

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

NOTICE OF OBJECTION

October 14th, 2021

Forest Supervisor (Reviewing Officer)
Deschutes National Forest Supervisor's Office
Attn: Sasha Fertig
63095 Deschutes Market Road
Bend, OR 97701

RE: Blue Mountains Biodiversity Project's objection to the Deschutes National Forest's
Surveyors Project Final Environmental Impact Assessment, Draft Decision Notice, and Finding
of No Significant Impact

Dear Objection Reviewing Officer,

Blue Mountains Biodiversity Project (BMBP) hereby formally submits the following objections
to the Deschutes National Forest Surveyors Project Final Environmental Assessment, 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 comments on the Preliminary Environmental Assessment, including field survey sheets
and photographs from our surveying the affected area for six days with volunteers.

Decision Document

Surveyors Project Final Environmental Assessment, Draft Decision Notice, and Finding of No
Significant Impact

Date Decision published

August 31st, 2021

Responsible Official

Kevin W. Larkin, District Ranger, Bend-Fort Rock Ranger District, Deschutes National Forest

Description of the Project

The Deschutes National Forest Service has selected in its entirety Alternative 2, including the
following proposed management actions. Therefore, this objection focuses on Alternative 2, as
specified in the Draft Decision Notice. Alternative 2 includes:

- * 5,130 acres of commercial thinning
- * 9,373 acres of noncommercial thinning
- * 4,018 acres of Improvement cut (logging)
- * 875 acres of Pumice moonwort enhancement (thinning included in total above)
- * 230 acres of Whitebark pine restoration (thinning included in total above)
- * Total acres of silvicultural treatments: 18, 521 acres
- * Volume of timber produced: 23.9 mmbf
- * 18,520 acres of fuels activities (e.g. prescribed burning, shrub mowing & mastication)
- * Second entry underburning and mastication/mowing

- * 1.8 miles of Administrative use only road
- * 53.4 miles of closing system roads
- * 25.2 miles of decommissioning system roads
- * 9.9 miles of decommissioning unauthorized routes
- * 5.1 miles of maintenance level 1 closed roads added to the system
- * 3.5 miles of maintenance level 2 open roads added to the system
- * Open road density (includes only NFS roads): 2.1 miles/square mile
- * 23 miles of temporary road construction
- * 1,000 acres of identified wildlife connectivity corridors
- * 4,349 acres of green tree replacement

The Draft Decision Notice also includes further detailed descriptions of the selected Alternative 2, which can also be found in various sections of the Surveyors Final Environmental Assessment.

Location

The Surveyors project planning area encompasses the Surveyors lava flow, a prominent landscape feature. The approximately 31,180 -acre Surveyors planning area is approximately 25 miles south of Bend, Oregon and five miles east of La Pine, Oregon. The Surveyors project area is located on the Bend-Fort Ranger District and includes 560 acres of the Newberry National Volcanic Monument in the northern portion of the planning area. Elevations within the planning area range from 4,560 to 6,840 feet. See the Draft Decision Notice, p.1 for the legal description of the planning area by township, range, and sections.

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; relaxing; bird watching; wildlife 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 Deschutes National Forest and use and enjoy the Forest extensively for camping; hiking; bird watching; hunting; fishing; general aesthetic enjoyment; gatherings; viewing flora and fauna; and gathering forest products.

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 Deschutes Forest Service makes a final decision on the Surveyors Project.

Specific issues addressed in this objection

NEPA (National Environmental Policy Act) violations, including: failure to provide an adequate range of alternatives; failure to adequately analyze direct, indirect, and cumulative impacts of the project; failure to disclose scientific controversy; and inaccurate use of the science.

Violations of the National Forest Management Act (NFMA) and the Deschutes Forest Plan, including failure to provide for population viability for multiple Management Indicator species and other wildlife species and violations of the Deschutes Forest Plan.

Potential violations of the Deschutes National Forest Plan include violations of management area guidance and Forest Plan standards, including Northern goshawk protections under the Eastside Screens; violations of Management Areas guidance for Wildlife Connectivity Corridors and Old Growth Management Areas; and Forest Plan standards for snag density/abundance and impacts to soils. We are also concerned by proposed logging in the Newberry National Volcanic Monument.

Endangered Species Act violations include contributing to a trend toward federal uplisting for the following species: Threatened-listed Gray wolf; Sensitive Wolverine; Sensitive Pacific fisher; and Sensitive-listed bat species known to be or suspected to be within the project area. We also express concerns regarding "temporary" road construction and closed road re-opening, and potential impacts to climate stability.

BMBP objects to the Surveyors Project for the following reasons:

I. The Surveyors project violates the National Environmental Policy Act

The Surveyors project violates the National Environmental Policy Act in the following ways: failure to provide an adequate range of alternatives; failure to adequately analyze direct, indirect, and cumulative impacts of the project; failure to use an Environmental Impact Statement instead of an Environmental Assessment; failure to take the requisite "hard look" at project impacts required by NEPA; failure to disclose scientific controversy; and inaccurate use of the science.

Failure to provide an adequate range of alternatives

The Surveyors Preliminary Environmental Assessment included an inadequate range of alternatives. Our related comment explains our position: "There is very little acreage difference between the effects of alternative 2 and alternative 3, and the same management actions and effects, just differing in degree and sometimes in location. This indicates an inadequate range of alternatives. See the 4th par. of p. 71 of the Preliminary Environmental Assessment (PEA) for an example of little acreage difference." (comment written on PEA p. 71 and identified in the response to comments in Appendix E as 5-55.)

Resolution

BMBP has commented on its objection to the Deschutes' inadequate range of alternatives in the Surveyors Preliminary Environmental Assessment and requested a broader range of alternatives in our comments. See our comments quoted and cited above.

