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RE: Archie Creek Roadside Danger Tree Mitigation Project

Thank you for considering the following comments from Cascadia Wildlands and Oregon Wild regarding the Notice of Proposed Action and Preliminary Effects Analysis (PEA) for the [Archie Creek Roadside Danger Tree Mitigation Project](#). Cascadia Wildlands defends and restores Cascadia's wild ecosystems in the forests, in the courts, and in the streets. We represent 12,000 members and supporters who envision vast old-growth forests, rivers full of salmon, wolves howling in the backcountry, a stable climate, and vibrant communities sustained by the unique landscapes of the Cascadia bioregion. Oregon Wild represents 20,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy.

Project Description

The Umpqua National Forest's (UNF) proposed action entails the felling and removal or the felling and leaving of fire damaged trees along 64 miles of identified maintenance level 2 (ML2) roads within the burn perimeter of the Archie Creek Fire on Forest Service-managed public lands. The treatment area proposes to cover approximately 4,300 acres. There would be road maintenance on 88 miles of road (all danger tree removal roads + an additional 24 mile of fire-impacted roads). PEA at 21. According to UNF, roads selected for the project are needed to facilitate safe access for the public and administrative use by employees. The trees that are felled may stay on site based on applicable standards and regulations, while others are proposed to be removed as commercial forest products, for restoration work, fish or wildlife habitat logs, or for fuels reduction. The Purpose and Need for this project is "to mitigate the roadside danger trees that may strike, slide, or roll onto the roads and to alleviate the hazardous conditions that compromise safety, so that safe public and employee access to the NFS roads is restored." PEA at 6.

We understand the importance of the U.S. Forest Service (FS) efficiently removing fire-impacted trees that pose genuine hazards. Restoring public access to forest in the project area in a safe, ecologically-sensible manner is of the utmost importance. However, the trees that the FS deems dangerous are also significant carbon stores and highly valued habitat features that play critical

roles in hydrology, soil development, nutrient cycling, sediment routing, and more. Fire is an important ecological process that shapes our forests and the benefits we obtain from it. Unfortunately, we have seen recent instances of misguided roadside logging in this area go terribly wrong, such as the BLM's post-fire roadside logging in the Archie Creek Area (pictured below). Ultimately, commitments to public safety protection must not merely veil logging projects that maximize commercial gain and stifle forest recovery.



Images: Aftermath of BLM's Hill Creek salvage logging in Archie Creek Fire Area (photos by Janice Reid).



NEPA Concerns

We appreciate UNF's preparation of an EA for this large-scale project to weigh the trade-offs between environmental consequences and public safety impacts. Proposed action areas included in the proposal must receive a full and fair NEPA analysis with ample public input so that the FS can execute a project that protects public safety *and* important ecological values. Unfortunately, we are aware of several serious shortcomings with the NEPA process UNF is following for this project.

First, the scoping notice did not provide a clear picture of its road-specific treatment plans, a core piece of the roadside risk reduction puzzle. During the August 17, 2022, public meeting for the project, we requested that the FS provide the public with more detailed information about site-specific evaluation plans as soon as feasible, including reasons for treatment (such as the type of access need) for each road segment included in the proposal. In response, FS staff indicated that road-specific justifications would be included in the full EA. We requested this information again during a meeting with FS staff to discuss the project. This information is lacking from the PEA, for which the FS has requested public comments. The public cannot provide substantive comments and the FS cannot make informed decisions prior to this site-specific information being available.

Next, the information in the PEA is woefully inadequate, especially regarding threatened and endangered species. The PEA includes a long list of project design features and indicates that the EA will include more detailed information regarding the project's impacts to threatened and endangered species. The PEA vaguely references other documents that are being used to develop the EA: the UNF Post-Catastrophic event activities Biological Opinion/Biological Assessment BO/BA Programmatic (Programmatic BiOp) and the Supplemental Information Report for the Calf-Copeland Restoration Project (SIR). We only found out about the extent of UNF's reliance on these documents during a meeting we requested to discuss the project with UNF staff. We asked for the two documents during that meeting and got no response. We checked on each of the project websites, but the documents were not available there. We asked both the Calf-Copeland Project listed contact, who we learned is no longer working for the FS despite being listed on the project site, and the Archie project leader for the documents. After nearly a week of no response, we inquired yet again as to when we would receive these documents. Six additional days later, UNF directed us to file a formal FOIA request to gain access to the documents.

