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Cindy Ensterom
Cascades Resource Area Manager
Salem District BLM
1717 Fabre Road SE
Salem, OR 97306

Dear Ms. Ensterom,

Bark is concerned about the planned Clear Dodger Timber Sale in the Cascades Resource Area of the Salem BLM, which would commercially thin 143 acres of matrix land of Late Successional forest. Our members regularly use the Salem BLM and other public lands for a variety of purposes and have a strong interest in maintaining the ecological integrity of our public lands. The proposed project threatens this interest. The Clear Dodger EA still offers only two alternatives. The Proposed Alternative, Alternative A, which involves commercial thinning of timber stands, road management and a Riparian Reserve treatment. Alternative B is a No Action alternative. The Environmental Assessment does not provide an adequate range of alternatives other than the proposed project and fails to analyze some key areas of concern. The cumulative impacts of this project have not been adequately analyzed given the past, present and likely future management conditions of this sale area in relation to surrounding land. Bark asks that other alternatives be seriously considered which offer restoration logging alternatives, including no commercial logging and no new road building, or at the very least decommissioning of all new and re-opened roads. We ask that an EIS or a supplemental EA be prepared to examine these alternatives.

Reasonable range of alternatives
Under NEPA, the Environmental Assessment (EA) is required to provide a detailed statement of alternatives to the proposed action, and the environmental impacts of both the proposed action and the alternatives. 42 USC § 4332, 40 C.F.R § 1508.9. An agency must look at and discuss every reasonable alternative within the range dictated by the nature and scope of the proposed action. Northwest Environmental Defense Center v. BPA, 117 F.3d 1520, 1539 (9th Cir. 1997). The EA prepared for the Clear Dodger sale fails to give an adequate discussion or analysis of alternatives to the proposed action. The scope of alternatives is only adequate if the alternatives presented permit the decision-maker a reasoned choice. Part of the purpose and need of this project, as stated in the EA, is to provide ecosystem diversity "so that a healthy forest ecosystem can be maintained with habitat to support plant and animal populations" (EA 2.1). Surely there are other action alternatives that could better meet this purpose and need, and have meaningful differences to the environment, than simply the action item presented. An example would be to decommission all roads after project completion, including restoration measures such as ripping the roads and replanting. This would have drastic and meaningful differences in environmental effects, certainly furthering the purpose of a healthy forest ecosystem far more than the action alternative, which creates new roads and reopens old roads, some of which have undergone extensive re-vegetation. Another alternative would be to drop units A1 and

D1, which, according to the EA (Table 13), have live residual old growth trees and old growth snags, border fish bearing streams, and have Late Succesional stands. In Bark's ground-truthing site visits, we also found lots of downed woody debris, a healthy and diverse forest floor, tree diversity, natural clearings, and healthy understories. By not providing any concrete alternatives to the proposed project, or any discussion of the environmental impacts of an alternative, this EA does not meet the requirements of NEPA. As such, additional analysis should be prepared that contains adequate discussion of alternatives.

Cumulative Effects

The EA still fails to adequately address the cumulative impacts of this project. First, the EA does not address the composition of the land that borders the BLM units. Cumulative effects are dismissed in the EA, even though the project would log the oldest, wettest, most diverse, and healthiest stands in the area. The private property surrounding the Clear Dodger BLM lands have been logged repeatedly, making the native and old growth forests left in the BLM holdings, quite literally, islands of biodiversity within a sea of heavily logged, younger tree plantations. In addition, much of the federal public land in the area has been logged extensively. The "Guard," "Unguard," and "Clear" Forest Service sales, and the "Artful Dodger" BLM sale have all been logged within the last 5 years. Recently there was an auction notice sent out on the Hillock timber sale and the Forest Service has also just released the South Fork Thinning proposal. All of these proposals will impact the Clear Creek Watershed and the EA does nothing to address this. The EA only notes Hillock as a present proposal and Beeline as a future proposal. Merely mentioning two other proposals will not suffice for 40 C.F.R §1508.

BLM management practices are supposed to be designed to maintain a variety of stand age and size classes in the vicinity, and the Clear Dodger sale in its current design is not in the spirit of this directive. The EA notes that 120 acres of this project are late successional forests. After exploring the area immediately surrounding these units that are either dog-hair stands or clearcuts, it is imperative that these units be preserved. In units B1 and B2 there were Doug Firs with a 3-foot dbh that had the blue stripe and blue dot signifying that they would be logged. We are deeply concerned that these large codominant trees are slated to be cut.

The Lower Clackamas fifth field watershed is already at the minimum 15% Late Successional forest. This proposal would push this area below the minimum requirement. It is noted that, "[s]tands that have been identified as late successional stands in the effected environment would remain late successional stands after thinning." (EA v.). Yet when it discusses these stands in relation to the spotted owl it notes that these stands will be degraded from suitable habitat to dispersal habitat. Please explain this contradiction.

Moreover, the seral stage and stand composition of surrounding lands, not just this block of BLM lands, must be taken into account in order to determine the appropriate age class, and the overall effects of the Clear Dodger sale on the entire watershed. By not including and taking into account information about the status of the adjoining land and its affect on the watershed, the impacts of the Clear Dodger sale cannot be fully determined. NEPA requires that the agency considers the impacts of present and reasonably foreseeable projects, both Federal and non-Federal, in the future. 40 C.F.R §1508.7. Neither current nor future BLM projects on associated lands were discussed or sufficiently analyzed in the EA. The EA also failed to address the synergistic effect of past timber harvests in conjunction with the Clear Dodger sale, as required by NEPA. 40 C.F.R. 1502.16. It is not beyond the scope of an EA to look at the recent logging and abusive logging practices in the unprotected private land in the surrounding areas, nor should it be outside of the scope of this EA to seriously consider and analyze the no action alternative and other alternatives. Even immediate effects, such as the impact of thinning next to adjacent Riparian Reserves, were not analyzed adequately. Hypothetical beneficial

impacts to the Riparian Areas were mentioned, but the edge effect from logging on surrounding forests is well known to have a detrimental affect, including increased tree mortality. While some of the residual trees left in the thinned areas adjacent to the Riparian Reserves may indeed grow slightly faster in the next couple of decades, the negative impacts including but not limited to soil compaction, erosion, sediment, and loss of biodiversity, will do much more harm than good to this area, and do not warrant "management".

