



December 20, 2021

Shaun McKinney, Forest Supervisor
Wallowa-Whitman National Forest
1550 Dewey Ave.
Baker City, OR 97814

Online Submission: <https://www.fs.usda.gov/project/?project=55477>

Bill Harvey
Commission Chair
bharvey@bakercounty.org

Re: Objections regarding the Patrick Vegetation Management Project

Dear Mr. McKinney,

The following Objections are submitted to the USDA Forest Service (USFS) on behalf of the Baker County Board of Commissioners (the County) in response to USFS's published "Patrick Vegetation Management Project" (Patrick Project). This notice informed the public that the USFS has prepared a draft Decision Notice (DN) and Finding of No Significant Impact of the Project.

Baker County is eligible to engage in the objection process related to the Patrick Project as provided for in 36 CFR part 219 subpart B (219.50 to 219.62). We submitted substantive comments during the 2018 and 2021 opportunities for public comments as provided in 36 CFR part 291 subpart A, during the scoping and draft EA processes. Our objections will be based on previously submitted substantive formal comments and objections on issues that arose after the opportunities for formal comment.

The County appreciates the opportunity to provide objections as a governing body with special coordination privileges. The County opposes any USFS action without the County having waived the opportunity to coordinate, which we have not done.

The coordination process is mandated by Congress by which local government and the Federal agencies are to meet in a government-to-government dialogue in order to reach consistency between federal plans and actions and local plans and policies to the fullest extent possible. Congress has mandated that every federal agency engage in the coordination process to provide local government a meaningful seat at the negotiating table with federal agencies. Congress also recognized the local government must have a position in planning and policy making that is superior to that of the general public.

The reasons for this are clear: local governments have the responsibility of funding public services with revenue from property taxes and provide necessary services to the citizens and local governing boards. The local government has the duty to provide for the public safety, health and welfare, so must be involved in development and early stages of plans and policies that affect the human and natural environment and resources within its jurisdiction.

In contrast, the general public, including environmental organizations do not have the responsibility to fund necessary public services or to protect the economic stability of the people or the local government. Too, the general public and environmental organizations very rarely represent the majority of the population. It's the lack of emphasis on the "human environment" and emphasis on the "natural environment" that moves them down from the level of government-to-government coordination.

The use of public land is critical to the health, safety, welfare and economic stability of Baker County citizens. Historically, public lands have provided the resources to create, and continue, our customs and culture. They contribute to the enjoyment of our citizens and visitors and are an invaluable asset to the overall quality of our County.

The Baker County Board of Commissioners is committed to the principles that guide decision making governing natural resources with the County.

1. Expansion, revitalization, and continuation of multiple uses on all public lands in Baker County.
2. Multiple use shall be inclusive rather than exclusive, thereby avoiding pitting one use against the other.
3. All plans and projects shall mitigate based on multiple use rather than by a resource by resource issue.
4. Maintain flexibility in all plans and projects to allow for extraction of natural resources from public lands and to continue to use existing resources in accordance with all laws.
5. Protect and preserve the following rights of all County's citizens, including:
 - a. Private property interests, such as water and grazing rights and access to lands, which have ties to public lands
 - b. Traditional economic structures in the County that form the base for economic stability
 - c. Historic custom, culture, and values of the local people
 - d. Enjoyment of the natural resources of the County

"It is a Baker County Board of Commissioners priority to engage in coordination with federal and state agencies to provide for the health, safety, welfare, and economic benefits of its natural resources for its citizens. The Commissioners will exercise its legal right to full participation in the planning processes utilized by state and federal agencies for developing and implementing land use plans and actions within the County. The Commissioner's interests extend to land use plans or action formulation, development and implementation, including monitoring and evaluation. Baker County directs that all decisions be based on current, relevant, peer reviewed science and data, which take into account multiple land uses within all plans or actions." (Baker County Natural Resources Plan 2016)

"The Board of Commissioners accepts that it is its duty and obligation to enter into coordination for official resource planning activities and that federal and state agencies must fulfill their requirement to coordinate with the County's Plan to seek to ensure

consistency between plans as required by federal and state laws.” Baker County Natural Resources Plan 2016).

Although we have provided objections and comments to Alternative 2, the USFS’s preferred Alternative, it does not, in any way, imply agreement or support with the project as a whole.

Riparian Areas

The County fully supports the actions within riparian areas. This includes commercial thinning, non-commercial thinning, and prescription burning.

Managing Competing and Unwanted Vegetation (Invasive Species)

Baker County supports the use of Early Detection, Rapid Response (EDRR) to address invasive species including noxious weeds and insects. Invasive species pose one of the greatest threats to the Nation’s natural resources. The stakes are high: if left to spread, invasive species cost billions of dollars to manage and can have devastating consequences on the Nation’s ecosystems (Pimentel 2003, Pimentel et al. 2005, Aukema et al. 2011). EDRR is a coordinated set of actions to find and eradicate potential invasive species before they spread and cause harm. The site-based nature of EDRR actions also requires partnerships and coordination across multiple scales. Baker County welcomes the chance to partner with the Forest Service to address invasive species issues.

The success, or failure, of noxious weed establishment rests solely on monitoring the project sites. Noxious weeds can, and will, take advantage of exposed soil, change in soil heat through a reduction in canopy, modifications to decommissioned roads, and anything else that will provide enough soil, light, moisture, and increased potential for seed movement.

