



VIA Link: <https://www.fs.usda.gov/project/okawen/?project=63954>

September 2, 2025

Scott Robinson
District Ranger
Cle Elum Ranger District
803 W. 2nd Street
Cle Elum, WA 98922

Dear Scott:

On behalf of the American Forest Resource Council (AFRC) and its members, thank you for the opportunity to provide Draft EA comments on the Upper Swauk Restoration Project.

AFRC is a regional trade association whose purpose is to advocate for sustained timber yield 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. Many of our members have their operations in communities within and adjacent to the Okanogan-Wenatchee National Forest and management on these lands ultimately dictates not only the viability of their businesses, but also the economic health of the communities themselves.

For background purposes, the Upper Swauk Project area is a combination of older Projects that were being planned in and around the community of Liberty and along Highway 97 North of Ellensburg. Older Projects that are now encompassed in Upper Swauk include the Wild Blew, Swauk Pine Restoration, Liberty Fuels, Iron Restoration, and Fawn thin. The Upper Swauk Pine Project encompasses 35,765 acres.

There is an overabundance of young dense multi-story forest stands departed from historical and future reference conditions (>55% of project area) and lack the structural diversity associated with intact ecosystem processes. The departure from more resilient landscape conditions makes these forest types vulnerable to the effects of a changing climate including drought stress, high risk of crown fire, and insect and disease occurrence. Nearly all the Upper Swauk project area is within the Swauk Late-Successional Reserve (LSR).

AFRC has visited the Project area on several occasions, and provided scoping comments for the original Swauk Pine Project on April 6, 2016. AFRC staff and purchasers also met with the Forest Service to look at the developing Upper Swauk in October 2022. We then provided scoping comments for the Upper Swauk project on November 7, 2023.

AFRC strongly supports the Project and the Purpose and Need for Action which includes:

- Reduce the risk of forest loss to severe wildfire by making forests more resilient to disturbance and restore historic disturbance regimes altered by past management and a changing climate.
- Reduce fire risk to communities, reduce hazards along ingress and egress routes, and improve firefighting effectiveness.
- Restore habitats to contribute to the recovery of threatened and endangered wildlife species and the viability of LSOF associated species.
- Integrate aquatic and terrestrial restoration to restore watershed functions, restore native plant diversity, and build more resilient and sustainable ecosystems.
- Improve riparian, stream, and upland processes influencing stream and watershed functioning and resiliency to contribute to the recovery of listed fish species and their critical habitats.
- Provide a safe and efficient transportation system and reduce sedimentation from roads on National Forest System roads.

While AFRC supports the Project and the Purpose and Need, we offer the following suggestions that we feel will strengthen the planning document.

As we mentioned in our scoping letter, we are disappointed that providing timber products for the local infrastructure was not one of your Purpose and Needs. While two additional Purpose and Needs were added from scoping to Draft EA, neither of those focused on providing raw material for the region's sawmills and employment for the contractors who implement the work on the ground. 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. This supply is important for present day needs but also important for needs in the future. This future need for timber products hinges on the types of treatments implemented by the Forest Service today. Of particular importance is how those treatments affect the long-term sustainability of the timber resources on Forest Service managed land. AFRC has voiced our concerns many times regarding the long-term sustainability of the timber supply on Forest Service land and how the current management paradigm is affecting this supply. While the treatments on the Upper Swauk project are unlikely to directly address this long-term sustainability concern, they will likely provide short-term products for the local industry, and we want to ensure that this provision is an important consideration for the decision maker as the project progresses. As we will discuss later in this letter, the importance of our members' ability to harvest and remove these timber products from the timber sales generated by this project is paramount. Supporting local industry and providing useful raw materials to maintain a robust manufacturing sector should be a principal objective to any project proposed on Forest Service land, even those lands designated as LSR. As the Forest Service surely knows, the "restoration" treatments that are desired on these public lands cannot be implemented without a healthy forest

products industry in place, both to complete the necessary work and to provide payments for the wood products generated to permit the service work to be completed. Further, studies have shown that for each one million board feet of timber harvested there are 12-15 jobs created.

