

BARK

PO Box 12065
Portland, OR 97212
503-331-0374
Bark@SpiritOne.com

August 15, 2001

Richard Prather
Cascade Resource Area Manager
Bureau of Land Management
Salem District Office
1717 Fabry Road SE
Salem, OR 97306

By Certified Mail, return receipt requested

**Protest of the Rusty Saw Commercial Thinning Plan Environmental Assessment
EA # OR080-99-08**

Pursuant to 43 CFR § 5003, Bark hereby protests the decision to implement the Rusty Saw Commercial Thinning Plan as described in Rusty Saw Commercial Thinning Plan Environmental Analysis (EA# OR080-99-08), the FONSI dated May 28, 1999 and the final Decision Documentation and Decision Rational dated July 30, 2001.

In addition to the points we raised in our comments for the Rusty Saw EA in 1999 we are protesting for the following reasons. Points from our comments sent in July, 1999 are outlined below. Please refer to the attached comment sheet for a full discussion of the points.

1. Water Quality and Fisheries

The Rusty Saw sale is located in the Eagle Creek Watershed, a Tier 2 Key Watershed. Local municipalities rely on this watershed for drinking water. Further, the BLM is supposed to reduce road mileage and give Key watersheds highest priority for watershed restoration. Rusty Saw does neither.

The sale also does not follow the recommendations of the Eagle creek Watershed Analysis (ECWA) which recommends no more than 10.3 mmbf of timber be taken from federal lands in this watershed every decade. The Eagle creek timber sale is scheduled to removed 28.1 mmbf of timber in three years and has already removed 10.1 mmbf timber. In addition, the Upper Eagle sale, also a BLM sale, is planned in the near future to remove timber in the same watershed.

Eagle Creek is 303(d) listed. How will logging up to 75 feet of the creek and reconstructing 13,000 feet of road help bring it in compliance? The EA fails to explain

this. It also fails to analyze the impact of a short-term increase in sediment to water quality and fisheries.

The width of riparian buffers is not enough. The EA on page 28 states that research indicates that 200 foot buffers (one site potential tree) should be used and that FEMAT riparian reserves are best. However, the NW Forest Plan states that for fish-bearing streams, the buffer should be two site potential trees or 300 feet, whichever is greatest. The streams in the project area are fish-bearing so the buffer should be two site potential trees or 300 feet. Failing to do this violates the Forest Plan.

2. Thinning in Riparian Reserves

The Aquatic Conservation Strategy Objectives (ACSOs) make it clear that silvicultural activities in Riparian Reserves are allowed only if “needed” to attain ACSOs. Thinning in the Reserves in this sale is not “needed” as it is only meant to hasten what would naturally occur if left alone. There is a lack of scientific evidence that thinning does indeed make trees grow faster. Most of the studies are site-specific and are not necessarily relevant to this particular area.

However, there are plenty of studies showing the negative impact of thinning near watersheds: sediment delivery to streams, soil compaction and change in forest structure thus impacting species that rely on that particular forest structure.

The EA doesn’t explain how the BLM will choose which trees to thin; how will loggers know the ones that are the best quality (genetically) to leave? If thinning is a scientific endeavor, the best available scientific information is needed in this sale and the details must be given to the public. NEPA makes this clear.

3. Range of alternatives

There are only two alternatives. The scope of activities in this sale allow for more alternatives. For example, there could be a thinning without removing trees. There could be horse logging. There could be thinning not in Riparian Reserves.

4. Inadequate analysis of alternatives

The no action alternative received a scant three paragraphs and doesn’t discuss issues of wildlife, fish, water quality, soils. Just that the trees won’t grow as fast.

5. Wildlife and Botany

The EA fails to thoroughly analyze the impact of Rusty Saw on wildlife and fails to adequately survey and present management plans for designated Survey and Manage species. The proposed action occurs within known spotted owl habitat and may adversely impact the owl. But the EA fails to provide a mitigation plan for owl habitat. The project also fails to comply with management requirements to retain 100 acres of the best spotted owl habitat as close as possible to a nest site or owl activity centers for all known spotted owl activity centers.

The EA also fails to state which species were surveyed for in the planning process. This lack of information violates NEPA: the public needs this to make an informed decision about the sale.

Regarding red tree voles, the EA says that they could be present, that the BLM did not survey and that vole habitat would be harmed from the sale. This violates the NW Forest Plan. What the BLM has done to get out of surveying for red tree voles is to produce a memo called "Interim Guidance for Survey and Manage Component 2 Species: Red Tree Vole." This exempts the BLM from surveying for these species. This memo violates the protection provisions of the NW Forest Plan and shows a lack of good faith on the part of the BLM in their efforts to protect certain species on their forest.

Five Survey and Manage mollusks were found in the planning area. The NW Forest Plan mandates that the BLM manage the known sites of these species and protect the area around them. The EA failed to present any management plan.

Further, the NW Forest Plan requires the BLM to survey several species, not just mollusks.

