Kettle Range
CONSERVATION GROUP
Protecting the forests and wildlife of the Columbia Highlands since 1976

May 15, 2024

*VIA ELECTRONIC MAIL*

Responsible Official
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Comments to: https://cara.fs2c.usda.gov/Public//CommentInput?Project=63933

Re: Midnight Restoration Project draft EA and Forest Plan Amendments

Please accept these comments on behalf of the Board of Directors and 600 members of the Kettle Range Conservation Group (KRCG). Formed in 1976, Kettle Rangers have been a rural grassroots voice for ancient forest, wild fish, wildlife and wilderness. We invested 20 years in forest collaboration with the Colville and Okanogan-Wenatchee National Forest. We trust this has demonstrated our commitment to problem solving. We are, however, committed to a robust defense of forest ecosystems and urge the Forest Service to value equally wildlands & wildlife, dead trees and wildfire as much as it does timber harvests.

KRCG members live in and frequently recreate in the Midnight Restoration Project (Midnight Project, project) area, camping, hiking and mountain climbing in the Twisp River watershed. Our commitment to and participation in management of our public lands includes decades of Forest Watch oversight in the Okanogan-Wenatchee and Colville National Forest.

Midnight Project encompasses an affected area of 53,009 acres of which there is slated prescribed fire. Commercial logging will occur on 28,237 acres. The environmental effects include logging trees up to 25" dbh, damaging stands of mature and old-growth (MOG) trees, eliminating snags, spreading invasive species, degrading riparian areas, compromising unique habitats, severing vital wildlife corridors, and potentially displacing, disturbing, or killing sensitive, threatened, and endangered species, including Canada lynx, grizzly bears, wolverine, whitebark pine, goshawks, wolves, woodpeckers, and bats. This project is less about restoring historic conditions than about restoring a timber cut.

Our firsthand experience in the Twisp River watershed over many years lends strong support for many of Midnight project objectives, including using prescribed fire as a tool of choice for risks of wildfire. We support closure of 55.4 miles of road, improving parking and access to Mt. Gilbert and improvements to South Creek Trailhead. We support removing all vehicle access to the South Creek Trailhead via Road 4420 (also shown as FS Roads 4430 and 4435) on the north side of Twisp River (as identified in Methow Community Alternative). The South Creek Trail would be accessed via the bridge at Mystery Campground, and the trail that would be built on what is now Road 4420.

**Purpose and Need**

The P&N reads like a future obituary for the forest. Its biases are clearly laid out and of course any rational person can read why logging is the cure – Logging Rx. As in the past, so too now, logging is the correct prescription. We are told prescribed fire Rx alone just can't do it – because it's not hot enough to kill the excess in structure – however it most certainly removes ground detritus and saplings. Let's unpack and debate the P&N.

*Need #1: Move Current Vegetation Structure, Spatial Patterns, and Composition Toward Desired Reference Conditions.*

*Forest Structure:* Reference conditions are mere estimates based on scant few studies based on computer modeling that might seem compelling to some while inappropriate to others, particularly given the high social value of this watershed. And besides, whose reference conditions and what are the biases behind estimating reference conditions for a majority of trees > 12" dbh, approaching or older than 100 years? Is the "reference" what the public prefers, like restoring the large tree forest that was predominate in Twisp River Watershed (TRW), not building roads or logging in a roadless area or some estimation based on a postage stamp part of history and few photo from distant locations?

"There is currently far less old forest and more young, dense forest than is desired for a resilient landscape (Jeronimo, 2022). [L]ate and old forests represent the lowest 20% of their desired ranges of variation while young, multi-story forests occupy 50-322% of their reference acreages." DEA @ p3.

There are plethora of evidence logging is if anything a temporary "fix". What does a "resilient" forest look like? Individual & clumps of trees and meadows - ICO? A savannah? Where is the evidence that this condition ever persisted at a watershed scale where nearly all proposed logging is to occur? You can't because the evidence is an estimation, maybe based on some real plot data, extrapolated in computer models.

If "far less late & old forest" is 20% desired range why are ICO prescriptions being applied? Why doesn't your Rx emphasize retaining mature and old trees (MOG), specifically 1) retaining all mature trees >16" dbh and old trees >20" dbh, and 2) where large trees meet

old growth definition do not exist, retain the next largest cohort? Your prescriptions will essentially reduce or eliminate habitat for ONF focal species.

*Spatial Patterns of Forest Patches:* This is the "Betty Crocker" moment, where the cake you bake is in the box, manufactured by research, marketed by politics. "Large patches of dense, young forest have developed due to a lack of forest management and wildfire suppression…" Sure. And logging, livestock grazing, water diversion and roads had nothing to do with it? Seriously?

