

APPEAL TO THE REGIONAL FORESTER USDA FOREST SERVICE REGION SIX FROM
A DECISION OF THE MT. HOOD NATIONAL FOREST SUPERVISOR

CASCADIA FOREST ALLIANCE)
NORTHWEST ENVIRONMENTAL) Mr. Robert Williams
DEFENSE CENTER)
COLUMBIA GROUP SIERRA CLUB) Regional Forester
) 1570 Appeals
) PO Box 3623
ONRC FUND AND ACTION) Portland, OR 97208-3623
JOHN RANCHER)
GREG DYSON) In Re: Appeal of the Decision of Notice And
) Finding of No Significant Impact for the
) HiLynx Forest Health EA and Biological
) Evaluation in Mt. Hood National
) Forest, Hood River
vs.
Paul Bryant, District Ranger)
Ranger District
Barlow Ranger District
Roberta Moltzen, Supervisor
Mt. Hood National Forest

MT. HOOD NATIONAL FOREST
595 NW INDUSTRIAL WAY
ESTACADA, OR 97023

APPELLANTS' NOTICE OF APPEAL, STATEMENT OF REASONS AND REQUEST FOR RELIEF

DATED THIS 13TH DAY OF NOVEMBER, 1998

Northwest Environmental Defense Center
Laura Berglan

[REDACTED]

Cascadia Forest Alliance
Brenna Bell

[REDACTED]

ONRC Action and Fund
Regna Merritt
5825 N Greeley
Portland, OR 97217
(503)283-6343x214

Columbia Group-Sierra Club

[REDACTED]

John Rancher



Gregory Dyson



Proposed Actions: Logging, clearcutting, road construction, reforestation, fuels treatment, possible road closure.

Deciding Officer: Mt. Hood Forest Supervisor Roberta Moltzen

Date of Publication: September 30, 1998

Location: 1,026 acres in Barlow Ranger District

The Environmental Assessment (EA) violates the National Environmental Policy Act (NEPA) and its implementing regulations. 42 U.S.C. §4331 et seq., 40 C.F.R. § 1500 et seq. The Finding of No Significant Impact (FONSI) is arbitrary and capricious in violation of the Administrative Procedures Act. 5 U.S.C. § 706(2)(A).

NEPA reflects a broad national commitment to protect the environment. 42 U.S.C. § 4331, *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). This commitment is achieved through "action-forcing" procedures that ensure informed decision making and foster full public participation. *Id.* at 349. The heart of NEPA is the requirement that an Environmental Impact Statement (EIS) be prepared for every major federal action that significantly affects the quality of the human environment. 42 U.S.C. § 4332(C). An EIS must include a detailed evaluation of the environmental impact of the proposed action, including any adverse effects which cannot be avoided should the proposal be implemented. 42 U.S.C. § 4332.

The purpose of an Environmental Assessment is to determine whether an agency should prepare a more detailed EIS or issue a Finding of No Significant Impact (FONSI). The Council on Environmental Quality (CEQ) defines an EA as a "concise public document" that provides enough information to determine whether to prepare an EIS. 40 C.F.R. § 1508.9(a). In the EA the Forest Service is required to "study, develop and describe appropriate to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 102(2)(E), 40 C.F.R. 1508.9(b). An Environmental Impact Statement should have been prepared to accurately and comprehensively analyze the impacts of this sale, yet it lacked both some substantive issues and quantifiable information necessary to assess the need for an EIS.

I. APPELLANTS' INTEREST

Appellants have a specific interest in this sale and have previously indicated their interest in this sale by commenting throughout the planning process. Appellants' continued interest and involvement in this sale creates standing to appeal this decision according to 36 C.F.R. 215.11(a)(2).

Appellants' interests will be adversely affected by this timber sale. Many of the Organizations' members and volunteers regularly use the HiLynx area and the surrounding areas that the sale will affect for work, research, outdoor recreation, wildlife observation and other forest related activities. The value of these activities will be irreparably damaged by this timber sale and associated road-building. Members value steelhead and bull trout.

II. REQUEST FOR STAY

Appellants formally request a stay of all action on this timber sale, including sale preparation, layout, road planning, advertising, offering for bids, auctioning of this sale, logging, road construction, or other site preparation by a purchaser, pending the final decision on this appeal.

