OBJECTOR'S NOTICE OF OBJECTION, STATEMENT OF ISSUES AND LAWS, AND REQUESTED REMEDIES

NOTICE OF OBJECTION

January 9th, 2019

Regional Forester,
Objection Reviewing Officer
Pacific Northwest Region
USDA Forest Service
Attn: 1570 Appeals and Objections
P.O. Box 3623
Portland, OR 97208-3623
Email: objections-pnw-regional-office@fs.fed.us

Forest Supervisor, Attn: Forest Environmental Coordinator
Umatilla National Forest
72510 Coyote Road
Pendleton, OR 97801

RE: Blue Mountains Biodiversity Project's objection to the Glass Project Draft Decision Notice and Finding of No Significant Impact and Final Environmental Assessment

Dear Objection Reviewing Officer,

Blue Mountains Biodiversity Project (BMBP) hereby formally submits the following objections to the Umatilla National Forest Glass Final Environmental Assessment and Draft Decision Notice and Finding of No Significant Impact. BMBP has secured the right to submit objections and thereby participate in the pre-decisional administrative review process for this project. BMBP has submitted timely written scoping comments regarding this project and extensive timely comments on the Draft Environmental Assessment, including field survey sheets and photographs from our surveying the affected area.

Decision Document
Glass Final Environmental Assessment and Draft Decision Notice and Finding of No Significant Impact

Date Decision published
December 11th, 2018

Responsible Official: Forest Supervisor, Umatilla National Forest
and Michael L. Rassbach, District Ranger, Walla Walla Ranger District
(Note: Due to the government shut-down, we were unable to confirm such information as the Responsible Official and whether Region 6 would also be reviewing the objection.)

Description of the Project
The Umatilla National Forest Service has selected in its entirety Alternative A, the proposed action. Therefore, this objection focuses on Alternative A, as specified in the Draft Decision

Notice. Alternative A includes a combination of commercial timber harvest and non-commercial thinning over approximately 4,351 acres of historic plantations.

The Draft Decision also includes further detailed descriptions of the selected Alternative A, which can also be found in various sections of the Glass Environmental Assessment.

Location

The Glass project area encompasses approximately 28,870 acres, located 16 miles north of Elgin, Oregon and 30 miles northeast of Mission, Oregon on the Walla Walla Ranger District of the Umatilla National Forest.

Appellant's Interests

Blue Mountains Biodiversity Project has a specific interest in this decision, which has been expressed through participation throughout the NEPA process. BMBP supporters visit much of the affected area for hiking; camping; fishing; swimming; relaxing; bird, wildlife, and wild flower viewing; photography; hunting; and more. The value of the activities engaged in by BMBP volunteers, supporters, and staff would be damaged by the implementation of this project.

BMBP is a non-profit organization that works to protect Eastern Oregon National Forests. Staff, volunteers, and supporters of BMBP live in various communities surrounding the Umatilla National Forest and use and enjoy the Forest extensively for camping; hiking; drinking water; hunting; fishing; general aesthetic enjoyment; gatherings; viewing flora and fauna; gathering forest products; and other purposes.

Request for meeting

BMBP requests a meeting with the Forest Service to discuss matters in this objection and seek resolution of concerns through negotiation before the Umatilla Forest Service makes a final decision on the Glass Project.

Specific issues addressed in this objection

NEPA (National Environmental Policy Act) violations, including: proposing actions inconsistent with achieving the stated purpose and need for the project; failure to adequately analyze direct, indirect, and cumulative effects of the project; inaccurate use of the science; failure to use the full spectrum of best available science; and the need to use an Environmental Impact Statement if logging in old growth habitat is included in the project. We are also concerned by the inadequacy of the map of proposed actions provided for the sale during Scoping and the Forest Service refusal to provide a more accurate detailed map at the Environmental Assessment stage or earlier, so that the public could ascertain what kind of forest structure and wildlife habitat was included within the sale unit boundaries.

Violations of the National Forest Management Act (NFMA) and the Umatilla Forest Plan, including: the need to provide for population viability for multiple Management Indicator species and other wildlife species associated with old growth forest habitat or riparian habitat, and violation of the Umatilla Forest Plan by not using full PACFISH buffers with no commercial logging in part of the timber sale. We are also concerned that PACFISH Riparian Management Objectives would be set back from attainment through commercial logging impacts within the RHCAs (Riparian Habitat Conservation Areas).

Endangered Species Act violations include failure to fully protect Threatened-listed and Sensitive fish species, rare Pacific lamprey, Sensitive mollusks, and Sensitive Columbia Spotted frog and Rocky Mt. Tailed frog through the use of scientifically supported PACFISH buffers required under the Forest Plan, and potentially contributing to a trend toward federal uplisting for

the following species: Threatened-listed Steelhead trout; Sensitive Redband trout; Pacific lamprey; Sensitive Columbia Spotted frog; Sensitive Rocky Mountain Tailed frog; and Sensitive resident mollusk species We also objected to potential contribution toward federal up-listing for wildlife species associated with old growth forest habitat, including Vulnerable-ranked American marten, Management Indicator and state Vulnerable-ranked Pileated woodpecker, and Sensitive Pacific fisher.

