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Comments: OBJECTOR'S NOTICE OF OBJECTION, STATEMENT OF ISSUES AND LAWS, AND REQUESTED REMEDIES

NOTICE OF OBJECTION

August 3rd, 2017 Regional Forester ,

Objection Reviewing Officer

Pacific Northwest Region USDA Forest Service

Attn: 1570 Appeals and Objections

P.O. Box 3623

Portland , OR 97208-3623

Email: objections-pnw-regional-office@fs.fed.us

And to:

Reviewing Officer, Forest Supervisor Genevieve Masters , Umatilla National Forest

72510 Coyote Road Pendleton, OR 97801

RE: Blue Mountains Biodiversity Project's objection to the Umatilla and Wallowa-Whitman National Forests' Draft Record of Decision and Final Environmental Impact Statement (FEIS) for the Ten Cent Community Wildfire Protection Project

Dear Objection Reviewing Officer,

Blue Mountains Biodiversity Project (BMBP) hereby formally submits the following objections to the Umatilla and Wallowa-Whitman National Forests' Ten Cent Community Wildfire Protection Project (aka "Ten Cent Project") Environmental Impact Statement and Draft Record of Decision. BMBP has secured the right to submit objections and thereby participate in the pre[shy] decisional administrative review process for this project. BMBP has

submitted timely, written scoping comments regarding this project and timely extensive comments on the Draft Environmental Impact Statement, including field survey sheets from our surveying the affected area sale units.

Decision Document

Ten Cent Community Wildfire Protection Project Draft Record of Decision and FEIS for Ten Cent Community Wildfire Protection Project

Date Decision published

June 23rd, 2017

Responsible Officials:

Ian Reid, District Ranger, North Fork John Day Ranger District, Umatilla National Forest, and Jeff Tomac, District Ranger, Whitman Ranger District, Wallowa-Whitman National Forest

Description of the Project

The Umatilla and Wallowa-Whitman National Forests have selected Alternative 2, as described in the final EIS on pages 15 to 22 for the Ten Cent Project, in addition to the feathering

treatments described in Alternative 4 along roads, private land boundaries , and within wildlife corridors (as in the FEIS pages 24 and 25.) Therefore, this objection focuses on the Selected Alternative, as specified in the Draft Record of Decision.

The Selected Alternative would include:

- *7,859 acres of commercial thinning

- *1,114 acres of skyline yarding

- *3,523 acres of ground-based yarding

- *3,381 acres of sale units with both skyline and ground-based yarding

- *517 acres of firewood

- *153 acres of mechanical fuels mastication

- *1,227 acres of small diameter thinning

- *roadside hazard tree removal along haul roads

- *3,557 acres of small diameter thinning within RHCAs

- *19,663 acres of landscape burning in non-Wilderness

- *9,557 acres of landscape burning in Wilderness Areas

*13,492 acres of Jackpot burning (slash and pile burning)

*5 miles of temporary road construction

*93 miles of closed roads re-opened for log haul

Location

The Ten Cent Community Wildfire Protection Project is located within the Granite Creek watershed on the Umatilla and Wallowa-Whitman National Forests. The planning area includes approximately 9,500 acres of the North Fork John Day Wilderness. The Ten Cent project planning area is approximately 37,800 acres in size, with 23,990 acres within the Umatilla National Forest (63%) and 13,810 acres within the Wallowa-Whitman National Forest (37%)

Appellant's Interests

Blue Mountains Biodiversity Project has a specific interest in this decision, which has been expressed through participation throughout the NEPA process. BMBP supporters visit much of the affected area for backpacking; hiking; camping; fishing; hunting; relaxing; bird, wildlife, and wild flower viewing; mushroom harvesting; photography; and more. The value of the activities engaged in by BMBP members, volunteers, supporters, and staff would be damaged by the implementation of this project.

BMBP is a non-profit organization that works to protect Eastern Oregon National Forests. Staff, volunteers, and supporters of BMBP live in various communities surrounding the Umatilla and Wallowa-Whitman National Forest and use and enjoy the Forests extensively for recreation, drinking water, hunting, fishing, general aesthetic enjoyment, family gatherings, viewing flora and fauna, gathering forest products, gathering and using edible and medicinal wild plants, and other purposes.