AFRC is pleased to see the scope of activities planned in this Project listed below:

Table 6. Summary of proposed actions

Treatment Type	Proposed scale
Maintenance non-commercial thinning	3,124 acres
Preliminary non-commercial thinning	2,574 acres
Commercial thinning	9,585 acres
Shaded fuel breaks	4,377 acres
Activity fuels treatments*	19,660 acres*
Prescribed fire outside of thinning units	6,381 acres
Structure protection fuels treatments	36 acres
Meadow restoration	22 acres

The acres of commercial thinning have increased from 9,023 acres in the scoping document to 9,585 acres in the EA, which we believe is warranted given the conditions of the stands in the area. AFRC also is pleased to see that 4,377 acres are being proposed for shaded fuel breaks.

With the wildfire history in this area of the forest, establishing strategic fuel breaks across 57 miles and 4,377 acres is warranted. The shaded fuel breaks would be established using commercial and non-commercial thinning in designated areas to modify and manage wildfire, assist fire suppression in strategic locations, and act as control features for prescribed fire. To create the fuel breaks, thinning of trees of any size class may occur; however, the focus will be on thinning small and medium-sized trees <20 inches DBH. Commercial thinning, non-commercial thinning, mastication, or a combination of treatment methods would be utilized. Key elements of the shaded fuel break prescriptions include the breaks being 1,000 ft. wide, with preferential leave trees being larger ponderosa pine and western larch.

The EA also proposes 3,124 acres of non-commercial maintenance thinning and 2,574 acres of Preliminary non-commercial thinning. Additionally, there will be 6,381 acres treated outside of thinning units with prescribed fire. AFRC is pleased to see this many acres being treated, but the non-commercial work will be very costly and AFRC hopes the District will factor this in with an economic evaluation. One approach that could help the economics would be to harvest down to the lowest basal area allowed and in some cases that is 40 sq.ft. per acre.

In a recent timber purchasers meeting we discussed the need to bring extra funds to the Project above and beyond what could be generated by stumpage. There is just too much fuel to treat and too much precommercial thinning to pay for it with timber receipts. AFRC would support the use of IRSC's to treat the area. Also, the possibility of helicopter logging was mentioned. AFRC and our purchasers liked the idea of the Forest Service hiring a helicopter company under a service contract to put the wood in deck and purchasers could buy the wood on a sort sale basis.

Since almost all of the Upper Swauk project area is designated as LSR, objectives focused on fuels and wildfire risk reduction are appropriate, including the removal of trees over 80 years old. Further, the goal is to promote the development of ponderosa pine and western larch and shift dense stands to more open stands, which will require heavy removal in some cases of the dense understory of grand fir, Douglas-fir, lodgepole, and spruce. AFRC recommends thinning these areas to the lowest basal area permitted while maintaining consistency with LSR standards and guidelines. The pictures below taken in the project area illustrate the need for fuels reduction. Note the heavy understory fuels that need to be removed to protect the older fire-resistant species. AFRC was pleased to read in the document that: *“The proposed action meets land management direction for LSR, including previous guidance from the REO, and implements restoration actions identified in the Landscape Evaluation and Restoration Strategy. Habitat restoration and risk reduction identified in the Swauk LSRA would greatly enhance the sustainability and resiliency of LSR in the long-term.”*



AFRC was pleased that the Draft EA appropriately outlines the environmental consequences of the No Action Alternative: *“A no action alternative meets land management direction for late-successional reserves in the short-term, but it would not restore forest composition and structure and reduce the risk of large-scale high severity fire, compromising the sustainability and resiliency of late-successional reserve habitat in the long-term. For example, 50,000 acres of the Swauk LSR burned in the 2012 Table Mountain fire, reducing the amount of OGSII 200 habitat by 42 percent and the amount of northern spotted owl suitable habitat (nesting, roosting and/or foraging) by 38 percent (LSRA 2024). Projected moisture deficit levels coupled with continued*

mortality from forest pests and drought would make it difficult to sustain forest cover into the future, further compromising old forest and suitable habitat development, especially following high severity fire.”

We are pleased to see the Forest recognize that wildfire more than any other factor including land management actions is the primary cause for habitat loss and negative impacts to other resources.

We are pleased that the District is considering active forest management in riparian reserves to meet aquatic health objectives. Criteria for management includes:

- Outside no harvest buffers, thinning would occur, designed to retain $\geq 60\%$ average canopy cover, except on the uphill side of valley bottom roads in WUI, where canopy cover would be $\geq 40\%$. Equipment would be permitted to operate on the uphill side of the road in RRs, including inside and outside of WUI, where slopes are $< 35\%$.
- In riparian treatment areas, retention of trees with diameters at breast height (DBH) of 25” or greater and all deciduous trees and shrubs is desired. All snags and logs greater than 20” DBH would be protected from disturbance during harvest operations, to the extent practicable. Retention clumps may be designated around snags to address safety concerns.

