GREATER HELLS CANYON COUNCIL

April 7th, 2023

US Forest Service, Wallowa-Whitman National Forest
District Ranger Brian Anderson
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Submitted electronically to https://cara.fs2c.usda.gov/Public//CommentInput?Project=58961

RE: Comments on Morgan Nesbit Forest Resiliency Project scoping

I am writing on behalf of the Greater Hells Canyon Council (GHCC) regarding scoping for the Morgan Nesbit Forest Resiliency Project ("project"). GHCC is a non-profit conservation organization based in Northeast Oregon with over 2,000 members and supporters. We were founded in 1967 (as Hells Canyon Preservation Council), and our mission is to connect, protect, and restore the wild lands, waters, native species and habitats of the Greater Hells Canyon Region, ensuring a legacy of healthy ecosystems for future generations.

Our organization was created through grassroots efforts to stop Hells Canyon and the Snake River from being dammed. Not only did we stop the dam, our advocacy helped create the Hells Canyon National Recreation Area (HCNRA). We continue to advocate for the highest levels of protection and true ecological restoration of the National Recreation Area. It's a place that is central to our mission and close to our hearts. In 1975, the U.S. Congress and President Ford recognized its value by passing the Hells Canyon National Recreation Area Act and signing it into law. We ask the Forest Service to recognize and honor the unique and precious values of this special place during the analysis and development of the Morgan-Nesbit project.

In the Environmental Assessment (EA) to be developed for the project, please develop an Alternative that will provide the highest level of protections for:

- sufficiently protecting and analyzing landscape scale habitat conservation and connectivity, including the use of ODFW's Priority Wildlife Connectivity Area data
- fish and wildlife values
- consideration of climate impacts, and
- protection of ecological values in the remaining unroaded lands within the project area.

We also ask that you develop and analyze an alternative that does not include:

- any miles of temporary roads.
- use of the amended Eastside Screens, which are currently being litigated.
- commercial logging of previously un-logged forests.
- commercial thinning with patch cuts and irregular shelterwood regeneration harvests in the HCNRA.

Please consider the following additional comments in your planning:

Management of the HCNRA and Wild and Scenic River corridors:

- The Hells Canyon National Recreation Area and Imnaha Wild and Scenic River both have special designations that require the agency to preserve and enhance a variety of values, including ecological health. How is the agency planning to treat these areas any differently than other general forestlands? How will proposed actions reflect the ORVs and important values associated with these designations? The agency will need to do an excellent job "showing its work" here.

- HCNRA MA 10 (forage emphasis) has 16,370 acres within the project area. Direction for this area according to the forest plan and HCNRA comprehensive management plan is that **"timber stringers will be managed as old-growth habitat" that these lands are "intended to maintain habitat diversity, preserve aesthetic values, and to provide old-growth habitat for wildlife", and that they "usually contain a multi-layered canopy and trees of several age classes".** Despite this, we have only heard conversations about how the project area has "too much OFMS" and that it's generally "out of alignment with HRV". There are a variety of treatments proposed within this MA including commercial thinning with patch cuts. Stringers typically are located on steep canyon slopes without road access. "Temporary roads" to access stringers for logging typically would need to be built on fragile, thin, grassland soils. Damage to these soils and grassland plant communities would likely be permanent. The agency has not described or justified how proposed treatments would not harm the values of this management area.
- HCNRA MA 11 (dispersed recreation/timber management): While this area does have more of a timber focus, it also has specific direction. Please "show your work" on how the agency plans to meet the following direction for this MA:
    - Snags: Manage snags of all sizes at a level providing habitat for snag-dependent
    - species at 60 percent of optimum.
    - Old growth: Retain 10 percent of the available commercial forest land in an old-growth condition
    - Big Game: Maintain big-game habitat at no less than 60 percent of the optimum potential size and spacing of hiding cover for any one TRI compartment (or area of similar size)
    - Roads: Timber harvest roads will be the minimum necessary for haul of equipment and logs, consistent with protection of other resources.
- The HCNRA Act requires all logging to be "by selective cutting". The project proposal includes "commercial thinning with patch cuts" and "irregular shelterwood regeneration harvests" in the HCNRA. These regeneration prescriptions do not meet the spirit of the HCNRA Act. Please develop an alternative that does not include these prescriptions in the HCNRA.
- Imnaha Wild and Scenic River
    - There are significant quantities of shaded fuel break treatment proposed within the Imnaha Wild and Scenic River Corridor with no discussion of how treatments in that corridor will protect or enhance the ORVs for the river (Fish, Historic, Recreation, Scenery, Wildlife, Botany, Traditional Cultural Use). Please note the following direction from the CMP:
        - Wsr-O3: Perpetuate forested stands within wild and scenic rivers in "scenic" and "recreational" designations to protect and enhance the river's outstandingly remarkable values and to ensure compatibility with the primary objectives of the HCNRA Act. (Public LURs, 36 CFR 292.46(b)(1))
        - Wsr-S3: Manage forested areas within "scenic" or "recreational" to protect and enhance the values for which the river was designated. (Public LURs, 36 CFR 292.46(b(1))

