



January 2, 2017

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RE: Hancock Forest Management Access Road Project, Draft Environmental Assessment

Dear Lisa,

Thank you for accepting these EA draft comments on behalf of Klamath Siskiyou Wildlands Center (KS Wild). The proposed action would authorize reconstruction and use of 2500 feet of existing non-system road which has been unused for at least 40 years and construction and use of 250 feet of new road to allow AP Timber LLC, or their agent, Hancock Forest Management, further access, and would issue a special-use-permit for use of the road. AP Timber has road access to the west side of this inholding.

The Forest Service is ONLY required to provide Reasonable Access

Reasonable is defined as for purposes of this EA on page 13: "Fair, proper, or moderate under the circumstances." Further defined from CEQ guidance as technically and economically feasible. Technically feasible is defined as, a normal operator under normal circumstances could accomplish the action using equipment and techniques that are commonly used in the area, and the action would be economically viable from cost standpoint" The Forest Service only has to provide reasonable access, not access to every inch of the inholding.

In efforts to further define reasonableness, quoted by page 13 footnote 8, the EA reads, "*Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense,*" The following clause the Forest Service left out of their definition reads, "rather than simply desirable from the standpoint of the applicant."

The Forest Service chose to leave this clause of the guidance document out of their EA. The desirable standpoint of the applicant, AP Timber Lands, and the Klamath National Forest Service's desire to go beyond providing reasonable access and dismiss options based on the inability to provide AP Timber Lands access to "**all parts of their property**", shows that their interpretation of "practical and feasible from a technical and economic standpoint", is skewed and not made with impartial common sense.



“This approach would require yarding through existing plantations with attendant damage to existing young trees. This alternative was not fully developed because it would ***not allow access to all parts*** of the property, it is of limited deflection, and would have negative impacts on soils and residual stands on AP Timber lands.” EA, Option 2, pg 15.

“Use of helicopter yarding also does not provide access for slash disposal, reforestation, or wildfire suppression. For the reasons noted above this, alternative does not provide reasonable access.” EA, Option 3.

“Any option using the existing road system ... would not provide access to about 75 acres of AP Timber’s land.” EA Option 2. Again, the Forest Service is not required to provide access to every acre of AP Timber’s inholding.

Reasonable access does not require the Forest Service to provide access for reforestation, wildfire suppression, or slash disposal, as this is outside the scope of their responsibilities regarding right of way permitting. Further, the Forest Service is dismissing action alternatives because of potential damage through existing plantations to existing young trees. However, the Forest Service does not consider clearing 3.2 acres, reviving a 40-year-old decommissioned road with stands from 4-14 inches as potentially damaging. The language used by the forest service to not fully develop an alternative because, “it would not allow access to all parts of the property” is an far surpasses providing reasonable access and is evidence of acting from the desire from the standpoint of the applicant clause left out in the EA.

ECOLOGICAL DEGRADATION AS A RESULT OF ROAD CONSTRUCTION

The government has a duty to ensure that their servient estate does not suffer unnecessary degradation as a result of any actions by the holder of the right-of-way. Activities on a right-of-way, which potentially may affect the servient estate, are subject to the National Environmental Policy Act (Tenth Circuit Court of Appeals ruling in *Sierra Club v. Hodel*, 848 F.2d 1068). Although the Forest Service has no jurisdiction over highway-related activities of the right-of-way holder, the agency is responsible for ensuring the Government's servient estate does not suffer unnecessary degradation.

There are proposed actions by AP Timber within 1.5 miles of the proposed action on National Forest Service lands. It is approximately just 2.3 miles from the proposed action to the downstream intersection of Cottonwood Creek and an unnamed tributary where cumulative watershed effects from private land operations will first occur. AP Timber intends to conduct 211 acres of clear cutting 100 feet out from Cottonwood Creek. There will likely be extensive negative impacts to aquatic and riparian resources from sediment loss of large trees and riparian vegetation as well as loss of floodplain function effecting both AP Timber and KNF lands.



“All effects of the proposed action occur in the Mill Creek 7th field subwatershed which is 80% NFS lands. All effects of the connected actions on AP Timber lands occur in the Headwaters Cottonwood Creek 7th field subwatershed which is 78% NFS lands.” Spatial and Temporal sounding of Analysis Area, EA, pg 23.