Request for meeting

BMBP requests a meeting with the Forest Service to discuss matters in this objection and seek resolution of concerns through negotiation before the Umatilla and Wallowa-Whitman National Forests make a final decision on the Ten Cent Project.

Specific issues addressed in this objection

National Environmental Policy Act (NEPA) violations, including: proposing actions inconsistent with achieving the stated purpose and need for the project; an overly narrow purpose and need; failure to provide an adequate range of alternatives; failure to adequately analyze

direct, indirect, and cumulative impacts of the project; analysis lacking professional integrity; failure to include key pertinent documents on which the analysis is based ; failure to disclose scientific controversy and the methodology used in forming assumptions; and failure to use science accurately or to use the best available science.

Violations of the National Forest Management Act (NFMA) and the Umatilla and Wallowa[shy] Whitman Forest

Plans, including: failure to provide for population viability for Management Indicator species and other wildlife and fish, including listed species; and violations of the Umatilla and Wallowa-Whitman Forest Plans; including management area guidance for MA 15 and Dedicated Old Growth Areas, Wild and Scenic River corridors; wildlife connectivity corridors, C7 Special Fish Management, attainment of INFISH Riparian Management Objectives (RMOs); and meeting Forest Plan standards for down wood requirements, and for avoiding detrimental soil impacts.

Potential Endangered Species Act violations include contributing to uplisting trends for listed fish species, including Mid-Columbia Steelhead trout, Bull trout, and Redband trout; and for Columbia Spotted frog and Rocky Mountain Tailed frog; Wolverine; American marten; Canada lynx; Gray wolf; Black-backed woodpecker; Three-toed woodpecker; Sensitive plant species in the project area; and potentially for Whitebark pine.

Clean Water Act violations include failure to demonstrate that the proposed actions will not further impair or retard water quality recovery of TMDL-designated streams or 303(d) listed streams such as Granite Creek and that the Ten Cent Project would meet the requirements of the related Water Quality Management Plans (WQRP), and would protect or improve watershed functioning.

National Historic Preservation Act violations include failure to demonstrate that extensive prescribed burning would not significantly damage or destroy indigenous peoples' cultural heritage artifacts and cultural use sites.

Wilderness Act violations would be caused by proposed prescribed burning across 9,557 acres of the North Fork John Day Wilderness, as detailed in our comments and objections. We are also concerned that planned prescribed burning will violate the Wild and Scenic River Act for the Wild and Scenic River areas in the North Fork John Day Wilderness.

BMBP objects to the Ten Cent Project for the following reasons:

I. The Ten Cent project violates the National Environmental Policy Act

The Ten Cent project violates the National Environmental Policy Act in the following ways: inconsistency with the stated "purpose and need" of the project and an overly narrow purpose and need; failure to provide an adequate range of alternatives; failure to adequately analyze direct, indirect, and cumulative effects of the project; failure to take the requisite "hard look" at project impacts required by NEPA; failure to include or adequately summarize key documents used for the analysis supporting conclusions in the EIS; failure to disclose scientific controversy, science citations, and methodology behind assumptions made; analysis lacking professional integrity; and failure to use science accurately or to use the full range of the best available science.

Inconsistency with the stated purpose and need of the project

The Ten Cent project is not consistent with the purpose and need goals as expressed in the Draft Environmental Impact Statement. The Ten Cent project FEIS summarizes the purpose for the project as follows: "The purpose of this project is to provide a safe working environment for firefighters, to improve their probability of success in suppressing wildfires on Forest Service lands, and to reduce the impact of wildfire to adjacent private citizens, property, structures, and other values at risk." (FEIS Abstract)

Our comments clearly state the inconsistency between existing conditions on the ground plus proposed actions and the stated purpose and need for the Ten Cent project:

" Weather conditions such as drought and wind are the primary drivers of fire behavior . Large wildfires are not generally influenced by previous fuel reduction measures. The EIS does not align with this current peer-reviewed science, and the EIS fails to consider controversy and uncertainty regarding the effectiveness of fuels reduction treatments. The EIS failed to include current science or worst case scenarios of prescribed fire having little to no impact on future fire behavior in their analysis. For example, Lydersen et al. (2014) found that: ' Our results suggest that wildfire burning under extreme weather conditions, as is often the case with fires that escape initial attack, can produce large areas of high severity fire even in fuels-reduced forests with restored fire regimes. Our study suggests that even fire-restored forests may not be resistant to high-intensity wildfire that escapes suppression during extreme weather conditions.'" (Comment

11 - 176, FEIS p. 333) .

