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Submitted electronically to:
https://cara.ecosystem-management.org/Public/CommentInput?Project=61043

RE: Clackamas Fires Roadside Tree Assessment

Dear Jen,

As you know, Bark's mission is to bring about a transformation of public lands on and around Mt. Hood into a place where natural processes prevail, where wildlife thrives and where local communities have a social, cultural, and economic investment in its restoration and preservation. Bark has over 31,000 supporters[1] who use and/or rely on the public land forests surrounding Mt. Hood, including the areas within the Clackamas Fires Roadside Tree Abatement Project area, for a wide range of uses including, but not limited to: drinking water, hiking, nature study, non-timber forest product collection, spiritual renewal, and recreation. We submit these comments on behalf of our supporters. We request that you actively engage with the substance of these comments and use the information herein to create the best possible outcome for the Clackamas River Ranger District (CRRD).

We acknowledge that the Forest Service (FS) has dealt with many obstacles related to reopening the Forest after the 2020 Riverside Fire and applaud your commitment to do a full environmental analysis of the current road system and the roadside abatement being considered there. We believe you have an

[1] Supporters in this case is defined as significant donors and petition-signees which Bark has identified as being active users of Mount Hood National Forest.

opportunity here to reexamine the ecological impacts of forest roads that are exacerbated by recent fires, especially impacts to salmon and drinking water. The Mt. Hood National Forest's (MHNF) road system is currently oversized, and the agency did not have funding to maintain it even before the fires. Reducing the open road network could address economic and ecological challenges the agency faces.

Bark also understands that the agency wants to get this project moving and that a shorter comment period (22 days instead of the usual 30) could help with that, and that many members of the public are aware of the road abatement work already from previous advertisements for public input. We will also offer that since the current proposal is quite different in scope, a full 30 days would likely attract better results in terms of substantive input.

For example, one of the reasons the Clackamas Stewardship Partners (CSP) did not provide input on the previous Clackamas Fires Roadside Tree Abatement CE was because of the shortened comment timeline (15 days), and because the public was receiving a plethora of post-fire CEs from around the Forest and surrounding BLM lands at the time, along with the new GovDelivery system that many were still adjusting to. We'd like to flag that if the FS does want to continue getting group feedback from the CSP and other community groups and individuals, it would be beneficial to consider how to better ensure that input if NEPA timelines continue to be shortened.

REDUCING ROAD RELATED IMPACTS WITHIN THE PROJECT AREA

One of the objectives of this project is to identify which roads the FS should exclude from danger tree cutting, which could result in some road closures or decommissioning**.** We understand that the agency is considering closure of approximately 27 miles of low-use system roads and decommissioning of approximately 9.4 miles of potentially unneeded system roads.

Given that the FS is considering steps to reopen and maintain a number of miles of roads within the Riverside Fire perimeter, and given the large geographic scale of this project, we are encouraged by the agency's consideration of its Travel Analysis Report (TAR)[2] for the CRRD to identify the Minimum Road System

[2] In 2015, the FS released its TAR, a synthesis of past analyses and recommendations for project-level decisions regarding changes in road maintenance levels. Included in this report was a list of roads "not likely needed", with the objective maintenance level being "D-decommission".

(MRS).[3] The roads identified for tree abatement activities should reflect this MRS – meaning roads that are not part of this MRS should ideally not receive treatment other than closure or decommissioning.

The landscape across the CRRD has changed dramatically since the signing of the TAR. To meaningfully identify the minimum road system now, the FS must consider again whether each road segment the agency decides to maintain on the system is needed to meet certain factors outlined in the agency's own regulation.[4] Here, the FS should consider whether each segment of the road system within the project area is needed to:

- Meet resource and other management objectives adopted in the relevant land and resource management plan;
- Meet applicable statutory and regulatory requirements;
- Reflect long-term funding expectations; and
- Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

In assessing specific road segments, the FS should also consider changes to the risks and benefits of each road as analyzed in the TAR, and whether the proposed road management measures are consistent or not with the recommendations from the TAR. To the extent that the final decision in this project differs from what is recommended in the travel analysis report, the FS should explain that inconsistency in the project analysis.

