

August 2, 2021

Eric Watrud
Forest Supervisor
Umatilla National Forest
Attn: Objections, High Buck Project
72510 Coyote Rd
Pendleton, OR, 97801

Electronically Submitted via:

<https://cara.ecosystem-management.org/Public//CommentInput?Project=53033>

Subject: 36 CFR 218 Objection to the High Buck Project

Dear Supervisor Watrud:

In accordance with 36 CFR 218, Greater Hells Canyon Council (“GHCC”) hereby formally submits the following objection to the Umatilla National Forest High Buck Vegetation Management Project Final Environmental Assessment, Finding of No Significant Impact and Draft Record of Decision. GHCC has the right to submit objections and thereby participate in the pre-decisional administrative review process for this project as we submitted timely written scoping comments regarding this project.

Decision Document

Umatilla National Forest High Buck Vegetation Management Project Final Environmental Assessment, Finding of No Significant Impact, and Draft Record of Decision.

Project Location

Umatilla National Forest, Walla Walla District

Responsible Official

Aaron Gagnon, Walla Walla District Ranger

Description of the Project

The Umatilla National Forest has selected the Proposed Action which includes the following management actions:

- 2,195 acres of commercial logging
- 2,315 acres of non-commercial thinning
- 2,770 acres of landscape prescribed fire, and
- 6 miles of temporary road construction.

Appellant’s Interests

This Objection is being submitted on behalf of GHCC by Veronica Warnock, Conservation Director for GHCC. GHCC’s mission is to connect, protect, and restore the wild lands, waters, native species and habitats of the Greater Hells Canyon Region, ensuring a legacy of healthy

ecosystems for future generations. GHCC is a grassroots conservation organization founded in 1967 (as Hells Canyon Preservation Council) whose work focuses on public lands management in the entire Greater Hells Canyon Region. GHCC covers such diverse issues as logging, grazing, recreation, mining, species protection, wildlife connectivity, and more.

Request for meeting

GHCC requests a meeting with the Forest Service to discuss matters in this objection and seek resolution of concerns before the Umatilla National Forest makes a final decision on the High Buck Project.

OBJECTIONS

1. The Forest Service failed to provide an opportunity to comment on an environmental analysis as required by NEPA

The agency did not release a draft Environmental Assessment (EA) and associated project documents, including specialist reports, for public review and comment prior to making a draft decision for the High Buck Project. The only opportunities the public had to learn about and provide input on the High Buck project was during the scoping period and after the EA had been finalized and a draft decision made.

Providing the public an opportunity to comment during scoping and on a draft EA or Environmental Impact Statement (EIS) are two separate obligations under the National Environmental Policy Act (NEPA) that cannot be satisfied using one, combined public comment period. Scoping provides only basic information about a project and does not allow the public to review data collected by specialists or comment on the EA, proposed alternatives and potential environmental effects. This side steps NEPA, CEQ Regulations and numerous court decisions including the requirement that “environmental information is available to public officials and citizens before decisions are made and before actions are taken. 40 C.F.R. § 1500.1(b)

In order to resolve this objection point and meet its obligations under NEPA, the Forest Service must withdraw its draft decision and provide an opportunity for the public to comment on a draft environmental analysis.

2. The High Buck Project fails to accurately inventory and analyze impacts to undeveloped/roadless areas in violation of NEPA

Logging roadless areas may cause significant effects on wildlife habitat, carbon storage, and other ecosystem services. Despite this, the High Buck Project involves significant logging in roadless areas. According to the EA, the Proposed Action would develop five percent (720 acres) of the Undeveloped Lands within the analysis area. The largest undeveloped polygon (2,925 acres) would only be affected by burning. The second largest polygon (555 acres) would be reduced by 315 acres. EA at 86. This does not account for lands that were improperly excluded from the undeveloped/unroaded areas inventory.

The inventory conducted by the Forest Service arbitrarily excludes functionally unroaded and undeveloped lands. Lands with previous harvest should not be automatically disqualified. Some stands may have been lightly logged many years ago and now function as undeveloped/roadless lands. This requires site-specific review. Excluding 300 feet along roads also may exclude lands with significant undeveloped/roadless character.

In our scoping comments we asked that the Forest Service take a hard look at wildlife connectivity and permeability by analyzing wildlife movement throughout the project area and alter the proposed action to best accommodate wildlife needs including *by protecting all roadless areas*. This request was ignored.

In order to resolve this objection point we request that an EIS be developed that considers the significant impacts of logging on the disproportionate ecosystem services provided by undeveloped/roadless areas within the project area; a new inventory be conducted that includes all functional roadless/undeveloped lands and the 315 acres of logging with the 555 acre identified polygon of undeveloped lands be dropped along with logging within other roadless areas identified and not identified in the roadless inventory from the selected alternative.