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. We encourage the Forest Service to focus their riparian reserve treatments on a variety of native habitats. The ACS describes the need for treatments that meet the need of multiple habitat types and we encourage the Cle Elum District to look for ways to incorporate treatments that meet those needs. Utilization of gap cuts to promote early seral habitat in the reserves, treatments to diversify all areas of the reserve, and prescriptions that account for the full range of objectives that the ACS mandates should be considered.

The tradeoffs that the Forest Service will likely consider 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.

In our scoping letter we identified the following scientific documents that we believed were relevant to the project analysis. It was disappointing to see that none of this science was included in the EA. Please reconsider incorporation of these documents in the final EA and on future projects that contemplate active forest management in riparian reserves.

Stream temperature

Janisch, Jack E, Wondzell, Steven M., Ehinger, William J. 2012. Headwater stream temperature: Interpreting response after logging, with and without riparian buffers, Washington, USA. *Forest Ecology and Management*, 270, 302-313.

Key points of the Janisch paper include:

- The amount of canopy cover retained in the riparian buffer was not a strong explanatory variable to stream temperature.
- Very small headwater streams may be fundamentally different than many larger streams because factors other than shade from the overstory tree canopy can have sufficient influence on stream temperature.

Anderson P.D., Larson D.J., Chan, S.S. 2007 Riparian Buffer and Density Management Influences on Microclimate of Young Headwater Forests of Western Oregon. *Forest Science*, 53(2):254-269.

Key points of the Anderson paper include:

- With no-harvest buffers of 15 meters (49 feet), maximum air temperature above stream centers was less than one-degree Celsius greater than for unthinned stands.

Riparian reserve gaps

Warren, Dana R., Keeton, William S., Bechtold, Heather A., Rosi-Marshall, Emma J. 2013. Comparing streambed light availability and canopy cover in streams with old-growth versus early-mature riparian forests in western Oregon. *Aquatic Sciences* 75:547-558.

Key points of the Warren paper include:

- Canopy gaps were particularly important in creating variable light within and between reaches.
- Reaches with complex old growth riparian forests had frequent canopy gaps which led to greater stream light availability compared to adjacent reaches with simpler second-growth riparian forests.

Wood Recruitment

Burton, Julia I., Olson, Deanna H., and Puettmann, Klaus J. 2016. Effects of riparian buffer width on wood loading in headwater streams after repeated forest thinning. *Forest Ecology and Management*. 372 (2016) 247-257.

Key points of the Burton paper include:

- Wood volume in early stages of decay was higher in stream reaches with a narrow 6-meter buffer than in stream reaches with larger 15- and 70-meter buffers and in unthinned reference units.
- 82% of wood sourced in early stages of decay originated from within 15 meters of streams.

Sedimentation

Rashin, E., C. Clishe, A. Loch and J. Bell. 2006. Effectiveness of timber harvest practices for controlling sediment related water quality impacts. *Journal of the American Water Resources Association*. Paper No. 01162

Key points of the Rashin paper include:

- Vegetated buffers that are greater than 33 feet in width have been shown to be effective at trapping and storing sediment.

Dry Forests

Messier, Michael S., Shatford, Jeff P.A., and Hibbs, David E. 2011. Fire Exclusion effects on riparian forest dynamics in southwestern Oregon. *Forest Ecology and Management*. 264 (2012) 60-71.

Key points of the Messier paper include:

- Fire exclusion has altered the structure, composition, and successional trajectory of riparian forests in fire-prone landscapes.
- Fire exclusion has been associated with increase in tree density and recruitment of shade-tolerate species that may replace large diameter, more decay-resistant Douglas-fir trees.
- A hands-off management regime for these riparian forests will have ecologically undesirable consequences.

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.

Regarding logging criteria under the Soil spec. 2-- Machinery will not be operated on continuous slopes greater than 35 percent. Exceptions to this can be made on slopes greater than 35 percent and less than 300 feet long where slope breaks above and below the steeper slopes become gentler due to ground terracing. Tractor winching to designated skid trails will be utilized on continuous slopes greater than 35 percent and greater than 300 feet long. Exceptions to this can be made for special situations if a soil specialist agrees and the exception and its rationale are documented in the Project analysis file. **AFRC believes there is latitude in those directions.**

The primary issues affecting the ability of our members to feasibly deliver logs to their mills are 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 Cle Elum market area with a variety of skills and equipment. Developing 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.