"If 40 to 60% of the proposed prescribed burning area is not expected to carry a fire, why is such a huge area proposed for prescribed burning in the first place? Clearly moist and cold forest does not typically burn frequently , so prescribed burning does not mimic natural processes, and is unlikely to significantly change fuel loading, fire incidence, or future fire severity. Thus prescribed burning in the wilderness and in cold and moist forest types is actually inconsistent with, or irrelevant to, the stated purpose and need for the Ten Cent project. Such widespread prescribed burning would be detrimental to the suitable habitat of many species, including Management Indicator and Sensitive-listed species, with little or no benefit for the purpose and need of the project, while risk of a high severity fire being ignited and getting out of control would increase." (Comment# 11-115, FEIS p. 315)

"Not prescribed burning in moist and cold forests is to respect the limitations of prescribed fire as a tool and the need for unmanaged wildlife habitat to persist as security and refugia habitat. It is actually not certain at all that a mixed severity fire would result from prescribed burning in cold and moist forest and within a wilderness area; a high severity, large scale wildfire could result from burning in such stands just as easily-and the Forest Service would be held responsible." (Comment# 11-072, last part, FEIS p.325)

Our other comments on the inconsistency between actions proposed for the Ten Cent project and the project ' s stated purpose and need include: Comment #s: 11-179, FEIS p.332; 11-178, p.333; 11-177, p.333; 11-176, p.333; 11-164, p.339; 11-142, p.342; 11-142, p.342; 11-013,

p.306; 11-115, p.297; 11-064, p.343; 11-062, p.343; 11-044, p.344; 11-043; 11-032, p.354; 11-

005, p.352; 11-004 , p.352; 11-004, p.352; 11-003, p.352; 11-002, p.354; 11-066, p.357; 11-067,

p.357; 11-061, p.357; 11-052, p.359; 11-008, p.364; and 11-007, p.365.

Resolution

BMBP has commented on its objection to the Umatilla and Wallowa-Whitman National Forests' inconsistency of the Ten Cent project with the stated " purpose and need." See, for example our comments on the EIS (see

quotes and Comment #s cited above.)

We request that, to be consistent with the purpose and need for the project, conditions on the ground, and project goals, that the Forest Service:

*Drop all prescribed burning in the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Lands with Wilderness Characteristics (aka Potential Wilderness areas), Undeveloped Lands, and Wild and Scenic River corridors.

*Narrow the feathered fuel reduction bands along major egress routes to only the tree height likely to fall upon the road-generally only 80 to 100 feet, and focus primarily on non[shy]commercial size tree thinning in these areas, not on creating unnaturally barren swaths in an area where overstory tree canopy closure retains moist understory conditions.

* Restrict commercial logging sale units to those within the identified Wildland Urban Interface zone and drop the 65 or so other sale units not within the WUI. Within the WUI zone, focus primarily on non-commercial size thinning, as removal of too much overstory canopy will dry out micro-climate conditions near the ground, increase wind speeds through the stand, and contribute to in-growth of highly flammable small trees in the canopy openings, as well as result in greater levels of flammable slash on the ground. So basal area retention should not be as low as planned, and should be higher in moist or cold mixed conifer stands.

Overly narrow purpose and need and Failure to provide an adequate range of alternatives

The Ten Cent Draft Environmental Impact Statement construed the purpose and need for the project in an overly narrow way so as to reject other action alternatives that would otherwise meet the purpose and need. Examples of our comments on this issue:

"The EIS contained an overly narrow purpose and need. The purpose and need was narrowly construed so as to predetermine the selection of the action alternative. The purpose and need also did not sufficiently consider the preservation of true forest health in the Wilderness, nor upholding the Wilderness characteristics of the area." (Comment# 11-068, FEIS p.297) "Theoretical reduction of wildfire severity should not be allowed to trump all other forest values, including wildlife security, forest density and structural complexity needed by MIS and rare predators, recreational values, soil integrity, etc. Scientists now suggest that most fuel reduction efforts will not be in the implementation state intended by the time a wild fire occurs, thus not reducing, and possibly increasing, wild fire severity." (Comment #11-035, FEIS p.327)