We also express concerns regarding "temporary" road construction and closed road re-opening.

BMBP objects to the Glass Project for the following reasons:

I. The Glass project violates the National Environmental Policy Act

The Glass project violates the National Environmental Policy Act in the following ways: inconsistency with the stated "purpose and need" of the project; failure to adequately analyze direct, indirect, and cumulative impacts of the project; inaccurate use of the science; failure to use the full range of best available science; and failure to make available to the public a more detailed and accurate sale map that must have been used in the EA analysis.

Inconsistency with the stated purpose and need of the project

The Glass project proposed actions are not consistent with all the purpose and need goals as expressed in the Environmental Assessment. The Glass project included the following statements that constituted the purpose and need for the project on EA p.12:

"The Glass project area was identified to address restoration opportunities in moist forest, and also to identify areas of agreement in moist forest management. Management of forest density, structure, and composition, especially in plantations, was identified as a restoration objective to promote forest resiliency, reduce the risk of uncharacteristic disturbances, provide high quality, well-distributed habitat for associated wildlife species, and contribute to social, cultural, and economic needs." (Draft EA p. 1-12, and Draft Decision Notice, pp. 2-3, emphasis ours)

"Based on the existing conditions and desired future conditions stated in the Forest Plan, the purpose of the Glass project is to:

- Improve landscape resiliency and restore functions and processes in upland forest by moving the landscape's vegetation toward Historic Range of Variation (HRV) in forest structure, density, and species composition
- Restore Riparian Habitat Conservation Areas (RHCAs) altered by past timber harvest and offsite planting by managing towards PACFISH Riparian Management Objectives
- Provide forest products to assist in meeting local and regional social, cultural, and economic needs

Specific needs in the Glass project are:

- Decrease offsite ponderosa pine within the project area;
- Encourage species composition closer to the range of historical values;
- Decrease high density forest condition;
- Ameliorate detrimental soil conditions." (Glass EA p.1-13 and Decision Notice, p.3)

Additionally, the EA emphasized the relevance of some of the Forest Plan goals to the Glass project, including:

- " Forest Plan Goal 13—Provide for the diversity of plant and animal communities and species consistent with overall multiple-uses for the Forest. Maintain or enhance

ecosystem functions to provide for the long-term integrity (stability) and productivity of biological communities.

- PACFISH Riparian Goal 5—Maintain or restore riparian diversity and productivity of native and desired non-native plant communities in riparian zones." (EA pp. 1-10 & 1-12)

Examples of our comments on the inconsistency of proposed management actions with the stated purpose and need for the Glass project:

"As 'the intent of the Glass project is to improve stand conditions and promote long-term development of large trees and snags for the future,' the Forest Service needs to drop sale units or parts of sale units that are already demonstrating good stand conditions and existing large trees and snags, because these areas are already meeting desired conditions. This means dropping the healthy, balanced high quality old growth and mature moist mixed conifer wildlife habitat we found in sale units—see our survey sheets and sample photos for guidance. These old growth/mature high quality habitat areas that we recommend dropping are clearly not part of the old plantations." (BMBP Comment on EA p.2-71 with quote from EA p. 2-71)

"The Forest Service cannot log in old growth/mature forest that is not plantations [i.e. logged into an even-aged plantation state] when: 'The objective of treatments in all of these stands is to remove or reduce the amount of off-site ponderosa pine,' as stated in the EA. [p.2-86] The old growth/mature, non-plantation forest we identified in sale units is moist mixed conifer with little to no Ponderosa pine, and no off-site Ponderosa pine found in plantations." (BMBP Comment on EA p.2-86)

"This is not true based on our surveys." (BMBP Comment on EA p. 2-76 re: the Table 2-28 claim that: "Old growth habitat would not be affected." (Regarding effects to White-headed woodpecker.)

"We disagree with the Forest Service re: Key issue #5 [Re: tress species composition, EA Table 1-3, p.1-17], as we don't see any unnatural tree species composition in the moist mixed conifer old growth sale units. This is just a weak excuse to continue logging in last remaining old growth forest....Some sale units include old growth forest that must be dropped from logging to meet the stated purpose and need....If the 'late seral' old growth logging remains in this sale, it is much more scientifically controversial and would be antithetical to the purpose and need statement, requiring an EIS." (BMBP Comments on EA p. 1-17)

Resolution

BMBP has commented on its objection to the Umatilla National Forest's (UNF) Glass EA in comments (see quotes and citations above.)

We request that, to be consistent with the purpose and need for the project, conditions on the ground, and restoration goals, that the Forest Service:

*Drop all old growth (or "late seral") forest from the sale units—See our survey sheets, sample photos, and photo listings for guidance (BMBP Comment on EA p.1-17) for specific acreage to be dropped from the sale units so that remaining sale unit acreage would only incorporate evident plantation conditions (including even-age planted trees and off-site planted Ponderosa pine.)