As you know, there is currently a post-fire sediment modelling pilot project being conducted for the Clackamas River by the Pacific Northwest Research Station and Terrain Works. The "virtual watershed" modeling process that has been developed for the Riverside burn area includes identifying road segments which can be prioritized for maintenance or restoration where there is overlap with high landslide and debris flow susceptibility (see Fig. 1 below). These segments have been modeled to contribute to stream impacts and could be field verified by the

[3] 36 C.F.R. § 212.5(b)(1) ("For each national forest . . . the responsible official must identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands.").

[4] 36 C.F.R. § 212.5(b)(1). *See also* Attachment A ("analyze the proposed action and alternatives in terms of whether, per 36 CFR 212.5(b)(1), the resulting [road] system is needed"); ("The resulting decision [in a site-specific project] identifies the [minimum road system] and unneeded roads for each subwatershed or larger scale").

FS as part of this analysis process. We encourage you to communicate with Drs. Lee Benda and Dan Miller, who are involved with this project.

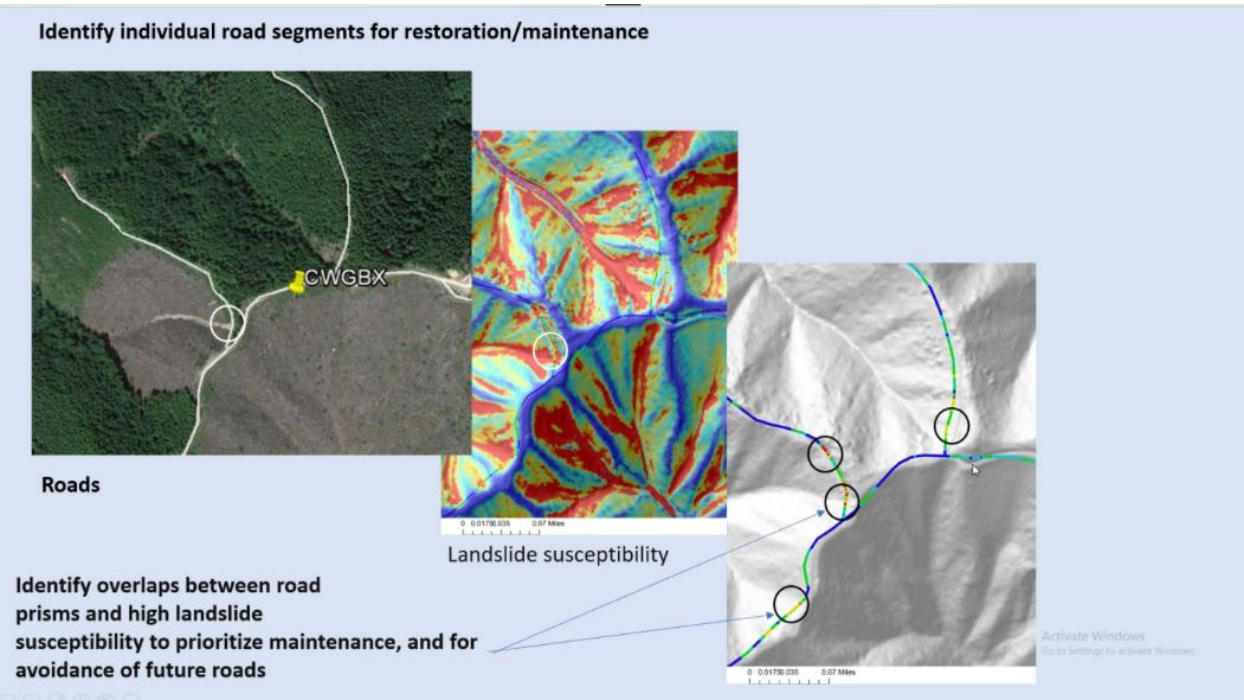
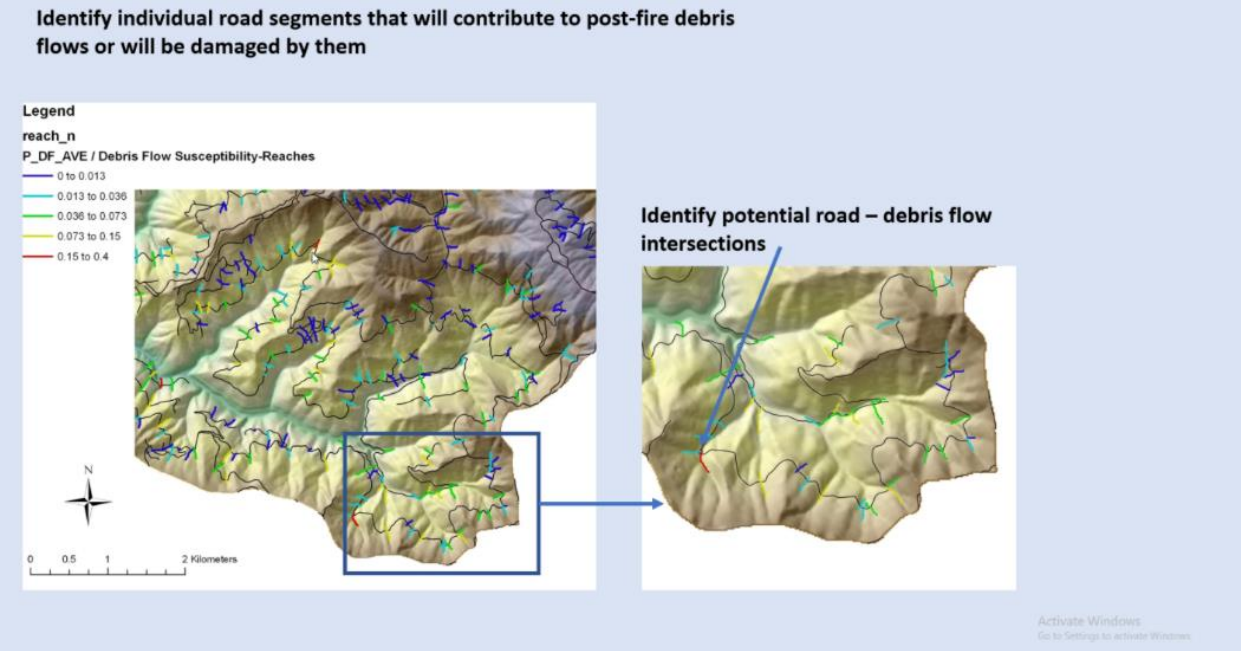