The EA also presents inadequate plans for protecting habitat for other species such as red legged frog and slender salamander. The EA only mentions these species, says there will be a loss of habitat and vaguely mentions mitigation measures. The law is clear that mitigation measures must be specifically described and analyzed.

6. Road Construction

The original EA called for 8000 feet of road to be reconstructed. These roads are overgrown so the recommissioning is akin to building new roads. The road density is very high in this watershed, according to the EA.

Page 32 of the EA mentions that road construction is not part of the proposed project and thinning results in minimal and temporary increases in surface erosion which are further reduced by the mitigation measures and Riparian Reserves.

However, sediment from road recommissioning is a reality and is not discussed. The EA fails to analyze the effects of road work on the watersheds. What mitigation measures are there to prevent sediment from road work entering streams? There is nothing on this. The EA also fails to discuss the "minimal and temporary increases in surface erosion." How much? How will the mitigation measures affect it? Nothing in the EA.

Closing and gating roads following logging operations is not effective at preventing human use of the roads. Also, sediment continues to be delivered into watersheds from these roads.

7. Soils

Soil compaction is a known effect from ground-based logging operations. This sale uses ground-based logging systems. There is no analysis done in the EA of the effect this will have on soil integrity.

8. Vegetation

The EA is vague about the details of the thinning. "Most of the proposed thinning is in...stands that are 50-55 years old." (EA at 12). What about the rest of the thinning? What is the age class in the rest of the thinning? This is too vague. More details should be in the EA on this.

On page 15 of the EA it says that "Snags of any size are almost non-existent." Later in the EA it says some snags may be destroyed during yarding.

Page 29 of the EA says that due to the very low quantities of snags, "it is anticipated that the affect of this alternative on these features would be high." There is no discussion on the impact of this, especially as the intent of the logging is to create better habitat through thinning; it is counterproductive to ruin an important component of a forest-snags. This violates NFMA's requirement for species diversity (affecting snag-dependent species) and NEPA (a full discussion of the impacts-nothing on the effect on snag-dependent species mentioned in the EA). And, of course, it violates the NW Forest Plan.

9. Fire risk

The EA admits that this project will increase fire risk. The fuel loadings of small woody material will increase from 5 tons per acre to 12 tons per acre after logging. This is the size of woody material most likely to burn. With the risk of wildfire so incredibly high right now, it is foolhardy for the BLM to increase the risk even more. There is no mitigation mentioned except "Fire hazard would be mitigated by the lower fuel loadings in adjacent wildlife reserves and the Riparian Reserves that adjoin the thinned areas," The EA also says that: "The added hazard of activity fuels will decrease over time as the fine fuel rots and is incorporated into the soil." Meanwhile, the area could burn.

10. Cumulative Effects

There is a clear lack of cumulative effects analysis. The EA has only a summary of cumulative impacts to watersheds and stated that the full analysis was on file at the District Office. When a representative of Bark visited the Salem office in late June, 1999 to examine the files, she could not find the cumulative impact analysis in the project file. The sale planner told her that the cumulative impacts analysis did not yet exist. This is a big violation of the law. NEPA is clear that accurate scientific information and complete information about a project be presented to the public.

The EA also failed to consider other sales in the watershed. The Upper Eagle sale, a proposed sale that the BLM was considering then, was not mentioned in the EA. If it had, the WAR and ECA values would surely be different. Again, accurate information must be presented to the public.

There is no discussion on the impact to the watershed from Longview Fiber, an adjacent landowner. Longview prefers clearcut logging with no or little riparian buffers. How will this cumulatively impact the watershed? The EA does not say.

11. Significant changes made in Final Decision Documentation and Decision Rational (FDD/DR)

The volume of timber increases in the FDD/DR from 2088 CCF to 3128 CCF; an increase of 1040 CCF. (page 2). This is significant and an analysis is warranted on the impact of this change.

Renovation of the road increases from 8000 feet to 13,255 feet; almost doubling. There is also 200 feet added of improvement, increased from zero in the original EA. This is a significant increase.

Also, there is no discussion of what "improvement" of the road involves. Page 4 states that mature forest will be lost due to the "improvement" and this leaves the reader wondering why this is necessary. There is no explanation of why there is road improvement needed and why the increase of road renovating.

A "Survey and Manage component 1 and 3 fungus" named *Gymnopilus punctifolius* exists in the planning area. (page 21, EA). The EA says that its habitat "needs to be maintained by retaining old growth forest structure and soil conditions..." (page 22, EA). However, there is admitted logging of old growth in this sale. This is depicted in the new decision-less than one acre of fragmented mature forest habitat due to the increase of 200 feet of road improvement. There needs to be an analysis and explanation of how this will affect species like this fungus.

Due to the significance of the new information, an EIS is warranted.

12. Protesters wish to review all S&M survey results for the sale prior to implementation of the sale

A FOIA is being sent for this information. This information is necessary to ensure the surveys have been done correctly and completely. Given the problems raised in this letter concerning surveys, this is a valid request.

We request a stay of all actions including the auction scheduled for August 29.

Sincerely,

Natalie Shapiro
Greg Dyson
for
Bark