While UNF eventually conceded that the Programmatic BiOp was referenced in the PEA and concluded it was under their discretion to share the document, the gatekeeping of information being used to inform this proposal is simply unacceptable. While we appreciate that the Programmatic BiOp was provided and that the FS completed our FOIA request for the SIR on an expedited timeline, it seriously erodes public confidence in the agency when key documents are kept from the public and our ability to review such materials is delayed in such a manner.

Worse yet, we were informed during that meeting that UNF did not intend to accept public comment on the full EA. This plan to limit public involvement to comments on the preliminary analysis, not the full range of alternatives and potential impacts, was neither explicit in the scoping package materials nor shared during the August public meeting. We ask that you include

a public comment period on the EA. A few additional weeks to ensure the public has an opportunity to comment on your full analysis should be an agency priority. Given that it's been over two years since the fire, a few more weeks for thorough planning and meaningful public involvement will not significantly change things on the ground. It *would* allow for the NEPA process to take place as intended. **We strongly urge you to accept public comments on the full draft EA for this project rather than heading straight to an objection period.**

We sincerely hope that the UNF NEPA team and leadership at the agency will reconsider this approach, both with regards to providing documents UNF is relying on in a timely and transparent manner and in providing for public comment on all EAs going forward. Failing to do so undermines the whole purpose of the NEPA process and makes objection and litigation more likely, which is an inefficient use of all of our limited resources.

Lastly, we want to point out concerns about guidance documents that are central to the proposal. The proposed action document indicates that all trees will be evaluated by qualified Forest Service personnel and the danger trees to be cut will be identified using the most current guidance. The proposed action is based on Region 6 Danger Tree Policy Guidelines, which were developed using two guidance documents for danger tree identification: (1) *Field Guide for Danger-Tree Identification and Response along Forest Roads and Work Sites in Oregon and Washington* (Filip et al. 2016) and (2) *Post-fire Assessment of Tree Status and Marking Guidelines for Conifer in Oregon and Washington* (Hood et al. 2020). Along with the road segments identified for treatment, the danger tree criteria are central to the proposal. The environmental impacts of the proposal turn on the tree selection criteria—the more trees that are selected to be cut, the greater the environmental impacts will be. However, the guidance documents being used have not undergone NEPA analysis, meaning members of the public, Tribes, other agencies, and other interested parties have not had the opportunity to review and provide feedback on the proposal's danger tree criteria. Whether or not the criteria accurately predict that trees actually pose a hazard risk has never been vetted in accordance with NEPA's procedural safeguards.

Site-Specific Comments

The map provided for the public to facilitate feedback was inadequate. It lacked many section numbers and had no legend for most of the items on the map, leaving our field checkers left guessing about what was included in the proposal for treatment, had already been treated, etc. UNF should reissue a more detailed map, along with access needs for each road segment proposed for treatment, and accept comments on the full EA to facilitate informed feedback. We can provide the feedback below with based on information currently available.

- Upon field checking the project area, we have learned that many of the roads proposed for treatment are NOT open to the general public. Due to lack of maintenance, most of the small, dead-end roads on the Motor Vehicle Use Map (MVUM) are closed because of old fallen trees and overgrown vegetation. In the EA, the description of existing conditions should clearly specify how many of the roads proposed for treatment are currently inaccessible. Areas around roads that are currently accessible can be mitigated

to enhance safety, and those areas around roads that are not accessible should not be treated.

