not only is the Collawash watershed very susceptible to landslides, but the Riparian Reserves in these units are recovering quite well. All the streams we have seen were covered in healthy riparian plant species (hardwoods, devil’s club, skunk cabbage, etc.) and most units had a vibrant understory including western red cedar, a riparian-dependent tree species. The Collawash units appear to be a perfect example of an area that is capable of recovering on its own. This observation is supported by the CHSWA, which affirms that “along many of these affected streams [those affected by past management], deciduous vegetation has reestablished and now provides sufficient shading” (CHSWA, 3-20). The proposed logging will have a detrimental impact on the riparian areas.

The small seeps, streams, and intermittent streams that are apparently too small or numerous to mark on the maps provided in the EA should be marked for clarity, and to ensure that riparian zones serving critical wildlife needs are not inappropriately logged and are afforded adequate protection. There are some areas that even if not logged would be impacted by the edge effect of nearby logging. Unit 8, for instance, had two creeks running through it (NE corner of Unit) that were significant enough to have culverts built for them on road 6320, but these are not marked on the map. This is not acknowledged in the Environmental Assessment. What measures are being taken to protect this area from possible adverse effects?

Soil

Soil is not a renewable resource. All road building and logging, especially adjacent to riparian areas increases erosion. Sedimentation of streams is a concern for all watersheds but of particular concern within a Tier 1 Watershed. Soil compaction caused by road building (in this case there is no difference between temporary and open roads since the soil compaction is the same) and soil compaction due to heavy machinery such as tractors significantly reduce an area's growth and re-growth (See Barstool EA). We are particularly concerned about the impacts to soil in the Collawash sale.

The project area contains two types of soils that are labeled as sensitive. The first is "Moderately Deep to Deep Soils," which is defined as "Very erosive soil types...are usually unstable, associated with large ancient landslides both dormant and active (earthflows)." The second is "Stream Adjacent Soils," which are "often very erosive, unstable...they are constantly subject to erosional forces" (CHSWA, 2-13). What measures will be taken to prevent soil erosion, landslides, and sedimentation given the sensitive nature of the soils in the project area?

According to the EA's soil analysis (p. 55), in all but one of the units, detrimental soil conditions will worsen after the implementation of Alternative B. This is unacceptable for soil that is already highly erosive and unstable (see Steep Slopes and High Risk of Landslide section). The CHSWA indicates that two thirds of the watershed's soil is sensitive and "particularly susceptible to detrimental impacts from management activities" (CHSWA, 2-14). The placement of project units for Collawash thinning was ill-conceived and should be reevaluated in light of the CHSWA recommendation for the termination of management activities on highly sensitive soils.

Invasive Weeds

In a recent letter received by the Appellant, Gary Larsen states, "Invasive plants are compromising our ability to manage the National Forests for a healthy native ecosystem." (Update letter received September 14, 2005) This problem cannot be underestimated and is an increasing problem throughout the previously the heavily-roaded Clackamas River Ranger District. Of particular concern are the large concentrations of Scot's Broom (*Cytisus scoparius*) found on many of the existing logging roads. A casual examination of the area around the Collawash thinning units provides ample examples of this increasing problem (Scot's broom and exotic blackberry were present on road 6321); fields of Scot's Broom result from their seeds having been transported deep within the subwatershed on logging trucks.

According to the USDA's Pacific Northwest Region Invasive Plant Program Final Environmental Impact Statement (Invasive EIS),

Roads and roadside habitats are particularly susceptible to plant invasions for a number of reasons. Roads eliminate some of the physical and environmental barriers that prevent plan invasions by increasing light availability and opportunities for dispersal. Micro-environmental changes along roads can provide opportunities for invasion because many invasive plants are favored by open, disturbed habitats. Disturbance closely associated with roads and the establishment and spread of invasive plants are vehicular traffic and maintenance activities, road, grading, roadside mowing, and keeping roads free of fallen or overhanging vegetation. These

activities can increase invasive plant introductions because open spaces with higher light availability, invasive plants can follow roads by natural dispersal mechanisms or be transported along them by animals or humans. **For this reason, roads are primary vectors for the spread of invasive species** (3-18, emphasis added).

