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September 11, 2024

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District Ranger
Central Coast Ranger District – Oregon Dunes NRA
Siuslaw National Forest
1130 Forestry Lane
Waldport, OR 97394

Re: Comments on the Draft Environmental Assessment for the North Fork Smith Restoration Project

Dear Mr. Henkle:

WildEarth Guardians (“Guardians”) submits these comments regarding the U.S. Forest Service’s Draft Environmental Assessment (EA) for the North Fork Smith Restoration (NF Smith) Project located on the Central Coast Ranger District of the Siuslaw National Forest. WildEarth Guardians is a nonprofit conservation organization with offices in Washington, Oregon, and five other states. Guardians has nearly 200,000 members and supporters across the United States and works to protect and restore wildlife, wild places, wild rivers, and the health of the American West. Guardians and its members have specific interests in the health and resilience of public lands and waterways.

Through the NF Smith Project, the Forest Service says there is a need to (1) accelerate the development of Late Successional Reserve (LSR) and old-growth habitat and decrease fragmentation, (2) maintain or improve aquatic ecosystems by restoring degraded physical and biological stream processes, (3) reduce the extent and rate of spread of invasive plants, and (4) provide resulting goods and services through restoration activities. Draft EA 5. We appreciate the overarching purpose and need and appreciate the time the Forest Service has spent in preparing the Draft EA. However, we are concerned that the proposal as currently written may not achieve the desired conditions or align with the stated purpose and need.

In particular, we are concerned that the Forest Service’s use of condition-based management avoids disclosure of site-specific environmental consequences. We are also concerned that over 4,100 acres of commercial thinning and 166 acres of gap creation may not accelerate the development of LSR or decrease fragmentation. In fact, we think it will increase fragmentation in an area that is already highly fragmented from industrial logging on other federal, state, and private lands. We also have concerns related to the protection of threatened and endangered species, including northern spotted owl.

I. Condition-based management violates NEPA and Forest Service directives.

The Forest Service proposes to commercially thin plantation stands and “would target 40, 60, or 80 trees per acre (leave trees per acre) based on underlying plant association average from natural stands in the area.” Draft EA 9. From the maps accompanying the Draft EA, it appears that most of the proposed thinning would result in 60-80 trees per acres (TPA) and only one stand would be cut to 40 TPA. *See* Terrestrial Map. However, the Forest Service goes on to state that “[s]tand characteristics would be considered when designing stand treatments during preparation of individual timber sales such that the percent canopy cover (CC) would not go below (less than) 40 percent CC at the time of treatment.” Draft EA 9. The Forest Service does not state how 40 percent CC relates to the various TPA categories but the agency seems to be leaving itself discretion to change the TPA for any given unit such that stands that are currently slated for thinning to 60-80 TPA could be revised down to 40 TPA “when designing stand treatments during preparation of individual timber sales” after the NEPA process. This kind of condition-based management violates NEPA and the Forest Service’s directives.

NEPA requires disclosure of site-specific information before making decisions with site-specific impacts.¹ When an agency proposes acting at different times or in different ways, an EA must consider the different effects corresponding to those different ways or timing options.² In other words, the Forest Service cannot provide the public one proposed action, approve it, and then change the project after-the-fact without supplementing its NEPA analysis and soliciting additional public input. By allowing itself to alter the proposed action “when designing stand treatments during preparation of individual timber sales,” the Forest Service does just that.

This is also inconsistent with Forest Service directives. For example, the Forest Service Handbook (FSH) provides a sequential order for “proper management” of National Forests:

1. Examination of forest stands;
2. Diagnosis of treatment needs;
3. Prescription of methods, techniques, and timing of silvicultural activities; and
4. Evaluation of treatment results.

FSH 2409.17, Ch. 80, p. 3 (2016). Steps 1 and 2 are conducted prior to the NEPA process. *Id.* at 3-4. The diagnosis of treatment needs (Step 2) “forms the basis for developing and proposing treatments or treatment alternatives [Step 3] in NEPA.” *Id.* at 4. Thus, the Forest Service’s own handbook forecloses any notion of altering stand treatments after the conclusion of the NEPA process. If the Forest Service wants to propose changes to stand treatments “during preparation of individual timber sales,” it must revise the EA and solicit additional public input.