There is very little older, Late Successional forest left in the Lower Clackamas (15%) and Middle Clackamas fifth field watersheds (32%). The Upper Clear Creek Watershed Analysis identifies that "much of the landscape, including Riparian Reserves, has been altered by past management. The net result is that Late Successional stand structure and the habitat it provides is limited across the watershed". The forests in the Clear Dodger area are rare Late Successional forests. As stated in the EA, in some of the areas proposed for logging, the overstory canopies are closing, and they are beginning to show vertical structure. This is consistent with what we have found on our site visits; however, we don't share the conclusion that these stands are therefore ready for another thinning, which is a statement not supported by any scientific analysis provided in the EA. The ecological value of these native forests in the area is critical, especially given that the BLM cannot count on land management improving on adjacent lands anytime soon. Almost this entire sale logs in late successional forest. (EA Table 10). The EA claims that "[s]tands that have been identified as late successional stands in *Table 10* would remain late successional stands after thinning because the age class of these stands would not change as a result of the proposed thinning." (EA 30) While these stands will have some of their remnant older trees after thinning, much of the true nature, function, and characteristics that exist in late successional stands and in this forest will be destroyed for many years to come by this project. Much of the biodiversity, moisture, rich and healthy forest floor, understory and vertical structure, usability of the snags, thermal cover, as well as downed, rotting, and in late stages of decomposition woody debris, will all be lost. It may still be a late successional stand by the size of the remnant trees that survive, but it will lose much of its necessary and scarce function as a late successional forest. This will have a cumulative impact on the area, and a thorough EIS needs to be done for the area. Dismissing the cumulative impacts, and claiming that there are no cumulative impacts to soil, water, sensitive species and overall forest health is disingenuous, arbitrary, and not based on best-science-methods, or even your own analysis. A thorough cumulative impacts assessment using the best available science, as required by NEPA that includes past present and future conditions needs to be conducted.

The WAR cumulative impacts analysis does not adequately access the cumulative impacts on the area. WAR only looks at peak flows and is based on a technique developed nearly 25 years ago and recently adapted for application in a different state. The WAR analysis for Clear Dodger does look at a variety of temporal scales but uses only one spatial scale and does not even define for what area the analysis was done. But even with this flawed analysis, the WAR analysis found that the "threshold value for considering the effects of increased bed mobility and bed scour" has already been exceeded given the current conditions. BLM has an obligation to maintain and enhance this environment, and at a minimum not sanction activities that degrade it further.

Aquatic Conservation Strategy:
Many of the ACS effects determinations in the EA are based on speculative and anticipated actions, or unsubstantiated speculations that underestimate the potential seriousness of the impacts of these actions. Results produced from analysis employing these assumptions may be inaccurate or misleading. Employing this analysis for effects determinations raises significant problems for meeting NEPA requirements for "best available science" and other statutory requirements. The EA fails to disclose how the increased peak flows produced by Clear Dodger timber sale will maintain and restore the instream flow regime within these degraded basins as required by the Aquatic Conservation Strategy. The EA also fails to acknowledge the wide array of scientific information that details

impacts of logging on stream systems, including the relationship between increased flows, unstable channels, and increased sedimentation. Sediment impacts associated with increased peak flows are not disclosed.

One of the objectives of the Aquatic Conservation Strategy Objectives is to "Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features." (EA Table 20) Logging projects leave forest stands hotter, drier, more susceptible to fire, blow down, drought, disease, and invasive species. The roads associated with logging projects are responsible for innumerable problems with sediment, compaction, fragmentation, wildlife destruction and disruption, erosion, and human abuse issues such as dumping, illegal OHV use, and fire. The healthy diversity and complexity that these stands already contain will be destroyed if this project goes forward. Especially units A1 and D1, which are particularly wet, contain many large snags (which are not properly buffered in this project), much large downed woody debris, a lush and thriving forest floor, lots of natural clearings, habitat for sensitive species, and an amazing array of biodiversity. In units C1, A1, and D1, there were several particularly wet areas with water-loving grasses, dense fern and fungi growth, and striking botanical diversity, none of which were buffered at all, and would be destroyed by logging the surrounding trees and by the logging equipment itself. In D1, one of these areas was at a small dip in the surrounding landscape, directly adjacent to a steep slope, not only suggesting water movement, at least through the soil if not through an intermittent stream, but also potential problems with water movement interruption and erosion. Also in D1, almost the entirety of the forest floor was either covered in native plants and mosses, or rotting logs, (some of which were very large). A few areas at the top of these gentle peaks did not have much visible plant life on the forest floor, even with adequate sunlight and clearings and rich soil with rotting woody debris, leaving one to believe that these areas were the ones most affected by harsh weather and water drainage. If these trees are logged, as many are marked for, these areas will have difficulty recovering and will also be especially susceptible to drought, windthrow, erosion, and fire. Many of the stands to be logged sit on top of steep slopes, some above fish bearing streams. While the EA dismisses many of these concerns, the reasoning is unsubstantiated and unproven. We do not believe that this project will maintain or restore the distribution, diversity, and complexity of the watershed. Please provide current, best available and peer reviewed science that explains how you reached this conclusion based on good scientific methodologies.

Another objective of the Aquatic Conservation Strategy is to "maintain and restore spatial and temporal connectivity within and between watersheds." (EA Table 20) While these areas do have "discontinuous ownership patterns", it makes little sense to further jeopardize an already fragmented area, especially since many of these areas have so much soil moisture, and, in some stands, lots of large woody debris, stream crossings, project areas adjacent to and above streams, some of them fish bearing. Many of the mitigation measures are inadequate to counter the extreme disturbances roads create, even with measures such as sloping roads, limiting certain actions to dry weather, or replacing culverts, roads have been shown to have severe negative impacts for many years even after they are decommissioned. Assumptions made based on unsubstantiated reasoning and dubious methods of analysis are, at the very least, highly controversial in the face of past experience, common sense, and a vast array of scientific information about how roads have all manner of detrimental effects on the environment, and concerning the ASCO, how they have detrimental effects to water movement through streams and soil. This does little to maintain and restore spatial and temporal connectivity within and between watersheds. Also, taking away 50% of the trees in the area and destroying native ground vegetation will not help in moisture retention, or help in water movement within and between watersheds. Building roads and logging in these areas, risking erosion, sediment into streams, interruption of proper water movement, and soil compaction, will indeed compromise this objective.

The 3rd ACS objective is to "maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations". The EA states that there will be 4 stream

crossings, and that the "physical integrity of channels at existing stream crossings would be altered for one to several years following repair/maintenance." (EA 37) It seems a better way to maintain the physical integrity of the aquatic system, and these particular streams, would be to decommission these roads and try to restore as much of their natural drainage pattern as possible. This project does not meet this ACS objective, either.

In fact, this project does not comply with a number of the ACS objectives, as it is not substantiated that it will maintain or restore natural sediment regimes, in-stream flows, species and plant composition, structural diversity of plant composition, or habitat to support well distributed populations of native plant, invertebrate and vertebrate riparian-dependent communities. In fact, it puts at risk streams, fish species, soil composition, plant, animal, fungi, and sensitive species.