The costs associated with the treatment of invasive plants ranges from \$40-\$340 and annually costs Region 6 \$4.8 million (Invasive EIS, 4-94). Furthermore, the treatment of invasive plants requires measures that themselves have significant impacts on the human and natural environment. The Proposed Action referred to in the Update Letter from Gary Larsen includes the treatment of 13,000 acres in the Mt. Hood National Forest, all but 125 of which will be done with the use of herbicides. “The proposed use of herbicides could result in cumulative doses of herbicides to workers, the general public, non-target plant species, and/or wildlife” (Invasive EIS, 4-2). These impacts are very real, and are the direct result of an increase in invasive plants in the National Forest due to activities such as those proposed in the Collawash Decision. The EA clearly states that the actions outlined in the decision would increase the risk of invasive plants establishing, “The action alternatives would have a risk ranking of high but the design criteria (#7 and 11) would be followed to reduce the chances of these weeds spreading to new areas” (4.9). “Reducing the chances...” does not reduce the risk. The impacts of increased invasive plants in the Collawash watershed are significant and directly linked to the road-building and harvest activities proposed in the Decision.

Non-Timber Forest Products

The EA and DN maintain that the Collawash thinning project will meet the objective to “Provide forest products consistent with the Northwest Forest Plan goal of maintaining the stability of local and regional economies” (DN#1 and #2, p. 1). However, this objective is only considered in terms of the commercial value of timber, excluding all other harvestable forest products. The EA fails to disclose the full range of adverse economic impacts associated with commercial thinning. For example, forest mushroom harvest is a burgeoning market, offering substantial financial gains to local economies. The Collawash area is home to large amounts of chanterelle mushrooms that will suffer undisclosed impacts from logging activities. See PHOTO 2. Our time at the Collawash sites yielded a five-pound harvest, which easily could have approached fifty. The effect of thinning on local mushroom supply is not addressed or even acknowledged in the EA. In terms of harvestable mushrooms, will the project meet its objective to provide forest products for the sustenance of local and regional economies?



PHOTO 2: A perfect specimen of a white chanterelle found in Unit 3.

Impacts to additional non-timber forest products have not been considered. Commercial and recreational fishing of fish species endemic to the Collawash River contributes substantially to local, regional and national economies. Even short term degradation of water quality can drastically affect spawning and development success of commercial fishing species. While the Collawash thinning project may not directly alter river conditions, its effects combined with the effects of other present and future surrounding management activities may degrade fish supply for commercial and recreational harvest.

The “forest products” that the EA refers to must incorporate non-timber products with economic standing. Mushrooms and anadromous fish are two highly valuable forest products that the EA fails to even acknowledge as such, let alone analyze impacts of thinning on local populations. Failure to disclose the project’s full range of economic impacts on the area is clearly a violation of NEPA.

Blowdown

What is the scientific basis for the blowdown concern outlined in the Decision? The DN identifies one of the project’s purposes is to “enhance growth resulting in larger wind firm trees” (DN, p. 1). What kind of science do you have that shows that thinning will reduce wind-damage? The impacts to the Eagle Creek Timber Sales that were logged illustrated the link between logging and blow-down of adjacent trees, and we’ve seen innumerable instances of thinning projects affecting the blow-down potential of valuable habitat adjacent to the units. If trees blowdown due to short-term increased wind-damage susceptibility, they will be unable to garner the assumed long-term benefits. Moreover, natural blow down taking place is already creating variable density with natural openings that allow more light to reach some trees.

The PA states that as a result of precommercial thinning the plantations proposed for thinning in the project “have strong stems and root systems at this time” (EA, p. 32) and the CHSWA confirms that windthrow is not a problem in the area (CHSWA, 2-10). It is not acceptable to manage for blowdown resistance in already substantially resistant stands at the expense of water quality, snag and down log density and Northern spotted owl and other threatened or sensitive

wildlife habitat. On top of all this, how can we be assured that the smallest trees will be removed and the larger wind firm trees will be left?

