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January 26, 2024

Leanne Marten, Objecting Reviewing Officer  
Northern Region  
26 Fort Missoula Road  
Missoula, MT 59804

RE: Nez Perce-Clearwater Forest Plans Revision, Draft Record of Decision (ROD) Objection

Pursuant to 36 C.F.R. Part 219.54, the American Forest Resource Council files this objection to the Draft ROD for the Nez Perce-Clearwater National Forests Plan Revision. Forest Supervisor Cheryl Probert is the responsible official.

**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, Nevada, 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 Nez Perce-Clearwater Forest Plans Revision will impact AFRC's members who rely on a public supply of timber. While AFRC is submitting two Objections to the Record of Decision for the new Forest Plan, we would like to compliment the Forest for their recognition of the importance of the forest products sector, the jobs that they create, and the positive economic impacts that those jobs bring to the surrounding communities and counties. The Forest has also done a good job of weaving

the need to get back to Historic Range of Variability and using the forest products industry to help accomplish this.

### **Objector's Designated Representative**

Tom Partin, AFRC Consultant  
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### **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 Revised Nez Perce-Clearwater Forest Plans and the Draft Environmental Impact Statement (DEIS), which are hereby incorporated by reference.

#### **1) Development of FW-STD-RMZ-01 into the Proposed Resource Management Plan (PRMP) and incorporation into the Final RMP is not based on the best available science and will hamper the attainment of certain resource objectives.**

FW-STD-RMZ-01 as described on page 49 of the PRMP prohibits the removal of felled trees in portions of riparian reserves for the purpose of recovering timber value when those trees are felled to restore or enhance aquatic and riparian-associated resources.

Of particular concern is the prohibition of harvesting felled trees for timber recovery within 100 feet of Category 4 streams. Category 4 streams include intermittent streams, which are defined as drainage features having a definable channel and evidence of annual scour or deposition. There is no minimum stream width identified for Category 4 streams and could therefore be applied to every single channel, including ephemeral streams which may only flow water for a few days a year.

We provided a scientific review of riparian literature in our written comments in response to the DEIS. Based on this review we offered the following conclusions:

*Collectively, we believe that this literature suggests that there exists a declining rate of returns for "protective" measures such as no-cut buffers beyond 30-40 feet. Resource values such as thermal regulation and coarse wood recruitment begin to diminish in scale as no-cut buffers become much larger. We believe that the benefits in forest health achieved through density management will greatly outweigh the potential minor tradeoffs in stream temperature and wood recruitment, based on this scientific literature. We urge the Forest Service to establish no-cut buffers along streams no larger than 40 feet and maximize forest health outcomes beyond this buffer.*

We were pleased to see that much of the literature we provided in our comments was incorporated into the FEIS. However, in light of this literature, we are disappointed and confused with the decision to establish a 100-foot no-harvest buffer along all Category 4 streams. It is unclear to us which riparian resource concern drove this decision. Since the Standard in question permits use of felled trees “for aquatic restoration”, we assume that the removal of felled trees is permitted, so long as they are moved to other stream course areas. Therefore, the need to retain down wood in the 100-foot buffer area does not seem to be of concern.

The same concerns apply to Category 1 and 2 streams. Typically, any tree felling in riparian reserves is proposed due to the determination that those felled trees do not belong in the forest canopy. This determination could be a function of unnaturally high tree densities following past reforestation efforts or a function of past fire suppression. If those trees are then deemed undesirable and unnatural in the forest canopy, then they should also be deemed undesirable and unnatural on the forest floor and in stream channels.

If in-stream wood recruitment to intermittent streams is still desired in such forest settings, then modification of this Standard could be considered that requires the retention of any tree segment that, when felled, lands within a more reasonable buffer width that aligns with the scientific literature.

