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October 28, 1998
Mr. Robert Williams
Regional Forester
Attn: 1570 Appeals
PO Box 3623
Portland, OR 97208-3623
36 CFR

215 APPEAL Osprey Planning Area

Dear Mr. Williams:

In accordance with 36 CFR 215, we hereby appeal the decision to implement the Osprey Planning Area timber sale, Mt. Hood National Forest.

Title of Decision Document: Environmental Assessment for the Osprey Planning Area.

Description of Project: 259 acres timber harvest; 354 acres precommercial thin; 191 acres special forest products; 1.5 miles road construction; 1.8 miles road obliteration; 1.39 MMBF of trees cut; 112 acres of late successional forest to be cut; another 93 acres of forest functioning as late successional habitat to be cut.

Location: Hood River Ranger District, Mt. Hood National Forest; T 5S, R 9E, sections 5-8.

Date Decision Signed : September 14, 1998.

Deciding Officer Name and Title: Kim Titus, District Ranger, Hood River Ranger District, Mt. Hood National Forest.

I. APPELLANT'S INTERESTS

We have a specific interest in this sale. We have previously expressed our interest in this specific sale, and have standing to appeal this decision according to 36 CFR § 215.11 (a)(2). Our interests will be adversely affected by this timber sale. We use and enjoy the Mt. Hood National Forest, including the Osprey 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 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. REQUESTED RELIEF

1. That the decision to implement this timber sale be withdrawn.
2. Alternatively, that this sale be modified to meet the objections detailed below, including:
 - delay of the sale until C-3 surveys completed and appropriate buffers established
 - no new road construction
 - no negative effects to water quality, based on scientific conclusions, not assumptions
 - a new Osprey plan based on safe planning, not reliance on BMPs and mitigations
 - consideration of other alternatives, particularly ones that would maintain
 - biodiversity
 - thorough consideration of cumulative effects in a supplemental EA or an EIS
 - dropping the 2 acres of old-growth being cut for visual quality reasons.
 - no cutting within the B5 area
 - a supplemental EA written without a bias towards timber production focusing instead of maintaining biodiversity.

IV. STATEMENT OF REASONS

The Sale Violates The Northwest Forest Plan By Failing To Survey For Survey And Manage' Species.

There have been no surveys conducted for C3 survey and manage species in the Osprey area. This violates the Northwest Forest Plan. For some strategy 2 C-3 species, "surveys must be completed prior to ground disturbing activities that will be implemented in F.Y. 1999 or later.";(Ep. C-5). Ground-disturbing activities will undoubtedly take place in the Osprey

Planning Area later than October 1, 1998. For other C3 strategy 2 species, surveys must precede the design of all ground disturbing activities that will be implemented in 1997 or later. The Decision Notice was signed in 1998 and implementation of the sale will continue for the next several years. Therefore, surveys for all strategy 2 C-3 species must take place in the Osprey area before this project proceeds any further.

B. Road Construction in Tier 2 Watershed

The Northwest Forest Plan requires that there be no net increase in road mileage within a Tier 2 Watershed. The Osprey sale is within a Tier 2 Watershed, yet 1.5 miles of new roads are planned for construction. It is true that the Osprey plan also includes 1.8 miles of road obliteration, however until these obliterated roads recover (which may take as long as a decade) there will be a net increase in effects of road construction on water quality. The recent GAO report on the 1996 floods (7/29/98) noted that roads were a primary cause of increased peak and total water flows. If Osprey proceeds as planned, at the end the project there will effectively be 1.5 miles of roads added to an area with exceptionally high road densities already. The purpose of the Tier 2 directive to limit road mileage is the protection of the watershed's water quality. There is no protection of the watershed's water quality if new roads, so-called temporary or not, are built before obliterated roads recover. We request that the road construction be dropped from the Osprey plan.

C. ACS Objectives and MHMP Water Standards Not Met

In addition to point B, above, there are several other violations of the Northwest forest Aquatic Conservation Strategy Objectives and the Mt. Hood Management water standards and guidelines. Clear Creek is proposed for listing as Water Quality Limited due to high water temperatures, sediment levels will exceed Mt. Hood Management Plan standards, and ACS Objectives relating to peak flows, water quality and sedimentation will not be met. These violations are particularly egregious in a Tier II watershed, where the focus should be water quality. The EA makes several assumptions about the effects of the Osprey plan. First, it assumes that 200 foot riparian buffers will protect the water quality. Second, it assumes that use of BMPs and mitigation measures will protect the water quality. Based on these assumptions, a detailed analysis of the effects of the proposed action on water quality was not even completed. When water quality is the designated emphasis for a given land designation, more care must be taken before designing timber sales within that area. Assumptions will not suffice. We request a thorough study of the Osprey plan's effects to water quality - one that is not based on assumptions.