Figure 1: Screenshots from recent presentation slides demonstrating Terrain Work's virtual watershed model's potential to identify specific road segments within the burn area which can be prioritized for maintenance and/or restoration (above and below).



Many miles of roads within the Riverside fire on the CRRD are now closed or have signed decisions approving their closure. Objective Maintenance Level 1 roads (roads that have been identified to be closed but don't yet have decisions signed for closures) should be closed in tandem with reopening of the forest, and de-prioritized for abatement activities, since they are for the most part in areas with low traffic volumes, are not likely needed to access critical infrastructure or recreation sites, and therefore will not require immediate attention other than closure[5]. Abatement activities should clearly not occur on currently closed or decommissioned roads, or roads with decisions to close. This will then allow for the agency to prioritize abatement and reopening of roads elsewhere.

The FS should also acknowledge the impacts to local communities which have resulted from the long-term closure of Highway 224 along the Clackamas River. We understand that the Oregon Department of Transportation is close to completing their roadside abatement activities on the state highway. We encourage you to consider allowing river access after these activities are completed, even if the Forest Service roads themselves are not ready for reopening. The Forest Service could keep their connecting roads FSR 45 (Memaloose) and 54 (Fish Creek) closed while still providing access to the river while they complete their roadside work on roads deeper into the forest. The FS could allow river access up to Hole in the Wall if they end up lagging far behind ODOT in their readiness to reopen. There would clearly need to be effective closures and signage on the 45 (Memaloose) and 54 (Fish Creek) roads, but Hole in the Wall could give people a good turnaround spot and keep people away from Three Lynx, Ripplebrook, 4620 (Sandstone Creek/Indian Henry), and beyond.

