



July 17, 2025

Ashley Popham
Clackamas River District
Mt. Hood National Forest
16400 Champion Way
Sandy, OR 97055

In Reply To: Stone EA

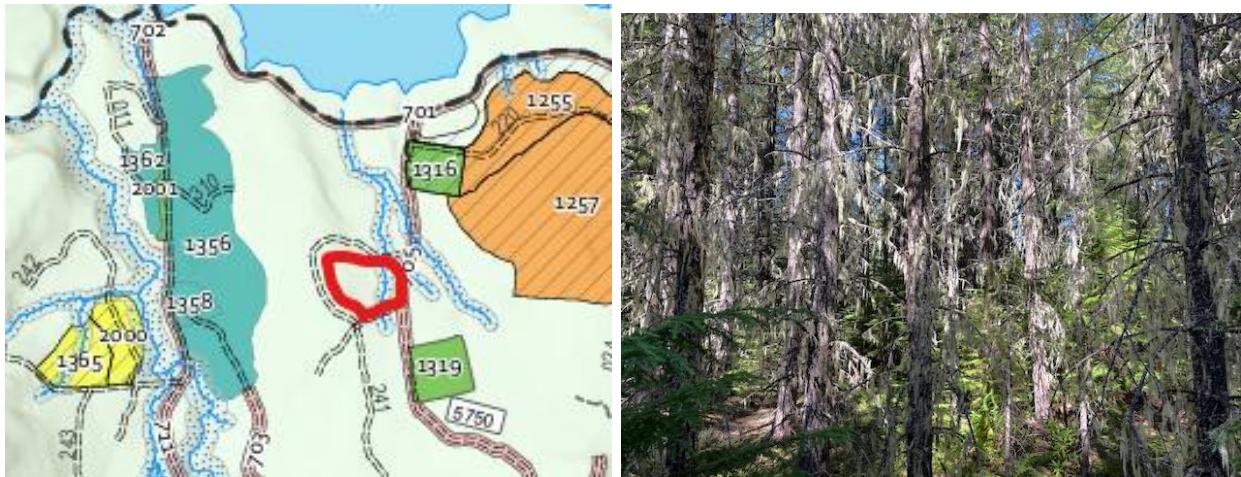
Dear Ms. Popham,

American Forest Resource Council (AFRC) is a regional trade association whose purpose 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. AFRC represents over 50 forest product businesses and forest landowners throughout the West. Many of our members have their operations in communities adjacent to the Clackamas River Ranger District, and the management on these lands ultimately dictates not only the viability of their businesses, but also the economic health of the communities themselves.

AFRC is pleased to see the Clackamas River Ranger District proposing vegetation management off lands designated as Matrix and Riparian Reserve that will likely provide useful timber products to our membership. Our members depend on a predictable and economical supply of timber products off Forest Service land to run their businesses and to provide useful wood products to the American public.

We support the Project's Purpose & Need regarding forest health and hazardous fuels reduction. We also appreciate the inclusion of the provision of forest products in the Project's purpose & need. Treatments that provide useful products to the local economy while also improving forest health and resiliency to disturbance should be an integral part of the Forest Service's vegetation management program.

Maximizing treatment on the stands in need should be a focus for every project developed by the Forest Service. During our site visits we viewed two stands that share forest conditions (species type, seral stage, density) with other stands proposed for treatment, yet those two stands were not included in the project. The first stand is along the 5750 road between Units 1316 and 1319. This stand, photographed and identified in red on the map below, appears identical to the other Units along this road system.



The second stand is along the 5730 road between Units 1379 and 1243. This stand, photographed and identified in red on the map below, also appears identical to those other Units along this road system.



We would like the Forest Service to consider options available to add these units into the project (unless their inclusion was already considered but deferred for other reasons). We believe that the Forest Service could make these additions at this stage in the NEPA process with minimal additional analysis. Treatment deferral of these stands today would likely preclude effective density management treatments altogether.

AFRC is pleased to see that the Forest Service is taking a proactive approach to treating riparian reserves. The undesired forest conditions that exist in the uplands also exist in the riparian reserves. In fact, given the extensive width of Riparian Reserves (two site potential trees) most, if not all, of the inner and outer zones of intermittent and ephemeral streams can be more accurately described as uplands rather than riparian.

It has been well documented that thinning in riparian areas accelerates the stand's trajectory to produce large conifer trees and has minimal effect on stream temperature with adequate buffers. Removal of suppressed trees has an insignificant short-term effect on down wood, and ultimately a positive effect on long-term creation of large down woody debris and large in stream wood, which is what provides the real benefit to wildlife and stream health. The tradeoffs to be considered will be between achieving these forest health benefits and potentially having adverse impacts to streams. These impacts to streams typically include stream temperature, wood recruitment, and sedimentation associated with active management.