D. Reliance On BMPs And Other Mitigations Rather Than Safe Planning

The Osprey plan relies heavily upon BMPs and other mitigation measures rather than avoiding any possible detrimental effects through safe planning. As mentioned above in point C, assumptions about preservation of water quality were made based on use of BMPs. The Decision Notice also lists mitigation measures which "have been designed to limit the degree of magnitude of alternative 2, rectify impacts through repairing, rehabilitation or restoring the affected environment, and reducing or eliminating impacts over time." We request, at a

minimum, a remodelled alternative 2 which avoids detrimental effects in the first place, rather than relying on litigation measures to limit its impact.

E. Range of Alternatives

Only 2 Alternatives were considered - the “No Action Alternative” and the “Proposed Action. Although requested, there was no alternative which would focus on rehabilitation without the associated timber harvest. An alternative considering no new road construction was eliminated from further study because it would make the sale uneconomical, however, there was apparently no study of the benefits to biodiversity from this alternative. We request an analysis of all potential alternatives, not ones just focused on the feasibility of cutting trees in the area.

F. Cumulative Effects ARP Not Scientifically Sound

The EA fails to study the cumulative effects of the Osprey plan. It states that there are no harvest activities planned in reasonably future on the Clackamas River Watershed, and that other planned harvest activities within the White River drainage are not adjacent to the sale area. These statements are not correct. Zigzag district is planning several sales within the Clackamas and Salmon River watersheds, almost adjacent to the Osprey area. The Abbott-Salmon sale, just 2 miles northwest Osprey is at the auctioning stage. Planning for the Crater Creek sale, immediately south of Osprey, has been underway for over a year. Barlow district's Hilynx sale is also within 2 miles of Osprey, on the same creek no less. No consideration has been given for these other actions. We request a new EA or an EIS taking into consideration these cumulative effects.

G. Visual Quality Objectives - 2 Acres Old-Growth

The Osprey EA has used a new method for determining whether visual quality objectives are met, but there has been no amendment to the Mt. Hood Management Plan authorizing the use of this new method. The MHMP is specific in its methodology for determining whether VQOs are met: it is based on percent of visually disturbed area. There is no such analysis in the Osprey EA. The Osprey EA uses a very subjective “does it look good?”

method. We object to any use of this very unscientific method, and we note that such a method of determining visual disturbance violates the MHMP. Moreover, if the existence of a clearcut is the visual disturbance in question, why is this problem being rectified by creating an even bigger clearcut? Especially when the clearcut will be enlarged by cutting old-growth? We have several objections to this solution for the visual disturbance. First, one of the primary goals of matrix is to preserve biodiversity. This old-growth is functioning late-seral habitat which is in short supply in the Osprey area. Correcting visual disturbance is not one of the primary goals of matrix, yet it has been arbitrarily decided that the visual quality is more important than protecting biodiversity, despite clear authority otherwise. We object to this arbitrary decision.

Also, why was feathering not considered, rather than clearcutting? And why not work on other sides of the existing opening which are not functioning late-seral habitat? The decision to cut this particular portion of forest comes across as an excuse to get some big trees out to bolster the economics of the sale. Remember the words of USFS Chief Mike Dombeck:

The unfortunate reality is that many people presently do not trust us to do the right thing. Until

we rebuild that trust and strengthen those relationships, it is simply common sense that we avoid riparian, old-growth, and roadless areas. We request that this 2 acres of late-seral clearcutting be dropped from the sale.

H. Late-Successional Forest - B5 Area - Desired Future Condition

112 acres of timber harvest is planned for units within an area designated as B5 under the Mt. Hood Land & Resource and Management Plan. This B5 area was retained through results of the Watershed Analysis. The area is currently functioning as pileated woodpecker habitat and it meets B5 standards & guidelines. Despite its current functioning condition, 2 acres are planned for shelterwood and 110 acres are planned for mosaic cutting within this B5 area. Moreover, the Desired Future Condition for this area is Cathedral / Late Seral. It is contrary to both the goals of B5 area and the Desired Future Condition to log these units. We request that this 112 acres be dropped from the sale.

I. Bias

The EA is biased and not scientifically sound, for reasons noted above. In point B, above we noted that consideration was not made for the continued effect that obliterated roads have on water quality. Assumptions were made that an obliterated road immediately ceases to have any effect on the watershed, and that a so-called temporary road will be obliterated immediately at completion of the sale and that it, too, will cease to have any effect on the watershed from the day it is obliterated. These are all false assumptions. They exemplify an internal bias and reliance on unscientific methodology.

Also, the issues raised in points C, E, G & H, above, document a general bias towards cutting trees in the Osprey area without consideration of other values. Contrary to popular belief within the Forest Service, timber production is not the primary goal of matrix. While timber harvest is allowed in matrix, it is not emphasized. One gets the opposite impression from reading the Osprey EA. One of the primary goals of matrix is to maintain biodiversity. Looking at the issues raised in points C, E, G & H, it would appear that the planning for Osprey was approached with the goal of timber production, not maintaining biodiversity. We object to this bias and request a new EA written without such inherent bias.

V. CONCLUSION

For these reasons we request that the decision to implement this sale be withdrawn, or, alternatively, that the sale modified to meet the issues raised above.

Sincerely,
Gregory J. Dyson, and
John L. Rancher, as individuals and
as representatives of
ONRC Action & ONRC Fund