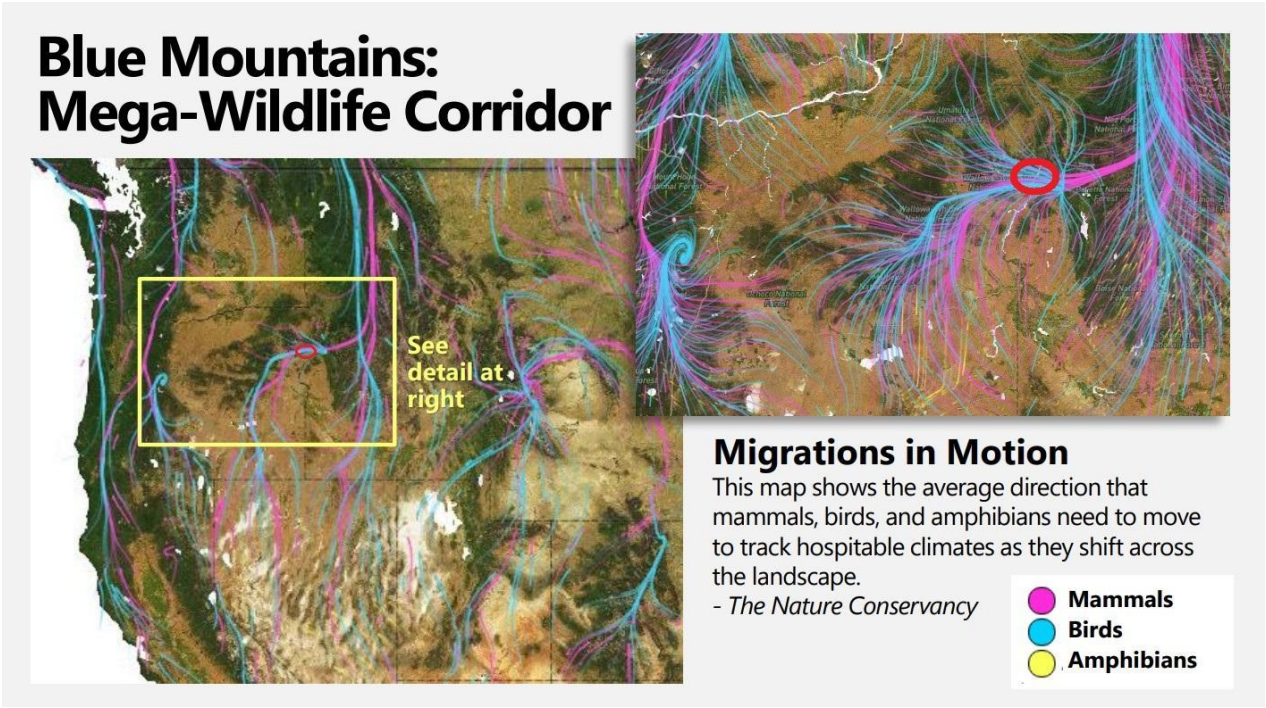
Landscape-scale planning for connectivity and corridors:
We remain concerned that the agency is missing the big picture on protecting connectivity and corridors in pursuit of silvicultural and fuel treatment goals. While we understand that there are timber targets to be met and allocated fuels money to be spent, this area must be treated with the utmost care.