Prescription Markings are Unclear

In the Decision Notice, the Forest Service indicates that “thinning will leave approximately 80 to 140 variably spaced trees per acre” (EA, p. 11). However, during a recent visit to the area, Bark members noticed that very few trees were marked and in Unit 9b not even the unit boundaries were clearly marked. What process will the Forest Service use to determine which trees will not be thinned? How will the Forest Service ensure that the remaining trees are variably spaced if trees are not marked? Currently it is impossible to determine this through analysis of the EA or by looking at the proposed units.

Fish and Wildlife

On our multiple field visits, Bark members have seen many signs of wildlife. Not only were the stands were full of birds, tracks in the snow revealed the presence of snowshoe hare, deer, elk, weasel, rodents, and bobcat. Deer scat and coyote scat were also prevalent throughout the area. We also sited pacific salamander, pacific tree frogs, garter snakes, and rough-skinned newts. This is clearly an area that is serving as habitat for a range of species.

Critical Habitat for Northern Spotted Owl

The Collawash thinning project, as proposed, will degrade Northern spotted owl critical habitat, contributing to the regression, not recovery, of the threatened Northern spotted owl. Unit 10 and a portion of Units 9A and 9 B, totaling 55 acres, are in land federally designated as Critical Habitat for the Northern spotted owl (Critical Habitat Unit OR-12). One of the FWS’ consultation duties is to ensure that other federal agency actions do not result in the destruction or adverse modification of designated critical habitat. 16 U.S.C. § 1536(a)(2). In addition, Forest Service regulations require measures for preventing the destruction or adverse modification of critical habitat. 36 CFR § 219.27 (a)(8). “Critical habitat” is defined in the ESA as “[t]he specific area within the geographic area occupied by a species . . . on which are found those physical and biological features (I) essential to the conservation of the species, and (II) that may require special management considerations or protections.” *Id.* § 1532(5)(A)(i). “Destruction or adverse modification” of critical habitat is defined as “direct or indirect alteration that appreciably diminishes the value of critical habitat[,] . . . includ[ing], but . . . not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.” 50 C.F.R. § 402.02. “Conservation” is further defined as “to use and the use of all methods and procedures necessary to bring an endangered species to the point at which measures provided pursuant to this Act are no longer necessary.” 16 U.S.C. § 1533(3).

These statutes and regulations provide strict requirements for habitat protection that will be violated under the proposed action. According to the initial Biological Opinion of the FWS: “The Biological Opinion anticipated that 68 acres of dispersal habitat would be removed by heavy thinning and 62 acres of Nesting/Roosting/Foraging (NRF) habitat would be downgraded (USDA 2005, p. 121). After refinement of the proposed action and field verification, the current assessment of impact is zero acres of dispersal removed and 55 acres of NRF downgraded” (EA, p. 42). The EA does not explain what caused this change in acreage.

The EA admits that “[i]n the short term, thinning in plantations would degrade dispersal habitat”

(EA, p. 41). Habitat degradation of this type is causing the Northern spotted owl to become increasingly threatened. As recognized by the spotted owl status review, all existing suitable habitat could be critical to the survival of the spotted owl. Will there still be a local spotted owl population to repopulate the area in the future? Degrading NRF habitat from suitable to unsuitable habitat today will only exacerbate the trend in reduction of NRF habitat quality and suitable NRF quantity. Currently, only 49% of the Collawash watershed is suitable NRF habitat, compared to the historic level of 75 % of the watershed. The EA claims “there would be no discernable cumulative effect” on spotted owls because although the quality of critical spotted owl habitat will be diminished, no overall change in habitat quantity would occur (EA, p. 43). This is untrue: a quantity of 35 acres of suitable NRF habitat, which is also defined as Critical Habitat, will be made unsuitable (EA, p. 42).