To remedy this problem, the Forest Service would either have to reissue a new Final Environmental Assessment or Environmental Impact Statement offering a full range of alternatives as required by NEPA for public review and comment, or better meet our concerns expressed in related comments as follows:

- *Reduce the overall scale of commercial size logging (of mature trees).
- *Modify proposed logging intensity to maintain more forest structure for wildlife and soil nutrient cycling, especially in the "Improvement cut" sale units and in mixed conifer sale units.
- *Retain more mature trees 15 " dbh and greater, regardless of species, to retain needed future large structure, which is at a great deficit in the project area compared to historic conditions.

*Change more sale units to only non-commercial-size thinning instead of commercial logging, or to no thinning, throughout the sale unit, especially those sale units with suitable habitat density and canopy closure for Pileated woodpecker; American marten; elk and deer thermal and hiding cover; primary cavity excavators; and Northern goshawk. This should include wildlife connectivity corridors (which should be identified as in alternative 3) and sale units where we identified more wildlife sign for these species.

*Drop logging and prescribed burning of suitable or active Pileated woodpecker and American marten habitat, which are indicated on our survey sheets by high old growth mixed conifer counts per acre; large live, snag, and log tree structure; fresh and recent Pileated foraging sign; and for marten, abundant down wood, large snags, and/or the presence of large enough root wad burrows for marten. Preserving this habitat by not commercially logging it or prescribed burning it would also preserve potential habitat for Pacific fisher. Most suitable habitat for these species can be found in the Newberry National Volcanic Monument and the northern end of the Surveyors sale area just south of the Monument.

*Drop any sale units or parts of sale units that have never been logged.

*Drop all "temporary" road construction and greatly reduce the re-opening of currently closed roads. Especially don't reconstruct or re-open roads already grown over or roads that were closed for ecological protection reasons, including roads within Mule deer or Rocky Mountain elk security habitat and wildlife connectivity corridors.

*See recommendations on our survey sheets, as well as wildlife species sign mentioned, old growth counts, and forest type, for specific sale units or parts of sale units we want modified or dropped.

Failure to adequately analyze direct, indirect, and cumulative effects

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

"In-depth analysis should be used to determine potential effects to Wolverine and Pacific fisher." (comment on PEA p. 65)

"Why are Townsend's big-eared bats not given the same detailed analysis as that afforded to Pallid and Fringed myotis bats? Only PDCs for the species are referenced, with no detail as to detections in the project area, habitat requirements, etc." (comment on PEA p. 84)

"Reduced stand density does not necessarily 'protect wildlife habitat'—especially not for density-associated species such as goshawk, elk, marten, and Pileated woodpecker." (comment on PEA p. 12)

Re: inadequate cumulative effects analysis:

"NEPA requires in-depth cumulative effects analysis, not just subsuming all past effects within current conditions and not analyzing their effects individually. Generalizing the effects of differing past management mistakes as just part of the current condition as just part of the current condition misses the point of cumulative effects analysis, which is to identify and characterize discreet past effects, learn from management mistakes, and not repeat them. Avoiding cumulative effects analysis this way allows mistakes to continue through lack of focused consideration." (comment on PEA p. 28)

"Just listing past, present, and future cumulative effects is not sufficient analysis under NEPA. An example of this: The Surveyors, Klone, and Cabin Butte sales are back-to-back with each other—adjacent or nearly adjacent—within the same geographic area over the same planning period and likely overlapping implementation periods, with tremendous foreseeable cumulative effects to wildlife (e.g. Mule deer security cover, goshawk and Cooper's hawk habitat, abundant snags for Blackbacked and Three-toed woodpecker habitat, and suitable marten habitat. Yet these three sales are being planned with separate EAs when all of them should be considered for

cumulative effects under one EIS as connected actions (very similar timber sale management and density/ 'fuel' reduction) occurring in the same geographic area over the same time period. That's one of the key circumstances that triggers the requirement for an EIS instead of an EA. Further, the cumulative effects of the whole list in Table 14 to the project area in combination with the Surveyors sale must be analyzed in depth." (comments on PEA p. 56)

"This is another Forest Service analysis fallacy: Cumulative effects do not have to overlap in time or space to be cumulative. The wolf/deer analysis recognized this. Reduction in suitable bat habitat at different times and different places in the same larger geographical area still has cumulative negative effects for bats. This is inadequate cumulative effects analysis." (comments on PEA p. 83)

"This is inadequate cumulative effects analysis for the four hawks [species]. Cumulative effects are not dependent on projects overlapping in time or space—especially not for wildlife species that fly or disperse." (comment on PEA p. 107)

"The Forest Service cannot legitimately get away with suddenly switching the scale of analysis to the Forest level to minimize (artificially) the scale of negative effects of planned management actions to MIS [Management Indicator Species] and other vulnerable species—especially as there is no EA analysis of the negative effects to the same species across the entire Forest cumulatively from similar timber sales and other projects with similar impacts. This is a recipe for multiple species extirpations from the Forest and contributing to a trend toward up-listing of the species affected." (comments on PEA p. 153)

"This is inadequate cumulative effects analysis for carbon sequestration and storage and for cumulative CO₂ emissions from the many timber sales across the Deschutes. Climate change is a cumulative effects crisis." (comments on PEA p. 272)

More of our comments on inadequate cumulative effects analysis can be found written on PEA pages 8, 57, 71, 89, 108, and 150. Not all of our comments are recorded in the Final EA response to comments, so I am primarily tracking our comments from their original source.