AFRC is also concerned about the health of riparian areas in light of the changing climate. In fact, on page 21 of the Record of Decision it states: “*This Restrictive framework within the aquatic systems makes it more important to restore uplands to within the HRV so the entire system is more resilient in the face of Climate Change.*” This statement indicates that the “restrictive elements” on riparian reserves represent a *detriment* to climate resilience that must be mitigated through an emphasis on upland management. AFRC believes the Forest should reexamine management opportunities and maintain flexibility to manage within the Riparian areas given the possible climate change impacts. Riparian areas should be managed to further the attainment of HRV and climate resilience, not hinder it.

### **Resolution Requested**

AFRC requests that the Deciding Official modify FW-STD-RMZ-01 to permit removal of felled trees in the 100-foot segment of riparian reserves on Category 4 and 2 streams and in the 150-foot segment of riparian reserves on Category 1 streams for timber recovery purposes if such removal is aligned with aquatic restoration objectives. Every stream and its associated riparian reserve is unique; applying a single predetermined width for every unique segment is counterproductive to attaining desired end results.

We understand the value of retaining a no-cut buffer of some degree for purposes of sedimentation control and stream temperature but believe that the science indicates that 100-foot

for intermittent streams is excessive and does not provide any discernible benefits to stream temperature, sedimentation, or in stream wood recruitment. In fact, it appears that the Forest Service's analysis agrees with this assessment. Page 609 of the DEIS states that "differences between action alternatives are muted by aquatic riparian buffers that are **larger than adequate** to protect aquatic resources." We urge you to modify these "larger than adequate" buffers in the Final ROD/RMP.

**2) Incorporation of MA2 and MA3-GDL-SOIL-01 into the Proposed Resource Management Plan (PRMP) and incorporation into the Final RMP will likely restrict the use of modern logging technologies.**

As currently written, MA2 and MA3-GDL-SOIL-01 reads as follows:

*To maintain soil productivity, ground-based equipment used for vegetation and fuels management should only operate on slopes less than 45 percent. Tractor skidding of logs should only occur on slopes less than 35 percent to limit detrimental soil disturbance. Exceptions can be authorized where soil, slope, and equipment are determined appropriate to maintain soil functions.*

In our DEIS comments we stated the following in regards to operations:

*Developing a Forest Plan that firmly describes how any given unit shall be logged may inherently limit the abilities of certain operators. For example, restricting certain types of ground-based equipment rather than describing what condition the soils should be at the end of the contract period unnecessarily limits the ability of certain operators to complete a sale in an appropriate manner with the proper and cautious use of their equipment.*

Operations should be adaptive to the terrain, soil type, and equipment type. Firm restrictions, such as slope %, inherently limit opportunities for an adaptive approach. While we are appreciative of the inclusion of exceptions into the proposed guideline, we are concerned that field staff will feel compelled to abide by the explicitly identified slope % thresholds by default. This default setting could significantly limit opportunities to treat steep slopes effectively and economically on the Forest, particularly when tethered-assist logging equipment is the only viable equipment option.

Tethered-assist logging is becoming a more economical, safe, and available method of yarding on steep slopes throughout the region. The weight displacement provided by tethering allows tracked equipment to operate on steep ground with limited soil displacement or compaction. Standard psi levels for that tracked equipment are transferred to the tethering uphill.

## **Resolution Requested**

It would be advantageous both for operators and the Forest Service to explicitly acknowledge tethered-assist equipment in this guideline; doing so would provide clarity and flexibility to the field staff. We propose the following modification in red:

*To maintain soil productivity, ground-based equipment used for vegetation and fuels management should only operate on slopes less than 45 percent. **Variances to this restriction for tethered-assist logging equipment is encouraged.** Tractor skidding of logs should only occur on slopes less than 35 percent to limit detrimental soil disturbance. Exceptions can be authorized where soil, slope, and equipment are determined appropriate to maintain soil functions.*

## **Request for Resolution Meeting**

Pursuant to 36 C.F.R. § 219.57, 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 Nez Perce-Clearwater Forest Plans Revision and your consideration of this objection. AFRC looks forward to our initial resolution meeting. Please contact our representative, Tom Partin, at the address and phone number shown above, to arrange a date for the resolution meeting.

Sincerely,



Travis Joseph  
President