Science defines uncertainty, challenges assumptions and must be repeatable. ICO et al. forest composition computer modelling is so new that it is very much a new science that has not been proven where it was applied. Why? Because it will take decades and decades to show verifiable results. And then there is conditions-based management, which is akin to handing the keys to our national forest to the timber industry to direct contractors who work for them. It's essentially privatizing our public forests. The FS will do a few monitoring plots to assess contract compliance – the public will wait decades for the real results.

What is the baseline analysis of insect and pathogen activity to which the current levels are compared in order to determine whether current levels are "healthy" or "unhealthy" when viewed from the perspective of natural forest functions and processes?

*Need #2 – Protect and Maintain Wildlife Habitat and Complex Forest in Strategic Places*

"High-quality nesting and roosting habitat for the northern spotted owl is sparse within the project area, occurring almost exclusively in forests that are highly departed from sustainable conditions." EA @ 4 Here again, it is a bias that is clearly expressed "highly departed" and "sustainable conditions." The definition of departed is dead, deceased. And what part of sustainable are your referring? Wildlife habitat, timber volume, your job? If spotted owl habitat is sparse, why are forestry prescriptions going to decrease it?
Recent wildfires have created transitory habitat – which is what many of your silvicultural prescription will do as well.

Burned forests provide habitat for lynx, northern spotted our and other LRMP focal species.

*Need #3 – Provide an Affordable, Safe, and Efficient Transportation System and Reduce Sedimentation from Roads on National Forest System (NFS) Lands*

Seriously? This is a need? There are approximately 65,000 miles of roads in our national forests. Road maintenance is important, but a primary purpose for a project? Twisp River Road and tributary roads are almost exclusively, dead-end roads. Roads increase the risk of human caused wildfire.

Need #4 – Reduce Fire Risk to Communities, Reduce Hazards Along Ingress/Egress Routes, and Improve Firefighting Effectiveness Within and Adjacent to Wildland-Urban Interface (WUI)

Bingo! The driver of all things logging – fighting fire by logging. Hasn't worked very British Columbia, has it? The scientific definition of WUI is .5 miles from human communities, not individual houses. The major responsibility for reducing wildfire hazards to humans and our structures, is due diligence of the home owner. Logging did not prevent the Camp Fire and numerous other wildfires that burned thousands of homes in from Colorado to California to Alaska. A more robust WUI fuels reduction program – that's mostly not USFS managed lands – is urgently needed.

**Forestry Prescriptions: Industrial not Ecological**

The proposed "Overstory Removal" units are essentially shelterwood cuts, matching a silvicultural prescription described by the 22 Society of American Foresters. They create a major size and age class time gap, leaving trees approximately 100 to 200 years old and 80-120 feet tall with only seedlings to replace them. This does not align with structural deficiencies identified in the P&N.

Prescriptions focused on recruitment of medium and large trees to create diverse stands is what is needed. There would be no natural transition where a stable progression of various sizes and ages of trees, determined by natural growth and mortality, would occur over time. The removal of medium-sized trees will eventually result in an even-aged stand, whether the remaining large trees live for another 100 years or longer, and die intermittently rather than within a contracted time frame. Impacts of logging, including increased wind, solar heating, drying soils will lead to leave tree degradation.

The forests of the Twisp River Watershed are commonly known to be a hybrid of ecological conditions common to both the east side of the Cascade Mountain Crest, and the west side. The Okanogan-Wenatchee National Forest is the only forest east of the Cascade Crest that is included in the NWFP.

The DEA is fraught with risks to ecological integrity of the Twisp Watershed based on a faulty analysis of the historic presence of denser timber stands similar to the forests of the Western Cascade Range. People and communities need to adapt to the reality of wildfire rather than attempting to change the forest structure in an attempt to force wildfire to adapt to us.

KRCG opposes tractor and hand piled burning slash in particular because of damage it does to forest soil trophic structure – and it does not duplicate natural response of grasses, forbs and shrubs and because it doesn't address ecological complexity. Burning piles rather than broadcast burning damages soils and reduces biochar and distribution that has so many long-lasting benefits to forest ecology.

The project areas is surrounded by burned forest to the north, west and south. The 2018 Crescent Mountain Fire burned across the southwest-facing slopes above the Twisp River. It did not burn into the Twisp River riparian area or flood plain. According to Forest Service fire officials, suppression efforts did not involve attempts to slow or stop fire spread toward the river, but toward the south and east slopes perpendicular to the river to protect homes in the path of the fire front. Midnight project would log and burn the entire Twisp River floodplain. There is a need for s risk assessment to determine the damage to ecosystem components that *would* occur from Midnight project versus the damage that might occur if a severe wildfire were to occur.

Midnight Veg Report, 3.3.1 establishes criteria for condition-based management (CBM), specifically pointing out a primary strategy of attaining P&N, based on over-stocked young forest resource criteria and encompasses a variety of structural stages that include MOG trees. The majority of "treatment" areas are dominated by an overstory of MOG.

