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September 19th, 2022

Johanna Kovarik, District Ranger
Paulina Ranger District
Ochoco National Forest
3160 NE 3rd Street
Prineville, Oregon 97754

Re: LandWatch's Scoping Comments for the North Fork Crooked River Forest Resilience Project

To Whom It Concerns:

Central Oregon LandWatch submits these comments on the North Fork Crooked River Resilience Project ("Project"). These comments are based on the Proposed Action of the North Fork Crooked River August 15, 2022 Public Scoping Packet ("Scoping Packet").

Central Oregon LandWatch ("LandWatch") is a conservation organization which has advocated for the preservation of natural resources in Central Oregon for over 30 years. With more than 750 members in Central Oregon, LandWatch has a long history of protecting the forests and streams in and around the Paulina Ranger District of the Ochoco National Forest. LandWatch's members and supporters live in Central Oregon, including on lands adjoining the District; on these District lands, members hike, hunt, fish, bird watch, take photographs, and engage in other recreational activities. As such, we are very interested in the management of this much beloved landscape, and appreciate the chance to comment on the Project Scoping Packet.

Introduction and general comments

LandWatch appreciates the Paulina Ranger District's ("District") user-friendly, thoughtfully crafted Project Overview Story Map, and the organized, accessible format of the Project scoping Packet. LandWatch generally supports the stated purpose and need of the Proposed Action; to promote forest resiliency against disease outbreak and catastrophic wildfire events in the era of climate change. LandWatch also appreciates the effort of the interdisciplinary team to consider the various management plans that govern activities in the Project area, paired with the best available science to develop a restoration plan for the Project. LandWatch is in support of the District's combination of thinning and burning carefully selected Project areas, thinning from below, and selecting the smallest, least healthy trees– so long as additional sideboards for wildlife habitat and a cap on the maximum size of trees logged are included, as LandWatch will

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discuss below.[1] Further, LandWatch supports the District's proposal to not build any new roads for the project, and to improve and protect the landscape by closing and decommissioning a great number of roads.[2]

That said, LandWatch has some concerns and questions about the method and application of some of the Project's proposed treatments. LandWatch will address these concerns below, as they relate to: the retention of all trees greater than 21 inches; road densities that meet Travel Management Plan objectives across the full project scale of 37,554 acres; limited treatments in Riparian Habitat Conservation Areas (RHCAs) and the North Fork Crooked River Wild and Scenic River Corridor; and adequate protection for various plant and animal habitats.

1. Commercial and Non-commercial Logging in the Project Area

a. No logging of trees >21" dbh

The District states two of its main project purposes as follows: 1) to improve forest resilience to disturbance events such as wildfire, and 2) to promote adaptation to climate change. The District can achieve these Project purposes by keeping all trees >21" dbh on the landscape.[3] While the Wildlife Standard of the Eastside Screens was recently amended from a hardline standard to a guideline for logging trees >21" dbh, the legality of that amendment is questionable, and a lawsuit is pending in the District of Oregon Federal Court. The amendment is fraught with scientific uncertainty and ignores the continuing need to increase the number of large trees on the landscape in Eastern Oregon national forests, including in the Ochoco National Forest. A detailed analysis on why it is appropriate for the Project to maintain the Pre-2021 Amendment Version of the Eastside Screens can be seen in Attachment A to this Comment, submitted as a separate PDF Document. It is advisable to not use this project to implement the Screens Amendment; if the Screens Amendment is overturned, then logging trees over >21" dbh with this project will violate the forest plan and National Forest Management Act.

In the District's Scoping Packet, large trees are handled as follows: "Ponderosa pine, Douglas-fir, and western larch larger than 21-inch dbh and grand fir larger than 30-inch dbh will *usually* not be cut, to maintain or promote late and old structural forest."[4] While LandWatch is glad the District plans to leave most large trees on the landscape, we are still concerned by this language; the District concedes it will sometimes take trees >21" dbh, without any hardline guidance on how often and for what reason this would occur. LandWatch believes retaining trees >21" dbh is

[1] North Fork Crooked River Forest Resilience Project Scoping Packet ("Scoping Packet"), Page 9
[2] Scoping Packet, Page 9
[3] Scoping Packet, Page 3
[4] Scoping Packet, Page 7, Emphasis added

essential for protecting wildlife habitat and for maintaining an Eastern forest resilient to fire and climate change. Indeed, these large trees provide invaluable habitat for a range of species, they store carbon at exponentially higher levels than smaller trees, and they provide shade, moisture, and soil stability that supports a resilient forest ecosystem– again, aligning with the purpose and need of this Project.[5] The District itself notes these attributes, speaking to the majesty and beauty of the old growth ponderosa pine and their value as special scenic and recreational assets, in addition to providing habitat for numerous species.[6] Therefore, in addition to the reasoning provided in Attachment A to this comment, LandWatch asks the District to define what it means by "usually," and explain who will be making the decision about which trees to retain—Forest Service specialists or the timber sale contractor. Ultimately, LandWatch urges the District to drop all logging of trees >21" dbh from this Project.