- On the map provided, the blue “X”s indicating a “road failure” were incorrect. Two “X”s were put in section 15 on Wright Creek road, but there was no problem with the road there.
- The project map shows the end of the **010 road** turning south into the heart of the Williams Creek IRA (T25s R1w S34). This old spur road is hardly visible and has 8’ tall saplings growing in it. It appears that it has not been maintained since before the IRA was designated and certainly not since the motor vehicle use maps were issued. The EA should consider an alternative that does not reconstruct this road or other short roads into the IRAs.
- **4710-20 Complex**
 - Extensive salvage logging has occurred along **Road 4710-20**. Given the moonscape created and the high mortality of the trees past the salvage sale that ends at **spur 335**, there will be little reason for anyone to need to drive this road for decades to come. The roadbed was previously improved for the salvage sale. This road should be abandoned past spur 335.
 - **Road 4710-050** should be abandoned beyond its junction with **095**. It is not being used and is overgrown with tall grass. It appears this road can be used to access a trail passing through, but the trail is also accessible from 095 as well as the trailhead further south. There is a stream in this area that will benefit from tree retention and large debris.
- **Road 4712** goes from untreated, unburned, live trees on both sides to a treated road clearcut on both sides of 4712 in T26s R1E Sec 16. Live, unburned trees line the clearcut treatment. What previous treatment took place here? Additionally, there is an old growth sugar pine grove along **Road 4712** that appears healthy and disease-resistant and should be maintained.
- **Road 4714-185 Complex**
 - **Road 4714-355** should be dropped from the project. At the north end of this road where it is furthest into the burn, it has already been cleared of all dead trees. As you proceed south on the road past the existing salvaged area, the mortality rate quickly drops to zero. Field checkers saw no dead or dying trees there.
 - **Road 185 east of its intersection with 355**, should also be dropped from the project. There has already been salvage logging in the area and there were no hazard trees seen in the area.
 - **Road 185 west of the intersection with 355** is already completely blocked by fallen trees. This road should be closed until analysis of the road system and future of the nearby trail and campground are reevaluated.

- We have observed logging activity along Boundary Road, including decking of logs. Does that activity fall under this EA or, if not, to what is it related?



Road 027 near Timber Bench quarry (above): Road is overgrown with grasses and younger trees that were burned with mixed severity. This road appears to have not been used or maintained in quite some time.



Invasive Himalayan blackberry present in open areas along the road raises questions about how the Forest Service will manage the spread of the species after clearing the road further.



Roads within proximity to Cougar Bluff Roadless area:



Relatively well-maintained road with high severity burn on either side of road. Although this road could warrant treatment for safety features, it begs the question of purpose: why does the public need to access these roads so close to the roadless area?



Spur road 085 (above): This road is already overgrown and appears to not have been used for many years and is adjacent to vulnerable freshwater streams. How will the USFS mitigate run off from logging? What purpose do these roads have for motor vehicle use if they are already overgrown and dead end into the roadless area?



Spur road 085 (above): Road dead-ends at the base of a ridge within the Cougar Bluff roadless area.



Road 015 (above) past spur road 085: Overgrown, appears to have largely been unmaintained for many years. Large remnant old-growth snags provide habitat and should be left standing or felled and left.



Road 015 (above) past spur road 085 (cont.): Road continues to be overgrown and at mixed burned severity in areas. Large pool (top left photo) has formed behind clogged culvert. Grand fir tree has fallen post fire over road blocking it from public access already - why does the USFS need to reopen this area to public access?

Road 290 (images below): The beginning of this road is already overgrown and largely inaccessible to many cars and leads into stands of remnant old growth and mature forest, along the side of side of road, with green needles and low severity burn. The road dead-ends and does not lead to any particular destination. The sensitive species likely present in this stand would be harmed by opening up this road and there appears to be very little purpose to opening it to the public.





Road leading into Road 290: Top right, Steller's jay present. Red breasted sap sucker pair also seen in this stand.

Road 010 (below): Leads up to private land parcel. Scattered old growth adjacent to top slope of road. These trees should be left standing.