So, if there is a paucity of late/old structure, why isn't the logging treatment bias in favor of thin from below? Retain suitable focal species habitat structure, rather than a bias toward ICO and even tree spacing? This makes no sense.

Overstocked young forest stands was chosen as a resource indicator to identify areas where opportunity exists to shift species composition, modify structure classes, improve forest spatial patterns, and improve the overall forest health and resiliency. Further coding and defining elements of this strategy clearly show a bias toward a DFC where regeneration of early seral trees plays a significant role.

This of course will lead to increased fire risk. Why? Because young tree branches are closer the ground and there is a high likelihood of thickets of highly flammable young treed forests where – as the EA and supporting documents note frequently – there used to be MOG forests that stifle below-ground tree competition.

The DEA fails to provide a detailed explanation that articulately conveys to the public what CBM actually entails. The DEA notes that: "District staff identified areas considered for condition-based management by using existing vegetation and fuels data and developing criteria for the conditions that would benefit from treatment and meet the Project Needs." It goes on to state, "Further site-specific data collection and/or field reviews would be conducted by district staff prior to implementation…"

This snippet from the American Bar Association review of states quite succinctly KIRCG's first-hand experience during post-project monitoring (Trout Lake CE, Sherman Pass Project, et al.) regarding CBM:

"Condition-based management is a management approach that the U.S. Forest Service has increasingly used to authorize timber harvests purportedly to increase flexibility, discretion, and efficiency in project planning, analysis, and implementation. The agency believes it needs this flexible approach because sometimes conditions on the ground can change more quickly than decisions can be implemented. In practice, however, CBM operates to circumvent the National Environmental Policy Act (NEPA) review framework by postponing site-specific analysis until the Forest Service implements the project, which effectively excludes the public from site-specific decisions, reduces transparency, and removes incentives for the agency to avoid harming localized resources. The practice should be curtailed by the Biden administration.

NEPA requires federal agencies including the Forest Service to provide the public with "notice and an opportunity to be heard" in the analysis of "specific area[s] in which logging will take place and the harvesting methods to be used." *Ohio Forestry Ass'n v. Sierra Club*, 523 U.S. 726, 729–30 (1998). Site-specific public involvement can significantly improve projects because the agency may be unaware of harmful impacts or resource concerns until the public flags them during the environmental analysis process. Nationally, the Forest Service drops about one out of every five acres it proposes for timber harvest based on information or concerns presented during the NEPA process, often due to public comments regarding site-specific information. Public Lands Advocacy Coalition, Comments on Proposed Rule, National Environmental Policy Act (NEPA) Compliance (June 13, 2019) (analyzing 68 projects that relied on environmental assessments)." *Source: American Bar Association*

**Project NEPA Scope so narrow as to avoid Environmental Impact Statement**

Midnight Project violates NEPA because it failed to do an environmental impact statement even though the project is based on controversial theories of forest management, involves intensive commercial logging that will impact a vast area over a long period of time, would adversely impact popular recreation trails & campgrounds, degrade scenic integrity viewed from the Lake Chelan Sawtooth Wilderness, impact several sensitive, threatened, and endangered species.

Was the change made to the original Twisp Restoration Project to exclude 53,009 acres from that project allegedly because of the Cedar Creek Fire, done to avoid appearance that a more thorough EIS analysis would be needed due to its size? Perhaps the District just didn't want to analyze alternative solutions to its Purpose & Need? Cedar Creek Fire only burned about 10,600 acres – so why was an area 5 times that size dropped from the Twisp project?

The massive size of proposed project logging activities over 28,387 acres, reducing tree canopy cover to 40% - average spacing 37' - or less, it is absurd to assert there will be no "significant" environmental impacts. Combined with the significance of the area to salmon and other aquatic species, Northern Spotted Owl (NSO) and other terrestrial species, and the regional recreation economy – it boggles the mind why the agency has not done an EIS for this project, especially considering extensive impacts of recent wildfire while acknowledging

adjacent watershed analysis as a cumulative impact. Project reliance on logging to 40% or less canopy cover to prevent fire is vastly unproven as is your supposition that without logging the likelihood of large tree persistence diminishes. Project prescriptions are based on research that was not done in the vicinity of this project.

*There was no biological opinion done though there should be one because the project is LAA for northern spotted owl critical habitat.*

What is observable is logging does not prevent wildfire, but it most certainly does diminish wildlife habitat, increase speed of spring snowmelt, impact high quality scenic integrity, and reduce hiding cover and snow intercept/thermal essential to wintering ungulates.

ONF focal species, including northern spotted owl use structural classes defined in Veg Report Appendix B. Logging over 23,000 acres of this habitat will significantly impact focal species.