The Clear Dodger project area is located at elevations between 1,300 and 2,000 ft., with approximately one-half of the project area subject to rain on snow events, which have the potential to increase peak flows during winter or spring storm. Portions of Clear Creek and the Clackamas River are both identified as having moderate water quality problems, which may be affecting general water quality, fisheries and for the Clackamas, aquatic habitat. One of the stated probable causes is erosion. The Clear Dodger EA by ignoring the consequences from peak flow erosion, and relying on untested mitigation assumptions, fails to demonstrate that the objectives of the Aquatic Conservation Strategy will be attained. Many statements in the EA regarding the attainment of Aquatic Conservation Strategy objectives are not scientifically substantiated.

The Clear Dodger timber sale proposes vigorous commercial thinning in basins that are currently at-risk or not properly functioning because of intensive clearcut logging or other deforestation and road construction (particularly on unstable and potentially unstable slopes and within the "rain-on-snow" zone), high road density, and elevated sedimentation and peak flows. The EA's assumption that there will be a small increase in summer water yield which correlates to the removal of the confer over-story that is unlikely to directly alter base flow or peak flow events in a measurable manner is unsubstantiated with the given analysis.

Instream and peak flows in a sub-basin are affected by a number of environmental variables including vegetation condition, rainfall, temperature, antecedent snow accumulation, elevation, soil compaction, acres of non-forested area, road interception of subsurface flow, and increased drainage density caused by roads. Changes to natural or background instream flows are caused by removal of forest vegetation, and the construction and re-construction of roads. Vegetation removal influences the storage and transport of water by changing evapotranpiration rates, deep sub-surface moisture content, and snow accumulation and melting rates (Jones and Grant 1996). Roads intercept subsurface flows (Wemple and others 1996, Megahan and others 1992) and create impermeable surfaces that cause surface run-off that bypasses slower subsurface flow routes (Harr and others 1975, Harr and others 1979, Ziemer 1981). The changes to hydrologic processes resulting from forest roads are as permanent as the roads. Until the roads are removed and natural drainage patterns restored, roads will continue to affect the routing of water through watersheds (Jones and Grant 1996).

Road density and drainage network increase caused by roads also affect peak flows. According to the NMFS-Matrix, road densities between 2 and 3 miles of road per square mile of area indicate a sub-basin is "at risk" of increased peak flows. Sub-basins with more than 3 miles of road per square mile of area are "not properly functioning." For the Upper Clear Creek Watershed, open road densities are apparently less than 3.5 miles per section, but how much less is not revealed. No information is provided on the Clackamas River Watershed. It very possible that based on the NMFS model that both the Upper Clear Creek and Lower Clackamas watersheds are at risk or not properly functioning. The NMFS-Matrix also evaluates the extension of the drainage network caused by roads. An extension of 5% to roughly 20% indicates that a sub-basin is "at risk" and an extension over 20% indicates that a

sub-basin is "not properly functioning." What is the extension of the drainage network caused by roads in the Clear Dodger planning area? This would be useful information to have before determining to expand the road network, thereby degrading the area further.

Statements regarding ACS objectives for sediment are also unsubstantiated and in-conflict with available scientific information. The EA anticipates increased sedimentation in the proposed action, but also states that mitigation will off-set any degradation, claiming that potential impacts resulting from tree harvest and road construction would be mitigated and, with the implementation of BMP, are unlikely to contribute to measurable amounts of sediment to streams. In addition to violating the Northwest Forest Plan (see e.g. WR-3 in ROD, p. C-37), such claims are unsubstantiated and dubious. The effects analysis, which is also based on assumptions about the function of the Riparian Reserves as buffers and the impacts of the Restoration Project yet to be completed, is erroneous and improper. Effects analysis based on speculative activities are inadequate for full disclosure requirements.

For example, Broderson (1973) studied three watersheds in western Washington and found that, in most situations, 200-foot buffers, or about one site-potential tree height, are effective at removing sediment generated through vegetation removal. He noted that buffers are less effective for sediment removal if sediment-laden waterflows cross the buffers as channelized flow, and that ground-based harvest systems are most likely to produce channelized flows. Wong and McCuen (1982) analyzed the ability of vegetated buffers to trap sediment and found that the relationship between buffer widths and percent sediment removal was non-linear. For example, removal of 90% of sediment on a 2% slope required a 100-foot buffer whereas removal of 95% of sediment required a 200-foot buffer. Available scientific information suggests that buffer widths of 200 feet – possibly much larger – are necessary for trapping sufficient sediment to "maintain and restore" the sediment regime in the Clear Dodger planning area. Currently, only unit B-3 has buffer widths of 200 feet.

The Clear Dodger timber sale EA does not demonstrate that the objectives of the Aquatic Conservation Strategy will be achieved, and therefore is not in compliance with the Northwest Forest Plan. We request the sale be modified to protect aquatic resources. Supplemental environmental analysis or a thorough EIS is needed to clearly demonstrate that Aquatic Conservation Strategy objectives will be achieved and to address significant inconsistencies between methodologies and analytic techniques employed in the EA and information available in the published literature. We request an analysis be conducted by employing scientifically credible analytical techniques and that impacts of the sale be fully disclosed. Based on the information provided, we believe that logging and road building activities will impede attainment of ACS objectives in the Clear Dodger planning area.

Lastly, the Clackamas River Corridor portion of the lower Clackamas River Tributary 6th field watershed has been designated as a Key Watershed. (RMP 6). It goes on to say, "areas under consideration for this project are not within or tributary to the Clackamas River." (EA 9). Yet the units B3, B4, and B5 are all adjacent to tributaries that feed directly into the Clackamas. Please explain this.

Fisheries

The EA states that the three units located in the Middle Clackamas River watershed, B-2, B-3, and B-4 are too small and steep to support fish populations, however the EA fails to disclose the effects of sedimentation runoff from these units which are located on top of a ridge just above Riparian Reserves. Runoff from these units will flow directly to the North Fork Reservoir, which is already a water quality impaired area with struggling populations of Lower Columbia River steelhead trout, Lower Columbia River Chinook salmon and Upper Willamette River Chinook salmon. While these units may be situated on relatively flat ground just to the east of units B3, B4, and B5 the slopes are 35 to 45 %. There is also a small tributary between B3 and B4, and yet another between B4 and B5. These streams are less than 100 yards from the units and are on the same steep slopes. Further, just a quarter mile downstream they fed directly into the Clackamas River. There was also water running down Road 4-

4E-241 between units B3 and B4 on Monday, November 14th. This is two days after the area has had any sufficient amount of rain. This flow was creating a divot in the road that was showing clear signs of erosion. While the EA noted the precautions to be taken with new road creation, it did not address the use of this road, which has been closed for years. Allowing heavy machinery on this surface is bound to release sediment into the two streams that are only 50 feet from this roadway.

