HAMPTON LUMBER

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Regional Forester
Pacific Northwest Regional Office
1220 SW 3rd Ave.
Portland, Oregon 97204

Submitted via: https://cara.fs2c.usda.gov/Public/CommentInput?project=63933

1. Introduction and Statement of Interest

Hampton Lumber is formally submitting this objection pursuant to 36 CFR Part 218, registering our concerns regarding the Final Environmental Assessment (the "Final EA") and the selection of Alternative 2 for the Midnight Restoration Project. While the Okanogan-Wenatchee National Forest (the "Forest") adopted numerous procedural, technical, and biological clarifications in response to public comment, the Forest failed to incorporate substantive changes aimed at improving commercial operational efficiency, increasing timber yield, or fulfilling critical regional economic support mandates under the Northwest Forest Plan ("NWFP") n. Our key objection points include the following:

1. *Critical Strategic Gap Remains.* The most significant legal vulnerability for the United States Forest Service (the "USFS"), and the highest priority objection point for Hampton Lumber, is the failure to include a fully analyzed socioeconomic purpose and need statement in the Final EA.

2. *Riparian Restrictions Increased Adversely.* Despite industry requests that the Forest adopt site-specific scientific findings supporting smaller, effective thinning buffers in Riparian Reserves ("RRs"), the Forest applied a technical reading of the NWFP Standards and Guidelines ("S&Gs") that resulted in an expansion of RR boundaries. The calculation, based on updated site-potential tree height, increased the acreage subject to the restrictive "Riparian Reserve Thin" prescription from 325 acres to 374 acres in the Final EA. This represents an adverse outcome for commercial feasibility.

3. *Operational Constraints are Fixed.* High, fixed, non-commercial costs—critical barriers to competitive bidding—were retained from the Draft EA. Specifically, the total mileage for machine and hand fireline construction remains unchanged at 18.7 miles and 110.5 miles, respectively, totaling 129.2 miles of fixed non-commercial liability. Furthermore,

the project maintains its high level of road decommissioning (53.5 miles total), running counter to the need for an "affordable, safe, and efficient transportation system" to support long-term management and community stability.

Our primary concern is that the current configuration of Alternative 2 places an undue economic burden on potential purchasers and increases the risk of a failed timber sale, thereby undermining the project's stated fuels reduction and forest health goals. Additionally, as we previously commented, complex prescriptions must be refined. For example, the "Owl Habitat Enhancement Thin" prescription is overly complex, even if it was modified in response to public concerns over wildlife habitat in Late-Successional Reserves ("LSRs"). While this change may be biologically appropriate—retaining diseased trees can provide specialized habitat structures—it introduces additional complexity for logging contractors, requiring highly selective harvesting that further complicates the implementation and reduces commercial yield.

The legal rationale for this objection is based on the USFS's non-compliance with the National Forest Management Act ("NFMA") and the National Environmental Policy Act ("NEPA"). We contend that the analysis is arbitrary and capricious because it fails to adequately analyze the commercial viability of the proposed treatments and improperly constrains restoration activities based on outdated standards.

2. Objection Points

A. Systemic Inadequacy of Analysis: Missing Socioeconomic Purpose and Need

The Final EA suffers from a systemic analytic inadequacy by failing to include a fully analyzed socioeconomic Purpose and Need statement. This omission removes the mandate to analyze alternatives that maximize Net Public Benefit, potentially constituting a deficiency under NEPA and the NFMA framework that governs the Land and Resource Management Plan ("LRMP") for the Okanogan National Forest.