Resolution:

BMBP has commented on its objection to the Deschutes' failure to adequately analyze direct, indirect, and cumulative effects of the Surveyors project on a range of receptors, including potential project effects to Pacific fisher and Wolverine; effects to habitat for Sensitive bat species; cumulative effects of the Surveyors, Klone, and Cabin Butte timber sale projects; and cumulative effects of commercial logging to climate change.

See our comment quotations and citations in the paragraph above and references to inadequate analysis in comments quoted in other sections of this objection.

To resolve this objection, a Supplemental EIS needs to be prepared that adequately analyzes direct and indirect effects of the Surveyors 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. See our objection below regarding the need for a full Environmental Impact Statement.

Failure to use an Environmental Impact Statement instead of an Environmental Assessment

The Deschutes Forest Service needed to use an Environmental Impact Statement instead of an Environmental Assessment for the Surveyors Project. Our related comments clearly explain our rationale:

“Just listing past, present, and future cumulative effects is not sufficient analysis under NEPA. An example of this: The Surveyors, Klone, and Cabin Butte sales are back-to-back with each other—adjacent or nearly adjacent—within the same geographic area over the same planning period and likely overlapping implementation periods, with tremendous foreseeable cumulative effects to wildlife (e.g. Mule deer security cover, goshawk and Cooper’s hawk habitat, abundant snags for Blackbacked and Three-toed woodpecker habitat, and suitable marten habitat. Yet these three sales are being planned with separate EAs when all of them should be considered for cumulative effects under one EIS as connected actions (very similar timber sale management and density/ ‘fuel’ reduction) occurring in the same geographic area over the same time period. That’s one of the key circumstances that triggers the requirement for an EIS instead of an EA.” (comments on PEA p. 56)

Resolution:

BMBP has commented on its objection to the Deschutes’ failure to use an Environmental Impact Statement instead of an Environmental Assessment due to the Surveyors Project being part of a series of connected similar management actions taking place in the same geographic area over the same general time period. To resolve this objection, the Forest Service would have to prepare a full Environmental Impact Statement analyzing in depth the combined effects of the Surveyors, Klone, and Cabin Butte projects.

Inaccurate use of the science

Examples of inaccurately using science from our comments:

“Such a cut and dried interpretation of HRV [Historical Range of Variability] is inaccurate use of the science, failing to account for the effects of past and continued logging, burning, and wildfire suppression, and often based on an inaccurate and inappropriate HRV ‘baseline’ that occurred well after European colonization and the onset of commercial logging and intensive livestock grazing. From what year and what form of evidence, and from what geographic area precisely, was the HRV baseline for this timber sale area derived?” (comments on PEA p. 4 reacting to the PEA p. 4 statement: “Restoration can be measured by the number of acres within the historic range of variability (HRV).”

“There is no way that the ‘Forest Vegetation Simulator’ could possibly be as accurate as ground-truthing surveys, as there are too many outside variables (e.g. windthrow, inter-tree suppression, root rot thinning, prescribed fire mortality, seasonal weather differences in growth rates, etc.) to predict through a model trends of tree growth, trees per acre, down wood abundance, snags per acre and their sizes, etc. even for current conditions, let alone for 50 years post implementation. No wonder the Forest Service keeps using false assumptions and doesn’t see the forest for the trees.” (comments on PEA p. 57)

“It’s impossible to ensure a species viability without long-term studies and population data from the field to determine species existence in an area, population status, population trends, and reproductive success rates.” (comments on PEA p. 57)

Resolution

BMBP has commented on its objection to the Deschutes’ inaccurate use of the science in the Surveyors project analysis. See our comment citation and quotation in the paragraphs above.

In order for the Surveyors project to comply with NEPA, the Forest Service needs to use the science accurately, with professional integrity in analysis in a new Supplementary Environmental Impact Statement available for public comment for the Surveyors project, to better and more accurately inform public comments, agency review, and decision-making.

Failure to Disclose Scientific Controversy

The Surveyors project violates NEPA by failing to disclose significant scientific controversy over the efficacy and ecological soundness of managing to reduce the severity of wildfire (essentially acting to further suppress wildfire) as a natural disturbance and implementing commercial logging under the guise of "restoration." This failure to disclose significant scientific controversy leads to consequent suppression of scientific evidence and perspectives supporting other management, or non-management, as opposed to the Forest Service's proposed action alternatives, in the Surveyors Preliminary Environmental Assessment.

Examples of our comments regarding failure to disclose scientific controversy include the following:

"There is no real evidence that commercial logging and burning increase forest resilience to fire and bark beetles and a lot of evidence on the ground to the contrary." (comment 5-2) While we concede that there is one study (Cochran 1994) that finds evidence that maintaining lower stand density increases forest resilience to bark beetles, there seems to be a lot of evidence on the ground in the forests that typical accompanying prescribed burning increases forest vulnerability to bark beetles. The Forest Service response citing Agee 1994 and Kauffman 1990 does not clearly indicate that commercial logging increases forest resilience to fire, instead being more nuanced and noting that weather and topography characteristics also "explain fire occurrence, behavior, and effects on vegetation composition and structure. We note that the studies cited are all relatively old and there is no reference to more recent science studies that find that fires are mostly driven by ambient temperature, relative humidity, and wind speeds, not by fuels, as was evident in the Camp Fire in California. Various scientists, including Dominick Della Salla and Chad Hanson, are refuting the efficacy of using commercial logging and prescribed burning to increase forest resilience to fire. Recent climate change-driven fires seem to be a good example of high temperatures, drought, and high wind speeds combining to burn intensely and extensively across landscapes with highly variable "fuels" (biomass).