The Ten Cent Draft Environmental Impact Statement included an inadequate range of alternatives. Our comments support this objection as follows:

"So there is an inadequate range of alternatives for the Ten Cent project in that there is no action alternative that would avoid management impacts in Inventoried Roadless Areas, Land with Wilderness Characteristics [including the North Fork John Day Wilderness Area], and Undeveloped lands. I don't remember all these management impacts in more pristine land areas being spelled out during scoping." (Comment# 11-152, FEIS p. 295)

Resolution

BMBP has commented on its objection to the Ten Cent Project's overly narrow construction of the purpose and need for the project, and the inadequate range of alternatives in the Ten Cent project Draft Environmental Impact Statement. We requested a broader range of alternatives during Scoping. See our comments above. To remedy this problem, the Forest Service would either have to reissue a new Environmental Impact Statement offering a full range of alternatives as required by NEPA for public review and comment, or better meet our concerns expressed in related comments as follows:

- *Drop the planned prescribed burning in the North Fork John Day Wilderness, Inventoried Roadless Areas, Lands with Wilderness Characteristics, and Undeveloped lands.

- *Reduce the overall scale of logging and burning to better match the limited purpose stated for the project (e.g. by dropping commercial logging outside the designated WUI zone and narrowing the fuel reduction band along major egress routes as suggested above.)

- *Modify proposed logging intensity to maintain more forest structure for wildlife, more carbon storage, and soil nutrient cycling.

- *Retain more mature trees 15" dbh and greater, regardless of species, to retain needed future large structure, which is at a great deficit in the logged portions of the project area compared to historic conditions.

- *Change more sale units to only non-commercial-size thinning instead of commercial logging, or to no thinning, throughout the sale unit, especially those sale units with suitable habitat density and canopy closure for Pileated and American Three-toed woodpecker and other primary cavity excavators, American marten, and/or Northern goshawk.

- *Drop logging of suitable and active Pileated woodpecker, potential Pacific fisher, and suitable American marten habitat, which are indicated on our survey sheets by high old growth mixed conifer counts per acre; large live, snag, and log tree structure; fresh and recent Pileated foraging sign; and for marten, abundant down wood, large snags, and/or the presence of large enough root wad burrows for marten.

See recommendations on our survey sheets, as well as wildlife species sign mentioned, old growth counts, and forest type, for specific sale units we want modified or dropped.

Failure to adequately analyze direct, indirect, and cumulative effects

The Ten Cent Draft Environmental Impact Statement demonstrates a remarkable failure to adequately analyze environmental effects of the project throughout the document, including omissions such as the following samples:

"The Ten Cent DEIS skips the NEPA required analysis altogether by asserting that: 'Because Forest Plan standards and desired wood levels are expected to be met... it is expected that there would be no adverse impacts to the availability and distribution of downed wood material in the analysis area.' (DEIS p. 103, par.2) This is asserted with no analysis of the basis for these claims incorporated in the DEIS for public and other

agency consideration. What information is used to justify these expectations? Without access to this information in the DEIS, many of the public can't judge whether these expectations are realistic or well-founded. How would Forest Plan standards be met? There is no quantification of the amount of down wood habitat that could be lost or significantly impaired and no analysis of the ripple effects of this to ecological functions such as soil nutrient recycling and carbon sequestration, or to down wood-dependent species such as Pileated woodpecker , American marten, Pacific fisher, and small mammals, in the

DEIS. Admission that Forest Plan standards may not be met are on the same page of the DEIS (See DEIS p. 103, pars 2 and 4.)" (From Comment# 11 -090, FEIS p.322)

"Merely listing current and planned future agency projects (as in Appendix C) is not adequate cumulative effects analysis under NEPA. There is no detailed cumulative effects analysis in the Ten Cent EIS for Forest Vegetation." (Comment #11-056, FEIS p.298)

"Much more analysis is warranted and possible as to the cumulative impacts of the so-called 'Blue Mountains Forest Resiliency Project' with the Ten Cent Project, since although sale units have not yet been defined [or disclosed] for the BMFRP, the FS is planning more than half a million acres of commercial logging, NCTing, and prescribed burning, including over about a third of the Umatilla National Forest, not counting Wilderness Areas and IRAs. This is a huge cumulative impact to Pileated woodpecker, American marten, Pacific fisher, N. goshawk, Flammulated owl, Great Gray Owl, various Neotropical songbirds, and other species requiring denser and more complex forest structure with large trees. Already the FS has talked about using Forest Plan amendments to log large trees and otherwise violate existing Forest Plan standards with the BMFRP. These large scale and intensive ecological impacts cannot be ignored. This is inadequate cumulative effects analysis." (Comment# 11 -055, FEIS p.298)