3. The Forest Service failed to develop a reasonable range of alternatives to the Proposed Action

The National Environmental Policy Act (NEPA) requires that federal agencies provide a detailed evaluation of alternatives to the proposed action in every NEPA document. 42 U.S.C. § 4332; 40 C.F.R. § 1502.14(a). This discussion of alternatives is essential to NEPA's statutory scheme and underlying purpose. See, e.g., *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228 (9th Cir. 1988), cited in *Alaska Wilderness Recreation & Tourism Ass'n v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995). Indeed, NEPA's implementing regulations recognize that the consideration of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. Therefore, the Forest Service must "[r]igorously explore and objectively evaluate all reasonable alternatives" in order "to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of [the agency's] actions upon the quality of the human environment." 40 C.F.R. §§ 1502.14(a), 1500.2(f).

Here the Forest Service failed to develop an alternative that responded to the issues raised in our scoping letter. In order to resolve this objection point we request that a new environmental analysis is conducted that includes a reasonable range of alternatives.

4. The Forest Service failed to consider the best available science and give a hard look at the impacts of the Action Alternatives

The Forest Service is required to consider the best available scientific information. 36 C.F.R. § 219.3. It must also take a hard look at the environmental consequences of the decision. NEPA's hard look at environmental consequences must be based on "accurate scientific information" of "high quality." 40 C.F.R. § 1500.1(b). Essentially, NEPA "ensures that the agency, in reaching its decision, will have available and will carefully consider detailed information concerning significant environmental impacts." *Robertson v. Methow Valley Citizens Council*, 490 U.S. at

349. The Data Quality Act expands on this obligation, requiring that influential scientific information use “best available science and supporting studies conducted in accordance with sound and objective scientific practices.” Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub.L. No. 106-554, § 515.

We appreciate that Alternative B was developed to respond to the concerns raised around converting old forest multi story to old forest single story. Alternative B resolves the issues we raised concerning management of multi storied old forests. However, there are many other issues raised in our scoping comments that have not been addressed. The EA failed to consider a broad array of impacts related to soil conditions, climate change, forest roads and temporary roads, snag habitat, wildlife, wildlife connectivity, wildfire activity, sensitive, MIS, and threatened and endangered species and recreation.

As stated in our scoping comments we respectfully request that all logging in the project area that would adversely impact recreation opportunities or areas with assumed infrequent fire regimes, sensitive plant, lichen, bryophyte and fungal species be dropped from mechanical entry. We also request that the ~350 acres commercial logging on steep slopes be dropped.

5. The Forest Service filed to consider the direct, indirect and cumulative effects on climate mitigation and adaptation

The High Buck project may significantly impact the environment with substantial greenhouse gas emissions as well as direct, indirect and cumulative effects on forest carbon stores and sequestration rates. The Ninth Circuit has concluded that the “impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.” *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.* (“NHTSA”), 538 F.3d 1172, 1217 (9th Cir. 2008). There is no scientific question that incremental increases in greenhouse gases can have a cumulatively “significant” effect on climate change. *Id.* at 1222. Further, “the fact that climate change is largely a global phenomenon that includes actions that are outside of [the agency’s] control . . . does not release the agency from the duty of assessing the effects of its actions on global warming within the context of other actions that also affect global warming.” *Id.* (internal citations omitted); see also *id.* (“[w]e cannot afford to ignore even modest contributions to global warming. If global warming is the result of the cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual trees?”) (citing *City of Los Angeles v. NHTSA*, 912 F.2d 478, 501 (D.C. Cir. 1990) (Wald, C.J. dissenting); *San Luis Obispo Mothers for Peace v. NRC*, 449 F.3d 1016, 1032 (9th Cir. 2006) (“No provision of NEPA . . . allows [agencies] to eliminate a possible environmental consequence from analysis by labeling the risk as ‘unquantifiable’”).

Here the Forest Service failed to take a hard look at the effects of this project on carbon storage and climate change. Instead the agency used boilerplate language regarding carbon and climate change. That standardized NEPA language/EA fails to quantify the carbon emissions of the different alternatives and no action or recognize that:

- the true nature of the climate problem and the cumulative carbon overload in the atmosphere and incorrectly assuming that small emissions are inconsequential;
- that all carbon emissions are detrimental, including all emissions from forestry, not just deforestation;
- logging does not increase forests productivity or increase forests capacity for carbon storage;
- the carbon emissions associated with logging exceed the carbon emissions associated with forest disturbance (even when logging is intended to limit or control disturbance, because there is a very low probability that forest treatments will interact with natural disturbance);
- the proper comparison of carbon emissions and carbon storage associated with logging is to compare the carbon effects of each alternative, including no action, not to compare carbon storage before logging and after some period of regrowth;
- it is more effective to leave carbon in the forest than to try to store carbon in wood products, especially in a forest like this that exhibits relatively high productivity. When viewed using lifecycle analysis, it is clear that wood products represent not a net *sink* for carbon, but rather a significant net *source* of carbon emissions. When a forest is logged to produce wood products, only a small fraction of the carbon from the forest ends up stored in wood products; the vast majority of carbon in a logged forest ends up on an accelerated path to the atmosphere.

The EA also provides a misleading analysis that fails to distinguish between activities that might help forests prepare for climate change, and activities that might help mitigate climate change by storing more carbon, and fails to develop an alternative that harmonizes these two goals.

In order to resolve this objection point we ask that an environmental analysis and alternative are prepared that address the failures identified above.

Sincerely,



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