"Northern goshawk habitat is not typified by 'open' forage conditions, including open canopy forests as claimed on p. 93 in Table 22. This ignores the adjacent admission that goshawk is a MIS for dense forest." (comment 5-67) "The goshawk related analysis in Table 22 is very biased by silvicultural assumptions. Goshawk need at least 60% canopy closure for nesting and at least 40% for foraging based on field studies." (comment 5-68) "See the Greenwald literature review for goshawk." (from comment 5-69) I am not always able to send the Forest Service copies of the opposing science. This is a recent requirement apparently intended to make refutation of Forest Service limited science harder for the public, who may not have access to the internet (which I do not for about seven months of the year) or easy access to the studies themselves. This creates an uneven playing field where the agency, that does have easy access to the science, can simply refuse to acknowledge it.

Resolution:

Blue Mountains Biodiversity Project has commented on the Forest Service's failure to disclose scientific controversy in the Surveyors Preliminary Environmental Assessment. See our comments quoted and cited in the paragraph above.

To resolve this objection, the Forest Service must thoroughly disclose existing scientific controversy over agency assumptions and management plans in a Supplementary EIS available for public review and comment. The Forest Service needs to use the full spectrum of best available science reflected in the controversy to guide management plans and to provide for a broader selection of action alternatives and changes in management direction that could result in better ecological outcomes.

II. The Surveyors project violates the National Forest Management Act

The Surveyors project violates the National Forest Management Act in the following ways: failure to ensure the viability of Management Indicator and other species and violation of management guidelines for Old Growth Management Areas and Wildlife Connectivity Corridors. The Forest Service is in potential violation of Forest Plan standards and guidelines for snag density and protection of soils through proposed actions. The Forest Plan requires adherence to protection guidance for the Northern goshawk under the Eastside Screens requirements.

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

Our comments noted many areas of analysis in which the Surveyors PEA failed to demonstrate that the viability of Management Indicator (MIS) and Sensitive species would be ensured with project implementation. Species of concern for protection of viability included the following Management Indicator species: Pileated woodpecker, American marten, Primary Cavity Excavator woodpeckers, including Blackbacked and Three-toed woodpeckers; as well as Northern goshawk, which has protection guidance under the Eastside Screens.

We are also concerned about failure to ensure viability of Sensitive-listed species on the Forest, including Sensitive-listed Gray wolf, Sensitive-listed Wolverine, Sensitive-listed Pacific fisher, and Sensitive bat 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 'project' after timber sale 'project', even after that species is considered vulnerable by the U.S. Fish and Wildlife Service--which apparently applies now to American marten, who would have suitable habitat acreage reduced under the Surveyors project. The PEA did not include adequate cumulative effects analysis as to all these reductions of suitable habitat across the Forest. (See our objection and comments above regarding inadequate cumulative effects analysis.) It is not justifiable to plan for continued impacts and cumulative potential loss of species viability for a Management Indicator species (e.g. 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 area 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 Management Indicator and other species:

"Most of the surrounding area has already been recently logged, including in the Ogden and Flat sale areas, removing most suitable foraging and nesting habitat for both Blackbacked woodpecker and Three-toed woodpecker. The Surveyors area needs to protect suitable habitat for these two woodpeckers, marten, and Northern goshawk and Cooper's hawk, as these species keep losing more and more suitable habitat with each sale." (comment 5-82)

"The Forest Service can't continue using the trade-off of theoretical long-term benefits to species habitat to offset definite immediate and medium-term impacts that threaten species viability in the area." (comment 5-83)

"In the few areas where larger Lodgepole pine exist in a more open stand ('LOS' condition for Lodgepole pine), these areas are either never logged...or less completely logged (not clearcut or high grade-thinned for Lodgepole pine) and need to be protected from logging and retained as suitable Three-toed woodpecker and marten habitat. Three-toed woodpecker are in decline and marten are ranked as Vulnerable state-wide. We ask that all suitable marten foraging or denning habitat and all suitable Three-toed habitat be dropped from commercial logging." (comment on PEA p. 34)

"The Forest Service needs to drop commercial sale units in OGMA's [Old Growth Management Areas] and LOS [Late and Old Structure] to support the martens in the area, as this is apparently refugia for marten, based on the many sightings in the sale area, and such good source habitat depends on structural complexity and abundant down wood and large snags, as well as intact, unfragmented forests. The Forest Service also needs to avoid creating large openings (including within the Lodgepole pine and Ponderosa pine, as well as in the mixed conifer, to support the viability of the existing marten population in the area. The sale, as planned now, would create expansive large openings and greatly reduce needed structural complexity.

Based on this updated information on the great deficiency in needed denning snags ≥ 21 " dbh, there should be no commercial size logging in the 9,913 acres (or that part of it that is really suitable marten habitat) identified as denning and resting habitat for marten in the Surveyors project area." (comments on PEA p. 147)

"Based on currently low levels of down wood ≥ 5 " dbh in potential denning (and foraging) habitat, marten are already at high risk of losing the population in the Surveyors project area, so no further removal of down wood, snags, and structural complexity should take place in currently suitable marten denning and foraging habitat in the Surveyors project area, including where there have been marten sightings and the next generation of suitable marten habitat should also not be logged." (comment on PEA p. 148)

"Woodpeckers, including Blackbacked woodpeckers and Three-toed woodpeckers, are very important predators of Mountain and Western pine beetles for reducing insect epidemics. We saw Blackbacked woodpeckers in the sale area (...in NCT unit #64) and we are concerned by potential loss on a large scale of future abundant snags for this species, based on extensive non-commercial thinning as well as too much planned commercial mature tree logging and too much prescribed burning. Paragraphs 2 and 3 and Table 33 of p. 141 support our concerns regarding current and future viability of Blackbacked woodpecker in the Surveyors project area." (comments on PEA p. 141)