A stay is required to prevent unnecessary expenditure of taxpayer's money and to prevent irreversible environmental damage. Without a stay, the Forest Service may waste taxpayer money preparing a sale that may later be canceled, and may unnecessarily expose the government and any purchaser to liability and any purchaser to financial losses. Therefore, the Forest Service should immediately grant appellants a full administrative stay in this appeal.

III. STATEMENT OF REASONS

THE FINDING OF NO SIGNIFICANT IMPACT VIOLATES THE NATIONAL ENVIRONMENTAL POLICY ACT

The Finding of No Significant Impact is not supported by the Environmental Assessment and is arbitrary and capricious.

The HiLynx Environmental Assessment violates the National Environmental Policy Act and its implementing regulations. 42 U.S.C. § 4331 et seq., 40 C.F.R. § 1500 et seq. The Finding of No Significant Impact is arbitrary and capricious in violation of the Administrative Procedures Act. 5 U.S.C. § 706(2)(A).

Environmental Assessment fails to adequately assess existing conditions and impacts.

Current stand condition was not adequately addressed

Under the National Environmental Policy Act, the Environmental Assessment is a tool for making an informed decision about the proposed sale, both for the decision-maker and the public. This EA failed to provide information necessary to fulfil this mandate. General statements do not give the qualitative information necessary to adequately support the stated needs of the projects or assess the impacts on the existing landscape. The EA fails to acknowledge the role of an uninventoried roadless area in the planning area and fails to specify both the acreage of the units and the amount of board feet that will be removed from this roadless area. Without these factors, the public was not given the information necessary to make the informed comments that NEPA requires.

Impact on soil quality was not adequately addressed in the Environmental Assessment.

There are many potential adverse effects to soil quality that were not adequately evaluated in the EA. The EA notes the possibility of soil disturbances such as compaction from heavy equipment, displacement of soil and organic matter by logging and site preparation.

Much of the soil compaction would occur as a result of road building and tractor yarding. But the EA fails to acknowledge the compaction which will arise from ORV use of the newly constructed roads. The impacts of increased ORV and other human use, including increased fire starts, were not fully described and analyzed. It is wishful thinking to assume that new road building will not have permanent and negative effects on soils.

Impacts to Water Quality, Fisheries and Aquatic species were not adequately or accurately evaluated.

The Environmental Assessment does not include adequate information about existing aquatic conditions. The EA does not mention the rates of sedimentation in any streams, yet purports to hold that

there will be minimal impacts to fish and water quality. Water quality at time of peak flows should have been studied and documented.

No quantifiable information about the current sediment load, or the expected load after the project was provided in the EA.

Little information about the current state of turbidity and sediment exist, and it is not known how much will be contributed because of the roadbuilding and clearcutting so it is arbitrary and capricious to say that there would be no significant degradation in terms of sediment input to streams, water quality, and fish habitat.

The HiLynx EA and BE inadequately Analyze Impacts to Species. The EA does not contain sufficient survey information for rare, threatened or endangered species which may reside within the project area. The lack of known occurrences for a species within a specific area should not be used to make a definitive statement on the presence or absence of the species from the site. Given the lack of current site-specific surveys for wolverine and other species and the existence of suitable habitat within the analysis area, the claim that there will be not impacts to these species, despite negative impacts to individuals, is not supported by any evidence.

There may also be delivery of fertilizer to streams and associated negative impacts to aquatic species not revealed in the EA.

Gopher control may result in the unplanned poisoning or "taking" of listed species. This should be revealed and analyzed in the EA.

Listed species and late-successional species

Peregrine falcon

There will be disturbances greater than those contemplated in the EA.

Goshawk (species of concern)

The removal of nesting habitat that could result from this project may cause the goshawk population to trend towards listing.

Wolverine

The EA fails to address the full impacts to wolverine in the planning area. Wolverines have large home ranges and are highly sensitive to human disturbance. The EA fails to survey or adequately analyze how many wolverines may be affected by the proposed sale.

Survey and Manage Species

No surveys were recorded for survey and manage species as required by the NWFP.

Red Tree Voles and other species

Were surveys conducted for red tree voles and C3 species? Appellants raised the issue of the requirement under the NWFP to survey for C3 species. The USFS answered by stating "Surveys are not required at this time for the HiLynx project." This violates the spirit and the letter of the NWFP. Additionally, the decision notice was hurriedly signed in an attempt to escape the survey and manage requirements of the NWFP. This project will not be implemented until FY2000- 2005, yet the agency felt compelled to release an unsigned decision notice on the last day of September in a rush to evade the requirements which could protect C3 species in the planning area.