Road 017 (below): Very much alive old-growth stand adjacent to road.



Overarching comments following field checking: The FS should provide very clear reasoning as to why and how they have chosen each of the proposed roads in this project. Is there needed access to a powerline? Are there contract agreements with private landowners? Roads that are adjacent to designated roadless areas that are already overgrown should instead be closed rather than cleared and reopened to the public, unless there are clear legitimate reasons for public access, such as cultural sites for local tribes.

Project Scope

We strongly support genuine efforts to protect public safety and restore access to public forests and acknowledge the complexity of accomplishing these objectives. In general, we recommend undertaking a conservative hazard-tree removal process that removes true hazard trees and reopens necessary roads while minimizing the volume of wood removed from the forest. There are numerous other important objectives against which the felling of hazard trees must be balanced, such as wildlife habitat, carbon storage, water quality/stream shade, minimizing fire ignition risk associated with open roads, reducing fire hazard associated with plantations, minimizing habitat fragmentation, reducing road density, limiting cumulative effects, minimizing the future snag gap caused by stand replacing fire, limiting carbon emissions associated with logging and wood products processing, reducing soil degradation associated with heavy equipment and biomass removal, avoiding weeds, and retaining habitat diversity associated with snag-rich, complex early seral vegetation.

This proposal is over-broad and UNF should consider allowing roads to close naturally. The FS should scale back the scope of this project proposal to prioritize a transportation system that is manageable and maintainable, as opposed to including all potential treatment roads in the initial proposal which only risks delaying access and necessary treatment even further.

The project relies on UNF's travel analysis from 2014-2015 and motorized use designations from 2015. A list of all road segments included in the proposed action is provided in Appendix B, though we note again that this does not include access needs/reason for inclusion. In response to comments received during the scoping phase, the PEA says:

“Comments that raised concerns but did not discuss effects that may result from the proposed action were outside of the scope of this project or are already addressed by the design of the project were considered by the responsible official but will not be analyzed further. For example, many comments shared a desire that the project consider permanent road closures and decommission roads no longer needed. However, this suggestion is outside the scope of the project as the decision was made to not engage in travel management for this project.”

Other Forests (Willamette National Forest and Mt. Hood National Forest) have taken a different approach by reasonably narrowing their post-fire danger tree proposals in response to field checking information like that provided above. Dead-end spur roads to nowhere should not be included in danger tree proposals seeing as they present little to no risk to the public. The FS should ensure that roads that are not likely to be needed in the future are excluded from the proposal and allowed to close naturally instead. Roads that may be needed for logging projects that are speculative and are not undergoing NEPA analysis should not be included in the proposal.

The proposal deviates from the Field Guide with respect to large doug firs and cedars. The PEA states:

“The Field Guide categorizes the failure potential for certain dead trees, namely cedar and large-diameter Douglas-fir, at a lower likelihood than other dead trees in the project area. However, due to the number of these trees in the project area, the potential for tree tops and branches to become a danger, and the increasing difficulty in felling trees as they decay and defects take hold over time, they have been included in the selection criteria.” PEA at 57.

This is a concerning loophole to logging large trees that do not necessarily pose a serious hazard and could instead be retained to increase forest carbon, standing snag habitat, protect water quality, prevent fragmentation, etc.

Additionally, the PEA makes a reference to "already treated" roads that UNF plans to revisit for additional roadside logging. We are skeptical that this is warranted and are concerned about ecological impacts of this action. Please ensure the EA includes adequate information about UNF's plans to return to previously treated roads.

The FS should allow for a reasonable level of risk tolerance as well as ensure adequate attention is given to other obligations like threatened and endangered species, climate and carbon, water quality protection, etc. The agency should only fall trees that pose an imminent hazard to the public. There is little need to fell trees that lean away from the road. Trees more than 100 feet from the road have a low probability of falling on the road, even if they are taller than 100 feet.