COMMENTS ON SPECIFIC ROADS

The FS has an opportunity to address road issues that were present before the fire. There are two roads, **4620-130** and **4620-170**, which have breached closures on them, as of 2020 (see Figs 2 and 3 below). We encourage the FS to close these roads again using slash, boulders, and larger berms to prevent further unauthorized access.

[5] One principle of evaluating & managing "hazard" or "danger" trees is how long and often someone may be exposed to the risk of a tree falling. A tree over a campsite or picnic table presents more of a risk than one along a road where people are passing by and only exposed to the risk for a brief time. Thus, there should be less tree removal done along a low traffic road than one which includes popular pull outs or vistas.

Figure 2: Breached closure on 4620-130 (above) and circumvented closure on 4620-170 (below)

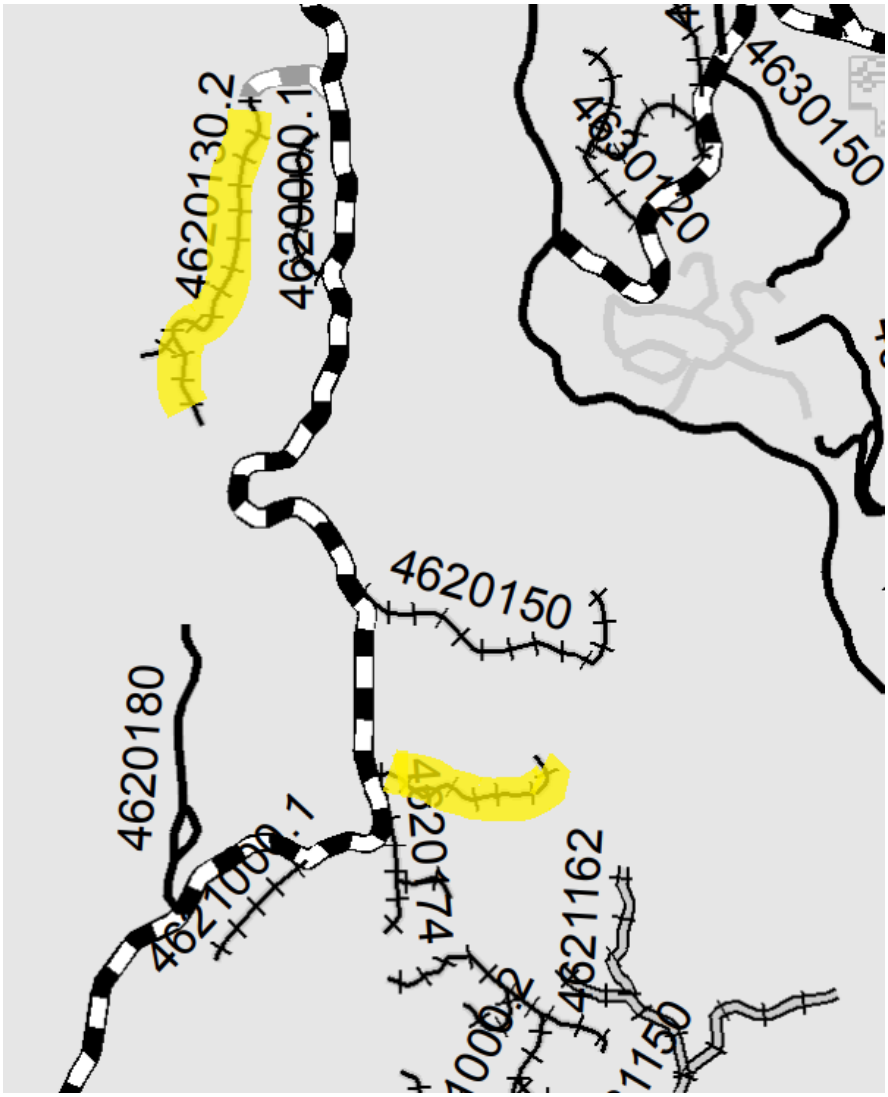
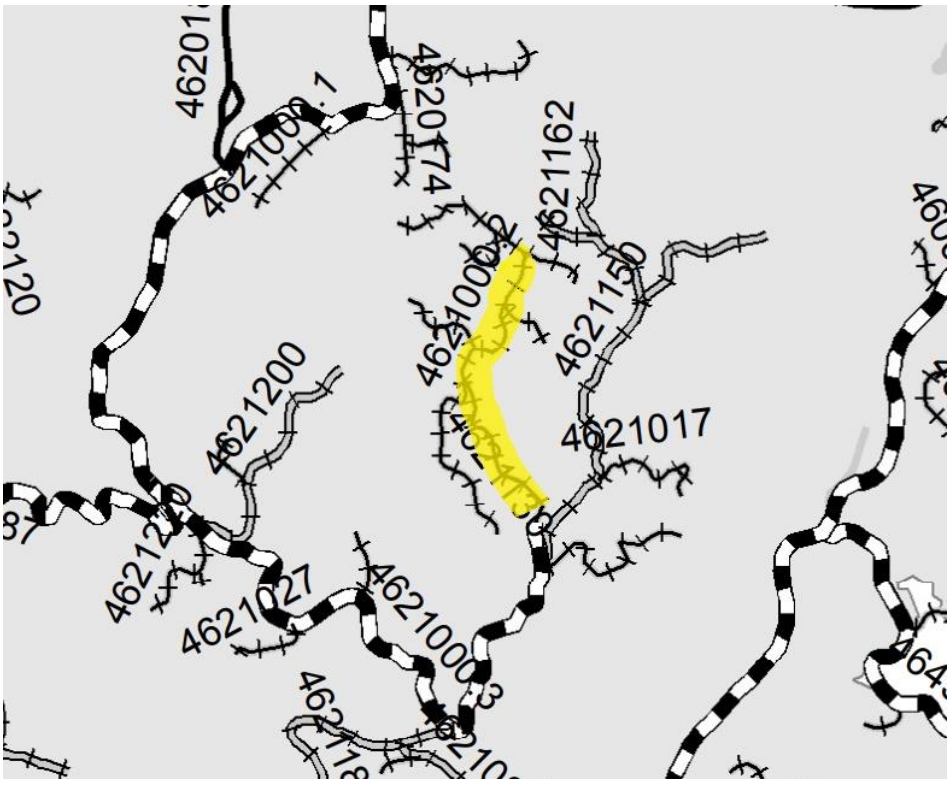