b. No logging of trees >21" dbh in LOS, regardless of proposed canopy structure changes

The Project's Resource Summary provides a definition for LOS:

> The term "late and old structural" refers to structural stages where large trees are common, such as multi-stratum with large trees (two or more canopy layers), or single-stratum with large trees (a single dominant canopy layer of medium sized or large trees).[7]

The Project's Resource Summary also states that the "Eastside Screens guides us to maintain existing LOS stands where we have them and to move all other "non-LOS" stands toward becoming LOS."[8] The heart of this directive is clear—we need to encourage the retention and survival of old, large trees across the eastern forest landscape. As such, even in instances where HRV data suggests closed canopy should be converted to open canopy, it does not make sense to remove trees >21" dbh to reach this objective. Further, for this project, the HRV basis is not sufficiently definite, and the District should consider natural fluctuations in the amount of multi and single stratum on the landscape over time. This, paired with the reality that Eastside forests are comprised of only 3% old growth, underlies the necessity of letting large trees age, to the benefit of all.[9]

Further, for 25 years, the Eastside Screens prohibited logging trees >21' dbh inside LOS stands. This is made by a 1995 interpretive memorandum from the Regional Forester, where John Lowe states:

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[5] *Carbon Storage in Forests East of the Cascade Crest in the United States Pacific Northwest,* David J. Mildrexler, Logan T. Berner, Beverly E. Law, Richard A. Birdsey and William R. Moomaw, 2022; L*arge Trees: Oregon's Bio-Cultural Legacy Essential to Wildlife, Clean Water, and Carbon Storage,* Dominick A. DellaSala, Ph. D Chief Scientist, William L. Baker, Ph.D, 2020
[6] Scoping Packet, Page 5
[7] Scoping Packet, Page 13
[8] Resource Summary, Page 6
[9] Front. For. Glob. Change, 05 November 2020 | https://doi.org/10.3389/ffgc.2020.594274

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> "… the intent of the screens is to maintain, in the short-term, all features of late and old structure, whether the stand is actually LOS or not. … For additional clarification, the screen direction under Scenario A of the wildlife standard is intended to maintain all live trees >21 inches regardless of tree species and regardless of whether a stand is LOS or not. *The existing wording in Scenario A could be* ***erroneously*** *interpreted to mean that large trees >21 inches "could" be cut in LOS in some instances. We regret the ambiguous wording used in writing Amendment #2.* The intent of Scenario A is as stated above."[10]

Additionally, the 2021 revision of the Eastside Screens, by its terms, applies to logging trees >21' dbh *outside* LOS stands. As the Forest Service's Decision Notice/FONSI states, the following language replaces the interim Eastside Screens Wildlife Standard language at 6(d)(2) with:

> "**Outside of LOS**, many types of timber harvest activities are allowed. The intent is still to maintain and/or enhance a diverse array of LOS conditions in stands subject to timber harvest as much as possible…"[11]

Disguised in the Screens Amendment was an apparent interpretive change regarding logging trees >21' dbh *inside* LOS stands, even though such action was not a part of the proposed action. The agency's sleight of hand in this regard was problematic, and the analytical basis for logging trees >21' dbh inside LOS stands has not been adequately vetted. Further, the intent of the Wildlife Screens, even with the 2021 Revision, is to keep late, old structure conditions secure within LOS stands, and to recruit more late, old structure conditions outside of current LOS stands. Retaining trees >21' dbh fits squarely into these objectives.

The Project Planning Area Resource Summary further iterates this point, stating: "The Eastside Screens was revised in January 2021 replacing a 21-inch tree diameter limit with a guideline for timber sales **outside of stands of late and old structural stages** that emphasizes **recruitment of old trees and large trees**." Given this narrow emphasis, and the longstanding interpretation of the Screens as prohibiting trees >21' dbh *inside* LOS stands, the effects of, and rationale for the interpretive change needs to be further analyzed and developed before being implemented in this Project.