Additionally, two of the proposed thinning units are adjacent to fish-bearing streams (the N. Fork of Clear Creek flows adjacent to units A-1 in Section 23 and D-1 in Section 25). North Fork Clear Creek, supports a population of resident cutthroat trout and most likely also sculpins, and is also water quality impaired (the macroinvertibrate community is moderately depressed in comparison to reference conditions). The probable culprits to the water problems in both Clear Creek and the Clackamas River are erosion and animal waste disposal. Given the stated water quality problems in the area, the BLM should be leaning on the cautionary side of engaging in activities that have been scientifically proven to improve fish habitat, not logging activities that have demonstrated to harm it. The EA also suggests that the proposed road construction would have no impacts on fish or aquatic habitat, but no substantial scientific evidence is provided to support that statement. Therefore, Bark asks that Units B-2, B-3, B-4, A-1 and D-1 be dropped from consideration.

The EA states that no consultation is required with NOAA fisheries. (EA vii) Yet
Chinook salmon, Coho salmon, and Steelhead, which are all threatened species, are likely found in the Clackamas River just a half mile from units B2, B3, and B4. Please explain why consultation with NOAA is not required for this proposal.

Riparian Restoration Project
This project proposes to create up to 8 snags per acre in green conifer trees greater than 20 inches in diameter, some scattered, some clumped as miniature clearcuts. Bark supports effective restoration efforts that will improve habitat conditions across the landscape, but has questions about the science used to determine that the riparian areas need improving. The EA even cites aerial photographs that indicated that shading is near to full potential along all tributaries on public lands in the project area, and that the Clear and Foster Creek Watershed Assessment indicated that current shade levels on forested lands in the watershed are adequate for protection of stream temperature. First-hand visits to the area, likewise, left me with the impression that the riparian areas do not need more openings. How much of the riparian areas that you propose to treat are in an open condition? As you must know, the higher the percentage, the worse off the area is: the percentage of opening is directly proportional to stream temperature, sedimentation, fisheries condition, etc. I would like to suggest that the Riparian areas would benefit greater from these resources being used to decommission roads in the vicinity. That would certainly have a much greater benefit to the riparian area, particularly given that there are fish bearing streams adjacent and to the south edge of unit D-1 and A-1 that will experience adverse environmental impact from road building. One of the justifications for the Riparian Restoration project is to increase the amount of snags and downed wood; however the EA states that the No Action Alternative would result in more snags and down wood. Why not simply go with the no action alternative?

Furthermore, according to the study, Created Snag Monitoring on the Willamette National Forest by Boleyn, Wold, and Byford created snags are not effective for wildlife. Their study found that snags that were created 10 years ago had the following results:
Only 1.5 percent of the snags had new foraging excavations by pileated woodpeckers, and new cavities were only found on 1.2 percent of the snags. What is being created is snags by definition. For snags to be effective for habitat needs they need to go through a period of decay.

Fire risk & Blow Down

BLM management practices are supposed to provide for windfirm forest stands that are resistant to wildfire. However, the proposed thins will increase the risk of fire and blow down. Although the EA plans to cut from below and leave the old growth and oldest trees, removing the portions of the canopy suggested in the EA (about 50%) will result in drier conditions, and logging will increase the levels of slash. Blowdown is also likely given that blocks B-3, B-4, B-5, and D-1 are on top of a ridgeline. Climate change, which is already increasing the summer drought conditions across the region, is only expected to continue and get more severe, increasing the fire risk further. There is a high concentration of roads in the vicinity, and the area is frequently used as a shooting range. Given that most forest fires are human started on or near roads, it seems unwise to create drier conditions with increased levels of highly flammable fuel loads in the area. The heavily logged private lands in the area are already at relatively high risk of fire. Acres of thin, tightly-packed, even-aged trees with a tangle of fine fuels on and near ground level, along with an abundance of roads are a hazardous combination. Logging these cooler, wetter, native forests is unwise and irresponsible given the above combination of factors.

The project is also relatively close to residential areas. We also noticed acres and acres of dense, "dog-hair" stands of even-aged plantations in the planning area. The Clear Dodger units are some of the few fire-resistant (and fire-resilient) forests in the area. Opening canopies, increasing heat and dryness in summer months, building roads (increasing ignition sources) and leaving slash and debris on the ground would only make the situation worse. As we seem to be experiencing increasingly drier and hotter summers, long-term fire safety of the area recommends not logging older forests.

Wildlife & Botany

The EA fails to adequately analyze the impact of this sale on wildlife and to adequately present management plans for designated Federally listed, Survey and Manage, and Bureau Sensitive species.

Northern Spotted Owl

The proposed action occurs within known spotted owl habitat and may adversely affect the spotted owl. However, the EA provides no plan for mitigation of owl habitat, only that seasonal restrictions would minimize the risk of disturbance if nesting spotted owls are found within the disturbance range. However even these seasonal restrictions could be waived early if ongoing surveys indicate no presence of spotted owls within the disturbance range of the harvests. What are the protocols for these surveys? How often will they be taking place? The EA also does not comply with the management requirement to retain 100 acres of the best northern spotted owl habitat as close as possible to a nest site or owl activity center for all known spotted owl activity centers (RMP, 22.) The failure to maintain adequate spotted owl habitat also violates the NWFP. Furthermore, the EA does not discuss whether incidental takes will occur and if there was a Biological Evaluation prepared which would authorize such takes.

The EA states that "habitat conditions are expected to improve as thinned stands mature." (EA 3). Yet the expected time for this habitat improvement is over twenty years from now. We find it hard to sacrifice such valuable habitat as one of the conclusions reached by Scientific Evaluation of the Northern Spotted Owl is that due to an increasingly uncertain fate, threats comparable to those faced at the original time of listing, and clear risks of extinction (particularly in the northern part of the range), protection of all existing suitable owl habitat may prove important to the persistence of the owl.

Yet this proposal will downgrade 120 acres of suitable habitat into dispersal habitat. According to the Scientific Evaluation of the Northern Spotted Owl "logging in owl habitat remains a major threat to owl survival, particularly ongoing logging on state and private lands, and salvage logging on federal lands." (5-19).

The agency must comply with the ESA by formally reinitiating consultation with the FWS on the effects of this project on spotted owl recovery (and within the context of all the new information).

Gifford Pinchot Task Force v. FWS (9th Circ August 6, 2004). In the absence of a recovery plan, the agency must retain all options for species recovery and avoid taking actions that will limit options for recovery. It is very controversial whether or not the actions intended to be implemented in the revised Clear Dodger proposal will promote or hinder recovery of the NSO and it's habitat.

The agency must comply with the ESA by formally reinitiating consultation with the FWS on the effects of this project on spotted owl recovery (and within the context of all the new information). Gifford Pinchot Task Force v. FWS (9th Circ August 6, 2004). In the absence of a recovery plan, the agency must retain all options for species recovery and avoid taking actions that will limit options for recovery. It is very controversial whether or not the actions intended to be implemented in the revised Eight Mile Meadow proposal will promote or hinder recovery of the NSO and it's critical habitat.