The location of this project - between the Eagle Cap Wilderness and the HCNRA - makes it incredibly important from a connectivity standpoint. A brief review of The Nature Conservancy's *Resilient Land Mapping*

data[1] for the project area shows this area to be remarkable for several reasons: based on my rough outline of the area polygon, the large majority (98.2%) of the project area had recognized biodiversity value (an area that exemplifies an exemplary natural community or intact habitat), and nearly 50% of the project area ranked highly for connectivity and "ability for species to disperse, migrate, and adapt to a changing climate." Over half (52.7%) of the project area ranked highly in landscape diversity.

The project area is also highlighted in ODFW's Oregon Connectivity Assessment and Mapping Project (OCAMP), a "multi-year, collaborative effort to analyze and map statewide wildlife habitat connectivity at fine resolutions for 54 species."[2] The OCAMP identified places within the project area as Priority Wildlife Connectivity Areas, which represent "an interconnected network representing the parts of the landscape with the highest overall value for facilitating wildlife movement in Oregon".[3] **Please explain which data the agency has used in considering impacts to wildlife habitat, connectivity, and corridors. Please also adjust boundaries of proposed units to reflect the protection of these mapped corridors.**

We invite the agency to incorporate the recent guidance[4] issued by the Center on Environmental Quality on March 21, 2023 that "encourages Federal agencies to promote greater connectivity across terrestrial, marine, and freshwater habitats, as well as across airspaces, to sustain biodiversity and to enable wildlife to adapt to fluctuating environmental conditions, including those caused by climate change." It also elevates "the conservation, enhancement, protection, and restoration of connectivity and corridors as a programmatic goal" and "planning at the scale of landscapes, waterscapes, or seascapes rather than at the scale of an individual project".



A screen capture from the Nature Conservancy's Migrations in Motions data[5]. The Morgan Nesbit project area is circled in red.

[1] https://maps.tnc.org/resilientland/
[2] https://oregonconservationstrategy.org/success-story/the-oregon-connectivity-assessment-and-mapping-project-ocamp/
[3] *Id.*
[4] https://www.whitehouse.gov/wp-content/uploads/2023/03/230318-Corridors-connectivity-guidance-memo-final-draft-formatted.pdf
[5] https://maps.tnc.org/migrations-in-motion/

Maps of wildlife connectivity corridors were present at the open house. Please make these available to the public.

Cumulative Effects:
There have been a variety of other projects in the vicinity, including the Puderbaugh Vegetation Management Project and Cold Canal Project, and a number of fires including Big Sheep, Canal, Carrol, Indian Crossing, Nebo, and Twin Lakes. How do these interact with each other and the project?

Road building:
The exceptional importance of this area from a wildlife habitat standpoint, combined with a lack of Travel Management Planning for this forest, makes us very concerned about the creation of any additional roads, including temporary ones. Temporary roads in fact have permanent impacts on soils, despite efforts to rehabilitate the roadbeds after their use. Despite efforts to block access to these temporary roads after their use during the project, it is not uncommon for these roads to become user-created motorized routes. **Please create and analyze an alternative with no miles of temporary roads.** Also, in the Environmental Assessment, please inform the public about how many of the 23.3 miles of proposed temporary roads would be located on the template of existing roadbeds and how many would be located on previously undisturbed soils. Existing road densities across much of the Forest are well above management objectives, which limits habitat effectiveness for elk.[6]

We share ODFW's concerns with the "current elk security habitat levels and open road densities within the proposed project area." We would like to echo the request for an accurate assessment of road densities within the project area, with the addition of analyzing for *all* utilized roads and routes. In order to get an accurate picture of the true impact of use in the area, and subsequent effects on the ecosystem, this should include miles of user-created roads and routes, and non-system roads that will be "re-opened", in addition to open roads. We understand that the agency is resource-limited, but we have experience surveying road systems and are ready and willing to contribute staff and volunteer time towards this effort.