In addition, snags fall in stages. Many dead treetops break off and fall close to the base of the tree, leaving a shorter snag with a more limited zone of hazard. Felling trees more than 100 feet from roads is unnecessarily risk averse, and unjustifiably sacrifices environmental values (such as snag habitat, dead wood habitat, and soil health).

The risk of a dead trees actually falling and hitting someone is extremely remote and must be put in perspective. For instance, the agency allows the public to use thousands of miles of roads where the risk of death or injury from collisions or other accidents is far higher than the risk of being hit by a falling tree. The agency also allows boating and swimming in dangerous waterbodies, winter camping, mountain climbing, off-road vehicle use, and hunting with dangerous weapons. The agency also *promotes* dangerous occupations such as logging, firefighting, and piloting aircraft used for a variety of forest management activities. Furthermore, public use of public lands is skewed toward the summer months, while the extreme weather that tends to cause trees to fall is skewed toward the winter months.

The hazards from trees falling is also mitigated by time. Most of the affected roads are not high use roads. The chance that an employee or member of the public will be under a falling tree when the tree falls is very low. If the purpose of this project is to increase public safety, please consider all the alternative ways in which safety might be enhanced. The Willamette National Forest, for example, is investing in signage about the risks inherent to forests recovering post-fire.

In the event the FS fails to scale this project back, an Environmental Impact Statement (EIS) is needed to fully evaluate project impacts prior to moving forward. The need for a full EIS is underscored by the cumulative impacts this project will have considering the drastic amounts of logging that have occurred in the region. There are going to be serious impacts this winter to the river systems in the region, and we are very concerned about the overall scale of tree removal that occurred in these watersheds. This amount of logging raises concerns about habitat connectivity, critical habitat integrity, peak flows, sedimentation, and landslides. All of these issues could be meaningfully addressed in an EIS. Years have passed since the fires took place and many of the severely burned trees have already decayed. There should be no rush here.

Climate and Carbon

We have concerns regarding the UNF's apparent dismissiveness of forest carbon concerns. The PEA states:

“This project weighs safety along targeted roads against impacts to ecosystem carbon storage and climate change. Felling trees that are assessed as having a failure potential as likely or imminent and processing or burning a subset of them for wood products or fuels

reduction is expected to have a minimal impact on ecosystem-scale carbon fluxes, this will be addressed further in the EA.” PEA at 14.

The UNF must take the hard look at climate impacts that NEPA requires. The Forest Service must recognize the cumulative nature of the GHG emissions and climate problems. It does not matter that this project is small in the global scheme because all emissions matter when the causation is global and cumulative. It is thus inappropriate to jump to the conclusion that the project’s contributions to global GHG are negligible because of the project scale and the difficulty in determining direct and indirect effects of the project on global climate.

Climate change acts as a primary driver of the increasing wildfires that threaten our communities and our forests, as well as adding significant uncertainty to our ability to conserve and restore our last remaining old growth forests. On April 22, 2022, President Biden issued an executive order (EO) declaring a policy to conserve mature and old growth forests on federal land and to manage forests to retain and enhance carbon storage. The EO states:

Sec. 1. Policy.

Strengthening America’s forests, which are home to cherished expanses of mature and old-growth forests on Federal lands, is critical to the health, prosperity, and resilience of our communities Forests provide clean air and water, sustain the plant and animal life fundamental to combating the global climate and biodiversity crises, and hold special importance to Tribal Nations. ... Conserving old-growth and mature forests on Federal lands ... is critical to protecting these and other ecosystem services provided by those forests. ... We can and must take action to conserve, restore, reforest, and manage our magnificent forests ... It is the policy of my Administration, ... to ... conserve America’s mature and old-growth forests on Federal lands ...

...

Sec. 2. Restoring and Conserving the Nation’s Forests, Including Mature and Old-Growth Forests.