"Not all 'birds of prey' can be lumped together. Goshawk and Cooper's hawk (as well as Sharp-shinned) evolved to be adapted to dense forest conditions, not open forest. Thus logging for density reduction eliminates suitable habitat for all these species. So-called 'overstocked' habitat is suitable goshawk nesting habitat." (comments on PEA p. 94)

"We are strongly opposed to commercially logging any goshawk Post Fledging areas, which are especially important to preserve as most of the sale area would be rendered unsuitable for goshawk use and would be set back substantially in the time for goshawk habitat to re-develop." (comments on PEA p. 100)

"We had multiple sightings of likely Cooper's hawks (some may have been male goshawks) while field surveying the Surveyors sale units. My sighting was definitely a Cooper's hawk. Decreasing stand density does not 'convert nesting to foraging habitat' for either Cooper's hawk or goshawk. Instead, reducing stand density as planned is simply a loss of suitable habitat for both species, as open-habitat raptors and owls could outcompete them [for prey]." (comments on PEA p. 95)

"The Forest Plans in the region are outdated. The Forest Service needs to take a hard look at all the factors contributing to Mule deer decline, as increasing scarcity of hiding and thermal cover may be contributing factors—both may need to be retained at greater than 30%." (comments on PEA p. 71)

Additional comments regarding potential negative effects to Management Indicator and other wildlife species can be found on the following PEA comment pages: 35, 72, 92, 93, 94, 96, and 99.

Resolution

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

Resolution of this issue would include:

Re: Pileated woodpecker and marten viability: Drop commercial logging and prescribed burning in all sale units that incorporate suitable or active habitat for Pileated woodpeckers and American marten, which would be cooler, moister mixed conifer old growth or LOS habitat with 40-60% canopy closure or more, and for marten, abundant down and elevated logs for winter foraging, as well as large snags for both species. See our survey sheets for guidance re: fresh Pileated foraging and/or Pileated nest or roost holes in snags and abundant down and elevated logs and large snags for marten. There is also Pileated woodpecker nesting in old growth Ponderosa pine habitat, generally in proximity to old growth Grand fir foraging habitat in riparian corridors.

Re: Primary Cavity Excavating woodpecker viability: Protect large snags and groups of snags and significantly reduce snag loss by reducing mature tree logging, especially in the 15-21" dbh range and by dropping "temporary" road construction and closed road reconstruction to reduce loss of snags through hazard tree felling.

Re: Northern goshawk and MIS American marten and Pileated woodpecker:

- * No commercial-size logging in suitable primary goshawk habitat and PFAs, suitable marten habitat, suitable and active Pileated woodpecker habitat, with no overstory canopy reduction in these areas;

- * No log and snag reduction in suitable and active American marten and Pileated woodpecker habitat;

- * Drop all commercial-size logging in wildlife connectivity corridors;

- * No prescribed burning of suitable habitat for Pileated woodpecker and American marten;

- * Drop planned "temporary" roads as these often remain on the landscape and increase access for illegal firewood (often large snag) cutting and fur trappers and for disturbance to nesting goshawks, and reduce re-opening of closed roads for the same reasons.

- * Drop all commercial logging in known goshawk PFAs, as well as in any other goshawk activity centers (nests and PFAs) discovered.

- * Drop all commercial logging in wildlife connectivity corridors, as identified in alternative 3.

Re: Mule deer:

- * Retain more overall tree density and deer and elk cover—especially by dropping sale units in cool moist and cold dry habitat and in microhabitat patches where greater density would naturally occur, such as at higher elevations, on North to Northeast aspect slopes or in hollows, and in wildlife connectivity corridors.

- * Road density should be reduced to at least the Forest Plan standards and objectives for elk.

We also listed Surveyors sale-specific proposed resolutions to our objections regarding protection of the viability of these species in our PEA comments including some incorporated in quoted comments below and more listed below:

“Given the very high road density and high human disturbance, we ask the Forest Service to leave the 23 blocks of core habitat >100 acres intact for deer, elk, and wolves. This means no commercial logging and non-commercial thinning only near roads, if at all. Likewise, we want the Forest Service not to log or over-non-commercially thin connectivity corridors.” (comments on PEA p. 68)

“Drop commercial logging in suitable goshawk and Cooper’s hawk habitat. Eliminating 65% of identified suitable habitat for goshawk and 63% of suitable Cooper’s hawk habitat is too much of an impact for these species in the project area.” (comments on PEA p. 93)

“Drop all of the listed sale units [in bold on PEA p. 100] that involve planned commercial logging and modify the NCT proposed sale units to retain greater density for goshawks.” (comments on PEA p. 100) These sale units under Alternative 2 include 436, 444, 480, 486, 692, 708, 722, 724, 728, 732, 748, 750, 752, 756, 758, 760, 780, and 786, but starting by adopting Alternative 3 to better protect wildlife includes only sale units 756, 780, and 786.

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

Other Forest Plan violations

Additional Forest Plan violations in the Surveyors project include potential violations of Forest Plan standards by; not following management guidance for wildlife connectivity corridors and Old Growth Management Area guidance. Violation of Forest Plan standards also include not adequately protecting Northern goshawk under the Eastside Screens and potentially exceeding Forest Plan limits to detrimental impacts to soils.

Violation of the Forest Plan Eastside Screens

Failing to adhere to the intent of Eastside Screens Protections for Northern goshawks

Our comments on the PEA regarding goshawk quoted above under NFMA viability of species clearly explain our rationale for this objection.