The CHSWA acknowledges the likely decline of spotted owl populations, targeting timber harvest such as the proposed action as one of the main contributors to spotted owl regression. The Analysis insists that spotted owl population declines are directly dependent on location of harvest units and that “a slow decline would pose less risk to the population and would be best achieved by concentrating harvest outside known owl activity centers” (CHSWA, 3-36). Because the timber harvest units proposed in Alternative B encompass spotted owl Critical Habitat, NRF habitat and dispersal habitat, the recommended alternative may accelerate spotted owl decline. No thinning project claiming to use ecological restoration as a motivation can jeopardize local populations of a threatened species. The Proposed Action fails to adhere to conservation stipulations enacted for the protection of the northern spotted owl and therefore should be withdrawn.

Barred owl territorial expansion as a result of harvesting may further displace spotted owl populations. Reduction in habitat quality post-harvesting could cause an increase in both inter- and intra-species competition. In the case of the threatened Northern spotted owl and its common competitor, the barred owl, this competitive escalation could very easily result in spotted owl displacement and loss of habitat. Spotted owl critical habitat will, with certainty, experience an even greater reduction in quality as a result of the project, and possibly experience reduction in quantity.

Furthermore, this project very poorly adheres to BMPs concerning spotted owl protection. During the critical nesting period for spotted owls, noise generating activities are allegedly prohibited. However, road use by inescapably loud trucks, log hauling and hazard tree removal are condoned. (EA, p. 14). These activities not only sufficiently pollute the area through their noise production, but also disturb nesting, roosting and foraging activities in other ways. On top of this, the already minimal noise restriction may be waived if no nesting activity is detected. How can we be assured that the survey protocol employed to determine nesting activity will be thorough, especially given the decreasing levels of staffing in the district? Even minor negligence can result in an inaccurate determination, which may prove critical to the species.

If “in the context of the local and watershed scale, the project would adversely affect the spotted owl and its habitat” (EA, p. 42), how does the project contribute to spotted owl recovery? As required by law, the FWS must physically protect and restore designated critical habitat to achieve “recovery” not just maintain the species in bare survival mode. This is the legal mandate of the ESA as reflected in three circuit court opinions Gifford Pinchot Task Force v. FWS (9th Cir August 6, 2004), Sierra Club v. U.S. Fish and Wildlife Service, No. 00-30117 (5th Cir. Mar. 15, 2001), N.M. Cattle Growers Ass’n v. United States Fish and Wildlife Serv., 248 F.3d 1277, 1283 & n.2 (10th Cir. 2001). In order to ensure that any action taken will lead to the recovery of

the Northern spotted owl, we request a thorough research and report addressing the Northern spotted owl habitat in the Environmental Impact Statement.

Snags and Down Logs

According to the CHSWA, “Many species in the Pacific Northwest evolved to use the large snags and logs that were historically abundant in the landscape. As referred to earlier, twenty-seven neotropical migratory bird species occurring within the watershed have significantly declined over the last two decades, based on Breeding Bird Survey data (Sharp, 1992). Of these 27 species, half are snag dependents and insectivorous or birds of prey feeding on forest birds.” (CHSWA, 3-3) When Bark members visited the Collawash area on October 14, 2005, the snags and the trees surrounding snags (in both the plantations and the natural second growth stands) were not marked in any way to indicate they would be saved from logging. Logging activities in the proposed unit will necessarily decrease snag and down log densities. Employing BMPs, the Environmental Assessment aims at the retention of snags “where safety permits” (EA, pp.14-15), but, for most logging activity, safety does not permit the retention of snags, unless the snags are buffered through intentional marking of save trees surrounding them. Whether this method of snag creation actually works is still under scrutiny, yet it is unclear that the Forest Service will even provide this amount of protection for snags, which many species rely on for habitat.

Logging activities will also disrupt the vital decomposition processes occurring in down logs. The EA’s plan to approve skid trail and skyline locations in areas that would avoid disturbing key concentrations of down logs is commendable, but how realistic? Further, the creation of new wood debris cannot replace large decaying downed logs because the wood debris generated will not have the volume or decomposition process to support the wildlife that depends upon large decaying down wood.

The Forest Service relied on the use of the DecAID planning tool as a guide to managing and conserving snags for biodiversity (EA, p. 46). However, the Forest Service must address the dynamics of snag retention over time by ensuring that recommended snag levels are maintained over time despite high rates of snag fall. DecAID is not a time-dynamic simulator and does not account for potential temporal changes in vegetation and other environmental conditions.

