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October 13, 2022

Forest Supervisor, Objecting Reviewing Officer
Mt. Hood National Forest
16400 Champion Way
Sandy, OR 97055

RE: Grasshopper Restoration Environmental Assessment Statement Objection

Pursuant to 36 C.F.R. Part 218.8, the American Forest Resource Council files this objection to the proposed draft decision for the Grasshopper Restoration Environmental Assessment. Barlow District Ranger Kameron Sam is the responsible official. The Grasshopper Restoration Project occurs on the Barlow Ranger District on the Mt. Hood National Forest.

Objector

American Forest Resource Council
700 NE Multnomah, Suite 320
Portland, Oregon 97232
(503) 222-9505

AFRC is an Oregon nonprofit corporation that represents the forest products industry throughout Oregon, Washington, Idaho, Montana, and California. AFRC represents over 50 forest product businesses and forest landowners. AFRC's mission is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. We do this by promoting active management to attain productive public forests, protect adjoining private forests, and assure community stability. We work to improve federal and state laws, regulations, policies and decisions regarding access to and management of public forest lands and protection of all forest lands. The Grasshopper Restoration Project will, if properly implemented, benefit AFRC's members and help ensure a reliable supply of public timber in an area where the commodity is greatly needed.

Objector's Designated Representative

Andy Geissler, Federal Timber Program Director
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Eugene, OR 97401
541-342-1892
ageissler@amforest.org

Reasons for the Objection

The content of this objection below is based upon the prior specific written comments submitted by AFRC in response to the Draft EA which are hereby incorporated by reference.

1) The selection of Alternative 1 fails to meet the Purpose and Need of “providing forest products in alignment with the Forest Plan and Northwest Forest Plan.”

The Purpose & Need as it appears in the Final EA includes, among other things, the following:

“provide forest products in alignment with the Forest Plan and Northwest Forest Plan”

The Northwest Forest Plan (NWFP) was designed in a manner to be consistent with a variety of statutes. One of those statutes is the Multiple Use Sustained Yield Act of 1960, which provides direction for the “achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.” The NWFP was designed to comply with this statutory obligation only on those lands designated as Matrix. The “perpetual” nature of this product delivery warrants a thoughtful management design in a manner that will enable those lands designated for timber management to provide those products in perpetuity. We stated the following in our written comments in response to the Draft EA:

Based on fundamental forestry principles and the ecology of Douglas-fir forests, it is impossible to manage timber resources sustainably in this region in the absence of regeneration harvest. The Forest Service cannot thin forever. Ultimately the Forest Service will run out of stands to thin, and by that point the forest age-class distribution will be far out of balance to the point where the reliability and sustainability of its timber supplies will be compromised. We urge you to consider the general lack of regeneration harvest over the past 25 years on the Mt. Hood National Forest when determining whether to implement the shelterwood treatments proposed in Alternative 2.

We were pleased to see the inclusion of shelterwood harvest as a means to mitigate fire risk as well as to establish a young cohort of trees to enable the perpetual delivery of timber products into the future. However, we were disappointed with the deferral of this minor amount of shelterwood (289 acres) to meet an objective that is not prioritized on lands designated as Matrix. The Draft Decision indicates that the “primary reason for excluding the shelterwood treatments is because of northern spotted owls.” While Matrix lands are intended to support northern spotted owls, that support is primarily through the Matrix’s contribution of habitat capable of facilitating the dispersal of owls between designated Late-Successional Reserves (LSR).

The EA indicates that there are 3,035 acres of dispersal-only habitat in the analysis area. The EA also indicates that consultation with the U.S. Fish and Wildlife Service (FWS) resulted in a determination that the removal of 610 acres of NSO dispersal habitat would **“not likely adversely affect (NLAA) spotted owls.”** This determination indicates that both the Forest Service and the FWS believe that there is sufficient dispersal habitat in the analysis area to support spotted owls; in fact, this determination likely indicates that FWS believes there is currently an *excess of dispersal habitat* since the removal of 610 acres will not adversely affect

the species. These findings make the decision to defer the shelterwood treatments in the interest of spotted owl recovery questionable.

The Draft Decision also states that “many comments were concerned about NSOs and their critical habitat.” The Responsible Official cited this “concern” as the primary reason for deferral of the shelterwood treatments. However, the EA indicates that “there are no shelterwood treatments proposed in Critical Habitat for the Northern Spotted Owl.” Therefore, we are confused as to exactly what the Responsible Official’s “concern” is. Clearly the concern is not associated with NSO critical habitat since it is not being impacted by the shelterwood treatments.

These findings and determinations in the EA indicate that those lands designated as Matrix in the analysis area are exceeding their contributions to northern spotted owl recovery as described in the NWFP, and therefore, the decision to defer the 289 acres of shelterwood harvest in the Grasshopper Restoration Project due to “concerns with northern spotted owls” is based on a flawed interpretation of both the Forest Plan Direction and the analysis in the EA.

Resolution Requested

AFRC requests that the Deciding Official incorporate the 289 acres of shelterwood harvest in the Final Decision to fully meet the Purpose and Need and align with direction in the NWFP.

2) The selection of Alternative 1 fails to meet the Purpose and Need of “reducing risks associated with high-intensity wildfires.”