NEPA requires the Forest Service to prepare an EIS when it proposes a major federal action that *may* significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998) ("[A] 'plaintiff need not show that significant effects will in fact occur….' It is enough for the plaintiff to raise 'substantial questions whether a project may have a significant effect' on the environment.") (citation omitted). Importantly, "the [Ninth] Circuit has established a relatively low threshold for preparation of an EIS." *Natural Res. Def. Council v. Duvall*, 777 F. Supp. 1533, 1537 (E.D. Cal. 1991). If a plaintiff raises substantial questions regarding whether a project *may* have a significant effect on the environment, "a decision not to prepare an EIS is unreasonable." *Blue Mountains Biodiversity Project*, 161 F.3d at 1211 (citing *Save the Yaak Comm. v. Block*, 840 F.2d 714, 717 (9th Cir. 1988)).

This Project reaches beyond the threshold of a finding of NO significant environmental impact. Its connected actions encompassing a wide geographic area seriously challenges a conclusion that a less rigorous examination of environmental consequences in an environmental assessment framework meets necessary legal requirements. This project added to the Twisp Restoration Project is a HUGE land area that without a doubt cumulatively significantly impacts the environment, especially to TES and MIS species, including lynx, wolverine, gray wolves, grizzly bears and salmonids, hydrology, recreation and scenic integrity. A Finding of No Significant Impact in this one of the wildest most pristine area of the Okanogan-Wenatchee National Forest, adjacent to North Cascades National Park, is fundamentally untenable. In effect, suspension of the Roadless Area Conservation Rule by itself is significantly impacting. Taken together, past, present and future logging and road building Midnight Project will significantly impact fish & wildlife, wilderness recreation and

scenic integrity. As such this Project must be more thoroughly examined in an Environmental Impact Statement.

In determining whether a proposed action may "significantly" impact the environment such that an EIS is required, both the context and intensity of the action must be considered. 40 C.F.R. § 1508.27. In evaluating intensity, the Forest Service must consider numerous "significance" factors. 40 C.F.R. §§ 1508.27(b)(1)-(b)(10). If the Forest Service's action may be environmentally significant according to any one of the criteria, it must prepare an EIS. *Blue Mountains Biodiversity Project*, 161 F.3d at 1212; *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1220 (9th Cir. 2008) ("an action may be 'significant' if one of these factors is met"); *Ocean Advocates v. U.S. Army Corps of Engineers*, 402 F.3d 846, 865 (9th Cir. 2005) ("We have held that one of these factors may be sufficient to require preparation of an EIS"); *Nat'l Parks & Conservation Ass'n*, 241 F.3d at 731. Even if no significance factor standing alone requires the preparation of an EIS, consideration of the significance factors cumulatively can require the preparation of an EIS. *Anderson v. Evans*, 371 F.3d 475, 494 (9th Cir. 2004) (requiring EIS based on consideration of multiple NEPA significance factors); *Cascadia Wildlands v. U.S. Forest Serv*., 937 F. Supp. 2d 1271, 1283 (D. Or. 2013) ("[W]hen considered individually, none of these significance factors might require an EIS. However, when considered collectively, they do.").

**Wildlife**

Large diameter legacy trees should also be left intact on the landscape to provide trunk foraging opportunities for birds. These large legacy trees, with large crowns, offer ample cone production for bird and mammal seed forage, and offer perches for predatory birds such as hawks and owls, both documented in the Project area. Large diameter legacy trees with mistletoe present should retained to provide habitat for species that rely on mistletoe brooms for nesting like the great gray, long eared and great horned owls.

Forestry prescriptions, rather than fixated on silviculture should be focused focal wildlife species habitat and including bats, amphibians, northern goshawk , Canada lynx, fisher, wolverine and American marten.

Reconstructing old roads has ecological impacts to ecosystems similar to new road construction. Reconstruction, restoration and construction of roadways in the Project area will have significant impacts on TES species and elk. Addition of new system roads added to the existing road system adds to existing maintenance requirements. What is the likelihood that budget funding will maintain these capital investments in future?

What is the impact of vegetation treatments to wildlife and their effect to potentially expanded over-snow motorized use during winter, a time of year when wildlife are at the highest level of stress? What will be the impact to wildlife of created openings, removal of significant canopy cover – especially during periods of snow deep enough to smother vegetation? Will this lead to increased poaching?

What impacts to wildlife could result from cumulative impacts of commercial logging, road construction and livestock grazing will impact sensitive wildlife seclusion and reduce landscape permeability to migrating TES species? Will treatments lead to killing of gray wolf? How much vegetation is allotted to livestock consumption and how much to ungulates and hare? How will this affect ground-nesting birds?