Riparian Habitat Conservation Areas:
Protecting entire riparian systems, including the upper reaches and headwaters, is imperative in order to maintain hydrologic function and the full suite of habitats needed for fish and wildlife throughout their life cycles. We would like to echo the Nez Perce Tribe's scoping comments dated March 31st, 2023, which state:

> "Riparian areas within and adjacent to the Project area must be fully analyzed, and Riparian Management Objectives for this Project need to be clearly defined and specifically linked to improving riparian function. Designated critical habitat for Chinook salmon includes the adjacent riparian zone, which is defined as those areas within 300 feet of the ordinary high-water mark. As defined in the Federal Register, critical habitat for all listed Snake River salmon includes the bottom and water of the waterways and the adjacent riparian zone[7]. The riparian zone includes those areas within 300 feet (91.4 m) of the normal line of high water of a stream channel or from the shoreline of a standing body of water[8]… Riparian areas should only be treated if the treatment will clearly and positively meet Riparian Management Objectives and create positive biological effects. When

[6] Rowland, Mary & Wisdom, Michael & Johnson, Bruce & Penninger, Mark. (2005). Effects of Roads on Elk: Implications for Management in Forested Ecosystems. Trans. North Am. Wild Nat. Res. Conf.. 69.
[7] Designated Critical Habitat; Snake River Sockeye Salmon, Snake River Spring/Summer Chinook Salmon, and Snake River Fall Chinook Salmon, 58 Fed. Reg. 68,543, 68,548 (Dec. 28, 1993)
[8] *Id.*

RHCA treatments are needed, they should be light in nature, non-mechanical, non-commercial, and small in terms of acreage."

We agree with these comments from the Nez Perce Tribe, and recommend that all forest treatments in RHCAs should be limited to non-commercial, non-mechanical hand thinning of smaller trees designed to meet Riparian Management Objectives and provide the highest protections for fish habitat.

Aspen and wetland treatments:
Generally speaking, we support non-commercial thinning to restore aspen stands and wet meadows. The appropriate post-treatment fencing should be built and maintained.

Fish passage

- We support the proposed 11 culvert replacements and applaud the agency for including these in the project. Please address how these culvert replacements will potentially improve fish passage. Thank you.

Prescribed fire

- "Prescribed fire implementation will be analyzed over the entire project area," according to the story map on the Morgan-Nesbit project web page. We very much support this approach as an important part of forest restoration. We appreciate the Forest Service including landscape burns in this project.

Logging big and old trees (using the amended Eastside Screens):

- Forests of the Blues, including those in the project area, have significant potential to mitigate the effects of climate change by storing aboveground carbon.[9]
- A recent scientific study found that the biggest and oldest trees covered by the rule make up only 3% of regional forests in the Pacific Northwest yet store 42% of forest carbon.[10] They also provide critical habitat for wildlife, keep water clean and cold, are resilient to wildfire, and are at the core of cultural values.
- The agency should use a scientific definition of large trees which is 20" dbh. And the NEPA analysis should clearly disclose the effects of removal of large trees 20-30" dbh under the amended Eastside Screens, as well as large trees removed for safety and operational purposes. The NEPA analysis should be clear about any proposed removal of large trees, including location, extent, and tree species.
- The National Forest Management Act and its implementing regulations require the Forest Service to follow the requirements of the LRMP, as amended. The Eastside Screens adopted in 1994 and 1995 are valid amendments of the LRMP. The Jan 2021 Amendment of the Screens was not adopted pursuant to proper NFMA and NEPA and ESA procedures and so the Forest Service cannot rely on that amendment to authorize the removal of large trees >21" dbh.
- In the event the Forest Service may rely on the Trump administration's last-minute decision to approve the regional Screens Amendment allowing removal of large trees, we object. This amendment is unlawful for a variety of reason, including but not limited to:

[9] Law BE, Berner LT, Mildrexler DJ, Bloemers RO and Ripple WJ (2022) Strategic reserves in Oregon's forests for biodiversity, water, and carbon to mitigate and adapt to climate change. Front. For. Glob. Change 5:1028401. doi: 10.3389/ffgc.2022.1028401

[10] Mildrexler DJ, Berner LT, Law BE, Birdsey RA and Moomaw WR (2020) Large Trees Dominate Carbon Storage in Forests East of the Cascade Crest in the United States Pacific Northwest. Front. For. Glob. Change 3:594274. doi: 10.3389/ffgc.2020.594274

