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April 28, 1998

Mr. Robert Williams
Regional Forester
Attn: 1570 Appeals
PO Box 3623
Portland, OR 97208-3623

**36 CFR 215 APPEAL
Bear Cub Project**

Dear Mr. Williams:

In accordance with 36 CFR 215, we hereby appeal the decision to implement the **Bear Cub Project** timber sale, Mt. Hood National Forest.

Title of Decision Document: Bear Cub Project Environmental Assessment.

Description of Project: 496 total acres of timber harvest; 206 acres of regeneration harvest; 1.7 miles of new road construction.

Location: Clackamas Ranger District, Mt. Hood National Forest; T 8S, R 8E; T 8S, R 7E; T 9S, R 7E; Upper Clackamas Watershed; Clackamas County.

Date Decision Signed: March 16, 1998.

Deciding Officer Name and Title: Mt. Hood Forest Supervisor Roberta A. Moltzen.

I. APPELLANT'S INTERESTS

We have a specific interest in this sale. We have previously expressed our interest in this specific sale, and we have standing to appeal this decision according to 36 CFR § 215.11 (a)(2).

Our interests will be adversely affected by this timber sale. We use and enjoy the Mt. Hood National Forest, including the Bear Cub area, for recreational, educational, aesthetic and other purposes. The value of those activities will be irreparably damaged by this timber sale. We have a long-standing interest in the sound management of this area, and the right to request agency compliance with applicable environmental laws.

II. REQUEST FOR STAY

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

A full stay is essential to prevent unnecessary expenditure of taxpayers' money and to prevent irreversible environmental damage. Without a stay, the federal government may waste taxpayer money preparing a sale that may later be canceled. Because we intend to pursue our legal challenge to this sale with or without this stay, offering this timber sale may unnecessarily expose the government to liability and the purchaser to financial losses.

III. APPEAL ISSUES

A. Wolverines

Wolverine presence has been established in the sale area. There were no field surveys for Wolverines (listed under the state endangered species act) completed during the planning of the Bear Cub project. Since the Wolverine is established in the drainage, there should be Level B surveys completed before this action is undertaken. Without these surveys, the true impacts of this project on Wolverine are unknown at this time.

B. Late-Seral Islands

The 1997 Biological Opinion for the Spotted Owl on Mt. Hood stresses the importance of remnant reserves for the establishment in the future of late-seral species. The Bear Cub EA also stresses the importance of these remnant reserves and land bridges. These old-growth islands form a connectivity and dispersal corridor between beautiful islands of refugia called Ollalie Scenic Area and Bull of the Woods Wilderness. Do not cut these last remaining islands.

C. 75% Slope

At least one unit of Bear Cub has a slope of 75%. The effects of this sale on such a severe slope were not analyzed in the EA. Knowing the historical problems with steep slope logging, this area should not be logged at all.

D. C3 Species

No surveys were conducted for C- survey and manage plant species. This is not adequate, and it violates the Northwest Forest Plan. For most strategy 2 C3 species, "surveys must be completed prior to ground disturbing activities that will be implemented in F.Y. 1999 or later." Ground-disturbing activities will undoubtedly take place in Bear Cub later than October 1, 1998. Therefore, surveys for all strategy 2 C-3 species must take place in Bear Cub before any action is taken.

E. Cultural Resources

Cutting around the lithic scatter sites with minimum buffers will only serve to open these sites to abuse. Not all of the sites will even be buffered. The buffers for all sites should be increased to provide real protection - even better, drop the units where any lithic scatters are located to prevent abuse.

F. Cumulative Effects

Cumulative effects of past and proposed actions in the drainage on listed fish stocks, wildlife, C3 species, drinking water, air quality, and recreational activities have not been taken into effect. Past logging activities have greatly effected the hydrological regime of the Upper Clackamas. For example, 435 acres of recently harvested units are located close enough to streams to be a potential source of sediment.

The EA also fails to analyze the long-term cumulative effects of multiple entries into harvest areas - for example, soil compaction and blowdown.

G. Lower Columbia Steelhead

Given the recent listing of the Steelhead, there should be renewed consultation with NMFS and an EIS should be prepared. NMFS does not yet know how it will

determine when a “take” occurs with anadromous fish populations. Therefore, no action (even an MENLAA action) effecting listed species should be taken until all protocols are established.

H. Visual Quality Objectives

The EA uses straight edges and shapes to determine visual attainment. However, the Mt. Hood Forest Plan still requires an analysis of the percent of an area visually disturbed. By failing to consider these required percentages, the EA does not meet the requirements of the Mt. Hood Plan.

I. Economics

This sale is a money loser, even by the Forest Service’s own conservative estimates. The Forest Service stands to lose \$284,405 on this sale. The taxpayers are tired of paying for the destruction of our forests. Any positive effects of this sale will be outweighed by the loss of strategic old-growth habitat, increased roads, and decreased water quality and anadromous fish runs.

J. Critical Habitat Unit

The Bear Cub sale will adversely affect CHU OR-13. While LSRs may soon be redesignated as overlapping with the CHUs, for now the existing CHUs are still in place and must be protected. This proposal to illegally modify critical habitat for an endangered species violates the Endangered Species Act.

J. Red Tree Voles

There has been no red tree vole survey completed in the Bear Cub planning area, although red tree voles are known to be present. The Northwest Forest Plan requires surveys for red tree voles on all projects to be implemented in FY 1997 or later. The interim guidance memo dated November 4, 1996, which purports to relax the survey and manage requirements for red tree voles is an illegal amendment to the Plan’s ROD. Surveys must be completed before this sale proceeds any further.

K. *Corydalis aquae-gelidae* & *Hydrothyria venosa*

The mitigation measures for these species have not been considered. The Northwest Forest Plan cites specific mitigation measures for the protection of these species. These mitigation measures include (1) avoiding timber harvest, road building, and any other activities likely to affect site hydrology; and, (2) maintaining existing hydrologic conditions.

L. ONRC Appeal

We also join in the appeal issues raised by the Oregon Natural Resources Council.

IV. CONCLUSION

Based on the above reasons, we ask that you withdraw this sale.

Sincerely,

Gregory J. Dyson, and

John Rancher