Appellants object to the 11/96 Regional Ecosystem Office (REO) memo which illegally amends the Clinton Forest Plan ROD. (The REO amended the requirement without notice and comment and

compliance with NFMA, FLPMA and NEPA.) The surveys were required not just to protect habitat where it was deficient but also to gather information on populations of species that are relatively rare and little known. The ROD says "where surveys are completed, the information gathered from them should be used to establish managed sites for species" (page C-5). The regional office policies negate the "information collection" purpose of the survey and manage strategy. Once the surveys are completed the agency may design a protection policy that provides relatively less protection for red tree voles that live in areas with abundant habitat, but the REO is not free to amend the requirements of the PNW ROD without fulfilling the requirements of NFMA and FLPMA.

SURVEYS FOR CATEGORY TWO SPECIES MUST PRECEDE THE DESIGN OF THESE PROJECTS TO BE IMPLEMENTED IN FY 99.

The PNW ROD (survey and manage category two) calls for rare species surveys prior to the design of ground disturbing activities that will be implemented in FY 99 or later. (PNW ROD page C-5). The Regional Ecosystem Office (REO) memo that redefines "implementation" to mean the auction and award is absurd. It's arbitrary and capricious to apply a unique definition to a word that has common usage in the industry to mean something else. Implementation is the ground disturbing activity. The project/timber sale at issue here is clearly going to be implemented on the ground after the start of the 1999 fiscal year (October 1998), so the species listed as category two must be surveyed for prior to the design of the proposed actions. That is, prior to the final decision on the design of this timber sale, so the decision being appealed here must be withdrawn until those surveys are completed and incorporated into the design decision.

Management Indicator species

Pine Martin and Pileated Woodpecker

The proposed alternative would remove habitat. Rather than determining the direct and indirect impacts this project would have on these indicator species, the EA relies on the delineation of late-successional reserves and other land allocations to provide for the needs of these species. These reserves may not be functioning as intended. Therefore, it is arbitrary and capricious to rely on other landforms as a proxy for the habitat required by the species in the planning area.

Migratory birds

The EA failed to fully consider how clearcut logging would affect migratory bird use. Forest fragmentation is considered to be a primary cause behind declines observed in many forest songbird species and further losses or fragmentation of habitat could lead to a collapse of regional populations of some forest birds. Robinson et al. 1995. As landscapes become increasingly fragmented, regional declines of migrant populations may result. Id.

Cavity Nesting birds

The NWFP and Mt. Hood Forest Plan requires that the USFS retain sufficient snags for cavity nesting species. However, existing valuable snags will be damaged and/or destroyed in this project. Therefore, the sale violates NFMA because it is inconsistent with the Forest Plan.

The potential for significant environmental impacts from this sale require that an EIS be prepared.

1. NEPA requires an EIS as Impacts may be significant.

NEPA requires that an environmental impact statement be prepared for every major federal action that significantly affects the environment. 42 U.S.C.A. § 4332(C). The Ninth Circuit has stated that an EIS must be prepared if, "substantial questions are raised as to whether a project . . . may cause significant degradation of some human environmental factor." *Greenpeace Action v. Franklin*, 14 F.3d 1324, 1332 (9th Cir. 1992). Given the combination of the significant impacts from past logging, road building,

significant degradation of parts of the watershed by previous actions and by other landowners, and the fact that the project area contains areas with high wildlife value, there is a considerable burden on the district to provide information that demonstrates that additional logging and roadbuilding will not have a significant impact. The EA, however, lacks this information. Consequently, the FONSI is arbitrary and capricious.

Lack of qualitative data, current surveys and stand information prohibit adequate assessment of impacts on water quality, wildlife, rare plant and animal species, soils, landslides and scenery.

The EA does not provide enough information to determine the extent of direct or cumulative environmental impacts associated with the sale. Moreover, the EA does not furnish substantive or quantitative evidence showing this sale will not cause serious and irreversible damage to soils, forest productivity, plant diversity, water quality, and wildlife habitat. In fact, the evidence strongly suggests that the project with its tractor logging, road building, clearcutting, and burning (which may enter riparian reserves) will cause significant impacts to these resources. The forest in the scenic viewshed will be degraded as well.