Therefore, the Project should not remove any trees >21" dbh from within LOS stands, regardless of a stands' designation as single or multi stratum as compared to the area HRV. Further, in

[10] John Lowe, Nov 14, 1995, File Code: 2430, USDA Pacific NW Region; "Subject: Regional Forester Amendment #2 Implementation - Umatilla NF Trip"

[11] Decision Notice and Finding of No Significant Impact, Forest Plans Amendment, Forest Management Direction for Large Diameter Trees in Eastern Oregon and Southeastern Washington, Pacific Northwest Region (R6) Oregon and Washington, January 2021 (p 4); Environmental Assessment, Forest Plan Amendment, January 2021, 2.2 Old Tree and Large Tree Guideline with Adaptive Management (Proposed Action) USFS-Pacific Northwest Region-6, (p 13)

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considering the overall health of our forests and the extreme lack of old growth trees, the District should retain and further recruit these late, old structure trees already on the landscape. LandWatch asks the District to let large trees age in the spirit of the Wildlife Screens (both the original and the 2021 Revision), as there is a dire need for large trees in our Eastside Forests.

a. Use of complete, reliable HRV data

When the District completes its Draft EA, LandWatch asks it includes all data and methods relied upon to establish the Historic Range of Variability (HRV) in the Project area, as the Project is engaging in much of its logging to achieve these HRV values (mainly, in reducing LOS multi-stratum forest types to single stratum forest). In its NFCR Planning Area Resource Summary ("Resource Summary"), the District notes that records of Forest Service activity and disturbance events on the landscape only go back to 1943, and the Resource Summary otherwise references timber sales and wildfires/ wildfire suppression subsequent to this date.[12] While historical documents on timber sales can be valid data points to establish HRV, they should not be relied on as the sole representations of natural, historic conditions. What other data sources did the Scoping Packet use to establish the HRV that account for the absence of pre-1943 Forest Service data?[13] What data will the District include in the Draft EA to justify the shift of so much landscape to single stratum forest? How did the District arrive at the numbers shown in Tables 2 and 3 of the Scoping Packet?? Further, insects, disease, fire, and drought are all elements of the natural disturbance regime of this landscape; how does the current data used for HRV take into account these natural disturbances and a wide degree of natural fluctuation on the landscape? The EA should reference multiple data sets and peer reviewed studies to establish the Project Area HRV and related desired future conditions.

b. Scale of logging on Project Landscape

Additionally, LandWatch is concerned with the amount of logging and other treatments occurring across the landscape. As the District explains in its Resource Summary, the Project area is a scabland stringer landscape, where only 47% of the Project is forested.[14] Therefore, while the project will only log 9,855 acres total of the 37,554 Project acreage, this accounts for 55.8% of the total forested area. LandWatch has concerns about the impacts to fish and wildlife habitat and overall forest resiliency with such heavy logging. Further, as explained on page seven of the Resource Summary, the interspersed scablands provide natural buffers for fire; LandWatch therefore questions why 55.8% of the forested landscape needs to be treated when

[12] Resource Summary, Page 6
[13] Resource Summary, Page 6
[14] Resource Summary, Page 5

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natural fire resilience is built into the area. To meet the Project's purpose and needs of resilience against large scale fire disturbance and to build resilience to climate change, the Project should retain all trees >21" dbh and use the natural breaks of the scabland landscape to its advantage, to reduce the stated need of fuel reduction logging. Further, where treatments occur, the Project should retain clumps of untreated wildlife and plant corridor areas covering 10-20% of the treated area to provide cover and undisrupted habitat for birds and other wildlife.[15]

c. Balancing risk of known harm to aquatic and wildlife habitat via logging versus potential harm of catastrophic wildfire

The Scoping Packet states "the increased risk of losing large and old conifers to insect and disease or wildfire would in turn negatively impact wildlife species that depend on such trees and impact the scenic quality of some areas of the Wild and Scenic River Corridor."[16] The Project uses this reasoning to justify the use of commercial and noncommercial thinning of 9,766 acres to reduce overall stand densities to improve forest health and resilience to said disturbance.[17] LandWatch believes that the best available science counters the Project narrative that thinning to reduce fuel loads and to bring units towards HRVs will reduce the chance of catastrophic fires/ large disturbance events across the Project landscape.

Has the Forest Service conducted Forest or project-wide analysis of the probability of a large-scale catastrophic wildfire? If not, the Forest Service must include this in the draft EA as part of its informed decision-making processes, and to demonstrate that the long-term benefit will outweigh the short-term harm of the proposed project. Recent studies show that fuels themselves are not the major contributing factors to large disturbance event fires—rather, wind and drought exacerbated by climate change are the major contributing causes, and thinning the back country does not reduce these factors.[18] In fact, several very large, high impact fires in the Oregon Cascades over the past few decades occurred during "compound extremes" where dry air and strong winds facilitated fire severity.[19] Additionally, Rhodes et al. (2008) concluded that "if fire does not affect treated areas while fuels are reduced, treatment impacts on watersheds are not counterbalanced by benefits from reduction in fire impacts."[20] This study found that the probability of high severity and high-moderate severity fires affecting treated areas in their window of effectiveness was very low, concluding that in "92-98% of treated areas, fuel