My Administration will manage forests on Federal lands, which include many mature and old-growth forests, to promote their continued health and resilience; retain and enhance carbon storage; conserve biodiversity ...¹

The EO also calls for an inventory of mature and old growth on federally managed public land, an analysis of threats to mature and old growth forests, and development of policies to address those threats. The FS does not need to wait for these steps to take action to protect valuable forest habitat and should incorporate this guiding policy into its analysis.

The UNF should incorporate climate change mitigation and adaptation into alternatives prepared in the EA, including through avoiding carbon emissions and maintaining vegetation diversity post-fire. The agency should minimize selling timber, and thus removing valuable wood and

¹ Executive Order on Strengthening the Nation’s Forests, Communities, and Local Economies, April 22, 2022, Presidential Actions, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/04/22/executive-order-on-strengthening-the-nations-forests-communities-and-local-economies/>.

carbon from the forest, from this project in light of the fact that the public *needs* carbon storage to reduce global climate change much more than they *need* wood products (or road access to every remote corner of the forest). The EA must also account for community stability provided by forest management that adequately accounts for water quality, water quantity, quality of life, and carbon storage for a stable climate.²

Wildlife Impacts

Northern Spotted Owls: The information provided in the PEA regarding Northern Spotted Owls (NSO), a species that has been federally listed as threatened for decades and populations of which are in sharp decline due to habitat loss and competition with barred owls, is incomplete and inadequate. The PEA assures us that

“A more in-depth discussion on effects to spotted owls will be included in the EA and is included within the UNF Post-Catastrophic event activities Biological Opinion/Biological Assessment BO/BA Programmatic.”

PEA at 11. However, we have concerns about UNF’s tiering to the UNF Post-Catastrophic event activities Biological Opinion/Biological Assessment BO/BA Programmatic (BiOp) that, as we explained above, is not publicly available and to our knowledge has not undergone NEPA review.

In regard to surveys, the BiOp states:

Because current rangewide survey data are not available and likely insufficient to produce reliable estimates of the spotted owl’s population size, demographic data are used to evaluate trends in spotted owl study area populations, and these trends are used as a surrogate to inform a characterization of the rangewide status of the spotted owl.

² “Land protection, both public and private, provides substantial ecological benefits by avoiding conversion of natural systems to intensive, developed uses. These benefits include carbon sequestration, watershed functioning, soil conservation, and the preservation of diverse habitat types (e.g., Daily 1997, Brauman et al. 2007, Kumar 2012, Watson et al. 2014). Land protection also solves a key market failure: private markets tend to underprovide socially beneficial land uses such as natural forests, agricultural lands, or managed timberlands. The reason for this failure is that many of the benefits of these lands go to the public in general, not individual landowners. When private values and market transactions determine land uses, less land will be devoted to socially beneficial uses than if citizens could collectively determine use on the basis of social values (e.g., Angelsen 2010, Tietenberg and Lewis 2016).” Katharine R.E. Sims, Jonathan R. Thompson, Spencer R. Meyer, Christoph Nolte, Joshua S. Plisinski. 2019. Assessing the local economic impacts of land protection. Conservation Biology. 26 March 2019 <https://doi.org/10.1111/cobi.13318>, https://harvardforest.fas.harvard.edu/sites/default/files/Sims_et_al-2019-Conservation_Biology.pdf.

The UNF should consider conducting surveys to ensure its management decisions are based upon accurate data. UNF should not conclude that fire-impacted habitat is a total loss.

The BiOp further assumes that “roadside safety salvage” will be confined to single trees or small groups, would not remove nesting/roosting/forage (NRF) habitat, and would not cause harm to NSO, all of which are far from guaranteed by the proposal at hand. BiOp at 97. In finding no jeopardy for the continued existence of NSO as a result of post-disturbance management activities, the BiOp states:

“Because of the extensive loss of spotted owl habitat along with the significant declines in site occupancy discussed above in the Environmental Baseline and in the Status of the Species section, it is unlikely spotted owls will be occupying all known sites during or after the life of the action. Incorporating occupancy rates from nearby long-term demographic study areas and considering the findings presented in the Effects of the Action on the Spotted Owl, the Service concludes that the proposed action is not reasonably certain to result in the incidental take any spotted owls. Thus, the incidental take for the proposed action is zero.”