Resolution

- * “Drop any planned commercial logging in Northern goshawk designated Post-Fledging Areas
- * “Drop most commercial logging in identified suitable N. goshawk habitat—especially in LOS stands.
- * Don’t implement prescribed burning in goshawk PFAs or nest stands during the Spring reproductive season.
- * Keep noncommercial thinning away from recently active goshawk nest sites—i.e. active within the last 5 years. Limit NCTing to only up to a quarter of the PFA, away from the nest site.
- * Drop any ‘temporary’ road construction within PFAs or nest site buffers, as this could be enough to drive away a nesting pair of goshawks.
- * See also all the proposed remedies to better protect goshawk viability in the NFMA viability section immediately above this section.

Forest Plan Management Area Guidance Violations

Re: Violation of Wildlife Connectivity Corridor Management Goals

We are strongly opposed to commercial logging and excessive "non-commercial" size thinning in wildlife connectivity corridors. We want the Forest Service to drop all commercial logging and limit non-commercial thinning in connectivity corridors, as it defeats the purpose of leaving denser areas to allow for movement of old growth-associated wildlife species, as well as for native ungulates using these areas as security cover, and to provide greater habitat security in these areas compared to intensively managed stands outside these corridors.

Our comments regarding violation of wildlife connectivity corridor management goals can be found below. We also expressed concern regarding provision of sufficient deer and elk security cover, such as is often provided by wildlife connectivity corridors. For example:

"We support maintaining a larger number of acres of wildlife connectivity corridors than those currently identified [in alt. 2], as in alternative 3, in keeping with best available science on climate change, which indicates a critical need to increase wildlife connectivity between suitable habitats for wildlife species losing existing suitable habitat to climate-changed conditions and needing to migrate or disperse to more suitable habitat. This requires security habitat with plenty of hiding and thermal cover, which won't be provided if connectivity corridors are logged and burned. We therefore oppose any commercial logging in wildlife connectivity corridors and prescribed burning in moister mixed conifer at higher elevations, as burning removes suitable habitat structure for Pileated woodpecker, marten, and Northern goshawk." (comments on PEA p. 9)

"Large size class open and denser Lodgepole pine, and medium-size class (i.e. for Lodgepole pine) should not be commercially logged because these are often the best Lodgepole pine stands for providing wildlife connectivity corridor security habitat, suitable marten habitat, and/or Three-toed woodpecker suitable habitat, all of which need to be retained at higher levels in the project area. We support L5a and L5b being left over the presumed HRV." (comments on PEA p. 35)

See also our additional comments supporting this objection on PEA pages 5 & 17 or FEA comments 5-8, 5-17, 5-54, and 5-52.

Resolution:

BMBP has commented on the potential Forest Plan violation of not following management area intent regarding Wildlife Connectivity Corridors. See our comments cited and quoted above.

*Identify wildlife connectivity corridors according to their acreage and location under alternative 3.

*Drop all planned commercial logging and limit non-commercial thinning to only the densest areas (that appear due to wildfire suppression) in mapped and identified wildlife Connectivity Corridors under alternative 3.

Re: Violation of Old Growth Management Area goals and standards

Our comments explain our position:

"We are strongly opposed to commercial-size logging in OGMA's and LOS. Drop all commercial logging in OGMA's, as they are not supposed to be logged as part of scheduled timber harvest, which this is." (comment on PEA p. 106)

"The Forest Service needs to drop commercial sale units in OGMA's [Old Growth Management Areas] and LOS [Late and Old Structure] to support the martens in the area, as this is apparently

refugia for marten, based on the many sightings in the sale area, and such good source habitat depends on structural complexity and abundant down wood and large snags, as well as intact, unfragmented forests. The Forest Service also needs to avoid creating large openings (including within the Lodgepole pine and Ponderosa pine, as well as in the mixed conifer, to support the viability of the existing marten population in the area. The sale, as planned now, would create expansive large openings and greatly reduce needed structural complexity.” (comments on PEA p. 147)

“These OGMA’s were designated to protect marten, Blackbacked woodpecker and other old growth associated species that lose habitat suitability through commercial logging, density reduction (for Black-backed and Three-toed and marten re: logs) and ‘fuel’ (biomass) reduction, including prescribed burning—especially regarding Pileated woodpecker and American marten, and to ‘provide a large block of unfragmented late and old structure’ which includes ‘abundant standing and down wood’, so these OGMA’s should be left alone—not commercially logged or burned and not non-commercial thinned.” (comments on PEA p. 179)

Additional comments on violation of Old Growth Management Area goals and standards can be found on PEA pages 41 and 181, or the OGMA comments can be found in the FEA comments 5-35, 5-54, 5-74, and 5-85.

Resolution:

BMBP has commented on the potential Forest Plan violation of not following management area intent regarding Old Growth Management Areas. Our comments quoted above also state our proposed remedy: “... these OGMA’s should be left alone—not commercially logged or burned and not non-commercial thinned.” (comments on PEA p. 179)

“Drop all commercial logging in OGMA’s, as they are not supposed to be logged as part of scheduled timber harvest, which this is.” (comment on PEA p. 106)

Road Concerns regarding “temporary” road construction and re-opening of many miles of currently closed roads:

Our comments regarding impacts to wildlife species sensitive to disturbance explain our position: See also our comments regarding deer and elk security concerns.

“22 miles of ‘temporary’ road construction on this already very over-roaded landscape is outrageous—especially in light of the existing open road density already exceeding Forest Plan standards. The Forest Service record for actually decommissioning ‘temporary’ roads is abysmal.” (FEA comment 5-18) “Usually they remain un-decommissioned and are re-opened in the next timber sale as ‘temporary’ roads on ‘existing disturbance’, making them de facto long-term system roads. Further, even if the ‘temporary’ roads are actually decommissioned, they provide access for illegal firewood cutting, ATVs, invasive plants, and fur-trapping.” (the rest of the same comment on PEA p. 20)

Additional comments opposing construction of ‘temporary’ roads and re-opening so many miles of currently closed roads can be found on PEA pages 5, 22, 55, 70, and 88.