[15] *Restoring Eastern Oregon's Dry Forests: A Practical Guide for Ecological Restoration,* Tim Lillebo, Oregon Wild 2012;
[16] Scoping Packet, Page 4
[17] Scoping Packet, Page 5
[18] *Working from the Home Outward: Lessons from California for Federal Wildfire Policy*, May 5, 2021; Compiled by Douglas Bevington, PhD Forest Program Director, Environment Now
[19] *Compound Extremes Drive the Western Oregon Wildfires of September 2020*; Abatzoglou, Rupp, O'Neill Sadegh; 22 March 20211; Volume 48, Issue 8; Geophysical Research Letters, Advanced Earth and Space Science
[20] *Fire Probability, Fuel Treatment Effectiveness and Ecological Tradeoffs in Western U.S. Public Forests,* Rhodes, Jonathan & Baker, William. (2008) The Open Forest Science Journal. 1. 10.2174/1874398600801010001.

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treatment impacts on watershed processes are not likely to be counterbalanced by a reduction in higher-severity fire;" this means there is only a 2-8% chance of the proposed logging meeting the stated Project purpose and need.[21] To address this point, LandWatch asks the District to include evidence in its Draft EA that the proposed treatments will actually reduce the likelihood of catastrophic fire.

Further, big game habitat is directly impacted by Project treatments. The MA-F21 General Forest Winter Range comprises 12% of ONF land, and MA-F20 Winter Range comprises just 7% of the ONF.[22] The primary, preferred cover for big game is a stand of mixed conifer (Ponderosa Pine with Douglas Fir and White Fir) ten feet or more tall with an average crown closure of 40% or more.[23] While timber extraction is allowed in the General Forest Winter Range, the District must recognize big game habitat needs here; in MA-F20 Winter Range, big game habitat is to be prioritized. The Project, however, is treating 1,964 acres of MA-F20 and 3,139 acres of MA-F21, mainly to reduce stands from current multi-stratum forests ideal for winter range and adequate thermal cover, to its presently identified HRV single-stratum forest goals.[24] All to say; it is guaranteed that species habitat in LOS stands, such as but not limited to ungulate habitat, will be degraded with LOS logging treatments—it is not, however, a clear guarantee that the general threat of fire will be resolved by the proposed District treatments. LandWatch asks the District to clearly describe how this inevitable, immediate harm to a specifically identified impacted species and their habitat would be justified against the risk of wildfire that has a small probability of hitting this landscape while Project treatments still remain effective.

d. Carbon Release and Climate change

As previously stated, one Project Purpose is to create a landscape more resilient and adapted to climate change. If responding to climate change is of concern to the District, the District must consider the lifecycle carbon emissions of logging. Carbon is lost at every stage when we log forests—including the harvest itself, the manufacturing of products, the end of the products' use, and decay.[25] Further, the first 10 to 20 years after harvest, in a plantation replanting setting, young forests are a net emission to the atmosphere.[26] To illuminate this point, in Eastside forests, 3% of large trees are storing 42% of the forest's above ground carbon.[27] Further, the logging of

[21] *Id.* at *Fire Probability, Fuel Treatment Effectiveness and Ecological Tradeoffs in Western U.S. Public Forests,*
[22] Ochoco National Forest & Crooked River National Grassland Land and Resource Management Plan ("ONF Plan"), USDA 1989, Chapter 4, Section 2, P-83 and P-84
[23] *Id.*; ONF Plan Glossary, GL-25, *Thermal Cover*
[24] Scoping Packet, Page 12
[25] Tara W Hudiburg et al 2019 Environ. Res. Lett. 14 095005; Law et al. 2018, See https://www.pnas.org/doi/10.1073/pnas.1720064115
[26] Amiro et al. 2010, see https://doi.org/10.1029/2010JG001390; Law et al. 2022, See https://doi.org/10.1046/j.1354-1013.2001.00439.x
[27] *Large Trees Dominate Carbon Storage in Forests East of the Cascade Crest in the United States Pacific Northwest,* Mildrexler, David & Berner, Logan & Law, Beverly & Birdsey, Richard & Moomaw, William. 2020. Frontiers in Forests and Global Change. 3.10.3389/ffgc.2020.594274.

trees releases more greenhouse gasses than wildfire.[28] To realize its goal of a landscape adapted to climate change, the Project should not log any trees >21' dbh.