As landscapes are further divided, wildlife habitat suitability decreases. When a large contiguous/connected suitable habitat remains, wildlife are healthier, able to better avoid predation and have greater access to shelter and food. As fragmentation reaches a critical level and species begin to die out. Habitat fragmentation is a principal threat to most wildlife species in the temperate zone. (Wilcove 1986) Silvicultural treatments that fragment and degrade snowshoe hare and red squirrel habitat, impact lynx, elk, goshawk, whiteheaded woodpecker and wolverine habitat suitability.

<u>Canada lynx</u>
Will the project increase habitat fragmentation, including logging and road reduce wildlife habitat viability and diversity for lynx, wolverine and elk?

Additionally, because the distribution of habitat types matters greatly for C. lynx (with foraging habitat needed to be in close proximity to denning habitat), preserving denning habitat only is not sufficient for C. lynx protection. How does the project insure lynx habitat will not be degraded? Hierarchical den selection by lynx depends on sufficient horizontal structure (Squires 2008). The EA must analyze the effect of the Project on dense horizontal cover, a key and critical habitat component for C. lynx.

Insects and disease impacts on tree mortality is not a threat the threatened lynx. Squires, et al (2020) investigated habitat effectiveness and use by lynx:

> "We evaluated selection at the home-range scale in beetle-kill areas based on vegetation plots sampled in the field to quantify forest structure and composition found that across all scales of selection, Canada lynx selected forests with a higher proportion of beetle-kill trees that were generally larger in diameter than randomly available. Within home ranges, Canada lynx selected forests with greater live components of subalpine fir and

live canopy of Engelmann spruce. During winter, Canada lynx exhibited functional responses, or disproportionate use relative to availability, for forest horizontal cover, diameter of beetle killed trees, live canopy of Engelmann spruce (*Picea engelmannii*) and subalpine fir (*Abies lasiocarpa*), and additive use (and consistent selection) for relative density of snowshoe hares and density of subcanopy subalpine fir 3–4.9 in. (7.6–12.4 cm) in diameter.

Grizzly Bear

The DEA claim that the project would benefit grizzly bear and gray wolf habitat due to the proposed road closures presumes that these closures are not possible without the actions proposed in the DEA. This dismisses the impacts of the DEA's road construction, tree removal, and overall impacts to the habitat for these species, particularly the pending newly introduced grizzly bear. .

Studies show that grizzlies need a variety of habitat for survival and relative isolation from humans. "The most crucial element in grizzly recovery is securing adequate effective habitat for bear populations, with road management being one of the most powerful tools available to achieve this" (FEIS, Appendix C 12). Roads are the primary vector for bear/human conflicts. Roads are the greatest factor in grizzly bear mortality. Mattson and Knight (1991) found that even secondary roads present mortatlity risk for Yellowstone grizzlies five times as high as roadless backcountry areas. Female grizzly bears with cubs select roadless areas in their us of habitat (Mace and Manley 1993). Road density as low as 1 mile/sq. mi. reduces grizzly habitat effectiveness to 30% (Horejsi, 1993).

One of the sub-goals of the NCGBRZ is "zero, human-induced mortality." The most important factor in reducing grizzly bear mortality is to reduce the access for humans, meaning roads. "Managing motorized access is one of the most influential components of habitat security for grizzly bears" (IGBC 1994).

Northern spotted owl (NSO)

The Notice of Opportunity to Comment states: "Treatments [logging and burning] are proposed in Forest Plan Old Growth, Late Successional Reserves, Riparian Reserves, and the Sawtooth Inventoried Roadless Area…(T)he proposal for the Midnight Restoration Project includes project-specific amendments that would temporarily suspend specific Standards and Guidelines in the Okanogan National Forest Land and Resource Management Plan (Forest Plan) and Northwest Forest Plan (NWFP)." There is no basis for the "suspension" of these rules.

The DEA contends: "Choosing the No Action Alternative would have a negative, long-term, moderate effect on northern spotted owl habitat because without proposed overstory (harvest) thinning and prescribed fire treatments, the project area and its northern spotted owl habitat stands would remain in their current condition and remain highly susceptible to

stand-replacing wildfire. The likelihood of further habitat loss, coupled with the amount of time it would take to replace suitable habitat, would make it hard for any immigrating northern spotted owls to persist in this project area."

*According to the New York Times, NSO populations continue to decline:*

**"**Crammed into marginal territories and bedeviled by wildfires, northern spotted owl populations have declined by up to 80 percent over the last two decades. As few as 3,000 remain on federal lands, compared with 11,000 in 1993. In the wilds of British Columbia, the northern spotted owl has vanished; only one, a female, remains. If the trend continues, the northern spotted owl could become the first owl subspecies in the United States to go extinct." **(**They Shoot Owls in California, Don't They? NYT, April 30, 2024)

The NSO recovery plan in 2011 elevated competition with Barred Owls (*Strix varia*) (BO) and wildfires as primary NSO threats based partly on the assumption that severely burned forests were no longer NSO nesting and roosting habitat (Bond 2022).