- The Screens Amendment was a public involvement nightmare. The agency failed to provide a scoping period and failed to provide an objection period even though one was promised from the beginning. The agency failed to meaningfully respond to public comment.
- The decision to amend the Screens and allow removal of large numbers of large trees across a large region is likely to have significant effects on the environment and therefore requires preparation of an Environmental Impact Statement.
- The Screens EA violated NEPA in numerous ways, including an inadequate analysis of cumulative effects, failed to take a hard look at effects on carbon and climate, habitat for viable populations of species that depend on large and old trees, dense/unmanaged forest, snags and dead wood, riparian and aquatic habitats, etc.
- The Screens EA failed to consider reasonable alternatives to meet the purpose and need such as retaining old trees regardless of size, and allowing the large-young trees within the dripline of legacy trees to be converted to snags, using prescribed fire to control encroachment of shade-tolerant tree species, and adopting a quantitative, science-based standard for conservation and restoration of large snags and green recruitment trees to meet population goals for snag-associated species.
- The Screens Amendment also adopted a standardless approach to managing snags and green replacement trees, calling for the provision of *some* snags and green trees to meet the needs of *some* species, but without any assurances that logging will maintain population viability for the species which are most sensitive to the absence of abundant snags.
- Approval of the Screens amendment violates the procedural and substantive requirements of the NFMA and its implementing regulations.
- The agency failed to consult with NMFS and FWS regarding ESA-listed species.
- There is significant new information indicating that grand fir may be more fire resistant than assumed in the NEPA analysis supporting the Screens Amendment. "Fire resistance increases with age due to increased bark thickness and crown base height (Schmidt et al. 1976), and thus there may be differences in fire severity between young (less resistant to fire) and mature stands of fire-resistant species. For instance, large grand fir trees can have a relatively thick bark (Howard and Aleksoff 2000; Hood et al. 2018b). In fact, Flint (1925) highlighted that grand fir can have a degree of fire resistance nearly equal to Douglas-fir."[11]

- We incorporate by reference our scoping comments and comments on the Large Tree Amendment EA and preserve all legal claims related to the issues raised in our NEPA comments. https://cara.fs2c.usda.gov/Public/Letter/2612878?project=58050
- The Trump Administration's last minute amendment of the Eastside Screens is now under litigation, and if the plaintiffs prevail, the Screens amendment will likely be set aside, and the agency will be required to modify projects to retain trees >21" dbh. The Forest Service should avoid the complications associated with post-decisional changes to this project, by adopting a 21" dbh limit for this project while the litigation proceeds.

[11] Jose V. Moris, Matthew J. Reilly, Zhiqiang Yang, Warren B. Cohen, Renzo Motta, Davide Ascoli 2022. Using a trait-based approach to assess fire resistance in forest landscapes of the Inland Northwest, USA. Landsc Ecol (2022) 37:2149–2164. https://doi.org/10.1007/s10980-022-01478-w, https://www.fs.usda.gov/rm/pubs_journals/2022/rmrs_2022_moris_j001.pdf.

Analysis and mapping:
We were excited to hear that the Forest has new lidar data that will provide more recent and much higher resolution data. However, much of the planning appears to have already been done prior to obtaining the new data. How does the agency plan to reconcile pieces of the project planned with older data vs. new data? When were stand exams conducted and for where? I appreciated the opportunity to discuss this briefly with Lucas Glick at the open house, but it would be good for this information to be made available to the public.

Please disclose which data was used to conduct the HRV analysis. Was the new lidar data used? If so, please discuss the differences between models.

A word on trust:
This project has been in the works for quite some time. There was an impressive array of maps showcasing the efforts of that work at the open house in March, and staff made an honest effort to listen to our concerns and share their perspectives. So much analysis and project planning appears to have already been done, and 30 days to comment on the draft decision is too brief. Please share the analysis and maps that were showcased at the open house as soon as possible so that we may provide thoughtful comments on the draft decision.

Our desire to trust the agency has to be balanced against the awesome responsibility we have to connect, protect, and restore these landscapes. So, while we are being asked for our trust, we encourage new leadership to take this opportunity to earn that trust back.

We appreciate the time that the agency has devoted to public engagement on this project, especially at the open house event in Enterprise on March 15, 2023. Thank you for the opportunity to participate in this planning process and for your review of these comments. GHCC looks forward to working with the Forest Service as this project progresses. Please don't hesitate to contact me with any questions.

Sincerely,

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