"We are concerned about the short-term nature of the perceived benefits from this project. If the estimated effectiveness is only approximately 20 years, then the justification for this project seems even more tenuous. What is the probability that these ' treated' areas would be encountered by a wildfire within 20 years? Does this imply repeated entries into the Wilderness? If so, then the analysis on how this project would affect Wilderness character is inadequate, as the cumulative effects of this project would be ongoing...." (Comment# 11-165, FEIS p.295)

"Cumulative effects analysis is not supposed to be just a glowing report of presumed effects of the project planned, but detailed analysis of effects to receptors such as forest structure, soils, wildlife, etc. of the combination of the planned project with other current and planned future projects, climate change, etc." (Comment# 11-059, FEIS p.297)

Our other comments addressing inadequate effects analysis in the Ten Cent EIS for direct , indirect, and cumulative effects include our following Comment #s: 11 -068, FEIS p.294; 11 -069,

p.297; 11- 144, p.303; 11-169& 11-1 70, p.311; 11-167,p.313; 11-119,p.313; 11-11 3, p.315; 11-

109 , p.316; 11-105,p.316; 11-102,p.317; 11 -100, p.318; 11-086,p.323; 11 -131, p. 295; 11-085,

p.296; 11 -058, p.298 ; 11-067, p.297; 11-111, p.315; 11-097, p.319; 11-086, p.323; 11-122, p.371;

11 -121, p.372; 11-006; 11-161, p.380; 11-133, p.378; 11-129, p.378; 11-136, p.379; 11 -160, and

11 -58, p.376.

Resolution:

BMBP has commented on its objection to the Forest Service's failure to adequately analyze direct, indirect, and cumulative effects of the project, including effects from logging, use of roads within RHCAS, large scale prescribed burning, and cumulative effects from prescribed burning in the North Fork John Day Wilderness. Our comments regarding inadequate effects analysis include potential project effects to listed fish species; effects to Sensitive wildlife species; effects to Management Indicator species; to achievement of Riparian Management Objectives in RHCAs; effects to Sensitive plant species; effects to wildlife connectivity corridors; and effects to down wood retention; and effects to climate change; as well as to many other environmental receptors, such as to native plant habitat from logging, "temporary" road construction, and extensive closed road re-opening leading to increased invasive exotic plant introduction and dispersal. See our comment quotations and citations in the paragraph above. Overall, our findings of inadequate analysis were very numerous for the Ten Cent EIS compared to other EAs and EISes we have read. Our comments discussing inadequate analysis of effects in the Ten Cent EIS include the Comment #s quoted and cited above.

An SEIS needs to be prepared that adequately analyzes direct and indirect effects of the Ten Cent project, and cumulative effects of the project in combination with past, ongoing, and reasonably foreseeable future actions to NEPA standards, with a full public comment period to enable informed public comment and agency review.

Failure to use science accurately, to use the best available science, and to disclose scientific controversy

There are numerous instances in the Ten Cent EIS of analysis not reflecting accurate use of the science or use of the best available science, in some cases showing a lack of professional integrity.

Examples of failure to use best available science from our comments:

"Prescribed burning in Wilderness is inconsistent with the Wilderness Act and with carbon sequestration to slow climate change. See our enclosed science quotes and citations that support these assertions. The Forest Service did not consider the full range of best available science in project planning." (Comment# 11-048, FEIS p.303)

"Undisclosed uncertainty regarding fire regimes, fire behavior, and naturally occurring forest density-combined with lack of best available science used in the EIS-suggests that the minimum justifications for interfering with natural processes within the Wilderness have not been met for this project. Best available science was not used in this analysis. Scientific studies were cherry-picked by the agency and reflect a lack of scientific integrity and accuracy." (Comment# 11-175, p. 336)