Marcot, B. G., K. Mellen, J. L. Ohmann, K. L. Waddell, E. A. Willhite, B. B. Hostetler, S. A. Livingston, C. Ogden, and T. Dreisbach. In prep. “DecAID -- work in progress on a decayed wood advisor for Washington and Oregon forests.” Research Note PNW-RN-XXX. USDA Forest Service, Pacific Northwest Region, Portland OR.

(http://www.fs.fed.us/wildecology/decayid/decayid_background/decayid_whatish.htm). Also, DecAID tolerance levels need careful explanation. These tolerance levels are very difficult to put in terms that are understandable by the general public, but if the Forest Service is going to use this tool they must make it understandable. The NEPA analysis should provide cumulative species curves for each habitat type and each forest structural stage and should explain the studies and publications that support the data points on the curves. What kind of habitat were the studies located in? What was the management history of the site? Was the study investigating nesting/denning, roosting, and foraging too?

Threatened Anadromous Fish

Many threatened anadromous species depend on the quality of this watershed for survival. Increases in sediment production over recent years have likely already lowered fish productivity, and contributed to the decline of fish species at risk (CHSWA, 3-27). “The watershed is designated Tier I, Key Watershed under the Northwest Forest Plan because it contains crucial refugia for at-risk fish species” (EA, p. 25), including Lower Columbia River steelhead, Upper

Willamette River chinook salmon and Lower Columbia River coho salmon. Evidence of these fish is recorded as few as 0.14 miles downstream from the project. Increase in sediment production over recent years has likely already lowered fish productivity, according to the CHSWA (CHSWA, 3-27).

Winter Steelhead represent “the strongest stock of wild anadromous fish in the watershed” (CHSWA, 3-24). Surveys show that 50% of the run present in the subbasin above Two Rivers used the Collawash watershed as a spawning area. This species is considered a “stock at risk” and any alteration of their habitat (which reaches as close as 0.14 mile downstream of unit tributaries) will greatly impact the viability of the species (CHSWA, 3-24). Late Run Coho, also a “stock at risk,” are found in the watershed. In fact, this population is “probably the last wild population of coho found in the entire Columbia River Basin. Late Run Coho is on the Region 6 Sensitive Species List and “one of the three classes of this stock is very weak and has a high potential for extinction” (CHSWA, 3-24). The effects determination for this species and the other above listed threatened species are “May Affect, Not Likely to Aversely Affect.” The EA admits that “thinning within riparian reserves is a ground disturbing activity that has the potential to cause a temporary reduction in water quality by allowing sediment to enter the stream channel from surface erosion or run off” (EA, pp. 26-27). This information combined with the fact that turbidity levels in Collawash are higher and persist longer than those of surrounding streams complicates the effects determination. If management activities “may affect” threatened fish populations, what will be the possible effects? Are there no possible adverse effects to anadromous fish populations, as the effect determination leads us to believe, or could there be negative effects as the CHSWA suggests?

During the process of logging, before revegetation, what preventative measures will be taken to ensure that sediment does not infiltrate the streams? Also, will the use of grass seed (and mulch in steeper areas) be sufficient to prevent erosion and subsequent stream sedimentation? At what density will the native plants be placed in order to prevent erosion/sedimentation?

Deer and Elk Winter Range

Disturbing deer and elk during winter months when food supplies and nutrient reserves are low may have critical results. Human and mechanical encounters elevate stress levels causing increased metabolic rates and lessen the already limited foraging areas. The Forest Service plans to deal with this by prohibiting harvest operations from December 1 – March 31 (EA, p. 14). However, this prohibition is waived when snow accumulation is less than 12 inches or if elk are determined not to be present in the area. There are a number of problems with this conditional protection of deer and elk during critical winter months. First, weather conditions on Mt. Hood are such in this era of global climate change that there is great variation of snow levels. Snow will accumulate only to suddenly melt during a warm spell, which will then be followed by severe winter conditions lasting well into spring. Warm interludes during long winter months allow for a brief period of lipid buildup necessary for deer and elk survival. Under the proposed waiver, a restriction would be raised during a warm spell, allowing for the harassment of deer and elk in the vicinity and the lipid depletion that results. Fat reserves that should receive a boost during that time, will instead suffer the opposite, decreasing deer and elk viability during long winters. Second, the waiver falsely assumes that disturbance will only occur if snow levels are high. If the snow melts, the animals present will still likely use the area, and not go to another area. Lipid depletion will result both when snowfall is over and under the decided 12 inches. This waiver is clearly designed to favor logging at the expense of deer and elk. The Forest Service seems to be selectively advocating the protection of deer and elk only when such protection strategies do not conflict with timber harvest opportunities.