¹ *California v. Block*, 690 F.2d 753, 761 (9th Cir. 1982) (site-specific impacts must be “fully evaluated” before agency makes an “irreversible and ir retrievable commitment” of resources).

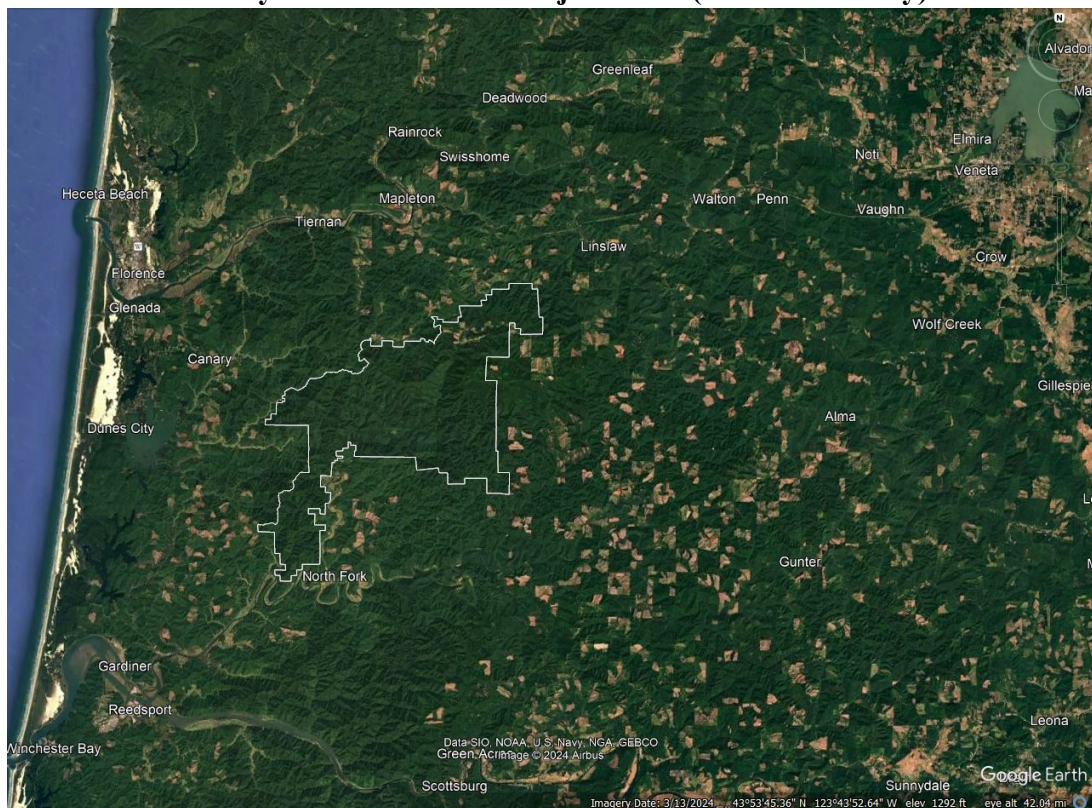
² *See e.g., Trinity Episcopal Sch. Corp. v. Romney*, 523 F.2d 88, 93 (2d. Cir. 1975).

II. Acceleration of LSR and Decrease Fragmentation.

The Forest Service claims that the NF Smith project is needed to “accelerate the development of [LSR] and old-growth habitat and decrease fragmentation, which is the result of historic clearcutting, to improve habitat for LSR and old-growth dependent species.” Draft EA 5. We question whether the project as planned, which would result in stands being cut down to between 40-80 TPA, will decrease fragmentation. In fact, the project as planned is likely to increase fragmentation in an already heavily fragmented landscape.

As the image in Figure 1 shows, the NF Smith Project area is surrounded by a heavily fragmented landscape caused by logging/clearcutting on other federal, state, and private lands.

Figure 1: Fragmentation from Logging/Clearcutting in the Vicinity of the NF Smith Project Area (white boundary).



Source: Google Earth (Imagery Date: March 13, 2024), USFS.