Resolution

BMBP has commented on our concerns re: ‘temporary’ road construction and the re-opening of miles of currently closed roads. See our comments cited and quoted above. Many of our

suggested resolution remedies are already requested under the heading of other issues, such as ESA—re: Gray wolf and under NFMA—MIS viability.

- *Drop the re-opening of closed roads that were closed for ecological protection reasons, such as hydrological connections, soil erosion, and wildlife disturbance, as well as closed roads that have already grown over, or would require reconstruction.

- *Drop all 'temporary' road construction.

- *Reduce overall road density to less than outdated Forest Plan standards, based on best available science.

Potential Violation of Snag Density Requirements

Our comments explain our concerns: See our snag density and abundance related comments under NFMA MIS species viability above. Our comments also mentioned concern over the elimination of future large snags by logging large hazard trees and too many existing mature trees re: Pileated woodpecker and Northern goshawk habitat needs.

"So there is reason to be concerned about elimination of future snags in the project area through logging, as snag abundance currently fails to meet or exceed reference conditions for snags in all but low levels of snags—i.e. 0-4 snags $\geq 10''$ dbh and 0-2 snags $> 20''$ dbh and 0 snags $> 20''$ dbh at > 18 snags per acre. See Table 27, p. 114." (comment on PEA p. 114, identified in the FEA as 5-77)

Additional comments on likely reductions of snags to low density and the wildlife species that depend on large snags are on PEA p. 150.

Resolution:

BMBP has commented on our objection that the Surveyors Project proposed actions could lead to a significant reduction in existing and future snag density and abundance in potential violation of Forest Plan standards.

Resolution to our objection regarding snag density includes the following modifications to the Surveyors project:

- *Increase the lowest basal area in the variable density retention range to be at least 80 square feet of basal area in dry Ponderosa pine forest and at least 100 square feet of basal area in the mixed conifer stands, with higher average basal areas to allow for more natural rates of mortality over time to create snags and down wood into the future.

- *Reduce the scale of commercial logging and snag reduction overall by dropping best wildlife habitat sale units based on our survey sheets, including moister mixed conifer habitat suitable for Pileated woodpecker and American marten, and stands with abundant snags currently suitable for Primary Cavity Excavating woodpeckers. Small diameter non-commercial thinning up to 9" dbh could usually still be done in these stands without harming the woodpecker species.

- *Reduce planned re-opening of closed roads as suggested above under Road Density to reduce the amount of hazard tree felling involved and prevent future increased illegal snag felling for firewood.

- *Drop the construction of 'temporary' roads, as these provide access for illegal snag felling for firewood as well as increasing project-associated hazard tree snag felling.

- *Buffer and protect existing large snags and pockets of abundant snags from logging.

Potential Violation of Soil Protection Standards

Our comments explain our objection:

"We are very concerned by potential high levels of detrimental soil conditions from the Surveyors sale, given the many extensive and interconnected unregenerated skid trails we observed in the proposed commercial logging sale units." (Comment 5-86, FEA Appendix E, p. 29) .

"The detrimental soil effects analysis supports our concerns that substantial detrimental soil impacts will occur from the Surveyors sale on top of existing detrimental soil conditions, which would be perpetuated due to re-use of existing skid trails." (comment on PEA p. 229)
Additional comments on violation of soil standards can be found on PEA p. 9.

Resolution

BMBP has commented on our objection that the Surveyors Project as proposed could violate Forest Plan soil protection standards. See our comments quoted and cited above.

To resolve this objection, the Forest Service needs to do the following:

"We ask the Forest Service to scale down the level of detrimental soil impacts...by significantly scaling down proposed commercial logging, using alt. 3 as a starting point, dropping OGMA, LOS, and Newberry Volcanic Monument sale units from commercial logging, as well as dropping commercial logging in wildlife connectivity corridors and more remote or never logged areas (see our survey sheets), dropping 'temporary' road construction, and reducing re-opening of closed roads." (comment on PEA p. 229 and partly in 5-87 in the FEA.

*Drop sale units which are known to have already high degrees of detrimental soil impacts or sensitive soils likely to lead to violation of Forest Plan standards for soil protection with proposed management.

*Drop any sale units or parts of sale units unlikely to meet Forest Plan standards for detrimental soil standards without further mitigation, as mitigation is unlikely to be 100% effective.

III. The Surveyors Project Would Violate the Endangered Species Act

We are very concerned that the Forest Service is not adhering to the intent and management guidance of the Endangered Species Act. We are concerned regarding Forest Service disregard for the need to maintain sufficient suitable habitat and conditions to prevent a trend toward federal uplisting for Threatened-listed Gray wolf; Vulnerable-ranked American marten; Sensitive-listed Pacific fisher and Wolverine; Sensitive bat species (three in the project area) 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 Surveyors project area that is potentially threatened by proposed management plans.