We are pleased to see that the EA analyzes the use of tethered-assist equipment. 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. Standard psi levels for that tracked equipment are transferred to the tethering uphill. Other Forests in the Region have permitted this equipment to be used on Forest Service thinning stands on slopes up to 70%.

Green, P. Q., Chung, W., Leshchinsky, B., Belart, F., Sessions, J., Fitzgerald, S. A., Wimer, J. A., Cushing, T., Garland, J. J. (2019). Insight into the productivity, cost and soil impacts of cable-assisted harvester-forwarder thinning in western Oregon. *For. Sci.* 66(1):82–96

Key Point of the Green paper include:

- The use of cable assistance can reduce track coverage and reduce shear displacement, and thus likely lessen potential soil impact caused by forestry machines.

Garland, J., F. Belart, R. Crawford, W. Chung, T. Cushing, S. Fitzgerald, P. Green, *et al.* 2019. Safety in steep slope logging operations. *J. Agromedicine* 24(2):138–145.

Key Point of the Garland paper include:

- Use of new tethered-assist technology reduces exposure to hazards and reduces workers exposed to the most dangerous work in logging—felling and working on cable operations on steep slopes.

The Project calls for an aggressive plan of Road Decommissioning (92 individual road segments). Roads to be decommissioned would be fully rehabilitated by de-compacting and seeding the road surface, removing culverts, and installing waterbars to restore hydrologic function. Roads would be blocked (most often with a berm) to restrict all motorized use.

Decommissioned roads are removed from the National Forest road system. Temporary roads used for commercial thinning and log haul would be decommissioned after use. The IDT identified 18 miles of system road for decommissioning, with another 17 miles of non-system roads, for a total of 35 miles.

AFRC would like to remind the District that 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. The road decommissioning proposed in the Upper Swauk scoping notice likely represents a *permanent* removal of these roads and likely the deferral of management of those forest stands that they provide access to. The land base covered in the Upper Swauk project area are to be managed for a variety of forest management objectives. Removal of adequate access to these lands compromises the agency's ability to achieve these objectives and is very concerning to us.

Recommendations provided in the Road Management Plan will likely be a starting point for the District to consider road infrastructure needs. We would like the District to carefully consider the following three factors when deciding to decommission any road in the project area:

1. Determination of any potential resource risk related to a road segment.
2. Determination of the access value provided by a road segment.
3. Determination of whether the resource risk outweighs the access value (for timber management and other resource needs).

We believe that only those road segments where resource risk outweighs access value should be considered for decommissioning.

AFRC believes that a significant factor contributing to increased fire activity in the region is the decreasing road access to our federal lands. This factor is often overshadowed by both climate change and fuels accumulation when the topic of wildfire is discussed in public forums. However, we believe that a deteriorating road infrastructure has also significantly contributed to recent spikes in wildfires. This deterioration has been a result of both reduced funding for road maintenance and the federal agency's subsequent direction to reduce their overall road networks to align with this reduced funding. The outcome is a forested landscape that is increasingly inaccessible to fire suppression agencies due to road decommissioning and/or road abandonment. This inaccessibility complicates and delays the ability of firefighters to attack nascent fires quickly and directly. On the other hand, an intact and well-maintained road system would facilitate a scenario where firefighters can rapidly access fires and initiate direct attack in a more safe and effective manner.

If the Forest Service proposes to decommission, abandon, or obliterate road segments from the Upper Swauk planning area we would like to see the analysis consider potential adverse impacts to fire suppression efforts due to the reduced access caused by the reduction in the road network. We believe that this road network reduction would decrease access to wildland areas and hamper opportunities for firefighters to quickly respond and suppress fires. On the other hand, additional and improved roads will enable firefighters to have quicker and safer access to suppress any fires that are ignited.

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.

We ask that the Cle Elum District consider several components of this landmark decision as you conduct the NEPA analysis for the Upper Swauk project. The following excerpts were pulled verbatim from the decision and should inform the scope and extent of the ensuing analysis.

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.'

We urge the Cle Elum 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. Courts should apply deference to agency expertise in project NEPA analysis, particularly regarding the scope of the analysis.
2. 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

Thank you for the opportunity to provide Draft EA comments for the Upper Swauk Restoration Project. We look forward to this Project moving quickly to implementation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Paul", with a stylized flourish at the end.

Tom Partin
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