*Drop all commercial logging within the 16 acres of RHCAs. Instead non-commercial size thinning by hand up to 9 to 10" dbh could be done, with girdling or felling in place any larger off-site Ponderosa pine up to 21" dbh if necessary, to create more large snags and large down wood within the RHCA. Native site-appropriate tree species and riparian hardwoods could be planted if necessary. This would be in alignment with PACFISH and Forest Plan Riparian Management goals by avoiding commercial logging impacts and road re-opening within RHCA buffers but acting to restore riparian hardwoods and a more natural variety of tree species. (See the NEPA inadequate analysis section and the NFMA PACFISH Forest Plan violation section below for our

comments supporting the inconsistency with the stated purpose and need of logging within RHCA buffers.)
*Drop all logging of more rare tree species in order to preserve tree species diversity across the landscape, including: Englemann spruce, Subalpine fir, any Western White pine, any Whitebark pine, and Mountain hemlock.

Need for an EIS for the Glass Project

We did not perceive a need for an EIS for the Glass Project unless the old growth habitat was included in the sale units, which is far more controversial than other management plans in the project and was not clearly specified as part of proposed actions in either Scoping or the EA, thus giving the public no opportunity to comment on planned logging within old growth habitat. Yet the Draft Decision Notice clarifies that the Forest Service does not intend to remove areas of old growth habitat from the sale units. Since we are concerned that logging would significantly degrade existing old growth habitat suitability for old growth-associated wildlife species, the promise of commercially logging while retaining large trees in the old growth habitat does not resolve our objection. Commercial logging would reduce forest structural complexity and higher canopy closure needed by many old growth-dependent species and would also introduce impacts such as soil disturbance, increased invasion of exotic invasive plants, homogenization of the stand, and simplification of tree species composition. Commercial logging would also reduce carbon sequestration capacity, the number of future large trees, down wood for soil nutrient cycling and for foraging by Pileated woodpecker, and existing and future large snags (as some would inevitably be felled as hazard trees.)

An example of our comments supporting this objection:
"If the 'late seral' old growth logging remains in this sale, it is much more scientifically controversial and would be antithetical to the purpose and need statement, requiring an EIS." (BMBP Comment on EA p. 1-17)

Resolution

BMBP has commented on its objection to the UNF's need to prepare an Environmental Impact Statement for the Glass Project and requested that old growth habitat within sale units be dropped in our comments. See our comments quoted and cited above.
To resolve this objection, the Forest Service would either have to prepare an Environmental Impact Statement disclosing their plans to log within old growth habitat and analyzing the effects of logging within old growth habitat, or completely drop all old growth habitat from within the boundaries of existing commercial logging sale units. This is not much to ask, as many of the sale units do not contain old growth habitat or only have small blocks or linear stringers of old growth habitat which are readily identifiable within their boundaries.

*Drop all old growth (or "late seral") forest from the sale units—See our survey sheets, sample photos, and photo listings for guidance (BMBP Comment on EA p.1-17) for specific acreage to be dropped from the sale units so that remaining sale unit acreage would only incorporate evident plantation conditions (including even-age planted trees and off-site planted Ponderosa pine.)

Failure to adequately analyze direct, indirect, and cumulative effects

The Glass Environmental Assessment demonstrates failure to adequately analyze environmental effects of the project throughout the document, including omissions and distortions such as the following addressed in our comments:

"There is no adequate analysis disclosing how proposed logging in RHCAs would be modified to meet RMOs and how effective these modifications would be in meeting RMOS.
"There is no analysis of how standard commercial ground and skyline logging proposed for RHCAs would avoid adverse effects to listed fish and would not delay or prevent attainment of RMOs. This is very inadequate analysis under NEPA. We want all commercial logging and NCTing in RHCAs dropped, as there are no guarantees that this management would not harm listed fish or set back attainment of RMOs." (BMBP Comments on EA p. 1-21)
Re: the EA description of the effects of the "No Action" alternative on EA p. 1-17:
"This is a disingenuous claim, as natural forest thinning processes are ongoing (e.g. root rot patches, defoliating insects, suppressed tree shading-out, water competition self-thinning, and wildfire.) It is ludicrous to suggest that the forest cannot reestablish resilient conditions on its own—especially as the least resilient conditions (the off-site Ponderosa pine plantations) were created by the Forest Service's mismanagement. Nature is not committing ecocide. Such characterization of the No Action alternative is inadequate analysis and inaccurate use of the science." (BMBP Comment on EA p. 1-17)
"This is insufficient analysis of potential effects to Columbia and Rocky Mountain Tailed frog from proposed logging within RHCA buffers, failing to account for loss of shading for moisture retention, increased sedimentation of streams, and potential heavy equipment crushing of Columbia Spotted frogs, or loss of tadpoles in shallow side-channel pools, etc." (BMBP Comment on EA p.2-88)
"This de minimus analysis approach fails to account for subwatershed and watershed-scale cumulative effects to species' viability from many timber sales, claiming to only affect a very small percentage of the whole National Forest." (BMBP Comment on EA p.2-85)
"This is inadequate cumulative effects analysis for cumulative effects to aquatic species. ECA modeling alone is inadequate to gauge effects." (BMBP Comment on EA p.2-100)

Resolution:

BMBP has commented on its objection to the UNF's failure to adequately analyze direct, indirect, and cumulative effects of the Glass project on a range of receptors, including potential project effects to Columbia Spotted frog and Rocky Mt. Tailed frog; listed fish species; aquatic species in general; forest structure under the No Action alternative; primary cavity excavators related to effects to snags; and to attaining Riparian Management objectives.
See our comment quotations and citations in the paragraph above.
To resolve this objection, a DEIS needs to be prepared that adequately analyzes direct and indirect effects of the Glass project, and cumulative effects of the project in combination with past, ongoing, and reasonably foreseeable future actions to NEPA standards, with a public comment period to enable informed public comment and agency review.
Alternatively, all commercial logging in old growth habitat and within RHCAs would have to be dropped, as these are the areas where we found the greatest deficiency in analysis, as well as being our two primary concerns with the Glass timber sale.