Figure 3: Highlighted are "closed" sections of 4620-130 and 4620-170 which have been breached

The **4621** has had a culvert blow out in recent years, **just past its junction with the 4620** and before its seasonal gate (see Fig. 4). Since that culvert failure occurred, it has been replaced with a French drain much smaller than the original culvert. This has concerned us in the past and we encourage the FS to keep a close eye on the drainage off this section of road and replace the drain with a larger culvert if needed.

Further down the **4621**, the Clackamas Fires Roadside Tree Assessment maps who the road as being closed **at its junction with the 4621-150** (see Fig 5). As of 2020, we found this road to be open and accessible, with no closure at the indicated spot on the map. We recommend closing this road at the indicated

location as part of the work authorized by and completed with this analysis process.



Figures 4 and 5: Culvert failure at approximately 45.057425, -122.090328 on the 4621 road. This culvert has since been replaced by a smaller French drain (above). Highlighted section of 4621 that was effectively open as of 2020 (below).

The **5412** road, which accesses a quarry up on the Fish Creek divide, appears to be redundant in its length. The road currently connects the 5410 and the 5411 roads, which are already connected to the northwest at their junction (see Fig. 6). Access to the quarry would not seem necessary from each of these roads, and the spurs off 5412 have already either been closed or have pending decisions for decommissioning. To reduce open road density and maintenance costs, we recommend closing or decommissioning approximately half of this road segment and maintaining access to the quarry from either the 5410 or 5411.