New information on the Threatened northern spotted owl indicates that there are significant new uncertainties for the owl that have not been fully considered at the regional or local scale. As recognized by the spotted owl status review, all existing suitable habitat could be critical to the survival of the spotted owl. New concerns include but are not limited to the following:

a. competition and displacement from the barred owl that is dramatically increasing in numbers within the range of the spotted owl;
b. the effects of West Nile Virus that is fatal to the owl;
c. the potential loss of habitat from Sudden Oak Death syndrome;
d. greater than expected loss of habitat to wildfire;
e. the potential effect of climate change on regional vegetation patterns; and
f. misapplication of the Healthy Forest Initiative.

We are also curious how the USFW came up with "may affect, likely to adversely effect" yet the BLM has interpreted this to mean that they should go ahead and proceed with the project. It is quite telling when the EA analyzes the effects of the No-Action Alternative to the spotted owl. It states that, "[s]uitable habitat would continue to be suitable habitat until thinning or regeneration is implemented at some other time." (EA 55). In otherwords, by your own admission, if you log this area you will take habitat away from a threatened species. Not only is this morally apprehensible, but it is illegal.

Bureau Sensitive Species

The EA also states that the planning area is habitat (highly likely) for the Oregon slender salamander, yet it does not state whether any surveys were performed in preparation for this project. The Oregon slender salamander is considered as a Bureau Sensitive Species. According to the Salem BLM Resource Management Plan for all Special Status species the BLM should "[c]onduct field surveys according to protocols and other established procedures." (RMP 29). As it is not a very mobile organism and the surrounding lands offer little potential for habitat these surveys are especially pertinent.

The RMP also states that surveys should "identify impacts of proposed actions to bureau sensitive species and clearly describe impacts in environmental analyses." (RMP 29). All the EA provides in regards to the salamander is that since the operation will create more downed logs. It neglects the important fact of moisture to the survival of amphibians and the fact that thinning these units will bring increased sunlight and wind into these areas that has a drying effect on downed wood. Not to mention that CWD left from logging is generally smaller diameter wood that is less effective for salamander habitat, which required downed logs 16 inches in diameter and a decay class greater than 3.

EA goes so far as to state that the "Oregon Slender Salamander is not a very mobile species, with very limited ability to move between discontinuous habitat patches. Therefore, the scale for assessing cumulative effects to this species is the project area and land in all ownership immediately adjacent to

project area units." (EA 54) Supposedly these Salamanders will find shade in the 50% newly reduced canopy cover. Also, the EA fails to disclose the status of the Oregon Slender Salamander, or anything else, plant, animal, or condition, in the immediately adjacent areas. It also ignores the fact that if a S&M species is being irresponsibly managed in many areas of the forest, then there will indeed be a cumulative impact to that species and to the ecosystem, as the numbers of that and other species decline, especially if they are not particularly mobile.

We are also curious why the clouded salamander, and the red-legged frog, along with numerous species of bats, all of which are classified as sensitive species and depend on coarse woody debris, snags, and a damp forest floor for their habitat are no longer taken into consideration with the new EA. The impacts of the proposed action on these sensitive species are never identified or analyzed in the EA, as is required by the Resource Management Plan. (RMP, 29)

Neither is the impact from climate change on these sensitive species considered, with its anticipated drying affects on the habitat. A nearly 50% reduction in canopy cover is not going to provide much shade, and scorched ground will not provide the moist habitat necessary for the survival of the amphibians. For many species, benefits will be greatest if trees are retained in patches rather than singly, and even very small patches do not provide suitable microclimates, as required by the NWFP. (ROD, C-41.) Bureau sensitive species and their habitats should be managed so as to recover the species, not further degrade their habitat. (RMP, 28.) Further analysis of the effects of this sale on the population of amphibians, bats, and other old-growth dependent species such as pileated woodpeckers, northern goshawk, bald eagles, pine martens and red tree voles is necessary. In addition, more feasible mitigation measures, with concrete analysis of their success, should be considered for the short-term viability of the species.

Eighteen known sites of Megomphix hemphilli, a Survey and Manage species, were detected according to the previous EA, 17 of which were (are) in the vicinity of the units. The EA now simply states that all mollusk surveys were performed and offers nothing in regards to the surveys finding. This project will decrease crown cover from residual trees and course woody debris (CWD) that would provide shade and microclimates that would assist mollusk species not detected to persist, however, again, the impacts on the species from microclimate drying and the reduction of CWD is not analyzed.

Another Special Status Species cited is Cetrelia cetrarioide. The EA notes that one species was found and is no longer within the boundaries. We are curious if any additional surveys were performed to see if the lichen is present in any other units?

Survey and Manage Species

On Monday, November 14th Bark conducted surveys in unit B2 and found a Ramaria araiospora just north, northwest of the southeast corner of the unit. There was a flag in the area that read GPS PT R040 120B. We flagged from this point with white flags heading north to the Ramaria. On the Map it appears there is one in the area but our sighting did not seem to match the placement on the map. Further, there was a tree just a few feet away that was adorned with a blue stripe and blue dot. We would appreciate if this could be investigated and we would be glad to assist in any way.

The EA states that "no adverse effects to identified Survey and Manage species is anticipated due to the protection buffers." The chart below specifies that a 50 feet protection buffers has been placed around this site. (EA 31). So either, this is a newfound species that needs to be investigated or these buffers have not been created as the EA suggests. The EA does not state when the surveys were performed, or how many of these surveys were conducted. The Salem BLM has failed to adequately survey for sensitive and listed species and therefore lacks the necessary information to support the proposed action for the Clear Dodger Timber Sale.

We do not believe that the BLM has to survey for every species that may be present in a project area in order to propose a project. However, before making a final decision, surveys for sensitive, listed, proposed for listing/rare, and special status species that have been reported or are likely to utilize the project area should be conducted if reliable population estimates are not available. *See generally,* OFFICE OF THE INSPECTOR GENERAL, FOREST SERVICE TIMBER SALE ENVIRONMENTAL ANALYSIS REQUIREMENTS (1999) 20. The agency is at minimum needs to comply with the 2001 Survey and Manage Record of Decision, which is the law. Such monitoring is required under NFMA, and NEPA requires the agency to use only high quality science and to obtain data when it is missing yet necessary to make an informed decision. 36 C.F.R. § 219.27(a)(6); 40 C.F.R. §§ 1503.24 (scientific accuracy), 1502.22 (incomplete or unavailable information). Has the agency completed surveys in accordance with the 2001 Record of Decision? The failure to complete such monitoring means that the data is not collected, and the approximate population levels or trends of species on the Forest are unknown. Without such data, the MNF lacks the informed ability to issue a Decision Memo, in violation of NEPA. 40 C.F.R. § 1500.1; *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999). The USFS has to demonstrate that there is no effect to the NSO, or any of the other extraordinary circumstances that are present in the planning area.