The Purpose & Need as it appears in the Final EA includes, among other things, the following:

“reduce risks associated with high-intensity wildfires”

The EA states that “The intent of applying the shelterwood treatment would be to remove more vegetation in this strategic location, thereby addressing the need to reduce risks associated with high-intensity wildfires.” It also states that “the shelterwood alternative would provide for a more robust fuel break along NFS Road 4860 by a further reduction in surface fuel loadings and canopy cover. The shelterwood alternative would create conditions along NFS Road 4860 less conducive to crown fire initiation and susceptibility, providing an increase in defensible space for fire suppression personnel when compared to the proposed action.” So, in addition to a diminished attainment of the timber products objectives outlined in our first objection point, selection of Alternative 1 also represents a diminished attainment of the wildfire risk reduction objectives.

The decision by the Forest Service to implement treatments that fail to fully meet objectives related to timber products *and* wildfire risk reduction simply to *slightly* reduce perceived impacts to NSOs outside of their critical habitat unit and outside of LSRs represents a failure to adequately weigh tradeoffs and a failure to fully attain the purpose and need of the project.

Resolution Requested

AFRC requests that the Deciding Official incorporate the 289 acres of shelterwood harvest in the Final Decision to fully meet the Purpose and Need associated with the reduction of risks associated with high-intensity wildfires.

3) The deferral of density reduction treatments in the Mt. Hood National Recreation Area (NRA) represents a flawed interpretation of the direction in the 2009 Omnibus Act. That deferral also represents a diminished attainment of the Purpose and Need of “reducing risks associated with high-intensity wildfire” and “protecting wildlife habitat.”

The relevant language to the cutting and removal of timber associated to the Grasshopper Project from the 2009 Omnibus Act is copied below:

TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

- (A) maximizes the retention of large trees— (i) as appropriate to the forest type; and (ii) to the extent that the trees promote stands that are fire-resilient and healthy;*
- (B) improves the habitats of threatened, endangered, or sensitive species; or*
- (C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;*

The Draft Decision indicates that variable density thinning treatments in the NRA were deferred because those treatments would reduce the likelihood of stand-replacing fire and that such fire was deemed “characteristic” for that portion of the analysis area. Ultimately, the Draft Decision claims that those treatments would be “incongruent” with the Omnibus Act. We disagree and believe the Forest Service is not interpreting the relevant language in that Act correctly.

The Act permits the cutting, sale or removal of timber to improve habitat for threatened and endangered species **OR** to reduce the risk of uncharacteristic wildfire. In this instance we would like to draw the Forest Service’s attention to the word “or” in the Act as it requires timber harvest activities to adhere to section (B) or to section (C), not both.

The EA indicates that proposed treatments, including variable density thinning, would reduce the risk of high severity wildfire. There is a growing body of literature that indicates that NSO recovery is not aided by stand-replacing wildfire. We referenced that literature in our EA comments. Use of variable density thinning treatments in the NRA that would mitigate the likelihood of stand-replacing fire is consistent with section (B) of the Act as such fire would negatively impact the NSO.

The EA also concludes that variable density thinning treatments are designed to benefit wildlife habitat, specifically that habitat preferred by the NSO. It states that “In the long-term (100+ years from today), the stand structure would be moved towards a late multistory closed seral stage within moist mix conifer and moved towards late multi story open seral stage in dry mix conifer.” Deferral of these treatments in the NRA would likely diminish these habitat benefits.

Ultimately, we believe that those treatments in the NRA could be implemented in conformity with the 2009 Omnibus Act.

The Purpose & Need as it appears in the EA includes the following:

“enhance, restore, and protect wildlife habitat” and “reduce risks associated with high-intensity wildfires”

Regardless of the direct impacts to wildlife habitat, namely the NSO, resulting from the proposed treatments, we believe that any treatment that mitigates the risk of stand-replacing wildfire indirectly benefits those species that depend on live forest canopy.

We believe that the Forest Service has made flawed tradeoffs when deciding to defer treatment in the NRA by emphasizing the attainment of section (C) at the cost of attainment of section (B). The outcome is the failure to meet *both* elements of the purpose and need highlighted above.

Resolution Requested

AFRC requests that the Deciding Official incorporate those variable density thinning treatments deferred in the NRA into the Final Decision in order to 1.) fully meet the Project’s purpose and need, and 2.) appropriately align with the 2009 Omnibus Act.

Request for Resolution Meeting

Pursuant to 36 C.F.R. § 218.11, the objectors request to meet with the reviewing officer to discuss the issues raised in this objection and potential resolution. In the event multiple objections are filed on this decision, AFRC respectfully requests that the resolution meeting be held with all objectors present. AFRC believes that having all objectors together at one time, though perhaps making for a longer meeting, in the long run will be a more expeditious process to either resolve appeal issues or move the process along. As you know, 36 C.F.R. § 218.11 gives the Reviewing Officer considerable discretion as to the form of resolution meetings. With that in mind, AFRC requests to participate to the maximum extent practicable, and specifically requests to be able to comment on points made by other objectors in the course of the objection resolution meeting.

Thank you for your efforts on this project and your consideration of this objection. AFRC looks forward to our initial resolution meeting. Please contact our representative, Andy Geissler, at the address and phone number shown above, to arrange a date for the resolution meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is stylized with a large, sweeping initial "T" and a cursive "J".

Travis Joseph
President