Midnight logging as proposed will have a significant impact on NSO. Opening the forest, ICO, et al prescriptions, will attract barred owl (BO) and otherwise reduce seclusion habitat further endangering NSO. Logging before and/or after wildfire created opportunistic attraction for BO (Bond 2022).

Kettle Rangers are concerned regarding what we see and significant issues have not been addressed, including:

- FS has not met the criteria for a forest plan amendment suspending the 80-year age limit for logging (NWFP S&G C-12),
- FS needs to analyze an alternative that did not include NWFP amendments (i.e. something other than just No Action or Alt 2), and
- Analysis of the habitat in the specific owl circles and how the logging would reduce the specific acreages for those circles.

Midnight logging will not benefit NSO. Wildfire is not the threat to NSO it is made out to be in project NEPA documents. High-severity fire transforms such forests into a unique forest type known as "snag forest habitat", which the owls select for foraging (Hanson 2021).

NSO habitat tends to burn less severely. In a study of the relationship between fire severity and suitable nesting forest in 472 large wildfires (> 200 ha) that occurred in the northern spotted owl range during 1987–2017. Averaged over all fires, the interior nesting forest burned at lower severity than edge or non-nesting forest. These relationships were consistent within the low severity, very frequent, and mixed severity, frequent fire regime

areas. All forest types burned at similar severity within the high severity, infrequent fire regime. (Lemeister 2021)

The Northwest Forest Plan dictates that: "[A]ctivities in older stands may be appropriate [only] if: (1) the proposed management activities will clearly result in greater assurance of long-term maintenance of habitat, (2) the activities are clearly needed to reduce risks, and (3) the activities will not prevent the Late Successional Reserves from playing an effective role in the objectives for which they were established." The DEA fails at this test.

A Federal Advisory Committee has been assembled to amend the NWFP. By what logic does the OWNF propose to temporarily suspend the directives of the present NWFP in order to authorize a single project, and not wait until NWFP amendments are complete? With the upcoming NWFP amendments, its directives will likely be changed. Will the Forest Service then temporarily suspend the new NWFP to authorize the MRP? Why is it unreasonable to instead suspend the MRP to wait for NWFP amendments? In NWFP Late Successional Reserves, logging is only allowed under strictly defined and scientifically validated circumstances.

**Just say NO to Shaded Fuel Breaks**

Shaded fuel breaks don't work in most severe fire weather conditions which are always driven by wind. Recent research found a 1% chance of any forest acre burning per year. Shaded fuel breaks at best have temporary ladder fuel and surface fuel impacts and must be maintained on a regular <20 year basis. What are your estimates for the efficacy of fuel breaks? How frequently will prescribed fire and other fuels treatments be applied in the project area over the next 20 years? What is the likelihood of necessary/adequate funding to maintain fuel treatments and how will those benefit historic range of variability (HRV)?

Will fire-prevention efforts be focused on the WUI? What width specification will be used in designating the WUI? Many of the proposed treatment units are well away from WUI's. In the EA/EIS, please provide information distinguishing WUI prescribed burns from burns with other objectives.

Shaded fuel breaks create a barrier to movement and use of seclusion dependent species, including many LRMP focal species.

**Roadless Areas**

Midnight Project proposal to "temporarily suspend" the directives of the Roadless Area Rule. This is outrageous! The Roadless Rule adopted by the Forest Service prohibits road construction, road reconstruction, or timber harvesting activities, except in the event of "…an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property." Its temporary suspension would result in irreversible actions in an inventoried roadless area.

**Forest Plan Amendments violate NFMA, NWFP**

The proposed suspension of the Roadless Area and NWFP rules would be an arbitrary action that, in the broader sense, may be applied at will to void any legally-required eight constraints placed upon agency actions in any project. If there is precedent for this suspect proposal, it must be disclosed.

The DEA describes impacts on LSR's via the prescription as: "In LSRs, no live or dead trees 21.0-24.9 inches dbh would be cut, except: 1) Where a stand exceeds the minimum density objectives for trees >20 inches dbh as described in the Restoration Strategy (USDA Forest Service, 2012); 17 TPA in stem exclusion open canopy and stem exclusion closed canopy, or 11 TPA in young forest multi-story and understory reinitiation); 2) Where needed to meet ecologically based structural, composition, or spatial pattern objectives; and 3) If the trees meet hazard tree criteria or as necessary for safe operation."

We ask how anyone but a person trained in forestry could understand this statement. We perceive it to mean that in LSR's, old growth trees over 24.9" dbh can be removed. This is an open-ended directive that renders void the NWFP directives for the protection of old growth forests in LSR's. It is patently unacceptable in light of the objectives of the NWFP. Even trees up to 24.9" could fit the description of old growth, depending on their age.