Failure to use best available science and inaccurate use of the science

There are several instances in the Glass EA of analysis not reflecting the full range of best available science or using science inaccurately. Examples of failure to use best available science and inaccurately using science from our comments:

"Using the historical range of variability to determine project area contribution to the viability of Management Indicator species, including primary cavity excavators, is a flawed and outdated use of the science, given the unpredictable and complex effects of extreme climate change and the new challenges that extreme climate change poses for wildlife species viability. There is more recent science from the Pacific Northwest Research Station that challenges using HRV this way under extreme and current climate changes." (BMBP Comment on EA p. 2-71)
On EA p. 2-70 we responded to the following admission that the EA was still using an outdated technique for determining snag retention needs and the viability of woodpecker populations:
"The biological potential model used in the forest plan is an outdated technique for determining both snag retention needs at the unit level and for determining viability of woodpecker populations at the forest level (Rose et al. 2001). New information about the ecology, dynamics, and management of decayed wood has been published since then, and the state of the knowledge continues to change. However, until the forest is amended [sic] to reflect the new science, 100% biological potential is the minimum number of snags required to be maintained through the life of the stand rotation (Table 2-26, column 1)." (EA p. 2-70) Our comment: "This is clear failure to use best available science, re: continuing to use the biological potential model when it has been shown by more current science to be outdated." (BMBP Comment on EA p. 2-70)

We respond to the EA claim on p. 2-76 that: "Nearly the entire project planning area is providing three-toed woodpecker habitat (20,870 acres)." Our comment: "This is obviously too broad a spectrum of forest types to determine potential suitable habitat for Three-toed woodpecker." (BMBP Comment on EA p. 2-76, based on including "dense, cold or moist stands of grand fir, larch, subalpine fir, spruce and lodgepole pine" (EA p.2-76) as suitable Three-toed woodpecker habitat when most Forest Service analysis for other timber sales refers to science showing that American/Northern Three-toed woodpecker almost exclusively use older structure Lodgepole pine stands and have a habitat niche distinct from the Black-backed woodpecker, which occupies lower elevation more mixed conifer forest, including Ponderosa pine and Grand fir.
"Moist mixed conifer forest is also usually naturally multi-strata canopy forest, not single stratum. We question the Forest Service assumptions otherwise (under "Specific Needs", p.1-13) as inaccurate use of the science." (BMBP Comment on EA p.1-31)
"Managing toward the "Desired" range of variation is not a legitimate scientific concept. Desired by whom? Clearly by the timber industry and the Forest Service, not by the full range of best available science and public interest." (BMBP Comment on EA p.1-18)

Resolution

BMBP has commented on its objection to the UNF's failure to use best available science and inaccurate use of the science in the Glass project analysis. See our comment citations and quotations in the paragraphs above. See also additional comments relating to this objection on EA pages 1-13, 1-14, and 1-17.

In order for the Glass project to comply with NEPA, the Forest Service needs to incorporate the requisite best available science and use the science accurately, with professional integrity in analysis in a new DEIS available for public comment for the Glass project, to better and more accurately inform public comments, agency review, and decision-making.

Forest Service refusal to provide a more precise larger scale map to enable accurate public location of sale units on the ground and in the EA

Examples of BMBP's comments regarding this objection:
"Unfortunately the only publicly available sale map for the Glass 'project' timber sale was and is very small scale and ill-defined as to exact sale unit boundaries. The Umatilla Forest staff refused our reasonable request for a large scale, more accurate sale map based on existing Forest Service GIS layers—public information, insisting that we do a Freedom of Information Act request for such a map and also stating they would not create a 'new product' for us even though: 1) the Forest Service must be using such a large scale map of the Glass Project themselves, and 2) the Forest Service has been readily providing such large scale detailed maps to us for 27 years."
"The Malheur, Ochoco, and Deschutes Forest Service [and also districts of the Umatilla recently] all still provide us with detailed large scale sale maps." (BMBP Comments on EA p. 1-18)
"Since the Forest Service would not provide us with an adequate sale map in a timely manner (a FOIA request would have so delayed our receipt of the map that we would not have been able to field survey sale unit conditions as a basis for/in time for our comments, and the Forest Service stated in advance they would not create a 'new product'), we were unable to accurately locate all of the sale units, and may have misjudged the sale unit boundaries in some cases. Our goal with field-surveying is to be able to see the existing conditions on the ground, including effects of past management, wildlife sign, forest structure, riparian conditions, soil type, and potential effects from proposed management. We are only able to judge these accurately and see what the Forest Service is seeing, with a detailed large scale map, so that we can be sure we are within the boundaries of sale units. Without such certainty, we may be more suspicious of Forest Service intentions, as in this case, where old growth forest logging appears to be planned within sale unit boundaries although sale units are supposed to comprise historic plantation restoration only. This leads to distrust of the Forest Service and a more precautionary attitude on our part in any negotiations." (BMBP Comments on EA p.1-19)

Resolution:

BMBP has commented on their objection that the Umatilla Forest Service has refused to give us a more accurate large scale sale map when the information was available, instead insisting that we submit a Freedom of Information Act request for such existing public information. See our comments related to this objection quoted and cited above.