Weed treatments (herbicides) must occur over several years and include reseedling the area. The County recommends using a mix of native and introduced seeds to ensure that the treated area gets vegetated in a rapid manner. Often, native seeds take longer to germinate and allow weeds to reestablish and soil erosion to occur.

The County supports the aggressive measures for noxious weed control listed in the EA.

If the Forest Service is truly concerned with expansion of noxious weeds, any road decommissioning, tank traps, and other soil/road bed disturbing techniques to close roads would cease.

OBJECTIONS

Elk Security Zones

Baker County does not support forest management practices based on a single species, rather the County prefers a healthy ecosystem that provides habitats for diversity of species.

The County has witnessed the closing of roads over the past decades that has had no demonstrable increase in benefits to elk. Historically, the FS and ODFW have closed thousands of miles of roads and it has never has done anything to benefit elk security. This shows that closing roads for the creation of elk security does not work.

The County believes that the Forest Service uses the excuse of 'elk security' to close more roads and reduce access to public lands. Elk management, including their habitat, is a very complex topic that must be developed through coordination between wildlife agencies, public and private land managers, and coordinated with affected counties for the following reasons:

- The complex concept of elk security is not going to be answered by simply closing roads. In fact, while roads may, or may not, effect elk movement as significantly as some studies suggests, other studies have shown that quality forage and cover are just as much, if not more, important.
- Elk numbers in Oregon, including Baker County, have increased over the last several years. The increase occurred without closing roads or otherwise modifying forest habitat.
- Elk should be treated as no more culturally significant than deer, antelope, bear, grouse, turkey, and multiple other mammal, bird, and fish species. Subsistence living and cultural significance has historically incorporated all of these.
- The life cycle, feeding habits, calving habits, and everything else that goes into what makes an elk are not representative, or duplicative, to forest dwelling mammals as a whole. For example, elk eat a diet primarily of grasses, some forbs, and minimally consume tree lichen and shrubs, whereas deer rely on browsing shrubs with smaller consumption of grasses and forbs. Elk may not be the best healthy ecosystem indicator species due to their adaptability.
- Cow elk and bull elk have different habitat needs based on their life-stage. This is going to affect security throughout the year. The migratory tendencies of elk will further complicate the connective corridor placement.

"This, traditional concepts of elk security habitat which consisted of large tracts of heavily timbered and low road density public land may need to be refined to include private lands that prohibit or restrict hunter access." (Proffitt, K.M., J.A. Guide, K.L. Hamlin, and M.A. Messer, 2013. Effect of hunter access and habitat security on elk

habitat selection in landscapes with public and private land matrix. *Journal of Wildlife Management* 77:514-524)

Access

Baker County objects to the closure of any roads in the Patrick Project.

Baker County's Natural Resources Plan (2015) states, "It is the policy of Baker County that roads providing access for the use and enjoyment of public lands shall remain open and be accessible as needed. Specifically, there will be no net loss to access." (pg. 18) Open roads create safe exits for citizens in wildfire situations and provide access to areas to control fires for agencies. Roads are very clearly the embodiment of the safety, health, welfare, and economic viability concept that every County Commissioner vows to uphold for its citizens. Roads also provide for the multiple use as mandated through the Forest Service rules.

Re-location of roads due to an identifiable and valid purpose should be done on a site-specific manner, using the coordination process with the local government and NEPA process, and only where absolutely necessary, financially defensible, and that demonstrate improvement for an individual situation.

It is Baker County's desire to never "close" or "decommission" roads and, if necessary, then only through coordination and the NEPA process. Any decision to close roads must be made through working directly with the County government on a road specific basis.

Baker County is currently under the 1990 Blue Mountains Resource Management Plan that states that our forest is "open". Therefore, all roads are considered "system roads" and any decommissioning of roads conflicts with the Plan.

Studies have shown that there are different conclusions from road impacts to water quality, fish, and wildlife habitat. For example, "*The effects of roads on aquatic habitat are believed to be widespread, although direct quantitative cause-effect links are difficult to document.*" (USDA 2001, *Forest Roads: A Synthesis of Scientific Information*, Editors Herman Gucinski, Michael J Furniss, Robert Ziemer, and Martha H. Brooks) or "*Roads have been shown to increase, decrease, or not affect peak discharges in various studies in the Pacific Northwest.*" (Wright et al, 1990; Ziemer, 1981; Harr et al, 1975, 1979; King and Tennyson, 1984).

Roads that are created or repaired during the Patrick project should remain open and promoted for use to facilitate citizens collecting wood for no less than 5-years post project completion to allow for subsistence wood gathering and collection of culturally significant foods.

Coordination

The County has repeatedly requested to engage in effective and meaningful meetings, government to government, beginning at scoping and continuing throughout the planning process utilizing Coordination principles for the Patrick project. This did not happen. The law of coordination requires that the local governments be involved beginning with the Scoping process which did not occur with the Patrick project in Baker County making this a violation of the Congressional mandate.

It is in the best interest of all entities involved in managing land use that federal and local governments work together to develop plans and actions that take into account the safety, health, welfare, and economic viability of local citizenry while managing the forests for multiple use, sustainability, and improving forest health. Coordination is especially important for counties, like Baker, that have a large percent of federally managed land. All federal land management actions directly impact local, customs, culture, and economic viability.

Baker County appreciates the effort that the USFS put forth in producing these documents.

Remedies that would resolve our Objections

Access is critical. Do not close or decommission roads, though allow for natural regeneration if a road is not used. Actual road maintenance is not necessary on all 'open' roads.

Begin the Coordination process on future Plans and projects.

Sincerely,



Bill Harvey, Chairman
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