There should be no logging of any kind in LSR's, because the justification for it has not been established in the DEA, and there is no scientific consensus regarding logging medium-sized trees to protect old growth forests from fires. The prescription for LSR's removes an important component of old growth forest structure, removing large trees and removing medium-sized trees that will disrupt old growth recruitment.

**Wildfire**

The Veg Report, 5.1.1 notes this important driver of this project: "the likelihood of severe, stand-replacing wildfires is heightened in the Upper and Middle Twisp River sections because of high-stand densities…" But what is missing in this bold assertion? High winds, high temperature and drought conditions combine with ignition and logging will not stop it – and there is a plethora of post-fire evaluation and studies that form the basis challenging "high-stand densities" as the benchmark for severe wildfire.

If logging is all that was standing in the way of precluding wildfire, what about all the fires in corporate-run forestry in British Columbia. Certainly last summer's massive wildfires in B.C. present a contrary view of logging to prevent wildfire scenario?

The DEA claims that wildfire is "imminent" yet science shows that the likelihood of fire on any given acres is little more than 1%/year. A plethora of recent wildfires has if anything significantly reduced the threat of wildfire in the project area. Webster's Dictionary defines "imminent" as an event "near at hand," or "likely to occur at any moment." Predicting a wildfire without providing a time frame based on analysis of studies or other pertinent

information, is arbitrary. “Imminent” in this context should be construed to mean that ongoing or proposed human activities are what pose a threat, not unpredictable natural events.

The DEA and supporting documents do not reasonably analyze the relationship of human-caused wildfire ignitions to roads. The public is repeatedly informed that wildfire is its greatest risk. This has been a decade-long nation-wide public relations campaign with the cure being: logging. Natural wildfire is “catastrophic” while human caused damage is the fault of too many trees. Two centuries of logging has not prevented wildfire though it has imperiled countless flora and fauna.

British Columbia is a posterchild for why logging does not prevent wildfire. How can this project possibly result in any different outcome, especially in the face of a climate catastrophe? Standing dead trees still provide forest benefits. Dead trees have always been part of a healthy forest, building soil and providing nutrients and home the myriad insect, amphibian and wildlife species.

Proposed project activities predicated on false assumptions that preventing “historic catastrophic” wildfire requires the same “restoration” activities that caused the problem in the first place: a reliance on logging and selective and often ill-timed fuels reduction “treatments.” Catastrophic terminology is rooted in short term comparative analysis, often absent of or reduced to uncontrollable circumstances, especially those that are weather related. “Historic” is limited to <100 year timeframe, when there is ample evidence that a hundred years is a drop in a barrel of forests that evolved over millennia through drought, flood, fire and cold. Weather changes from drought to wet/cold have occurred many times of hundreds and thousands of years.

How long will fuel reduction logging *treatments* last before wildfire risk increases? Is there really any fuel reduction strategy that *prevents* devastating impact potential from wind-driven wildfire? What are the effects of opening the forest to drying winds and insolation on potential for wildfire spread, reduction in soil & vegetation moisture? How long before “openings” (clearcuts) are thickly stocked with trees planted or naturally reseeded? Are you trees with branches close to the ground with branches close together – or even touching (!) -- contribute to wildfire risk.

There have always been stand-replacement fires in the OWNF, and according to the study titled: “Contemporary Wildfires Are Not More Severe Than Historical Fires in Western United States Dry Forests” by William L. Baker, stand replacement fires are not above the historical average. The burden is on the Forest Service to prove otherwise. Claiming we can prevent such fires, or decrease their severity, with logging in the age of climate change does not stand up to research, or reason. Again, the Forest Service is proceeding with a definite impact allegedly to prevent an unpredictable natural event. Most of the fire information contained in the DEA is not related specifically to the Twisp River Watershed, or is vague, or

outdated. We believe the information regarding fire frequency, fire intensity, and fire effects, must be updated.

**Okanogan LRMP is a Dead Horse**

Stop beating a dead horse, that is, the Okanogan Land and Resource Management Plan is a dinosaur. The LRMP is 35 year-old and should have been revised two decades ago and would have been if the Interior Columbia Basin Ecosystem Management Project had issued a ROD. But even though that was precluded by Congress, the ONF could have adopted most of its management recommendations. Instead, it now relies amendments to align with Churchill, and Hessburg research for its conditions-based management, despite the fact that neither are area-specific studies and there are just as many countervailing studies that, as fundamental science discipline demands, comparatively assessed, and most importantly – challenged by repetition and further study.

There has been an obvious bias against Douglas fir in favor of ponderosa pine. Despite evidence to the contrary – age, size and inherent composition in mixed-conifer forests – Douglas fir is a highly valued commercial species -- is considered unnatural where it exists within an arbitrary zone adjacent to ponderosa pine or where tree cutting managers decide it is "inappropriate."