Specific Deficiencies:

Failure to Maximize Net Public Benefit: By omitting a socioeconomic purpose and need, the USFS removed the mandate to analyze alternatives that are commercially viable and that maximize Net Public Benefit, a cornerstone requirement for timber management in the matrix allocation. This failure violates the spirit and intent of the NWFP and NFMA. The systemic inadequacy of the analysis due to the missing socioeconomic Purpose and Need statement limits the assessment of commercially viable alternatives. The USFS made several key updates to environmental and regulatory disclosures, largely meeting NEPA requirements for detailed analysis but avoiding any commitment to the economic benefits derived from harvesting. Hampton Lumber previously requested the inclusion of a full carbon cycle analysis, specifically detailing carbon stored in wood products, arguing that manufactured wood products serve as a key mechanism to capture and store carbon, providing significant climate benefits over alternative materials. The Final EA partially addressed this by adding further details to specialist reports regarding carbon storage in wood products. However, while this addition may satisfy the

minimum NEPA disclosure requirements, it stops short of integrating the critical role of the wood products industry into the project's Purpose and Need statement. To meet the critical economic need and maximize Net Public Benefit, as required by Executive Order (EO) 14225, "Immediate Expansion of American Timber Production," and the National Active Forest Management Strategy, the Matrix land allocation must be managed differently than LSRs. This is essential for fulfilling the direction to increase the annual timber volume offered by 25 percent over the FY 2020 through FY 2024 average, with a goal of selling 4 billion board feet by FY 2028.

Alternative 2 fails to provide the "affordable, safe, and efficient" transportation system and long-term community sustainability mandated in the general purpose: Hampton Lumber explicitly requested the USFS fully analyze a socioeconomic need and add a corresponding socioeconomic need statement to the Final EA, arguing for alignment with the NWFP and guidance supporting critical wood products infrastructure. However, no revision or addition of a socioeconomic need statement was included in the Final EA. Furthermore, the agency has removed consideration of several pertinent Executive Orders (EOs) in the Final EA, including EO 14072 (Strengthening the Nation's Forests, Communities, and Local Economies) and EO 14008 (Tackling the Climate Crisis at Home and Abroad), on the basis that they were rescinded in January 2025. The removal of these EOs further weakens the regulatory justification for supporting local communities and timber infrastructure.

The failure to incorporate a socioeconomic purpose and need creates a fundamental vulnerability under NEPA. By omitting the economic dimension, the agency avoids the requirement to fully analyze alternatives that would maximize economic benefit and support infrastructure stability. The consequence is a failure to maximize Net Public Benefit, which is a core mandate of the LRMP and the NWFP framework, particularly in Matrix land allocations. The economic analysis included in the Draft EA, without a corresponding purpose and need statement, is legally insufficient to justify the selection of Alternative 2 as the option that best balances environmental goals with community and economic needs.

Limiting the Range of Alternatives: The lack of an economic objective artificially constrains the range of alternatives considered. The Final EA dismisses treatments critical for regional economic support (such as even-aged management/regeneration harvest in matrix lands) not on environmental grounds, but because the Purpose and Need statement does not require the USFS to analyze alternatives that achieve optimal commercial viability.

B. Matrix Allocation Inadequacy

We object to the continued exclusion of regeneration harvest and large gap creation in Matrix lands, combined with the reliance on overly complex condition-based prescriptions. The current design fails to meet the specific management goals of Matrix lands: maximizing timber production and creating early-seral habitat. Matrix lands, as defined by the NWFP, are intended to be the area where most timber harvest and silvicultural activities will occur, with moderate levels of legacy old-growth features amongst early-seral, or young forest habitat. The proposed opening size of 0.5 to 1 acre (with potential increases to 2 acres) is overly restrictive and inhibits meeting production goals. Matrix lands within the treatment area must include large gaps of regeneration harvest (even-aged management), as allowed under the NWFP and the Okanogan Forest Plan. Smaller gaps should be applied across the LSRs. The Draft EA fails to assess

regeneration harvest (even-aged management) and to disclose the extent that regeneration could meet the desired critical economic need. It also fails to maximize Net Public Benefit over the long term as a desired future condition purported in the LRMP for Okanogan National Forest. The Forest Service is directed to streamline processes and maximize the use of tools and authorities. Utilizing the full range of silvicultural tools, including regeneration harvest, in the Matrix is key to meeting the mandated increase in domestic timber production.