Compared to much of the surrounding landscape, the forested areas within the project area are not nearly as fragmented. Logging 4,100 acres, however, is likely to increase fragmentation, both within the project area and cumulatively with the surrounding landscape. The Forest Service needs to explain how the 4,100 acres of proposed logging will actually lead to a decrease in fragmentation and not exacerbate the cumulative environmental effects of widespread habitat fragmentation in this region.

Regarding the acceleration of the development of LSR, the Forest Service claims that:

[t]hinning, gap creation, and live tree topping activities would increase the overall potential for plantations to develop trunk and limb size at a *faster rate* than untreated plantations (Case et al. 2023), and over the long-term (i.e., *decades to centuries*) this would likely lead to accelerated development of late successional forest structure (e.g., cavities, epicormic branching, and multilayered and interconnected canopy) used for nesting, roosting, and foraging habitat by NSO, and associated arboreal rodent prey species (Wilson and Forsman 2013).

Draft EA 39. But the Forest Service also claims that if it took no action, the stands proposed for logging:

would remain in their current state in the short-term and would likely be delayed in the long-term by additional *decades or centuries* in their trajectory towards development of older mature forest features that could be utilized by late successional wildlife species, including NSO nesting, roosting, and foraging habitat and MAMU nesting habitat.”

Id. at 38. The Forest Service needs to explain how implementation of the proposed action would lead to the development of LSR structure “at a faster rate” than selecting the no action alternative when, under either alternative, the Forest Service says that it will take decades to centuries for the development of LSR structure.

III. Northern Spotted Owl

The Forest Service confirmed detections and suitable nesting, roosting, foraging, and dispersal habitat for northern spotted owl in the project area. Draft EA 34. The Forest Service also acknowledged that most of the project area is designated critical habitat for northern spotted owl. *Id.* Finally, the Forest Service claims that implementation of the project may affect, but is not likely to adversely affect, northern spotted owl or its critical habitat. *Id.* We respectfully request the Forest Service revisit these determinations.

The Forest Service cites Wilson and Forsman (2013) to claim that the proposed action “would likely lead to accelerated development of late successional forest structure (e.g., cavities, epicormic branching, and multilayered and interconnected canopy) used for nesting, roosting, and foraging habitat by NSO, and associated arboreal rodent prey species.” Draft EA 39. But that study warns that “there is growing evidence that thinning can have negative effects on some arboreal rodent populations” that are prey for NSO. Wilson and Forsman, 81 (2013). For example:

several studies have shown declines in flying squirrel abundance following thinning, empirically (but not necessarily statistically) higher numbers of squirrels in untreated stands compared to stands treated with thinning, or generally higher squirrel abundances in unthinned stands compared to thinned stands.

Id. Red tree voles “also appear to be susceptible to increased predation brought on by reduced canopy density after thinning, as few are found in recently thinned forests.” *Id.* at 83.

This study goes on to state that:

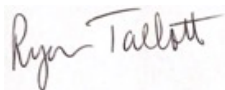
development of a midstory layer of trees appears important before species like flying squirrels and Red Tree Voles respond positively to thinning, and this will take time to develop. In fact, it may take decades or longer for a midstory to develop to a point where it provides adequate protective cover and canopy connectivity.

Id. at 84. Here, the Forest Service is proposing thinning in plantation stands that have regenerated following historic clearcutting. Draft EA 5. These stands are described as “single story Douglas-fir,” which means they appear to be even-aged monocultures that lack a midstory. *See* North Fork Smith River Restoration Project, Potential Vegetation Management 6 (presentation included during pre-scoping). The Draft EA does not discuss whether there is the kind of established midstory that appears to be needed before species like flying squirrel and red tree vole may respond positively to thinning in younger forests. The Forest Service should revise the EA to include this discussion and provide the public an opportunity to comment on any such revisions.

Conclusion

We appreciate the Forest Service’s time and attention considering these comments and urge the agency to revise the EA to more fully explain how implementation of the proposed action will accelerate the development of LSR and decrease fragmentation. A revised EA should also reconsider the degree to which thinning will affect prey species for NSO where there is an undeveloped midstory. Finally, the Forest Service should not utilize condition-based management as it undermines NEPA and the agency’s directives. Rather, all site-specific proposed activities need to be disclosed during the NEPA process so the public has an opportunity to meaningfully participate. Silvicultural prescriptions for each stand should be determined now, not after the final decision is issued.

Sincerely,



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