To resolve this objection, the Forest Service must send us a more accurate large scale map for the Glass project, incorporating relevant information such as sale unit boundaries, roads and road numbers, section lines and numbers, creeks, private property boundaries, and topography lines, so that we can see where the Forest Service is actually planning to log and how that compares with where we field surveyed sale units. Specifically, in this case, we want to see if the old growth habitat we found is still included within sale unit boundaries for commercial logging. Further, we request that the Forest Service to agree to give us larger scale, more accurate maps of projects as soon as the information is available, without requiring us to do a Freedom of Information Act request for such maps.

II. The Glass project violates the National Forest Management Act

The Glass project violates the National Forest Management Act in the following ways: failure to ensure the viability of Management Indicator species and violation of Forest Plan PACFISH guidance. The Forest Plan requires adherence to PACFISH requirements, including moving toward attainment of Riparian Management Objectives in RHCAs under the Eastside Screens,

which proposed project actions would violate with commercial-size logging and heavy equipment use within RHCA 'no logging' buffers.

Failure to ensure the viability of Management Indicator Species (MIS)

Our comments noted areas of analysis in which the Glass EA failed to demonstrate that the viability of Management Indicator and Sensitive species (MIS) would be ensured with project implementation. Species of concern for protection of viability included the following Management Indicator species: Pileated woodpecker, American marten, American Three-toed woodpecker, Primary Cavity Excavator woodpeckers, and Northern goshawk, as well as Redband trout, Pacific lamprey, Sensitive Columbia Spotted frog and Rocky Mountain Tailed frog, and Sensitive mollusk species.

The Forest Service has legal responsibilities to protect the viability of Management Indicator species, but not to move forest structure toward a theoretical Historic Range of Variability (HRV) as an over-riding goal. It's not appropriate or legally justifiable to keep reducing Management Indicator species' suitable habitat (e.g. American marten) in timber sale after timber sale, even after that species is considered vulnerable by the U.S. Fish and Wildlife Service--which apparently applies now to American marten and Three-toed woodpecker, both of whom could have suitable habitat acreage reduced under the Glass project. The Pileated woodpecker is now considered Vulnerable in the state of Oregon, and like the marten, would be adversely affected by commercial logging in old growth moist mixed conifer habitat within the sale units. The EA did not include adequate cumulative effects analysis as to all the reductions of suitable habitat across the Forest from other timber sales and agency projects. (See our objection and comments above regarding inadequate cumulative effects analysis.) It is also not justifiable to plan for continued impacts and cumulative potential loss of species viability for a Management Indicator species (e.g. American marten and Pileated woodpecker) based on "long-term" theoretical re-growth of suitable habitat eventually, as the species' viability may be lost before the habitat can grow back—especially given likely planned similar timber sales in the same District in the future, and the 100+ years suitable large and old habitat structure would take to re-develop.

Examples of how our comments express these concerns regarding the failure to ensure the viability of MIS and other vulnerable species follow:
"We need sale unit areas dropped that currently incorporate old forest stand structure to be assured that dead wood habitat would not be affected in these high quality old forest habitats, as promised in the EA."
"We are concerned that in identified old growth areas in sale units, too many large snags would be felled for safety requirements and that complex forest structure would be lost, negatively affecting wildlife."
"We are also concerned that commercial logging in old growth/mature non-plantation habitat we found in sale units would remove significant canopy closure needed by Northern goshawk, Pileated woodpecker, marten, possible Pacific fisher, and multilayer canopy-associated songbirds." (BMBP Comments on EA p.2-84)
"This de minimus analysis approach fails to account for subwatershed and watershed-scale cumulative effects to species' viability from <u>many</u> timber sales claiming to only affect a very small percentage of the whole National Forest."
"See our survey sheets and sample photos for evidence of Pileated woodpeckers (foraging, nest and roost holes, and sightings or heard calls) in old growth sale units and parts of sale units as they were mapped on the coarse [scale] scoping map." (BMBP comments on EA p.2-85)
"This is not true re: sale units not providing source habitat for marten, in the sale units we found to have high quality old growth habitat with good canopy closure, large snags (including with

Pileated nest holes) and abundant large live trees and down wood. See our survey sheets and sample photos for examples. Hopefully these areas are mapping errors and will be dropped as [such] from sale units. Otherwise we are concerned about potential unanalyzed effects to marten." (BMBP comment on EA p. 2-83 re: the dismissive "Direct Effects" statement for marten on the same page: "Marten habitat would not be affected by commercial harvest in either alternative because treatments are proposed in previously managed stands that do not provide source habitat for marten."