Cherry-picking science to meet timber production targets is as old as Weyerhaeuser. There is no disclosure of how many times the OWNF Plan has been amended, and thus, the entire Plan is so outdated, revision in an EIS is required. No scientific consensus exists as to the effectiveness of logging to protect ancient forest stands, or prevent alleged unnaturally intense wildfires. Moreover, the DEA must establish that the removal of medium-sized trees will protect larger trees without impacting complex forest structure that provides important habitats; that it will not exacerbate the chances of massive blowdown; and will not result in fire-prone, even-aged stands in the future.

Forest Plan Amendments: The proposed Forest Plan amendment states: "Research since the 1989 Forest Plan found that selective thinning and prescribed fire helps sustain old-growth stands by reducing the potential for stand-replacing wildfires…" This undisclosed research is contradicted by a number of studies, including: "Have western USA Fire Suppression and Megafire Active Management Approaches Become a Contemporary Sisyphus?" by DellaSala, et-al. And, "Does Increased Forest Protection Correspond to Higher Fire Severity in Frequent-Fire Forests of the Western United States?" by Bradley, et-al. Plus, "Does Increased Forest Protection Correspond to Higher Fire Severity in Frequent-Fire Forests of the Western United States?" by Odion, et-al. Finally, "Severe Fire Weather and Intensive Forest Management Increase Fire Severity in a Multi-Ownership Landscape" by Zaid and Dunn. Consideration of Scientific Studies: The exclusion of these and other studies for consideration in amending the OWN Forest Plan Old Growth Allocation and Riparian Reserves, represents cherry-picking of studies that support the Preferred Alternative, and 9 excludes contrary studies. This renders the justification for the MRP arbitrary and capricious.

**Forest Restoration Research Bias**

The basis for nearly every logging, aka restoration, project in Region 6 U.S. Forest Service is theoretical research by Hessburg, Churchill et al. Paul Hessburg uses old black & white historic photos to demonstrate what Pacific Northwest forests looked like the in good old days, postulating problems of insect, disease and most particularly wildfire are because there are too many trees that are departed from their Historic Range of Variability.

Both researchers base their spatial and temporal assessment largely using low altitude air photograph, LIDAR, satellite remote sensing and computer modeling. It's no wonder Midnight and so many other project on-the-ground actions (logging) is conditions-based management – because all the above are not accurate but rather cursory in their representations.

Churchill validated his ICO theories in part in NE Oregon where it has been alleged logging equipment operators were unable to duplicate his ICO etc. prescriptions.

What are the Plant Association Groups (PAGS) in the Project area? Douglas fir PAG forest structure – which naturally would have the greatest distance between tree boles due to influence of low soil moisture combined with seasonal high temperature – would have interlocking tree canopies. (LeFevre et al. 2022, Churchill et al. 2017)

Mid-elevation and solar aspect (SE, S, SW) significantly affect PAGs, forest species and tree density structure conditions found in mesic, mixed conifer forests on non/low solar aspects (NW, N, NE).

> "Rainfall increases with elevation, with forest communities shifting to increasing proportions of Douglas-fir (*Pseudotsuga menziesii*) and lodgepole pine (*Pinus contorta*). Above 3,000 feet elevation (914 m), site conditions are increasingly cool and mesic, with western larch (*Larix occidentalis*), Engelmann spruce (*Picea engelmannii*), and subalpine fir (*Abies lasiocarpa*) becoming dominant. Western red cedar (*Thuja plicata*) occurs frequently in upland areas and near streams." (LeFevre, et al, 2022)

There is a bias against Douglas fir unfairly assigned as unnatural and targeted for logging, even though it is a dominant and co-dominant specie in the Project area, exhibiting thick bark at mid-seral stage and on, as does western larch and ponderosa pine.

**Roads**

We encourage road decommissioning, blocking / repairing illegal ATV cross-country routes and culvert replacement in the project area. We oppose new road construction and stream crossings to accomplish silvicultural prescriptions. Old road prisms that have revegetated and recovered hydrologically are not roads and as such constructing road prisms in such locations are in fact NEW construction. Please provide supporting evidence including

scientific research that supports a conclusion that such construction – or what you might call reconstruction -- does not have similar environmental impacts as what the Forest Service terms “new road construction.”

**Conclusion**

We contend that a “Finding of Significant Impact must be issued, and an EIS must be authorized. The rationale for the MRP is based on unproven speculation. It inappropriately claims an “unusual wildfire” might, or will occur, without establishing the chances it will occur. Further, the project’s proposed treatments are not proven-effective way to reduce wildfire risk, even if it were a reasonably predictable occurrence.

Thank you for the opportunity to comment on this project. We look forward to following this project as it proceeds through NEPA process. Please keep us on the mailing list and keep us advised of future projects.

Sincerely,

Timothy Coleman
Executive Director

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