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

Comments re: Threatened-listed Gray wolf on PEA pages 64 and 68

"Surveyors timber sale activities, could, in fact change how Gray wolves would utilize the project area, contrary to the EA claim otherwise on p. 64. Gray wolves could be negatively affected by loss of hiding cover, exposing them more to lethal shooting, and by changes in deer and/or elk use of the area in response to loss of forest density for security and thermal cover. The addition of existing roads as system roads, construction of 18 miles of 'temporary' roads, and much

closed road re-opening, could drive deer, any elk, and any Gray wolves out of the project area.” (comments on PEA p. 64)

Comments re: Sensitive wolverine: on PEA p. 60:

“How was it decided that the Surveyors ‘project’ timber sale is ‘outside of wolverine habitat’ when wolverine are known to need home range foraging habitat of up to 150 square miles, not just denning habitat, and a wolverine was sighted immediately adjacent to the Surveyors project boundary along FS rd. 22 (see Figure 29) and wolverine suitable and apparently occupied habitat was identified just north of the Surveyors project area in the Newberry Crater and Paulina Lake areas? Wolverines are so rare that loss of just one wolverine could extinguish a population over a large area. It’s very unusual to have identified wolverines documented so near a proposed timber sale. This should have warranted in-depth analysis of potential effects to wolverine.”

Comments re: Sensitive Pacific fisher on PEA pages 62 and 65

“Pacific fisher, a critically imperiled Sensitive-listed species, was sighted just north of the project area boundary near Forest Service road 21 and has been noted by Forest Service staff previously to have likely habitat and occupancy in the Newberry Crater area....Pacific fisher require mixed conifer complex forest for suitable habitat, which is currently available nearest the known Fisher sighting and known habitat in the Surveyor sale units along the Northeast boundary of the sale and within the Newberry Volcanic Monument, which include proposed commercial thinning, which would degrade or eliminate habitat suitability for Pacific fisher by reducing or eliminating complex forest structure in those sale units by reducing commercial size tree density and eliminating multilayer canopy structure. The Forest Service should have used in-depth analysis to determine potential effects to Pacific fisher from the Surveyors timber sale. Fisher also require large old growth logs and snags (generally fir) for travel runways and denning cavities, which logging could reduce into the future.”

See comments re: Sensitive bat species on PEA pages 65, 82, 83, 84, and 85

“Drop all shrub mowing and mastication as a very unnatural effect that reduces deer forage and bat foraging habitat....” (Comments on PEA p. 82)

Comments relevant to contributing to a trend toward federal listing under the ESA can also be found quoted above under NFMA—MIS viability, re: MIS woodpeckers and re: American marten.

Resolution:

Blue Mountains Biodiversity Project has extensively commented on our objection regarding potential 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—MIS and other species viability above, that are also applicable to the ESA violations. Additional partial resolutions are by species below:

Re: Gray wolf:

*Retain more good security cover (hiding and thermal) for elk and deer where there is high use by elk and deer, and through dropping sale units suitable in habitat for other density-related species, such as Northern goshawk, American marten, and Pileated woodpecker.

*Drop construction of ‘temporary’ roads and greatly reduce the proposed re-opening of closed roads to protect Gray wolf security during dispersal as much as possible.

*Drop logging and roading in any identified undeveloped lands.

Re: Management Indicator species— Pileated woodpecker and American marten, see resolution suggestions under NFMA MIS viability, above, for these species. See also comments regarding resolution suggestions for Northern goshawk, quoted above under Forest Plan violations— Eastside Screens.

Re: Pacific fisher:

- *Drop all commercial logging of LOS stands with suitable habitat for Pacific fisher, such as old growth moist mixed conifer.

- *Drop all commercial logging in the Newberry Volcanic Monument.

- *Retain more mature Grand fir and Douglas 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 and Douglas fir will survive to become suitable hollow denning trees.

- *Drop all known suitable Pacific fisher habitat.

Re: Sensitive bat species:

- *Drop all shrub mowing and mastication, which reduces insect prey for bats. Ensure that prescribed burning smoke cannot reach occupied bat caves.

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 Surveyors timber sale. See our related comments below:

“This is inadequate cumulative effects analysis for carbon sequestration and storage and for cumulative CO₂ emissions from the many timber sales across the Deschutes. Climate change is a cumulative effects crisis.” (comments on PEA p. 272)

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 timber sales, including this project.

To resolve this problem, the Forest Service needs to make the following modifications to the Surveyors project, as suggested in other proposed resolution remedies above:

- * Significantly decrease the geographic scale of the Surveyors project commercial logging of mature trees.

- * Significantly decrease the intensity of planned commercial logging by leaving higher minimum and average basal area per acre.

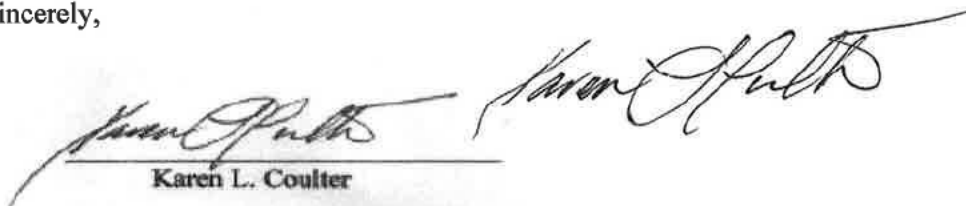
- * Retain all large tree structure, including snags, down wood, and large live conifer trees in all stands (equal to or greater than 21” dbh) to retain the most significant existing carbon storage and increase the biodiversity of the forest stands.

- * 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 and by commercially logging only up to 15” dbh rather than 21” dbh.

- *Retain more soil sequestration of carbon by dropping logging in sensitive soil areas and in sale units that would exceed Forest Plan detrimental soil impact standards, as specified above.

Thank you for your consideration of these objections. We look forward to meeting with you to work on a resolution to our concerns. Many other remedies for resolution were suggested throughout our comments.

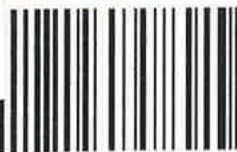
Sincerely,


Karen L. Coulter

Karen L. Coulter, Director, Blue Mountains Biodiversity Project



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