We also expressed concern over effects to Three-toed woodpecker (on EA p. 2-86) and to ESA Threatened-listed fish species, Sensitive Columbia Spotted frog and Rocky Mt. Tailed frog, and Sensitive mollusk species. See BMBP comments on EA pages 1-21, 2-88, 2-89, 2-90, 2-91, 2-93, and 2-98. (See under Endangered Species Act for comment examples.)

Resolution

BMBP has commented on its objection to the UNF's failure to provide for viability of Management Indicator and other species in the Glass project. See our comment citations and sample quotes in the above paragraphs.

Resolution of this issue would include:
*Drop all patches of old growth forest habitat from commercial logging sale units, with clear boundary exclusion of these areas from logging.
*Drop all commercial logging and heavy equipment use within RHCA buffers. Non-commercial size thinning by hand (up to 9-10" dbh) and girdling of larger off-site Ponderosa pine up to 21" dbh in plantations within the RHCAs would be acceptable, along with planting of site-adapted native tree species and hardwoods.
* "Drop all proposed 'temporary' roads to avoid loss or degradation of habitat for Pileated and Three-toed woodpeckers, marten, elk, and other disturbance-sensitive species. Drop the 'temporary' road that would affect both Pileated woodpecker and marten habitat to access sale unit 76." (BMBP Comments on EA pages 2-86 and 2-85)

Please see our survey sheet priority drop sale units for these species, plus any additional known suitable habitat for these species in commercial logging sale units.

Other Forest Plan violations

Additional Forest Plan violations in the Glass project include potential violations of Forest Plan standards by further setting back attainment of PACFISH Riparian Management Objectives.

PACFISH Violations

Examples of our comments on potential Forest Plan violation regarding failure to demonstrate adherence to PACFISH logging buffers and Riparian Management Objectives:
"Commercial logging heavy equipment impacts and extraction of mature trees from the RHCAs poses foreseeable likely adverse effects (impacts) to listed anadromous fish, including excess sediment introduced to the stream system, reduced future large wood recruitment to the stream, and destabilization of stream banks, as well as potential increased stream temperatures from reduced shading. Re: PACFISH: Commercial-size logging and wood extraction from RHCAs would create ecological impacts that would set back attainment of riparian management objectives. "
"There is no adequate analysis disclosing how proposed logging in RHCAs would be modified to meet RMOs and how effective these modifications would be in meeting RMOs."

" Logging in never logged stands and/or next to near-reference condition creeks does not meet PACFISH Riparian Goal #5 of maintaining or restoring riparian diversity and productivity of native plant communities in riparian zones. See our field survey sheets and photos for examples of this."
"There is no analysis of how standard commercial ground and skyline logging proposed for RHCAs would avoid adverse effects to listed fish and would not delay or prevent attainment of RMOs....We want all commercial logging and NCTing in RHCAs dropped, as there are no guarantees that this management would not harm listed fish or set back attainment of RMOs." (BMBP Comments (plus more unquoted) on EA p.1-21)
"'Localized' effects can be transported downstream to fish-bearing streams, such as excessive fine sediment and water temperature increases." (BMBP Comment on EA p. 2-99)
"We are concerned by potential impacts to the following sensitive species of planned logging within RHCA buffers: Pacific lamprey, Redband trout, Western Ridged mussel, and Shortface lanx. PACFISH/INFISH RHCA buffers are based on good science to protect listed aquatic species from logging impacts." (BMBP Comment on EA p. 2-93)
"We are concerned by potential cumulative impacts of currently proposed logging within RHCA buffers with past effects of clearcuts all the way to streams and 635 acres of Class III RHCAs where all or some trees were removed from RHCAs. See EA p. 2-97 'Riparian Resources.'" (BMBP Comment on EA p. 2-97)

There is also the basic problem that the EA admits that: "The [Forest Plan/PACFISH] standards and guides specific to timber management prohibit timber harvest in RHCAs." (EA p. 1-21) Yet while recognizing that commercial logging within RHCAs would thus constitute a violation of Forest Plan standards and guidelines, the EA fails to propose a Forest Plan amendment to allow for commercial logging within RHCAs. Of course a Forest Plan amendment could also be legally problematic since this is not necessarily just a site-specific or unique situation and cumulatively, such Forest Plan amendments can add up to significant effects. Further a Forest Plan revision process affecting the Umatilla National Forest is already past the objection stage, begging the question of why the Forest would propose a Forest Plan amendment in this context. So the Forest Service should just forgo commercial logging within RHCA buffers as there are other ways to deal with the perceived plantation problem, which we suggest in our proposed resolution remedy. The Forest Service is obligated to follow the standards and guidelines of their Forest Plan.

Resolution

BMBP has commented on the Glass project's potential violations of PACFISH Riparian Management Objectives and no logging buffers. See our comments cited and quoted above. Additional comments supporting this objection may be found in our comments on EA pages 1-14, 1-16, 1-18, and 2-98.

To resolve this objection, the Forest Service needs to:
*Drop all the listed management activities that have potential to indirectly affect fish and other aquatic species due to their proximity to aquatic species and their habitat. See bullet point listing on EA p. 2-98, 2.5.2.1. (BMBP Comment on EA p. 2-98) We could accept hand-thinning of small diameter trees <9" dbh within RHCAs and some girdling of off-site Ponderosa pine up to 21" dbh in plantations within RHCAs.
*Drop commercial logging and heavy equipment use within RHCA buffers (16 acres).
*Drop all re-opening of closed roads and construction of 'temporary' roads within, or adjacent to, RHCAs.
*Drop any planned heavy logging equipment stream drainage crossings.