"High intensity wildfire produces unique ecological conditions compared to low intensity fires. High intensity fires are a historically natural, unique, and necessary component of the Ten Cent project area. High intensity fires, which are not increasing on the landscape, are integral to the biodiversity of flora and fauna in the region and in this Wilderness area. Favoring lower severity fires in management activities may create unnatural ecological

situations that are deleterious to the wildlife, ecological processes, biodiversity, and wilderness character of the area...Therefore, the post-fire environment and ecology of the Wilderness will be artificially altered and deviate from natural trajectories if this project goes forward." (Comment 11-184, FEIS p.331) We then go on to quote from Donato et al. (2008), Swanson et al. (2010) and Baker (2012) to give detailed examples of best available science not considered or analyzed in the Ten Cent project EIS, which support our comment# 11-184 above. For example, Donato et al. (2008): "[S]evere fires are typically expected to be deleterious to forest flora and development; however, these results indicate that in systems characterized by highly variable natural disturbances (e.g. mixed - severity fire regime), native biota possess functional traits lending resilience to recurrent severe fire....Process-oriented ecosystem management incorporating variable natural disturbances, including 'extreme' events such as SI severe fires, would likely perpetuate a diversity of habitats and successional pathways on the Jandscape." We also quote from Swanson et al. (2010): "Early[shy] successional forest ecosystems that develop after stand-replacing or partial disturbances are diverse in species, processes, and structure. Post-disturbance ecosystems are also often rich in biological legacies....These legacies and post-disturbance plant communities provide resources that attract and sustain high species diversity, including numerous early successional obligates, such as certain woodpeckers and arthropods....Different disturbances contrast markedly in terms

of biological legacies, and this will influence the resultant physical and biological conditions, thus affecting successional pathways." We then quote Baker (2012): "Rather than measuring success by reduction in torching index and creation of fire-safe forest (e.g., Perry et al. 2004, Johnson et al. 2011), success would be measured by perpetuation of the historical diversity of fire severities and forest structures. [F]orests are more likely to persist through the impending period of climatic change if the ecosystem resilience conferred by the historical density and diversity of shrubs and small trees is restored, along with the historical landscape diversity of forest structure that resulted from variable fire severity." (All from Comment #11-184, FEIS pp.331-332) None of these recent science findings were analyzed in the Ten Cent EIS with regard to potential environmental impacts from proposed actions, such as prescribed burning in a Wilderness Area, and none of these scientists (and others) were cited and their findings disclosed as examples of scientific controversy over the effects of proposed actions and their advisability based on full consideration of the best available science.

Other examples of the Forest Service's failure to use best available science include our following Comment #s: 11-168; 11-095, FEIS p.320; 11-093, FEIS p.320; 11-182, FEIS p.332;

11-064, FEIS p.343; 11-176, FEIS p.333; 11 - 174, FEIS pp.337-339; 11-175, FEIS pp.334-336;

11-180 on FEIS p.332; 11-183, p.354; 11 - 163, p.375; 11-160, p.375; and 11-141, p.380.

Examples of inaccurate use of the science and failure to disclose scientific controversy: "Weather conditions such as drought and wind are the primary drivers of fire behavior. Large wildfires are not generally influenced by previous fuels reduction measures. The EIS does not align with this current peer-reviewed science, and the EIS fails to consider controversy and uncertainty regarding the effectiveness of fuels reduction treatments. The EIS failed to include current science or worst -case scenarios of prescribed fire having little to no impact on future fire behavior in their analysis." (Comment# 11 -176, FEIS p.333)

"Fire regimes (including size, frequency, and intensity) in the project area are most likely within the historic range of variability. The EIS failed to acknowledge scientific controversy surrounding fire regimes, including extent, frequency, and intensity of recent wildfires compared to historic conditions. The conclusions regarding the increases in frequency and size of severe fire in the Wilderness are based on faulty assumptions. These faulty

assumptions and conclusions are unfortunately used to justify the active human intervention and management in the Wilderness. The EIS fails to disclose legitimate scientific controversy regarding whether or not large fires are actually increasing relative to historic levels. The forest types that exist in the project area have longer fire regime intervals, particularly in higher elevation areas, and so are very likely within their historic range of variability for fire regime and for vegetation composition and structure. High severity fires are typical for forests in the project area. The existing condition is natural, and a normal part of the fire cycle. Peer-reviewed studies that show that high-severity fires in mixed conifer and higher elevation forests had return intervals exceeding that of fire suppression and are still well within historic range of variability. These fire regimes have not become altered due to fire suppression efforts that are relatively recent compared to historic return intervals." (Comment# 11-175, FEIS p.334)