Other Species

The EA does not discuss the occurrence of cavity nesting birds in the units and what, if any, mitigation measures would be implemented to protect their habitat. The Salem District RMP mandates that enough snags be retained per harvest unit to support cavity nesting birds at a 40% of potential population (RMP, 25). To establish what 40% of potential population may be, and whether or not the number of leave snags per acre would be sufficient to support this 40%, more information about the composition and amount of cavity nesters in the units is necessary. NEPA requires that a high level of science be used in environmental analysis, to provide the public with information on the sale. 40 C.F.R. § 1502.24. Finally, the impacts of the loss of 143 acres of good thermal cover for wildlife, specifically deer and elk, are not discussed in the EA. The lack of thorough analysis about the composition of existing populations, impact of the proposed project to these populations and the lack of mitigation measures indicate that further analysis must be prepared in order to adequately address these issues.

Snags and Legacy Features

Throughout the units snags where located just a few feet away from trees marked to be logged. We are concerned that these valuable snags would have to be felled to be in compliance with OSHA standards. Snags are extremely rare in the immediate landscape and are very valuable to provide habitat as the adjacent tree farms have little to offer. The caveat that we can only protect snags when feasible for safety needs to be rethought. I would be much easier to buffer large snags to ensure their continuity in the area and continue providing habitat for snag dependent critters.

Many studies have come out recently assessing the great need of snags for habitat and there great lacking from forests in the Pacific Northwest. One study by Bull et al. for the Pacific Northwest Research Station, notes that the Forest Service's standards for snag retention are insufficient to provide adequate habitat for species that depend on snags. *See* Pacific Northwest Research Station, United States Forest Service General Technical Report, PNW-GTR-391. Indeed even the Forest Service has recognized that snags are in short supply across the landscape. Pacific Northwest Research Station, United States Forest Service, Science Findings *Dead and Dying Trees: Essential For Life in the Forest. (Nov. 1999).* How will this proposal affect the overall watershed for snag availability now and in the future?

Northern spotted owls, bats, martens, woodpeckers, bears, and many other species are dependant upon snags and downed wood. Snags and downed wood also serve several crucial ecosystem functions and serve as the "primary constituent elements" which are those "physical and biological attributes that are essential to a species conservation" in designated NSO Critical Habitat. Current direction for protecting and providing snags and downed wood does not ensure the continued operation of these ecosystem functions nor does it meet the needs of the many species associated with this unique and valuable habitat component.

The pileated woodpecker is vital to the forest because it is the primary excavator that creates cavities that create habitat for a multiplicity of wildlife. Recent studies have shown that, "cavity users typically represent 25 to 30% of the terrestrial vertebrate fauna in the forests of the Pacific Northwest." (Bunnelle et al. 1999). This study goes on that a "lack of cavity sites is the most frequently reported threat to "at-risk" species in the Pacific Northwest." With a species so vital to forest health, it is discouraging to read that though habitat is present in the area the proposal would eliminate nearly all that's available. We have identified numerous larger, rectangular shaped cavities associated with the presence of the pileated woodpecker within the proposed Clear Dodger project area, which is a strong indication that they are using the area. Has the agency conducted recent surveys to see if the pileated woodpecker is using the area?

One critter in particular that depends on cavities for nests is the Northern spotted owl. According to the Scientific Evaluation of the Status of the Northern Spotted Owl, in the southern portion of Eastern Washington 23% of the owls were using cavities for nesting sites. It is a simple principle of succession that the beetle, and the blue staining fungus it carries, infects the tree. The woodpecker creates cavities seeking out the beetle as a food source. Overtime through weathering and the work of other inhabitants these cavities are expanded to a size that eventually may be used by the northern spotted owl. This report cited that the "protection of all existing suitable owl habitat may prove important to the persistence of the owl." Please explain how leaving only 10 snags per acre and removing all beetle infested trees, which are highly likely to become snags in the very near future will protect all existing habitat and contribute to the recovery of the NSO?

The EA also states that three former Protection Buffer bat species are likely to be in the area (EA 47). On our surveys we found many snags in units A1, B1, B2, C1, and D3 that contained snags with bark sufficient to support bats. We are curious if any of these surveys were performed for the Protection Buffer bat species?

We are also Concerned about the loss of any more late successional forests from this lacking landscape. As is stated in the Salem RMP, "Retain late successional forest patches in landscapes where little late successional forests persists." It would be hard to find an area more in need of these late successional forests. The Lower Clackamas is already only 15% Late Successional forest. As this proposal will further reduce that is would leave the area below the recommended amount. It would be nice to see these bottoms not used as a goal but as a bare minimum.

Roads

The EA calls for building .05 mile of new road and re-opening 4.7 miles of currently closed road. The EA also includes decommissioning .05 mile of road and blocking or gating 2 miles of existing road. We strongly support the decommissioning of the roads, and commend efforts to decrease the overall road density in the watershed. However, the net result of the above scenario is that new road feet will be built with an immediate and lasting adverse environmental impact, while the benefits of the road decommissioning will not be seen for decades. Meanwhile, road that was currently in the process of re-vegetating will be re-opened with renewed adverse impacts. Some of this recovering road is in the stage of "advanced recovery where understory vegetation is similar to adjacent areas and trees are growing in the compacted area." One such road is 4-4E-23 heading into Unit B1. Despite the fact that this is supposedly an open road, the fact is that it is no longer any where near being useable. Just 20

feet from the road is a 6 feet deep ditch that is quite effective at keeping even ATVs from using the area. The rest of the way there is salal, sword ferns, alder, and even 6 feet tall hemlock growing in the middle of the roadway. There were points on the hike into the unit that we were wondering if we were still on the road. Then just before entering unit B1 we noticed that the road crosses a stream. The fact that this recovering unused road will be reopened will negatively impact the area, and the true road densities of the area. As it would require extensive new road work in an area with already excessively high road mileage, please remove this unit from the proposal.

Likewise, the benefits of blocking or gating the 2 miles of roads won't be felt for decades to come, if ever, as the chance of reopening the road as seen with this sale is real. There is also a high incidence of ATV use in the area and these gates are easily bypassed. There is also no indication about the permanence of the closed roads, thus the proposed road scenario suggests a net loss to the ecosystem.

There are still some questions left unanswered about both the decommissioning of roads and the building of the temporary roads. The EA does not set out a time frame for blocking existing road. The road blocking: is it after the temporary roads are built? If so, the impact of a temporary increase in road density to the watershed is not assessed.

The EA did not analyze the effects of the current road density or the cumulative effect of this road on the surrounding area. The EA Lower Clackamas River Watershed Analysis (LCWA) does not disclose road densities. On page 2-27 of the LCWA, the following information is provided on road densities:

> Currently the Lower Clackamas River watershed road density is at 3.1 miles per square miles, which is 0.6 miles per square miles over forest plan objectives. Furthermore, the Lower Clackamas River subwatersheds are also on average 3.1 miles per square miles. The Buttes, the Divide and Admin subwatersheds are not within deer and elk inventoried severe and normal winter range therefore forest plan standards for road densities are projected at 2.5 miles per square mile by year 2000. The Corridor subwatersheds are primarily within inventoried normal and severe winter range. Currently the Corridor road density is at 3.0 miles per square miles. Yet the 3.0 miles per square miles is 1.0 per square miles above the projected forest goal of 2.0 miles per square miles by the year 2000.