Further, climate change is the fundamental issue of our time, and the relation of federal actions to it falls squarely within NEPA's focus. Previous ONF project planning documents have taken a unidirectional look at climate change, focusing on whether a specific project will accelerate global climate change. For this project, the District should closely examine the extent to which this Project will remove important carbon stores, such as large trees and forest biomass. But that is only one side of the coin. The Draft EA should also address another critical aspect of the climate change problem: how will the Project affect Project Area resources—soils, watersheds, species—in light of changing climatic conditions?

e. No designation by prescription contracts

Finally, the Scoping Packet notes "Forest Service staff, contractors, or partners will implement proposed activities."[29] LandWatch asks the District to make their commercial logging and thinning projects clearer in terms of contractor responsibility in its Draft EA—is logging conducted via designation by prescription contracts, where the contractors have almost full discretion on which trees to remove at the cutting unit level?[30] If so, what oversight or accountability measures does the District have in place to make sure projects are following Project specifications? For example, will the District develop implementation plans for the project? If so, what will they look like? With no maximum tree size or age explicitly set, the opportunity to harvest too many old growth trees is simply too great. If the District is going to use prescription project contracts, then explicit "no-cut" standards, such as max dbh numbers like nothing larger than 21 inches dbh, must be built into the project standards.

2. Roads

LandWatch appreciates the District's dedication to improving the Project area road system by refraining from building any new roads, and by closing and decommissioning 47 miles of road. As part of the planning process for the Project's Draft EA, the District must fully scrutinize the Project's roadwork component in accordance with the Travel Management Rule, 36 C.F.R. part 212, and Executive Orders 11644, 11989. Specifically, the agency must demonstrate how the Project's roadwork components are consistent with the 2015 Ochoco Travel Analysis Report and the identification of the "minimum road system."[31] The Scoping Packet shows the District has a

[28] See http://forestpolicypub.com/2014/03/13/dr-law-role-of-forest-ecosystems-in-climate-changemitigation/
[29] Scoping Packet, Page 10
[30] *The Business Aspects of Silviculture in the Delivery of Forest Products: A Panel Discussion*; Dave Cawrse, Guenther Castillon, Jeff High, Jim Parma, and Jim Youtz, p 65, https://www.fs.fed.us/nrs/pubs/gtr/gtr-nrs-p-193papers/09-cawrse-gtr_nrs-p-193.pdf
[31] *Ochoco National Forest & Crooked River National Grassland Forest-wide Travel Analysis Report*, USDA Forest Service 2015, see

good start on this process, stating: "Our staff conducted extensive road surveys in field season 2021. We will use data from these surveys as a starting point to describe existing conditions in relation to road density, redundancy, and functional status (e.g., designated open roads vs functionally open roads, etc.)." The District noted one area of particular road density in its story map; LandWatch asks that additional, dense road networks be addressed within the 58.3 miles of road the Project will leave open.

Further, LandWatch appreciates the District's recognition of functionally open "closed" roads on the landscape, and the negative impacts this has on wildlife, like degradation of habitat security for big game. For MA-F20 Winter range and MA-F21 General Forest Winter Range, "Road and trail use will be limited to one mile of open access per section from December 1 to May 1; a greater density of trail and road access will be available during the remainder of the year, up to three miles per section."[32] LandWatch asks the District to meet these winter range densities, where applicable, and asks the District to include the functionally open "closed" roads in its accounting for density compliance with the Ochoco Travel Management Plan and Winter Range road density standards and guidelines.

Additionally, LandWatch asks what tools the District will use that differ from current road closure methods to address the functionally open issue of "closed" roads. If the District cannot create effective road closure options, it should convert more miles of road closures to decommissioned roads. The District should require the use of a continuous visual barrier or a gate to decommission roads, or else conduct and share research on equally effective closure methods, to avoid further functionally open "closed/ decommissioned" road issues across the landscape.

3. Treatments in Riparian Habitat Conservation Areas (RHCAs)

a. RHCA Commercial and Non-Commercial Logging

The Scoping Packet states that 974 acres in RHCAs will be logged, with about 200 acres of this slated for commercial logging.[33] The Inland Native Fish Strategy (INFISH), which covers approximately 25 million acres of National Forest System lands, includes scientifically supported measures to protect habitat and populations of native inland fish.[34] INFISH allows commercial logging in RHCAs only in a narrow circumstance when treatments are needed to attain Resource

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd968961.pdf; *Travel Management FEIS and ROD*, USDA Forest Service 2015, see https://www.fs.usda.gov/detail/ochoco/landmanagement/planning/?cid=stelprd3808312

[32] ONF Plan, 4-18

[33] Scoping Packet, Page 12

[34] INFISH 1995; Federal Register / Vol. 60, No. 150 / Friday, August 4, 1995 / Notices 39927

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Management Objectives (RMOs). Further, Practice 11- Treatment of Activity Fuels in the Ochoco FP, states in its standards and guidelines that:

> Fuel treatment (particularly mechanical treatments) should be very limited within riparian areas. In particular, activities which reduce the shading potential or woody debris sources of the site should be avoided. Greater levels of wildfire risk are acceptable in these areas. Non-Mechanized treatments will receive preference. When mechanized treatments are necessary, they shall be carefully managed to meet the objectives of the management area.[35]