The Environmental Assessment fails to adequately consider the cumulative environmental impacts of the proposed project and past, present and future projects

The EA fails to identify and evaluate the cumulative impacts of the "project". Under NEPA, "Significance exists if it is reasonable to anticipate cumulatively significant impacts on the environment." 40 C.F.R. § 1508.27(b)(7). It also makes it clear that "Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same environmental impact statement." 40 C.F.R. § 1508.24(a)(2). While the impacts of proposed logging alone constitute a significant environmental impact requiring the preparation of an EIS, it is even more evident that, when considered with the past, current and planned activities, the cumulative impacts of this project on Pacific silver fir, rare lichen, C3 species in general, peak flows and fish will be significant. The impacts from other past and present logging activities will significantly impact numerous resources including roadless areas, water quality, soil health, fish and wildlife. The lack of an adequate cumulative impact analysis to assess the fragmentation of habitat corridors, degradation of watershed quality, impacts to management indicator species and soil health, and increased peak flows is especially problematic.

The EA fails to take current economic conditions into consideration

Timber prices are currently in a slump. The price offered at sale will most likely be less than that which the economic analysis predicted earlier this year. As evidenced by the recent "no-show" of bidders at the Salmonberry Sale in the Zigzag District of Mt. Hood National Forest, the demand for timber from public forests is decreasing. Production, Price, Employment and Trade in the Northwest Forest Industries, Second Quarter 1997 (PNW-RB-228), 114; 124. The expectation of marginal sales coupled with the unpredictable prices could likely render this sale below cost. The significant drop in timber prices is significant new information and a new economic analysis should be prepared reflecting current prices.

THE PROPOSED PROJECT VIOLATES THE NORTHWEST FOREST PLAN.

Proposed road building is unnecessary and does not meet Aquatic Conservation Strategy objectives.

Building new roads in a high-risk watershed does not meet the objectives of the Aquatic Conservation Strategy. The Forest Service cannot maintain its existing road system or control damaging human activities after new roads are built. Increased fires starts are likely as a result of these new roads and their building can only negatively affect the watershed. These impacts were not adequately revealed or

analyzed.

Adjacent Forest will be degraded by clearcuts

Appellants believe that stands adjacent to proposed clearcuts will dry and may blowdown, further degrading rather than restoring this area. These effects are not adequately addressed in the EA.

Environmental Assessment fails to provide for the survey and manage species
As of October 1998, the Forest Service was required to survey for all of the Strategy 2, survey and manage species, as listed in the Northwest Forest Plan (NWFP), prior to any ground disturbing activities. Record of Decision, p C4. Not only does the lack of survey for the survey and manage species directly violate the NWFP, but also because the presence (or lack thereof) of these species was not included in the EA, the public did not have an opportunity to comment on the potential impacts to these species.

THE VISUAL QUALITY OBJECTIVES (VQOs) OF THE MT. HOOD NATIONAL FOREST ARE NOT ADEQUATELY ADDRESSED BY THE EA

Appellants doubt that logging will meet the VQOs as set in the Mt. Hood National Forest Land and Resource Management Plan. This is a violation of NFMA, which requires consistency with Forest Plans. More information should have been given to adequately assess whether activities in the project area will meet the guidelines prescribed.

THE PROPOSED HILYNX PROJECT VIOLATES THE CLEAN WATER ACT (CWA) AND OREGON ANTI-DEGRADATION POLICY

The Clean Water Act (CWA) prohibits federal actions from violating a state's anti-degradation policy. 33 U.S.C. § 313. Sedimentation resulting from the sale would degrade water bodies in violation of the anti-degradation policy. This is precisely why tractor logging and clearcutting should not be contemplated. This degradation of water quality is specifically forbidden by Oregon's anti-degradation policy. The EA fails to adequately assess cumulative impacts on water quality in violation of the CWA.

THE PROPOSED PROJECT VIOLATES THE ENDANGERED SPECIES ACT

It is the stated policy of Congress that all Federal departments and agencies "shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of [this] purpose." Endangered Species Act of 1973, 16 U.S.C. § 1531(c)(1). The Supreme Court has clearly restated congressional policy stating that, "The plain intent of Congress in enacting this statute was to halt and reverse the trend toward species extinction, whatever the costs." *Tennessee Valley Authority v. Hill*, 437 U.S. 153, 184 (1978). The USFS's decision to proceed with the project/timber sale is inconsistent with the congressional mandate of the ESA.

Under the ESA, the Forest Service has the responsibility to "insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species..." This points to the importance of looking to cumulative impacts of continued logging (including clearcutting) of mature and ancient forest in the watershed, and the resulting consequence of concentrating northern spotted owls into limited areas.