Based on the logos on the cover of the watershed analysis, the document seems to be prepared on behalf of the BLM and the US Forest Service, thus covering both land designations. So do the above road density recommendations not apply to BLM land? Does BLM have different road density goals for deer and elk range? If so, then what are they? If not, then it appears that the road densities in the Lower Clackamas River watershed already exceeds recommended levels. The EA does not indicate what sub-basin of the Lower Clackamas Watershed the Clear Dodger planning area is in. Is it the Watershed, Corridor, Divide, Admin, or Buttes? These are the sections described in the LCWA. The EA also does not offer specific road density information for the actual Clear Dodger planning area. This is obviously necessary in order to assess accurate cumulative impacts to the area, and in order to determine whether it will result in irreparable degradation. The EA states that the for the Upper Clear Creek watershed, open road densities are less than 3.5 miles per section, which is just below the threshold for wildlife. How far below? Using the above standards, anywhere above 2 miles per square miles is above the goal that was projected for Mt. Hood National Forest by the year 2000. Again, does this goal pertain to BLM lands?

It is also critical, in determining road densities, that figures include roads that are actually being used by motorized vehicles. Bark recently released a report on the state of roads in the Clackamas River Ranger District of Mt. Hood. It found that 25% of the roads that were supposed to be closed were not. Moreover, the effectiveness and source of funding of the road closing and decommissioning was not addressed in the EA. The Clear Dodger area is heavily used by motorized recreationists and subject to

abuse by ORVs. Bark's study found that gates are often removed and thus ineffective. The EA did not describe a roads monitoring plan for the roads that will be blocked or gated. To truly take the road out of the roads system, the road should be decommissioned through effective berms, and ripping and replanting of the road surface. Only repairing the gate on road 4-5E-30.00 will probably not be sufficient to stop abuse. Both the BLM and the Forest Service continue to build new roads, even though funding is not available to maintain or adequately close roads. With what funding do you plan to decommission, monitor, and restore this road?

Even temporary roads have cumulative impacts, as they impact the area as they are being built and they impact the area even after they are decommissioned. The impacts of roads include increased sediment input, fragmentation of habitat, stream crossings, introduction of exotics, increased peak flow, extension of drainage density, increased interaction between humans and wildlife, and soil productivity loss, to name a few examples. Decommissioning roads cannot offset the soil disturbance from the new temporary roads and the logging operation, even if the BLM is completely successful in re-vegetating the area in the future.

The EA acknowledges that garbage dumping is also a severe problem along Hillockburn Road and many of the forest roads leading from Hillockburn road; however, the environmental impact of this garbage, including toxic chemicals flowing into nearby streams is not assessed in the EA. I understand that new collaboration is now happening between the BLM and the counties to get control of the dumping problem. This is great news! It would be helpful, however, to know how much funding will be allocated to this and for what duration? Given the phenomenon of existing dumping grounds at the end of many roads in the Clear Dodger planning area, it appears that resources are still needed to clean up and monitor the existing roads. Currently, gates don't seem to be working, as I noticed that dumping was taking place in front of gates as well as behind them. Until adequate funds are available and proven effective to get complete control over the current dumping situation, it seems unwise to create conditions for increased abuse.

The EA states that a no new road construction alternative is within the scope of the alternatives analyzed, and I encourage you to pursue it; however it would have been helpful to have such an option offered as a formal alternative for complete analysis, including beneficial impacts. In summary, given the consequences of increasing the road density and given that only 16 acres of forest would be accessed with the new road, is does not seem like a sound investment of agency resources let alone a wise ecological decision, to include new road building in the final proposal.

I encourage you to consult the following resources in making your determination to build new feet of road.

1. Robert Coats, et al., *Assessing Cumulative Effects of silvicultural Activities*, (1979) (significant increases in peak flow post-harvest)
2. Robert Harr, et al., *Changes in Storm Hydrographs after Road Building and Clear-Cutting in the Oregon Coast Range*, 11 Water Resour. Res. 436-44 (1975) (same; timber harvest leads to soil compactions and increased floods)
3. ROBERT HARR, ET AL., PACIFIC NORTHWEST RESEARCH STATION, U.S. DEP'T OF AGRICULTURE, CHANGES IN STREAM-FLOW FOLLOWING TIMBER HARVEST IN SOUTHWESTERN OREGON, PNW-249 (1979)
4. ROBERT HARR, ET AL., PACIFIC NORTHWEST RESEARCH STATION, U.S. DEP'T OF AGRICULTURE, EFFECTS OF TIMBER HARVEST ON RAIN-ON-SNOW RUNOFF IN THE TRANSIENT SNOW ZONE OF THE WASHINGTON CASCADES, PNW 88-593 (1989)
5. J. Jones & G. Grant, *Peak Flow Responses to Clear-Cutting and Roads in Small and Large Basins, Western Cascades, Oregon*, 32 Water Resour. Res. 959-74 (1996)
6. K. Lyons & L. Beschta, *Land Use, Floods, and Channel Changes: Upper Middle Fork Willamette River, Oregon (1936-1980)*, 19 Water Resour. Res. 463-71 (1983)

7. M. Reid & T. Dunne, *Sediment Production from Forest Road Surfaces*, 20 Water Resour. Res. 1753-61 (1984)

Steep Slopes & Soils

EA said in response to comments that it is not part of the proposed action to harvest timber on steep slopes. Then the EA goes on to say that some areas within the proposed action are steeper than would be allowable for ground based operations and thus will have to be skyline yarded. The EA states that Units C-1 and D-1 require yarding because slopes are greater than 35%. These units together constitute 54 acres. That's a large percentage of the sale to be logged on steep slopes, especially given that assurances are made in the EA that logging on steep slopes would not happen at all. Cable yarding with one-log suspension, which is the EA's stated mitigation remedy for steep slope logging, is by no means free of adverse effects, and these effects are not addressed in the EA. This type of logging often creates deep ruts, contributing to soil disturbance, erosion and an increase in sedimentation and compaction. Despite the fact that existing yarding corridors will be used as much as possible, a number of them will be new. And all main skid trails will be left intact for use for later harvest projects, thus continuing to create sedimentation and contribute to malfunctioning hydrology.