*Drop plans for continued maintenance of any closed roads re-opened unless they are only seasonally closed and still open for administrative use.
* "Decommission fully all roads within RHCAs except for major roads not causing ecological damage. Reduce overall road density to less than Forest Plan standards, based on best available science.

III. The Glass Project Would Violate the Endangered Species Act

We are concerned that the Forest Service is not adhering to the intent and management guidance of the Endangered Species Act regarding Forest Service disregard for the need to maintain sufficient suitable habitat and conditions to prevent a trend toward federal up-listing for Threatened-listed fish species; Sensitive and Management Indicator Redband trout; Sensitive Columbia Spotted frog and Rocky Mountain tailed frog; Sensitive Pacific lamprey; Sensitive mollusk species; Vulnerable-ranked and Management Indicator American marten; Sensitive-listed Pacific fisher; Management Indicator Pileated woodpecker (also ranked as Vulnerable by the state of Oregon), and Northern goshawk, which is cumulatively threatened by the ever escalating scale and pace of heavy logging based on density reduction. All of these species have known active or potential suitable habitat in the Glass project area that is threatened by Glass Draft Decision Notice management plans.

Our comments explain our concerns regarding violation of the Endangered Species Act through degradation or elimination of suitable habitat setting back species recovery, threatening loss of population viability, or otherwise contributing to a federal uplisting trend for the species:

Comments re: potential impacts to Threatened-listed and Sensitive fish species, Sensitive Columbia Spotted frog and Rocky Mountain tailed frog, and Sensitive mollusk species:
"We are very concerned about potential impacts of commercial logging within the RHCA buffers of Buzzard Creek and any other creeks with commercial logging in RHCAs [posed] to Threatened-listed Steelhead and Sensitive Redband trout in these creeks."
"Sediment from logging in upstream creeks could negatively affect downstream Chinook salmon, as sediment can travel downstream with spring water flows." (BMBP Comments on EA p. 2-91)
"We are concerned by potential impacts to the following Sensitive species from planned logging within RHCA buffers: Pacific lamprey, Redband trout, Western Ridged mussel, and Shortface lanx. PACFISH/INFISH RHCA buffers are based on good science to protect listed aquatic species from logging impacts." (BMBP Comment on EA p.2-93)
"We are concerned by potential impacts to Columbia Spotted frogs and to Rocky Mountain tailed frogs, as well as to Sensitive and Threatened-listed fish species and mollusks, of proposed commercial logging in RHCA buffers." (BMBP Comment on EA p.2-80)
"This is insufficient analysis of potential effects to Columbia and Rocky Mountain Tailed frog from proposed logging within RHCA buffers, failing to account for loss of shading for moisture retention, increased sedimentation of streams, and potential heavy equipment crushing of Columbia Spotted frogs, or loss of tadpoles in shallow side-channel pools, etc." (BMBP Comment on EA p.2-88)
"So snail species found on the Forest could be harmed by logging within RHCA buffers affecting moist micro-site key habitat components such as down logs, moist ravines, and nearby water features. Drop all the proposed logging within RHCA buffers." (BMBP Comments on EA p. 2-88)
"Impacts to Columbia Spotted frog, Rocky Mountain tailed frog, Sensitive mollusks, and Sensitive and Threatened-listed fish could and should be avoided by dropping proposed logging within PACFISH RHCA buffers, as in alt. B." (BMBP Comment on EA p. 2-90)

Other BMBP comments regarding potential impacts contributing to a trend toward uplisting for Redband trout, Steelhead trout, Pacific lamprey, Columbia Spotted frog, Rocky Mountain tailed frog, and Sensitive mollusk species include multiple comments by BMBP on EA p. 1-21, and BMBP comments on EA pages 2-93, 2-97, and 2-99, some of which are quoted under the PACFISH violation section above.

Comments re: potential impacts of proposed management to Northern goshawk and Sensitive Pacific fisher (BMBP Comment on EA p. 2-84), and Management Indicator species, including American marten, Pileated woodpecker, and Three-toed woodpecker, that could contribute to an upward listing trend for these species are quoted and cited above under NFMA—Species Viability, including BMBP comments on EA pages 2-83, 2-84, 2-85, and 2-86.