PROJECT VIOLATES STATE WATER QUALITY STANDARDS

Water quality is a high value for this area as a portion of the sale area is upstream from listed steelhead and bull trout. We have zero tolerance for non-point source water pollution, yet this project includes tractor logging and clearcutting. Timber harvest, tractor yarding, and heavy equipment operation will

certainly contribute sediment to affected creeks and increase risk to downstream fish populations. All riparian reserves, roadless areas, and native forest must be fully protected. All sedimentation risks must be minimized.

TEMPERATURE VIOLATION

The project/timber sale will violate the state of Oregon's water quality standard for temperature. The combined management project / timber sale will hasten snowmelt and increase solar insolation over many acres thereby contributing to a temperature problem.

TURBIDITY VIOLATION

These projects will increase turbidity. This could constitute a violation of state water quality standards which prohibit activities that increase turbidity by over 10 percent. The Forest Service needs to explain these substantive water quality standards and the risk of violation in order to comply with NEPA.

CUMULATIVE AND BIOLOGICAL EFFECTS OF PEAK FLOWS MUST BE ADDRESSED.

The peak flow effect of past and currently proposed timber harvest is inconsistent with ACS objectives #1 (maintain watershed features to ensure protection of aquatic systems to which species are uniquely adapted), #3 (maintain the integrity of bottom configurations), #5 (maintain character of sediment input, storage, and transport), #6 (retain patterns of sediment routing), #7 (maintain timing and duration of flood plain inundation and water table elevation), #8 (appropriate rates of bank erosion), and #9 (maintain habitat to support well-distributed native species).

The whole point of the Northwest Forest Plan Aquatic Conservation Strategy is to avoid actions that will retard or prevent attainment of ACS objectives, so an EIS is clearly needed to consider the cumulative causes and impacts of peak flows for all federal projects within the involved watersheds.

INADEQUATE SITE-SPECIFIC INFORMATION LEADS TO AN ILL-INFORMED AND ARBITRARY AND CAPRICIOUS DECISION.

The EAs fail to adequately inform the decision-maker and the public about the site-specific environmental impacts of the proposed action. The DNs are therefore arbitrary and capricious. "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 CFR 1500.1 (b) (emphasis added). Any Forest Service memo to the contrary is void because it is outside the agency's scope of discretion.

Deficiencies in site-specific information and analyses include:

- * unit survey information on red tree voles as required by survey strategy 2 of the Clinton Forest Plan,
- * surveys for other "survey and manage strategy 2" species must be done before "design" of projects implemented in 1999 or later (not just before implementation),
- * unit descriptions of soil erosion potentials,
- * specification of whether each stream reach (in all classes) in each unit currently "attains" the ACS objectives.

FAILURE TO FULLY DISCUSS NON-NATIVE PLANT INVASION- THE SLOW MOTION EXPLOSION.

Noxious weeds are big problem in the long term. The project NEPA document lacks adequate consideration of this issue. Logging causes soil disturbance, brings in weed infested trucks and equipment, and spreads weeds. We anticipate future proposals to apply herbicides in order to eradicate or control the spread of exotic species brought in on logging trucks.

FAILURE TO DEVELOP ANOTHER ALTERNATIVE FOR THIS PROJECT AREA DEMONSTRATES THE BIAS OF THE DISTRICT AND THE FOREST TO CLEARCUT IN AREAS RATHER THAN FULLY EXAMINE AN ALTERNATIVE WHICH RELIES ON CUTTING OF SMALL DIAMETER TREES AND UNDERBURNING.

FAILURE TO DISCLOSE THE IMPACTS OF LOGGING IN A ROADLESS AREA

Sales in such areas are highly controversial as entry into roadless areas (inventoried or not) threatens biological diversity and increasingly rare intact forest blocks.

CLEARCUTTING AND ROAD REBUILDING ALLOWED IN THIS PROJECT WILL DEGRADE STREAMS AT A TIME WHEN THEY ARE VULNERABLE TO TEMPERATURE, FLOW AND HABITAT MODIFICATIONS.