The timber products provided by the Forest Service are crucial to the health of our membership. Without the raw material sold by the Forest Service these mills would be unable to produce the amount of wood products that the citizens of this country demand. Without this material our members would also be unable to run their mills at capacities that keep their employees working, which is crucial to the health of the communities that they operate in. These benefits can only be realized if the Forest Service sells their timber products through sales that are economically viable. This viability is tied to both the volume and type of timber products sold and the manner in which these products are permitted to be delivered from the forest to the mills. There are many ways to design a timber sale that allows a purchaser the ability to deliver logs to their mill in an efficient manner while also adhering to the necessary practices that are designed to protect the environmental resources present on Forest Service forestland.

The primary issues affecting the ability of our members to feasibly deliver logs to their mills are expensive logging systems and firm operating restrictions. As stated above, we understand that the Forest Service must take necessary precautions to protect their resources; however, we believe that in many cases there are conditions that exist on the ground that are not in step with many of the restrictions described in Forest Service EA's and contracts (i.e. dry conditions during wet season, wet conditions during dry season). We would like the Forest Service to shift their methods for protecting resources from that of firm prescriptive restrictions to one that

focuses on descriptive end-results; in other words, describe what you would like the end result to be rather than prescribing how to get there. There are a variety of operators that work in the Mad River market area with a variety of skills and equipment. Finalizing an EA and contract 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. To address this issue, we would like to see flexibility in the EA and contract to allow a variety of equipment to the sale areas. We feel that there are several ways to properly harvest any piece of ground, and certain restrictive language can limit some potential operators. Though some of the proposal area is planned for cable harvest, there are opportunities to use certain ground equipment such as fellerbunchers and processors in the units to make cable yarding more efficient. Allowing the use of processors and fellerbunchers throughout these units can greatly increase its economic viability, and in some cases decrease disturbance by decreasing the amount of cable corridors, reduce damage to the residual stand and provide a more even distribution of woody debris following harvest.

The effectiveness of harvesting and yarding low volume per acre on steep slopes is a significant obstacle to implementation. 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. We appreciate the Mt Hood National Forest including tethered-assist equipment as an option in the Stone EA.

An intact road system is critical to the management of Forest Service land, particularly for the provision of timber products. Without an adequate road system, the Forest Service will be unable to offer and sell timber products to the local industry in an economical manner. We appreciate the proposed temporary roads to facilitate conventional logging systems where feasible. Well placed roads constructed using adequate best management practices typically pose minimal resource threats.

On May 29, 2025, a decision was issued from the U.S. Supreme Court in the *Seven County Infrastructure Coalition et al. v. Eagle County, Colorado et al.*, a case involving the interpretation of the National Environmental Policy Act (NEPA). In an 8-0 decision, with Justice Gorsuch recusing himself, the Court ruled to limit the environmental effects agencies must consider when assessing a proposed project. This decision provides a major course correction on the court's role in reviewing NEPA cases and highlights the delay tactics from project opponents and impermissible judicial overreach when reviewing NEPA claims. It also highlights how far the length and substance of contemporary NEPA analysis has strayed from the intent of the law. The following excerpts were pulled verbatim from the decision.

The role of a court in reviewing the sufficiency of an agency's consideration of environmental factors is a limited one. The bedrock principle of judicial review in NEPA cases can be stated in a word: Deference.

The agency is better equipped to assess what facts are relevant to the agency's own decision than a court is. As a result, agencies determine whether and to what extent to prepare an EIS based on the usefulness of any new potential information to the decision-making process.

So long as the EIS addresses environmental effects from the project at issue, courts should defer to agencies' decisions about where to draw the line—including (i) how far to go in considering indirect environmental effects from the project at hand and (ii) whether to analyze environmental effects from other projects separate in time or place from the project at hand. On those kinds of questions, as this Court has often said, agencies possess discretion and must have broad latitude to draw a 'manageable line.'

Projects, more consideration of attenuated effects, more exploration of alternatives to proposed agency action, more speculation and consultation and estimation and litigation. Delay upon delay, so much so that the process sometimes seems to 'borde[r] on the Kafkaesque. A 1970 legislative acorn has grown over the years into a judicial oak that has hindered infrastructure development 'under the guise' of just a little more process.

We urge the Clackamas River Ranger District to review the Supreme Court decision in its entirety. However, the excerpts highlighted above capture the essence of that decision as it applies to project analysis:

1. The length and substance of NEPA analysis documents have grown to levels that far exceed the intent of the law.
2. Courts should apply deference to agency expertise in project NEPA analysis, particularly regarding the scope of the analysis.
3. This deference specifically applies to the extent of analysis on:
 - a. Indirect effects of the proposed action
 - b. Cumulative effects from separate projects and actions

Finally, we visited the unit proposed for sanitation harvest of lodgepole and white pine. It appeared that the trees likely proposed for harvest are in varying stages of decline. The likelihood of recovering value from these dead and dying trees will diminish over time. We urge the Forest Service to consider options for accelerating the implementation timeline of this stand to improve its economic viability.

AFRC is happy to be involved in the planning, environmental assessment (EA), and decision-making process for the Stone project. Should you have any questions regarding the above comments, please contact me at 541-525-6113 or ageissler@amforest.org.

Sincerely,



Andy Geissler
Federal Timber Program Director
American Forest Resource Council