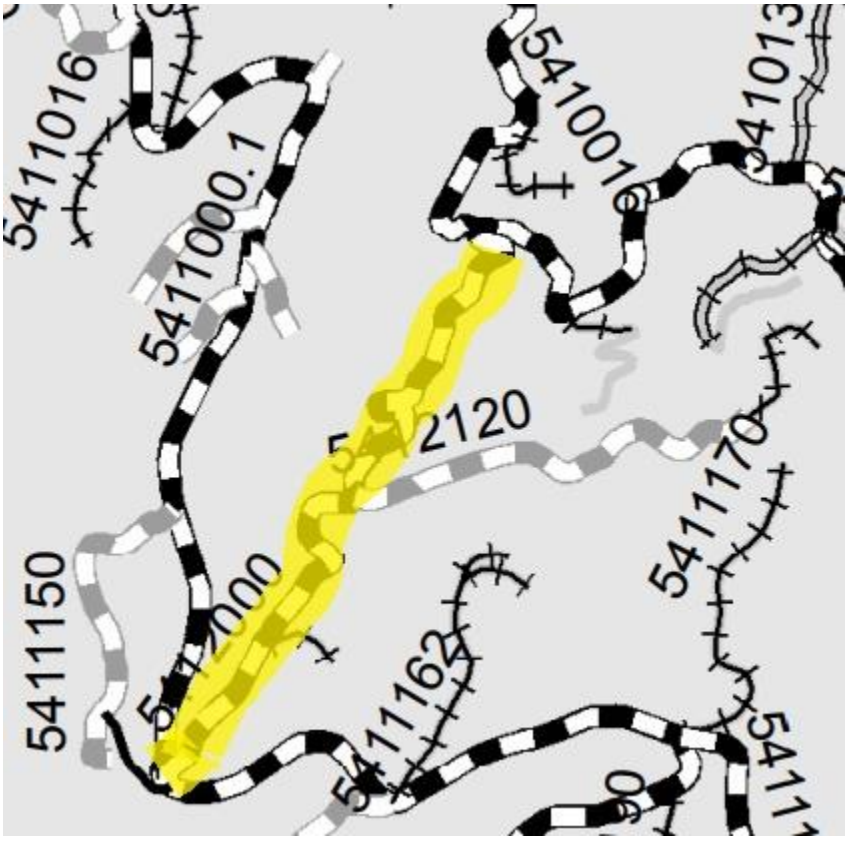


Figure 6: FSR 5412 connecting the 5410 and 5411 roads

CONSIDERATIONS REGARDING DANGER TREE REMOVAL

Road selection and striking distance: Part of this project's Purpose and Need is to determine what roads to remove danger trees on (out of approximately 200 miles) and at what striking distance from the road to cut danger trees. Clearly, danger tree removal would not make sense on roads that are currently closed or decommissioned, have previous decisions to be closed or decommissioned, or on roads identified in the Scoping letter and subsequent analysis for future closure or decommissioning. In terms of "striking distance", the proposal regarding tree-heights should be based on site specific circumstances. This is a good way to move forward as long as those circumstances are disclosed and discussed in the analysis with Project Design Criteria (PDCs). It would be helpful for the FS to post these PDCs to the MHNF projects page for the public to review in advance of the next 30-day comment period, and if possible, specifically the criteria used by the FS for identifying potential danger trees.

Cultural resources: Throughout history, riparian corridors, ridgelines, and numerous areas that are now roaded have always been desirable for habitation and livelihood for humans. Intact and/or buried structures, buried artifacts, culturally modified trees, burial sites, and habitation sites are all present within the Clackamas River Ranger District. Some are currently known, and more are yet to be uncovered. Riparian corridors especially have been highly restricted in the past, regarding logging and development. Impacts need to be carefully assessed before allowing such protective measures from being bypassed via danger tree logging. Changing the time scale of tree abatement on the CRRD to a longer and more thoughtful approach (as it has been changed to) will likely result in limiting soil disturbance to less area, and hence limit the potential disturbance of undiscovered artifacts or other cultural sites. Even so, utmost care must be given to protecting cultural resources, including PDCs regarding clear protocols for the event that these resources and discovered and/or damaged.