C. Economic Feasibility of Non-Saw Material: Increased Risk of Sale Failure

We object to the implicit requirement for non-saw removal without adequate analysis of the collapsing chip market, especially as this non-compensated economic risk may lead to sale failure, undermining the entire restoration objective. Alternative 2, as designed, necessitates the removal of non-saw material and complex, expensive prescriptions (e.g., Designation by Prescription) without ensuring that the value of the merchantable timber compensates for the high operating and road construction costs. This lack of economic assessment means the USFS is accepting a high risk of a "No Bid" or "Failure to Sell" scenario, which directly prevents the primary objective (fuels reduction) from being realized. The current configuration of Alternative 2 in the Final EA places undue economic burden on potential purchasers and increases the risk of a failed timber sale, thus undermining the USFS's stated fuels reduction and forest health goals. In addition**,** Operational costs associated with transportation management and non-commercial treatments are paramount in determining the competitive viability of a timber sale. The analysis confirms that the Final EA maintains nearly all high-cost constraints identified in the Draft EA, presenting an ongoing financial barrier to bidders.

Road Network Changes and Operational Costs: Hampton Lumber consistently advocated for the USFS to support the long-term sustainability of local communities and wood products infrastructure, noting that road decommissioning decisions often conflict with this purpose. The USFS maintained its core strategy of extensive road removal. The total mileage proposed for decommissioning (NFS plus unauthorized roads) slightly decreased from 55.4 miles in the Draft EA to 53.5 miles in the Final EA. Within this total, 4.7 miles are fixed for conversion from roads to non-motorized trails or stock driveways. This planned, permanent loss of motorized access runs counter to industry concerns about reducing long-term access for fire suppression, administrative oversight, and future timber management, maintaining high operational barriers.

New permanent road construction remains fixed at a minimal 0.1 miles (for the Gilbert Trailhead access). While temporary road construction was reduced from 10.4 miles to 8.3 miles, these roads must be decommissioned within 18 months of log hauling, limiting future utility and shifting the full cost of temporary construction and decommissioning to the project. The minimal commitment to permanent infrastructure guarantees increased future logistics costs and hinders the realization of a truly "affordable, safe, and efficient transportation system". In hazard mitigation, the total miles proposed for hazard tree removal decreased significantly, from 251 miles in the Draft EA to 141 miles in the Final EA. This 110-mile reduction is not a reduction in the identified risk but a clarification of scope: felling is no longer proposed on closed NFS roads or unauthorized roads not used for haul. This clarifies the purchaser's responsibility but means that numerous hazard trees along non-commercial administrative corridors will remain, potentially limiting future safety or management access.

We appreciate the conditional addition of dust abatement on county roads, subject to reaching an agreement with Okanogan County. This addresses a logistical concern related to hauling operations and community impact, demonstrating the District's recognition of a critical operational constraint.

D. Arbitrary and Capricious Application of Restrictive Riparian Standards

We object to the arbitrary and capricious application of overly restrictive standards—specifically the definition and application of Riparian Reserves (RR) and their corresponding "no-commercial harvest buffers"—that demonstrably disregard scientifically sound methods for conducting low-intensity restoration thinning near streams.

Specific Deficiencies:

Disregard for Best Available Science: The current Riparian Reserve (RR) buffer implementation does not reflect the best available science regarding the effects of thinning treatments (low-intensity restoration) versus high-intensity harvest (e.g., clearcutting). Recent scientific syntheses indicate that smaller buffers (40–100 feet) are effective at moderating adverse effects from upslope harvests, particularly when less intense methods like thinning are employed.

Adversarial Change in Final EA: The Final EA documented an increase of 49 acres in RR Thin treatments (325 acres in the Draft EA to 374 acres in the Final EA) due to a revised site-potential tree height calculation. This expansion of the most restrictive treatment type, based on a single biological metric without counterbalancing the high economic and forest health costs, is arbitrary.

Undermining Restoration Goals: By mandating overly wide, restrictive no-cut buffers based on the most conservative interpretation of the NWFP, the USFS effectively prohibits the necessary fuel reduction and forest health treatments closest to the stream edge. This failure leaves high fuel loads in a critical area, increasing the risk of severe, stand-replacing fire that would severely damage the very riparian ecosystems the USFS is attempting to protect.