The EA fails to adequately address affects to soils from the project. The EA notes that there is a concern for soil instability, erosion, runoff and compaction when soil is wet, but fails to discuss what the compaction potential is for each unit, and fails to analyze the compaction due to the building of temporary roads and landings. The EA states that 10% compaction will not be exceeded in the project area under the proposed alternative, however no information about the percentage of the area is currently in a compacted state. Is it already at its 10% threshold given all the existing yarding corridors and roads? In addition, the EA states that the soil is unstable in unit C-1, but does not set out any solid mitigation measures to preclude further damage to the soil from harvesting activities. What evidence is there that the mitigation measures proposed will actually minimize compaction? While logging on wet soils is certain to result in compaction, so is logging on dry soils. Please share information about the effects of compaction on dry soils as well as wet, along with scientific analysis of the impact of your proposed mitigation methods. The terrain just east of Units B-2, B-3, and B-4 are described as having high rates of sediment transport during episodic events, and the given units will surely drain onto these slopes, however, no assessment of impact was provided, simply stating that erodability is low because the slope of the actual unit is less than 20%.

The EA also does not adequately assess the impacts of yarding, harvest, and burning on soil stability and erosion. The failure of the EA to adequately analyze the effect on soil due to harvest and burning activities, and to present any proven mitigation measures for soil compaction and nitrogen loss, requires that a supplemental environmental EA is needed prior to this project moving forward.

In addition to impacting soils, and aquatic systems, the logging on steep slopes with have other residual effects, including the destruction of reserve green trees outside of the unit boundaries used for attaching cables. This is an unnecessary consequence of logging in an area that should not be logged in the first place due to its steepness. Will any of these trees be old growth? The EA states that old growth trees and many of the largest second growth would be reserved from harvest in all units and not be felled unless essential to provide for human safety. Does this apply to trees used as part of yarding operations? All trees used for attaching cables, whether inside or outside of the unit should be counted as wildlife trees, as the mortality rates for these trees will likely be high. If the Riparian project is pursued, any trees destroyed as a consequence should count toward the 8 snags per acre desired for the Riparian Project.

Competition from brush species is also a said to be a major concern for unit D-1; however effective mitigation is not addressed in the EA. In fact the proposed action clearly states that the wider spacing of residual trees would result in increased growth of understory trees and shrubs, which would provide

a richer more diverse habitat for wildlife. Where is the evidence that this will indeed become a richer habitat given the stated concern about competition from brush species? In the LCWA, noxious weeds are listed as a major problem, stating that "The introduction of nonnative plant species, especially noxious weeds, is a potential threat to native biological diversity. Noxious weed invasions can reduce biodiversity through the displacement of plant species necessary for wildlife habitat and can also adversely effect reforestation, visual quality, and recreational activities." A variety of noxious weeds are found throughout the watershed in areas associated with roads, timber harvest activities and recreational use. Nonnative seed can be carried to areas of ground disturbance through vehicle use, logging equipment, and contaminated erosion control and forage seed mixes, as well as by wind and biological vectors." (LCWA, 2-10). The EA states that logging equipment will be washed, but just a few seeds can cause an invasion. What studies have shown that this alone can guarantee that the area won't be subject to an increase in the spread of noxious weeds?

Recreation and the Human Environment

This sale will adversely affect the human environment, as well as the forest ecosystems. The BLM does indeed have a responsibility to protect the rights of the public to have access to public land, and to protect those lands from garbage dumping, off road vehicle use and timber theft, in order to maintain a forest setting, protect recreational usage, and maintain the quality of the human environment and a serene forest recreational experience. The EA says that "recreational use appears to be low", but goes on to state that "some of the recreational activities that may occur include camping, hunting, target shooting, hiking, and horseback riding." (EA 57) While Bark was conducting surveys, we ran into quite a few people using the forest for recreational purposes, including mushroom hunting and hiking. Unfortunately, we also witnessed illegal OHV use, and lots of target practice, of which there is ample evidence. There is also ample evidence of dumping. Even if this area has little or no recreational facilities, there is clearly the need and the demand. People are definately using this area for recreational purposes, and funds could be much better used in the public interest to develop recreational facilities rather than roads for logging trucks, or at least for cleaning up all the garbage that impairs the human environment and a pleasant forest experience. A logging project would not preserve the forest setting, and that setting would not recover for many, many years.

The EA discusses the viewshed, stating that "management activities may attract the attention, but should not dominate the view of the casual observer", and then goes on to state that "portions of Hillockburn Road directly adjacent to or near the units were identified as the key observation points. The units would be in view for less than a minute driving either direction along Hillockburn Road." (EA 57) Does this mean that while driving (going at anywhere from 35 to 45mph), that this one unit is visible for almost a full minute? That's a very long time when traveling in a car. Also, does this take into account all the other management activities that will further completely dominate the view of the casual observer? The EA states that "the "intermixed land ownership pattern between public and private forest land in the vicinity of the proposed units, greatly limits the BLM's ability to manage this area as a contiguous viewshed. Timber harvest activities near or adjacent to the units are observable on private and public lands." (EA 56) However, the "Salem District RMP calls for managing Class II lands for low levels of change and retention of the existing landscape character. Management activities may be seen, but should not attract the attention of the casual observer." (EA 56) If so much of this viewshed is already chopped down or partially cut in the surrounding areas, how is the addition of this project to the already mauled viewshed not going to attract the attention of even the most casual observer? There is plenty of management activity visible and dominant along this and many roads in this area. The forest and the public would be much better off with recreational usage and resource allocations of public land, not depressing views of lost biodiversity and tree farms, and big gaps instead of forests. This, as well as the loss of quality forest settings or a true forest environment for recreation will adversely affect the human environment.

NEPA

Bark is particularly concerned about the lack of public participation in this reissue of the Clear Dodger project. Upon questioning, BLM officials informed us that the allotted 18 days (13 business days, due to Veteran's Day Holiday) for public comments, as opposed to the usual 30-day comment period, was chosen based on an interpretation of needed time for a "hard look" at the project and is inadequate. Though this Environmental Assessment is a redrafting of an original project, the included amendments to Survey and Manage requirements are deeply concerning and are deserving of a thorough assessment.

This amount of time left us with barely sufficient time to review the EA, investigate natural changes to the Clear Dodger area and submit comments. The NEPA process is not a "fruitless exercise designed to rationalize a decision already made." The conduct of this process has shown agency "compliance, or lack thereof, with regulations directing agencies to ensure public involvement in environmental decision-making 'to the greatest extent possible'" will be unable to return a FONSI that is anything more than "arbitrary, capricious and contrary to law." *The Fund for Animals v. Gale Norton* 281 F.2d 209 (2003).

Our hope is that you have allowed more time for review of these materials and comments provided than you have given to us for their preparation.

Summary

In summary, Bark finds that the Clear Dodger Environmental Assessment does not provide an adequate range of alternatives, fails to adequately analyze key areas of concerns including cumulative impacts, affects to soils, affects from road building, fire risk, and affects to wildlife and fisheries. It also fails to analyze the positive impacts of the No Action Alternative. Bark asks that these issues be addressed in a supplemental EA, and that a No Commercial Logging and No New Road Building Alternative be included in the analysis.

Thank you for considering our comments.

Sincerely,

Michele McKinzie
Volunteer/Outreach Coordinator
Bark