For these reasons, LandWatch believes commercial logging in RHCAs is inappropriate even with the Project's identified Resource Protection Measures; commercial logging does not further the Project's purpose and need, and would not further any RMOs. Therefore, LandWatch asks the District to drop all commercial logging in RHCAs from the Project, and allow only hand-thinning treatments in non- commercial units, if the District can show how the non-commercial thinning helps attain RMOs. The Scoping Packet states there will be "standard prescriptions for all RHCAs (Categories 1, 2, 3 and 4) where we propose only noncommercial thinning;" if this approach is included in the Draft EA, these prescriptions should be centered around hand-thinning and other non-invasive treatments, and should include caps on the size of trees logged in these areas.[36]

That said, LandWatch questions how logging of any kind, even non-commercial, would help attain riparian RMOS. All riparian areas and especially RHCA Class I and II streams are critical for native fish and wildlife populations. Ground disturbance activities can affect water quality via sedimentation, turbidity, and stream shading; sensitive and potentially already degraded sites are not the place to do more work and further degrade the area with heavy machinery and equipment. In order to justify activity in RHCAs, the District must fully account, analyze, and disclose these impacts in its Draft EA and ensure that applicable Forest Plan standards and guidelines are met. This would include disclosure of baseline data for all of these water quality parameters at the stream-specific level of specificity, along with projected impacts to these water quality parameters resulting from each project alternative analyzed in the Draft EA.

While LandWatch agrees with the District that certain riparian areas within the Project are degraded and have less than optimal riparian function, we do not believe that commercial and non-commercial logging are the solution or a viable restoration strategy in these areas; existing riparian vegetation needs to be protected, not cut down. Instead, riparian restoration should occur via activities such as placement of large woody debris, pool creation, channel filling and manipulation, hardwood enhancement, facilitating the establishment of beaver colonies, and

[35] ONF Plan, Chapter 4, Section 3, p 4-134
[36] Scoping Packet, Page 11

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riparian planting in and around streams and floodplains. LandWatch therefore supports most of the Scoping Packet's list of potential projects for riparian restoration (minus removal of trees), and especially projects that "decommission closed roads… that adversely influence water, sediment, or fish habitat [and projects that] increase beaver habitat through planting of riparian hardwoods, install beaver dam analogs to improve water storage and aquatic habitat."[37]

In its Draft EA, LandWatch urges the District to provide a fully developed restoration and monitoring plan for the identified degraded riparian areas– a plan that does *not* include logging. For work that must be meticulously designed, phased, and scheduled in order to be successfully implemented, LandWatch asks the district to provide a robust and detailed description of the restoration plan that is spatially and temporally explicit, to ensure that the public has the opportunity to fully weigh in.

b. Grazing

The Project Scoping Packet addresses the need to balance foraging opportunities for grazing and protection of riparian areas. There are seven grazing allotments in the planning area; the allotments with the heaviest impact on the landscape are: "the Big Summit, Fox Canyon, and North Fork Allotments [which] are 19, 19, and 10% of the planning area, respectively. The Roba Allotment is roughly the eastern half of the planning area [8,647 acres]."[38]

If the District uses degraded riparian corridors as justification for logging or other treatments in said areas, then grazing must also be addressed as it intersects with the issue of degraded RHCAs. When out in the field LandWatch noted how the Eastern portion of the project is heavily impacted by grazing in riparian areas like Dry Paulina Creek. If treatments are to occur in these sensitive habitats, they must occur in tandem with fencing and other measures to keep cattle away from these recovering systems, or the restoration objectives are lost.

c. Impacted Species

As identified in the scoping Packet, the project RHCAs provide important habitat for calving and fawning for elk and mule deer.[39] Forest Plan Standard and Guidelines, judicial guidance from Judge Hernandez in the Ochoco Summit OHV Project, and the NEPA process itself all point to adequately identifying and protecting calving and fawning sites during respective seasons; this means inventorying and avoiding these locations where they are present on the landscape,

[37] Scoping Packet, Page 15
[38] Scoping Packet, Page 3
[39] Page Packet, Page 4

ensuring there is adequate habitat areas ,such as riparian areas, aspen stands, spring and seep areas. Big game struggle in areas frequented by cattle, and additionally need adequate cover and distance from roads to calve and fawn– the Draft EA must take a hard look at how all of these factors impact viable calving and fawning habitat, and how proposed logging would impact these locations.

Additionally, and as will be discussed in more detail below, one habitat of the endemic and vulnerable Peck's Mariposa Lily is within RHCAs. The scoping Packet also identifies "aquatic habitat for three Forest Service sensitive species—Columbia spotted frog, Inland Columbia Basin Redband Trout, and western ridged mussels" within the Project area. LandWatch asks the District to include measures for habitat improvement and/or protection for elk and mule deer calving and fawning, for Peck's Mariposa Lily in riparian corridors, for aquatic species impacted by increased turbidity, sedimentation, or decreased shading induced by riparian logging, and any other dependent and sensitive species in riparian zones, in its fully developed restoration plan for the identified degraded riparian areas.