Hampton Lumber fully supports and concurs with the comments submitted by the American Forest Resource Council ("AFRC") regarding the scientific basis for riparian treatments and buffer sizes.

We believe that strategically applied treatments are essential for achieving the goals of the Northwest Forest Plan's Aquatic Conservation Strategy ("ACS"). These treatments will:

- Protect Aquatic Systems: Help maintain and restore ecological health.
- Enhance Biodiversity: Restore the composition and structural diversity of plant communities in riparian areas.
- Restore Habitat: Maintain and restore habitat necessary to support well-distributed populations of riparian-dependent species.

Concerns Regarding No Commercial Harvest Buffer Definition: We find that the project design features are currently unclear as to what specific no commercial harvest buffer is being applied to the different stream types. While the NWFP Riparian Reserve definitions are listed, it is critical to note that these outer reserves were not originally designated as no-cut buffers. Applying them as such may be overly restrictive and inconsistent with best available science.

Scientific Basis for Buffer Sizing: AFRC presented several studies in the Draft EA, and we point to the findings of the recent science synthesis on riparian harvest buffers developed by Resilient Forestry, which clearly demonstrate a diminishing rate of return for increasingly larger protective no-cut buffers.

High-level scientific points include:

- Thermal Regulation: Stream temperatures generally return to baseline levels quickly following harvest and within a relatively short distance after flowing into shaded areas.
- Wood Recruitment: Most dead wood contributed to streams comes from forests closer than 100 feet from the stream edge.
- Ecosystem Restoration: Riparian areas are complex ecosystems in and of themselves. Large, no-touch buffers could limit our ability to restore the natural qualities of these ecosystems, especially in previous conifer plantations that often require density management.

Comparison of Commercial Thinning Acres
The following table visualizes the changes in commercial thinning acreage, confirming a net reduction in activity and the adverse increase in restrictive Riparian Reserve treatments.

Thinning Prescription Type	**Draft EA Acres**	**Final EA Acres**	**Change (Acres)**	**Interpretation**
Stand Improvement Thin (Total)	15,940 ac	13,503 ac	(2,437) ac	Significant reduction in overall stand improvement activity.
Matrix Thin	6,314 ac	6,148 ac	(166) ac	Reduction in primary commercial allocation area, despite industry needs.
LSR Thin	4,509 ac	4,051 ac	(458) ac	Reduction confirms high-value LSR management remains constrained.
RR Thin	325 ac	374 ac	+49 ac	Adversarial change: Expansion due to revised site-potential tree height, increasing restriction.

Owl Habitat Enhancement Thin	64 ac	58 ac	(6) ac	Minor reduction; prescription complexity increased (retaining diseased trees).

3. Requested Relief
Hampton Lumber requests that the Reviewing Officer remand the Final EA back to the responsible official with instructions to expeditiously:

- ***Redraft the Purpose and Need Statement:*** Incorporate a comprehensive socioeconomic component that mandates the analysis of commercially viable alternatives.

- ***Analyze a Commercially Optimized Alternative:*** Include a new, fully analyzed alternative that focuses on maximizing timber production within the matrix allocation (e.g., through regeneration harvest) and ensuring economic feasibility. This could also be done by wrapping this analysis into Alternative 2.

- ***Integrate Best Available Science on Buffers:*** Re-evaluate and reduce the no-commercial harvest buffers in the Riparian Reserves, specifically for thinning treatments, based on the best available science that supports smaller, effective buffers. We are confident that the significant benefits to overall forest health achieved through density management will far outweigh any potential minor trade-offs in stream temperature or wood recruitment. We strongly urge the Forest Service to review this body of literature and take its findings into account when establishing no commercial harvest buffers (using the best available science as your metric) in the final decision. Specifically, we urge the Forest Service to establish no-cut buffers along streams no larger than 40 feet and focus on maximizing forest health outcomes through active management beyond that buffer.

Failure to address these deficiencies will perpetuate a planning process that produces expensive, potentially no-bid timber sales, ultimately compromising the long-term health and resilience of the forest.

4. Contact Information

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Sincerely,

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