BiOp at 96, 98. Because of this conclusion, no reasonable and prudent measures are required. BiOp at 98. How does UNF define “take” of NSO? When is occupancy assumed and what restrictions apply as a result? Does UNF plan to retain trees in historic nesting patches? Please provide much more detail about how UNF plans to minimize impacts to NSO and habitat in the EA.

The FS must consider all of the ways in which this particular project could harm threatened spotted owls by increasing forest fragmentation (including in reserves and critical habitat), increasing the extent of habitat inhospitable to spotted owls, converting complex forests into simplified forests, increasing fire hazard by increasing dense plantation fuel structure, reducing spotted owl roosting and foraging opportunities, reducing spotted owl prey populations, increasing spotted owl disturbance by logging activity, increasing adverse competitive interactions with barred owls, making it harder for spotted owls to persist and move safely across the landscape. Tiering to a BiOp that makes sweeping conclusions and avoids site-specific analysis does not comply with NEPA. The FS must carefully weigh and balance the need for safety and spotted owl conservation and prepare alternatives accordingly.

Red Tree Voles: We are concerned about the project’s impacts on red tree voles, which is currently a Forest Sensitive Species and Survey and Manage species under the Northwest Forest Plan (NWFP). The Forest Service is attempting to rely upon a Supplemental Information Report (SIR) prepared for a separate project, the Calf Copeland project, to avoid conducting surveys for and buffering red tree vole nest sites as required under the NWFP. There are several flaws with this approach. First, a SIR is a non-NEPA document and cannot be tiered to or relied upon in place of actual NEPA analysis. The Archie PEA contains no analysis of impacts to red tree voles.

Second, the Forest Service has not conducted red tree vole surveys and is not planning to conduct red tree vole surveys prior to logging. This is a violation of the red tree vole survey protocol. The agency potentially attempts to excuse this violation by stating that it is not

conducting commercial logging in high priority sites. The PEA is unclear about treatment within high-priority sites. The PEA states that commercial harvest will not happen within high-priority sites, but then says:

“Danger tree mitigation is intended to only impact dead, damaged, and dying trees to provide for public safety along roads. These actions are consistent with the LUA-RTV objectives and would continue to provide for reasonable assurance of persistence within the watershed.”

PEA at 33. Is the FS not going to conduct any commercial logging within potential red tree vole habitat? Or is the agency saying that any tree removal is within non-habitat? That seems like a large assumption that is not driven by on-the-ground information. Please clarify this statement and assertion because any determination that these roadside areas are not suitable would have to be based on site-specific review. Any determination that a vole site is non-high priority must be made on a case-by-case basis.

Third, the high priority site designation occurred across a different sized project area and occurred prior to the 2020 fires. These fires certainly had an impact on the suitability of vole habitat in the region and across the relevant watersheds, as admitted by SIR. A critical part of any non-high priority site analysis occurs at the site-level and must ensure site persistence is maintained at that level. This SIR does not address vole persistence at the site-level and is inadequate. Furthermore, the non-high priority site determination requires analysis of four factors, each of those factors has been impacted by the 2020 fires and requires a novel “case-by-case” evaluation.

In summary, it appears the Forest Service is illegally attempting to circumvent red tree vole requirements to survey for and manage sites. These survey and manage requirements must be addressed on a site-specific case by case basis in a NEPA document. Failure to do so is illegal.

Habitat fragmentation: The PEA states: “Additionally, this project is not expected to contribute to habitat fragmentation, given that the areas of treatment are within areas that experienced fragmentation as a result of the fire itself.” PEA at 12. What is the scientific basis for this assumption? How does hazard tree logging not worsen habitat fragmentation?