4. Wild and Scenic River (WSR)

From the maps provided with the Scoping Packet, it appears the Project seeks to both commercially and non-commercially log in the WRS corridor; LandWatch urges the District to drop all commercial logging within the WSR corridor acreage, and to hand-thin only in the remaining acreage. As is explained by the NCFR Management Plan:

> The North Fork Crooked River (North Fork) was added to the National Wild and Scenic Rivers System as part of the Oregon Omnibus Wild and Scenic Rivers Act of 1988…The plan establishes boundaries and details specific management direction and resource monitoring for each segment of the river.[40]

Management direction for the river is guided by the respective Outstandingly Remarkable Values (ORVs) of each river segment, which include: scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, with the intent of preserving these values "for the benefit and enjoyment of present and future generations."[41] The eight miles of designated WSR that run through the project area include scenic, recreational, geologic and fish and wildlife ORVs via "scenic landscapes with dramatic deep canyon terrain, old growth ponderosa pine, and the rare and endemic Peck's mariposa lily (Calochortus longebarbatus var. peckii), fish habitat, and relatively pristine opportunities for fishing, hiking, hunting, and other semi-primitive experiences."[42]

[40] NFCR Planning Area Resources Summary, page 3
[41] NFCR Planning Area Resources Summary, page 3; 16 U.S.C. § 1271.
[42] NFCR Planning Area Resources Summary, page 3

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In light of these congressionally protected values in the NFCR WSR corridor, how does the District justify commercial logging and how would commercial logging benefit the outstanding remarkable values of scenery, recreation, or fish and wildlife habitat? Further, with non-commercial logging and treatments, how does the District plan to address the identified issues of "poor riparian and forested vegetation conditions," without further degrading these values with its own "corrective" actions?[43] LandWatch believes that the use of heavy machinery within the riparian corridor and the logging of any large trees would be in direct contradiction of the areas' ORVs and would only degrade soils, water quality, scenic views, and fish and wildlife habitat, and would disrupt fishing, hiking, and hunting opportunities. Therefore, any treatments deemed vital to protect ORVs in the 469 miles within the WSR corridor currently slated for treatment should be hand-treated only, creating as small of a footprint as possible.

5. Sensitive Species: Fish, Wildlife, and Plants

The agency must take a hard look at the impacts of the Project on Threatened, Endangered, and Sensitive ("TES") Species, and ONF Management Indicator Species ("MIS") and their habitats, including but not limited to northern goshawk and other raptors, pileated woodpeckers, various pollinator species, elk, mule deer, Sensitive Plants and rare endemic plants such as Peck's Mariposa Lily (Calochortus longebarbatus Var. peckii) and Henderson's needlegrass (Achnatherum hendersonii).[44] The District must prepare a Biological Assessment / Biological Evaluation that addresses the impacts of the Project on all TES species, and engage in consultation with the U.S. Fish and Wildlife Service / National Marine Fisheries Service where required or appropriate. In evaluating the environmental impacts of the Project, the Forest Service has a duty to explain how the Project is fully consistent with the Standards and Guidelines of the Ochoco Forest Plan and the Inland Native Fish Strategy (INFISH), particularly with respect to impacts on TES species.

LandWatch emphasizes the importance of a properly determined geographic scope for the impacts analysis of fish, wildlife, and plants. The choice of analysis area must represent a reasoned decision, and the District must show that it considered the relevant factors, including the scope of the project, the features of the land, and the type of species in the area. The geographic areas occupied by species outside the project impact zone are a relevant and crucial factor for the District to consider. LandWatch requests that the District selects geographic scopes for each species based on the unique attributes of those species, particularly range, habitat needs,

[43] NFCR Planning Area Resources Summary, Page 13
[44] NFCR Planning Area Resource Summary, page 5

and food availability, based on the best available science. This will likely lead to different analysis areas for cumulative impacts than the Project analysis area.

LandWatch asks that, for species that the Project may reduce habitat effectiveness for, the Draft EA addresses: (1) the habitat needs of each species; (2) the existing habitat conditions in the Project area; and (3) how the Project's direct, indirect, and cumulative effects will affect each species, based on the best available science. For most species, use of the best available science includes the application of habitat models. LandWatch asks the District to document and include underlying data for these models for public review in the Draft EA. Further, if the Project results in reduced stream shading or increased sedimentation or turbidity, the District must address the impacts of the Project on fish and aquatic resources with quantitative data and accurate scientific information.