Survey and Manage Standards and Guidelines

According to the Forest Service, the Collawash Project is consistent with the 2001 FSEIS to Amend the Survey and Manage Mitigation Measure Standard and Guidelines as well as the 2004 FSEIS to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (DN # 1, p. 5). However, the EA provides no information about what the Forest Service did to meet these requirements. Lack of information limits the public's ability to participate. The National Environmental Policy Act (NEPA) regulations tell agencies that "public scrutiny [is] essential." 40 C.F.R. § 1500.1(b). Accordingly, agencies are charged to "encourage and facilitate public involvement in decisions," *id.* § 1500.2(d), so that "environmental information is available to public officials and citizens before decisions are made." *Id.* § 1500.1(b). A blanket statement that "no species were found to require the management of known sites" fails to provide sufficient information for the public.

Forest Health Alternative & Restoration Opportunities

We would like you to reevaluate your plan for the Collawash sale and create instead a restoration alternative. This could involve some thinning of any unnaturally dense stands, leaving the trunks for down woody debris, and chipping the limbs for soil fertilization. In a native forest, when a tree falls to the ground it acts as a physical barrier to the movement of soil down a slope. Over a short period of time the collected soil on the uphill side of a fallen tree sports a variety of young developing plants that further capture soil being transported down a hill. Some of the steeper units could benefit from thinning with trees left in place on the ground to act to mitigate the soil losses and provide thermal cover.

There are also many nearby areas that could benefit from pre-commercial thinning, for example, the area north of 9B West/10 and the area east of 9B. The part of Unit 2 (422) on the west side of the road is very young (15-30 yr old) Douglas-fir and Western hemlock with lots of rhododendrons, and is somewhat impenetrable. This area in particular, given the age class of the stand and the fact that it is so steep, is more suited for pre-commercial thinning than a commercial thin.

Road obliteration is desperately needed and would also be part of this alternative, as would invasive plant removal. Such a project could truly address the forest health issues, without the damage caused by an intensive commercial harvest operation. It could also serve to provide a sustainable source of employment for timber workers.

The EA immediately rejects a thinning without logging alternative on the sole ground that it does not comply with the NWFP goal of maintaining the stability of local and regional economies now and in the future. First of all, when has not adhering to only one goal of the NWFP stopped the Forest Service from conducting a project? For example, the proposed Alternative B of this project will not meet the desired future condition of "well distributed" snags and down logs or hydrologically and physically balanced earthflows, but is still advocated by the Forest Service. And second, please explain how a non-commercial thinning projects that create jobs and the maintenance of truly healthy forests that provide an array of recreational opportunities do not contribute to stable economies now and in the future?

Conclusion

Thank you for the opportunity to comment on this project. As stated above, we are concerned about the native stands, steep and unstable slopes, high road density, spotted owl populations and neighboring threatened fish species at risk as a result of this sale. We are highly suspicious of the serious discrepancy between the EA's conclusions and those of the CHSWA, and would like to see scientific support of the impact determinations reported in the Decision. We are concerned that this project as outlined will cause more damage than good in the sensitive Collawash watershed and we are not convinced that commercial logging is the best way to address the problems that exist in this planning area. For this reason, we ask that an adequate EA be drafted, and that issues raised in this letter be specifically addressed. We would like the opportunity to work with you to turn this project into a truly restoration based proposal and are interested in working together with you to find resources to make this kind of project possible.

Sincerely,

Alex P. Brown
Executive Director, Bark