Wild and Scenic Rivers: The planning area hosts congressionally designated Wild and Scenic Rivers. All management activities within these important river corridors must protect and or enhance the identified outstandingly remarkable values for those segments. The FS must disclose how the activities included in the proposed action protect and/or enhance these values.

Spotted owl: This project spans Late Successional Reserves (LSRs) and through Activity Centers and Critical Habitat for the Northern spotted owl, which often use significantly burned patches for foraging if they are unlogged. A surprising number of spotted owl sites continue to be occupied and reproductively successful after experiencing fires of all intensities.[6] Further, spotted owls utilize complex early seral forests for foraging, providing evidence that severely burned forests can benefit spotted owls. While timber sales are subject to seasonal restrictions during the owl's breeding season, that does nothing to mitigate the destruction of the owl's habitat. If any trees that are cut in LSRs are to be sold commercially, an analysis on impacts to northern spotted owls and available dead wood habitat is required by the Northwest Forest Plan and the northern spotted owl's recovery plan. In the final decision for this project, please also address consultation and seasonal restrictions (i.e. northern spotted owl);

Utilizing cut trees: An additional objective of this analysis process is to evaluate whether cut danger trees would be left on-site or removed. We understand that approximately 25% of the miles proposed for danger tree cutting could be addressed using timber sale contracts. The remaining miles would use service contracts where some danger trees could be cut and left on site, some would be cut and removed for use as restoration logs or as fish logs in streams, and some would be cut and later made available for firewood. Bark supports this arrangement, especially after hearing that the MHNF will be receiving significant amounts of Disaster Relief funding in 2022 which can be applied to this work.

Work should generally be focused on removal of imminent danger trees located within striking distance of high use areas, such as developed sites, parking lots, and paved roads. wherever possible, we recommend using these hazard trees for restoration of streams and placement in nearby stands that lack large wood.

If trees are felled within 70 feet of streams, springs, or seeps, we recommend leaving the trees on the ground, and felling them away from and parallel to the stream protection buffers. We also recommend using residual trees or slash deemed safe to leave on site to block and cover any unauthorized OHV trails created by users in the area, or any breached road closures.

[6] USFWS 2011. Revised Recovery Plan for the Northern Spotted Owl. https://www.fws.gov/oregonfwo/Species/Data/NorthernSpottedOwl/Recovery/Library/Documents/RevisedNSORecPlan2011.pdf

Tree marking: As in any timber sale, trees would need to be surveyed, assessed and marked with paint as dictated by management objectives and PDCs. Tree mortality and danger to the public should be assessed, and tree marking should happen separately from any contract involving the cutting of these same trees.

Live tree cutting: Avoid cutting trees that are alive and green (at this point survivors of nearly two years post-fire), since all surviving trees are helping to rebuild the below-ground ecosystem and serve a valuable role as legacy structure and a recruitment pool for future large trees and snags. Where they do not pose an immediate threat to safety, all trees presumed to be dying should be treated as live until they are dead, as to not lose the ecological benefits of those trees that may survive.

Soils & geology: For steep slopes and cliffs present above the Clackamas River and its main tributaries, existing live vegetation and dead wood is especially critical for slope stabilization, and in achieving effective regeneration. Any proposed work should be evaluated carefully, and the results of this evaluation should be disclosed to the public before proceeding in these areas. To avoid unnecessary soil impacts and spread of noxious weeds, keep ground-based equipment on the existing open (Operational Maintenance Level) road prism.

CONCLUSION

The National Forest Management Act and other law, regulation, and policy advise that multiple uses are allowed only if those uses do not compromise the ecological integrity of the system that sustains the other uses. The USFS is legally and morally obligated to maintain the ecological integrity of forest systems in the face of their multiple-use directive. As noted in previous comments, the ecological effects of post-fire logging are overwhelmingly negative and could compromise the CRRD's ability to retain and sustain adequate amounts of those special attributes that severely burned forests provide. Therefore, again, we recommend proceeding with utmost care and patience.

We anticipate your review of these comments and look forward to the learning about any developments or changes made to both the forthcoming decision and the project itself.

Thank you,

/s/ Michael Krochta
Forest Watch Director, Bark