Cutting and reduction of forest canopy through cutting large trees (over 8 inches dbh) will result in increased sediment, erosion rates and temperature, rather than decreases. Reliance on Best Management Practices have failed in the past. Water quality has been degraded and fish populations hover on the verge of extinction. Particularly while private landowners fail to step up to the plate, the Forest Service should not undertake any activities that will further degrade water quality. Additionally, the Forest Service has failed to plan, finance or establish project monitoring tied to these sale units so as to determine a baseline for sediment and turbidity during peak flow events. The Forest Service cannot claim that timber sale projects will not degrade water quality or water quantity in the short-term and in the long-term if the agency has not established a baseline and a scientifically credible monitoring plan.

CONCLUSION

The Administrative Procedures Act requires reviewing courts to hold unlawful and set aside agency action, findings, and conclusions found to be, "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." 5 U.S.C. § 706(2)(A). The court will look to see if the Forest Service decision was "based on a consideration of the relevant factors ... Moreover, it must engage in a 'substantial inquiry' into the facts, one that is 'searching and careful.'" Northern Spotted Owl v. Hodel, 716 F.Supp 479, 482 (W.D. Wash. 1988), quoting Ethyl Corp. v. EPA, 541 F.2d 1, at 34 (D.C. Cir.), cert. denied, 426 U.S. 941 (1976). The Decision Notice and FONSI for this logging "project" was not based on a consideration of all relevant factors and the decision not to consider a full range of alternatives in an EIS, including a no road building alternative and a "No roadless area entry" alternative, was arbitrary and capricious. This violates the requirements of NEPA's implementing regulations and the clear intent of NEPA that mandate that an EIS be prepared to fully consider the cumulative impacts of this project and other past and present impacts in the area. 36 C.F.R. 1500.1(b); 1508.25(2); 1508.27(b)(7); Sierra Club v. U.S. Forest Service, 843 F.2d 1190, 1193 (9th Cir. 1988).

The appellants believe that this Environmental Assessment is in violation of NEPA, NFMA, the Northwest Forest Plan, the Clean Water Act and the Endangered Species Act. We request that an Environmental Impact Statement be compiled which addresses the concerns listed above. As precious aquatic, terrestrial and airborne species rely on these forests, it is essential that the ecological integrity of the area be preserved and that potential effects on the environment be adequately documented, including effects of the loss of roadless areas.

The NEPA documentation for the logging and roadbuilding project does not provide substantive, quantitative evidence that this sale will not cause serious and irreversible damage to uninventoried roadless areas, ancient trees, soils, forest productivity, C3 species, visual resources, plant diversity, water temperature, turbidity levels, water quality and quantity, downstream fisheries, wildlife habitat, or

increase the chance of damage by fire, forest insects and diseases. It is the agency's legal responsibility to ensure that timber harvesting will not cause irreversible environmental effects (36 CFR Sec. 219, NFMA Sec. 6.) See also Tennessee Valley Authority v. Hill 437 US 173, 188.

Thus, the EA does not comport with the purpose of NEPA procedures as provided in 40 C.F.R. sec. 1500.1(b), which is to provide high quality, accurate scientific analysis to public officials and citizens before decisions are made and before actions are taken. [Emphasis added]

Please incorporate by reference those comments of Dave Corkran which pertain to potential damage and the comments of John Rancher, as well.

REQUESTED RELIEF

1. That the decision to offer this sale be withdrawn.
2. That this timber sale be modified to meet the objections presented in our Statement of Reasons.
3. That the Finding of No Significant Impact be withdrawn and an Environmental Impact Statement be prepared meeting the criteria of 40 C.F.R. § 1502.
4. That the project is revised to ensure consistency with the National Forest Management Act and its implementing regulations. 16 U.S.C. § 1600, 36 C.F.R. § 219.
5. That the project is revised to ensure consistency with APA, CWA, NEPA, ESA, and the Mt. Hood Forest Plan as amended by the NWFP and NFMA.
6. That an alternative be included in the EIS which includes prescribed burns, no roadbuilding and no logging of trees over 8 inches in diameter.
7. That an alternative be included in the EIS which allows no logging or roadbuilding in roadless areas.
8. That no project proceed until there is clear statement of how slash will be dealt with in every unit and there is a known, dedicated source of funding for such treatment.
9. Avoid logging within range of owl activity centers, deer and elk migration corridors.
10. Survey for C3 species before disturbing ground in 1999.
11. Develop an alternative with establishment of Special Botanical Area to permanently protect rare species.
12. Further modify the sales to meet the objections in our Statement of Reasons, above.

Sincerely,

Regna Merritt for above Appellants

ONRC Action and ONRC Fund
5825 N. Greeley
Portland, OR 97210
503-283-6343 x 214