Water Quality Impacts

The fire-impacted areas covered by this proposal contain complex areas of creeks, streams, and rivers with numerous roads weaving throughout. The North Umpqua River is categorized as impaired for temperature, turbidity, dissolved gas, and pH.³ The FS must fully consider the project impacts on this watershed and applicable water quality protection standards as well as which ESA-listed fish or other aquatic species will be affected by the project in its site-specific analysis. Further, the North Umpqua River serves as the main source of drinking water for

³ Oregon Department of Environmental Quality, 2018/2020 Integrated Report (filtered for Impaired Resource categories 4 and 5), <https://rstudioconnect.deq.state.or.us/content/5ef6752f-14a6-4950-8959-645b090b38dd/>.

approximately 29,000 people living in Roseburg⁴ as well as communities throughout the river system.

The project has the potential to significantly harm aquatic and riparian values by removing snags that help shade streams, increasing sediment production from heavy use of unpaved roads and off-road soil disturbance by heavy equipment (including steep slopes), increasing activity within riparian reserves and at road/stream crossings, by converting complex forests into simplified forests, by reducing the availability of dead wood to streams and riparian reserves, by depleting summer stream flow by increasing the extent of dense conifer plantations. Alternatives presented in the EA must carefully weigh and balance the need for safety with aquatic/riparian conservation and drinking water source protection.

We are concerned that this proposal would allow commercial logging within Riparian Reserves. The PEA inappropriately minimizes snag habitat and shade provided by trees in riparian areas. PEA at 27. Remaining trees provide some shade for associated streams and lower water temperatures, which is beneficial for salmonids and other aquatic species. UNF should leave as many unburned and burned trees alongside streams as possible to support water quality outcomes.

Additionally, project design features for erosion control were based on green forests as opposed to burned forests under the assumption that this will suffice following two years of green-up post-fire. What is the basis for this assumption? What limits pertaining to “suitable conditions” apply?

Additional Comments

- What is the timeframe for UNF’s assumptions on tree death/risk? The fire took place just over two years ago and the proposal uses Google Earth data from one year ago. PEA at 11. UNF staff indicated that risk assessment would occur when the action is taking place. How will the years that have passed since the fire be taken into account? Please elaborate in the EA.
- Identification of trees for felling could be performed by a contractor. PEA at 19. The PEA also states that “[t]rees identified by a qualified danger tree person shall be cut.” PEA at 58. UNF must specify that the entity who determines what trees are to be cut should not have a financial relationship to that decision. If a contract benefits from working felled trees, the contractor should **not** be responsible for determining what to fell. All potential for bias on cutting decisions should be eliminated.
- We are concerned that the danger tree criteria allow for felling of other trees in the way of safely felling danger trees. How will the FS ensure this is not abused, say for commercial gain?

⁴ City of Roseburg, 2019 Water Quality Report,
<https://www.cityofroseburg.org/storage/app/media/PWD/Water%20Quality%20Report-2019.pdf>.

- Please ensure timelines for treatment and post-activity inspections are required for project implementation. While field checking, we have observed slash piles that remain in place years after logging activity, which only increases fire risks.
- How will UNF maintain roads that are currently unused and inaccessible but will be reopened following this proposal? How will UNF finance this continued maintenance?

Conclusion

Each substantive issue discussed in these comments should be (i) incorporated into the purpose and need for the project, (ii) used to develop NEPA alternatives that balance tradeoffs in different ways, (iii) carefully analyzed and documented within a full EIS, and (iv) considered for mitigation. Thank you again for your decision to forgo a Categorical Exclusion for this project and taking our input into consideration. Feel free to reach out with any questions or to request copies of referenced documents.⁵

Sincerely,



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⁵ Note: If any of these web links in this document are dead, they may be resurrected using the Wayback Machine at Archive.org: <http://wayback.archive.org/web/>. Referenced documents can be found at the following Dropbox link: <https://www.dropbox.com/sh/ctippifimdczyk6/AACp2fJYnsIjRuyFh96ocie3a?dl=0>.