Resolution:

Blue Mountains Biodiversity Project has extensively commented on our objection regarding violations of the Endangered Species Act. See our comment quotations and citations in the paragraphs above. Some of the species addressed in this objection have remedies cited under NFMA—Forest Plan violation of PACFISH, and NFMA—MIS and other species viability above, that are also applicable to the ESA violations.
Partial resolutions are listed below:

Re: aquatic and riparian species:
*Drop all heavy equipment use and related commercial-size logging within RHCA buffers (16 acres).
*Drop all the listed management activities that have potential to indirectly affect fish and other aquatic species due to their proximity to aquatic species and their habitat. See bullet point listing on EA p. 2-98, 2.5.2.1. (BMBP Comment on EA p. 2-98) We could accept hand-thinning of small diameter trees <9" dbh within RHCAs and some girdling of off-site Ponderosa pine up to 21" dbh in plantations within RHCAs.
*Drop all re-opening of closed roads and construction of 'temporary' roads within, or adjacent to, RHCAs.
*Drop any planned heavy logging equipment stream drainage crossings.
*Drop plans for continued maintenance of any closed roads re-opened unless they are only seasonally closed and still open for administrative use.
* "Decommission fully all roads within RHCAs except for major roads not causing ecological damage. Reduce overall road density to less than Forest Plan standards, based on best available science.
Re: Northern goshawk, Pacific fisher, and Management Indicator species—see resolution suggestions under NFMA MIS viability, above, for these species:
Resolution of this issue would include:
*Drop all patches of old growth forest habitat from commercial logging sale units, with clear boundary exclusion of these areas from logging.
* "Drop all proposed 'temporary' roads to avoid loss or degradation of habitat for Pileated and Three-toed woodpeckers, marten, elk, and other disturbance-sensitive species. Drop the 'temporary' road that would affect both Pileated woodpecker and marten habitat to access sale unit 76." (BMBP Comments on EA pages 2-86 and 2-85)
*Please see our survey sheet priority drop sale units for these species, plus any additional known suitable habitat for these species in commercial logging sale units.
Re: Sensitive Pacific fisher in particular:
*Drop all commercial logging of LOS stands.

*Retain more mature Grand fir wherever it would naturally occur (e.g. in moist mixed conifer, in riparian zones, on North to Northeast facing slopes, and in high elevation mixed conifer) so that more mature Grand fir will survive to become suitable hollow denning trees. (This also benefits Pileated woodpecker by retaining foraging habitat.)
*Drop all known suitable Pacific fisher habitat

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Inadequate Analysis and Mitigation Regarding Effects to Climate Change

Once again, the Forest Service fails to accept responsibility for their increasing contributions to climate change through the increasing scale and pace of incremental deforestation and carbon storage reduction through repeated timber sales at an accelerated pace and scale, including the Glass sale. The Glass Draft and Final EAs both failed to analyze the effects of the project on climate change. There is no discrete section on climate change-related emissions and the interactions between forests and climate change, including carbon sequestration. The EA also fails to do any evident or significant analysis of climate change effects (either to the forest or from the Glass sale) in any of its issue sections.

Our comments on the Glass EA regarding climate change as a significant and relevant issue include the following:
"This stubborn Forest Service insistence on moving the Forest back to a theoretical static point of time (or range) of forest conditions is now outdated due to the extreme changes from climate change and has always been flawed due to Forest Service failure to use pre-European colonization conditions as a base line, instead often using periods just after heavy logging." (BMBP Comment on EA p. 1-13)
"Using the historical range of variability to determine project area contribution to the viability of MIS [Management Indicator Species], including primary cavity excavators, is a flawed and outdated use of the science, given the unpredictable and complex effects of extreme climate change and the new challenges that extreme climate change poses for wildlife species' viability. There is more recent science from the Pacific NW Research Station that challenges using HRV this way under extreme and current climate changes." (BMBP Comment on EA p. 2-71)

Resolution

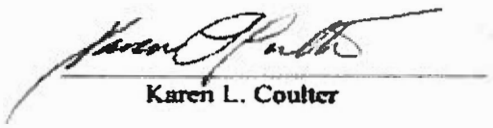
BMBP has often commented regarding Forest Service failure to acknowledge and mitigate their contributions to catastrophic climate change through their increased intensity and scale of commercial logging to unsustainable levels in multiple large and smaller timber sales.

To resolve this problem, the Forest Service needs to make the following modifications to the Glass project, as suggested in other proposed resolution remedies above. We do appreciate the Forest Service planning not to log large trees (>/= 21"dbh) or large snags in the Glass sale. We also appreciate the emphasis on restoring plantations from a stressed monoculture state to a more natural condition. Our proposed remedies include some measures already included in Forest Service planning of the Glass sale and some modifications still needed:
* Significantly decrease the intensity of planned commercial logging by not logging old growth habitat within the commercial logging sale unit boundaries or elsewhere.
* Retain all large tree structure as proposed, including snags greater than 12"dbh and large down wood, to retain the most significant existing carbon storage.
* Retain more mature trees to sequester carbon and become large trees by dropping the best wildlife habitat from logging as per our survey sheet recommendations, including stands with healthy mature mixed conifer overstory growing back after past logging as well as patches of old growth included within commercial logging sale units. This also serves to reduce fragmentation

impacts to overstory canopy and retain mature and large tree carbon sequestration and moisture retention from the canopy.
*Retain more soil sequestration of carbon by protecting soils from logging impacts and leaving all existing down wood and all large wood.
*Drop the proposed 16 acres of commercial logging within RHCA buffers, as RHCA buffers are important security and migration corridors for wildlife dispersing to more suitable habitat during climate change.

Thank you for your consideration of these objections. We look forward to meeting with you to work on a resolution to our concerns. I will not be available for such a meeting from February 7th through February 26th, as I will be out of the country.

Sincerely,



Karen L. Coulter, Director,
Blue Mountains Biodiversity