“The largest influence on the drainages is the road network. Roads have been constructed primarily to access timber harvest areas on private lands, and have been left open to accommodate recreational uses. Approximately 440 miles of road are in place in the drainage today, plus an unknown amount of skid trails. As roads have been built, sedimentation has increased from roadbeds and cut-banks.” Page 1-2 Beaver Creek Ecosystem Analysis.

“The material with which road treads are built is generally well compacted during construction, reducing its erodibility. Road construction and maintenance practices, however, disturb a layer of soil on the road tread, ditch, and cutslope that is the source of the most easily eroded material” Megahan, W. F., Erosion over time: A model, *Res. Pap. INT-156*, 14 pp., U.S. Dep. of Agric. For. Serv., Intermountain Res. Stn., Ogden, Utah, 1974.

“The high infiltration rates and dense vegetative cover on most undisturbed forested hillslopes means that surface runoff is relatively rare and hillslope erosion rates are very low. In contrast, unpaved roads can increase surface erosion rates by two or more orders of magnitude relative to undisturbed hillslopes.” MacDonald, L.H. and D. Coe. 2007. Influence of headwater streams on downstream reaches in forested areas. *Forest Science*. 53(2): 148-168.

On page 15 of the “Streambed Sediment Conditions on the Klamath National Forest 2009-2016” report by Forest Service states, *“Cottonwood is a managed stream with fine sediment indicators greater than the reference condition, meaning these streams are not attaining desired conditions for in-stream fine sediment.”* The first site where effects from the proposed action could occur is already not meeting the desired conditions for in-stream fine sediment. Increasing sediment production in this area is not align with the FS duty to ensure that their servient estate does not suffer unnecessary degradation as a result of any actions by the holder of the right-of-way.

Further, on logging roads actively used for timber hauling, logging trucks grind up the gravel road surface, turning it into fine sediment that is often then transported by storm-water to rivers and streams.

The EA must disclose that log haul hydrologic connectivity would be greatly increased because intermittent streams would be flowing.

The EA must disclose that the dust generated from dry season haul can be significant for natural surface road and stream crossings.



The EA must not limited discussion of haul routes to only those that would directly affect habitat. This is wrong because regardless of where sediment enters the stream system the sediment will eventually pass downstream and adversely affect habitat located downstream.

The EA must accurately estimate the number of log haul trips that would generate sediment, especially with wet season haul. Thus, when you multiply 3-4 truckloads per day times 100 or more days the dust related and wet season log haul sediment impacts become significant.

The EA must accurately estimate what “light truck access for reforestation and other management activity” amounts to.

NSO

About 2.3 acres of potential foraging and dispersal habitat would be removed from the Northern Spotted Owl. Of those 2.3 acres, 1.7 acres will be where the extension of new road is built. 3.2 acres of vegetation elimination would make the area unusable for potential NSO prey. Most of the project area occurs in the home range of known Activity Center KL1297. The project’s action area occurs in the home ranges of three NSO activity centers and **in the disturbance buffer and core buffer of one of those NSO activity centers.** This type of interruption to a known NSO disturbance and core buffer is unnecessary when AP Timber has existing reasonable access elsewhere.

The EA should accurately disclose what mitigation effects they would take to avoid noise related and habitat removal effects on the owls in these activity centers.

AP TIMBER LANDS ALREADY HOLDS REASONABLE ACCESS.

Per the maps of the project area, the existing and desired future condition both speak to access on the eastern half of this section. From the map it appears that access to the eastern half could come from the western portion of this section, therefore reasonable access is already available. Further, the only area that may be accessible from the east is a very small portion of the section given the steepness of terrain and the location of Cottonwood Creek. Forest Service should be minimizing new road construction, and resurrection of decommissioned roads.

If the Forest Service is to reopen 2500 feet of road unused for 40 years and construct 250 feet of new road, it is reasonable that the Forest Service should consider a NEPA alternative that decommissions the same or more road elsewhere in the watershed to continue to work towards restoration efforts.

Helicopter Logging is reasonable access.

Option 3 cites “Professional Forester, Professional Judgment” as grounds for not viewing helicopter logging to existing roads as reasonable access. However, the Rouge River Siskiyou



National Forest, Forest Professional Judgment has identified this method of access as reasonable. Peer reviewed science should dictate management decisions.

CONCLUSION:

Please further consider that this section of land is currently heavily roaded, and reasonable access already exists. Thank you for considering our comments. Please send future information on this project to the KS Wild office.

Sincerely,

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