LandWatch recognizes and appreciates that the District is already aware and tackling road density issues in the Project Area. That said, because many species are adversely affected by the Project Area's high road density, LandWatch requests that the Draft EA provide a thorough and detailed road density analysis (including a distance banding analysis for big game species) that includes all routes functionally open to and/or currently receiving motorized use, regardless of the routes' designation on the MVUM.

a. Peck's Mariposa Lily

Peck's Mariposa Lily ("lily") is endemic to the Ochocos, making it a rare and important species to protect. The lily grows in riparian corridors along seasonal streams, seasonally moist sites (like isolated meadows or as part zone between wet meadows and drier upland plant communities), and in openings in Ponderosa Pine forests.[45] Oregon State's Biodiversity Information Center conducted a 2019 Climate Change Vulnerability Assessment for the lily, and found it is extremely vulnerable to climate change, with a very high confidence level. Here, extremely vulnerable means its abundance and/or range extent within the geographical area assessed is extremely likely to substantially decrease or disappear by 2050.[46] The project proposes strategic commercial and non-commercial thinning and prescribed fire to address habitat issues the lily encounters; thinning an approximate 251 acres to improve habitat conditions for special plant habitats is also included in the Scoping Packet in regard to the lily.[47] LandWatch asks the District to clarify and include in its Draft EA how much logging and

[45] Resource Summary, Page 11 (citing Dewey 2011); Oregon Biodiversity Information Center, Climate Change Vulnerability Assessment for *Calochortus longebarbatus var. Peckii* (Peck's mariposa-lily), 2019
[46] Oregon Biodiversity Information Center, Climate Change Vulnerability Assessment for *Calochortus longebarbatus var. Peckii* (Peck's mariposa-lily), 2019
[47] Scoping Packet, page 7, 15

thinning will actually *disrupt* lily habitat, especially with proposed commercial and non-commercial thinning in riparian areas, and extensive logging in ponderosa stands. Further, is the aforementioned strategic commercial and non-commercial logging—hand-thinning only? Are there resource protection measures in place so as to not disrupt and degrade the soil? LandWatch believes the best treatment for the lily is to have a light hand in its habitat– drop commercial units in lily habitat, only perform restoration activities with non-motorized equipment, and exclude cattle from prime lily habitat.

b. Pileated Woodpecker

LandWatch is concerned about the impacts of Project logging on pileated woodpecker habitat. The District is proposing logging in multi-stratum, large-tree populated swaths of forest to create open canopy; this is in direct conflict with preserving the pileated woodpecker's habitat. The ONF, in the 1989 LRMP, set aside only 2% of the Forest in Old Growth areas for pileated woodpecker habitat. In addition, approximately the same acreage was set aside as feeding areas but is not mapped. Less than 40,000 acres out of 1 million acres are to be nesting, roosting, and foraging habitat for the pileated woodpecker. This highlights the importance of protecting habitat wherever pileated woodpeckers are found, and protecting our large, old growth trees wherever found; in fact, the Project's Resource Summary states "some wildlife species, like pileated woodpeckers, would not benefit from reduced stand densities."[48] How will the Project balance the real needs of pileated woodpeckers and their habitat, present on the landscape now, with its objective to reduce stand densities (which likely includes large tree removal) based on HRV? Further, what will habitat corridors for the pileated woodpecker look like across this scabland stringer landscape? LandWatch thanks the District for excluding logging in the Project's 868 acres of the ONF designated Old Growth Management Area, but hopes to see further protections for big trees and pileated woodpecker habitat across the remaining landscape.[49]

6. Project Alternatives

NEPA requires the agency to rigorously explore and objectively evaluate all reasonable alternatives. 40 C.F.R. § 1502.14(a).[50] LandWatch requests that the Forest Service in the Draft EA
set forth and study in detail a reasonable range of alternatives, as required by NEPA. Specifically, LandWatch requests that the Forest Service evaluate an alternative that is not so heavily focused on commercial logging operations; an alternative that does not include

[48] NFCR Planning Resource Summary, 15
[49] Scoping Packe, Page 12
[50] Please be explicit about which version of the CEQ's NEPA regulations are being applied. We request that you apply the spirit, if not the letter, of the 1979 version of the regulations, given the legal and regulatory uncertainty surrounding the 2020 version.

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commercial logging, noncommercial logging, or fuels reduction treatments within RHCAs; an alternative that establishes a diameter limit for trees ≥21'' for the project area; and an alternative with increased riparian restoration activities and even more miles of road decommissioning versus just closed roads.

LandWatch also expects that the Draft EA will address in detail a no action alternative, a required component of the NEPA analysis. 40 C.F.R. § 1502.14(d). The no action alternative is critically important because it provides a baseline against which the action alternatives are evaluated.

Thank you for your time and your work on this Project Area. Please add LandWatch's contact information to the project mailing list:
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Sincerely,

Kristen Sabo

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