" ... Prescribed fire is a human management tool that attempts to mimic natural processes, but it is not a natural process and is subject to flawed assumptions and applications. Flawed assumptions in this EIS are used to justify this proposal to artificially manipulate and alter the natural Wilderness environment, including: *Studies repeatedly show that fuels treatments do not affect the size or intensity of wildfire. Rather, climate and weather conditions are the primary drivers of fire behavior. * Fire regimes (including size and frequency) and forest densities are well within natural and historic regimes and conditions. Fire return intervals in the area are 200+ years, and have not been altered by modern suppression efforts. This proposed human intervention in the Wilderness using prescribed fire management is based on faulty and incomplete assumptions, and may create unintended negative effects...." (From Comment# 11-162, FEIS p. 340)

Our other comments on failure to disclose scientific controversy and failure to use science accurately can be found in Comment #s: 11-093, FEIS p.320; 11-072; 11-080; 11-165, FEIS p. 295; 11-168;p.312; 11-035; 11-184; 11-161, p.380; 11-174; 11-088,p.342; 11-047,p.343;

11-161, p.380; 11-074, p.343; 11-027, p.345; 11-026, p.346; 11-155; 11-031, p.360; 11-009, p.351; 11-158; 11-083, p.342; and 11-075, p.343.

Resolution

BMBP has commented on its objection to the Forest Service's failure to use science accurately, to use best available science, and to disclose scientific controversy in the Ten Cent project analysis. See our comment citations and quotations in the paragraphs above.

In order for the Ten Cent project to comply with NEPA, the Forest Service needs to incorporate analysis of the full range of the best available science and to use science accurately regarding issues where this has not been done, and to disclose scientific controversy in an SEIS available for public comment for the Ten Cent project, in order to better and more accurately inform public comments, agency review , and decision-making.

Failure to incorporate key documents in the DEIS on which analysis is based and failure to disclose methodology and assumptions underlying DEIS analysis for public consideration during the DEIS comment period

Our comments reveal the problems posed for informed public comment by the lack of inclusion in the EIS of key foundational documents used to support analysis assumptions and failure to include methodology and assumptions used to arrive at conclusions:

"We request copies of all 1.0. team reports, including the silviculture report, that are not incorporated within the DEIS....Not everyone (including me) always has internet access, and there was no way for the public to know that findings and methodologies for issue analysis would only be available through internet search and would not be disclosed and discussed within the DEIS, as required by NEPA....so people reading the DEIS to comment may have no idea what these guidelines, findings, and methodologies reveal, and how they inform the Forest Service analysis for the Ten Cent project. ... The DEIS even refers readers to the Terrestrial Wildlife Report for information about effects common to all the action alternatives! In 25 years of reading EISes and EAs, I have never seen the effects analysis not incorporated in the NEPA document to this extent unless it was failure to address a particular issue altogether... Project effects to plants and the existing condition for documented rare plant populations and sensitive-listed plants, and federally listed threatened or endangered plants should have been fully included within the DEIS analysis and not buried in the Botanical Resources Report/Biological Evaluation somewhere in the project record. We had no way of knowing, and no reason to expect that existing condition information and effects analysis for rare, federally listed, and sensitive plants would not be in the DEIS....there is no way [for us] to receive information not in the DEIS in a timely manner... This 'trust us, we have all the requisite information and analysis, but we are not going to make it available to you in the DEIS ' approach does not work for us, and lowers our already low level of trust in the Forest Service...." (Comment# 11 -068, FEIS p.294)

"How can we know that the Ten Cent project fully analyzes effects from Silvicultural activities, the conclusions of this analysis, and whether it fully complies with NEPA and the FS manual and policy, when it is not even included in the DEIS, but buried as the 'Silvicultural Report' in a project file somewhere. This and other NEPA required analysis should have been fully incorporated within the DEIS, so the Ten Cent Project is not in compliance with NEPA public disclosure and analysis requirements." (Comment# 11 - 070, FEIS p.356)

"....Why did the Forest Service fail to record anything more from botanical surveys than the date and the mapped survey areas? This is astounding, and defeats the purpose of botanical surveys....Why is there not even a summary of botanical survey results in the DEIS? This is outrageous that we are not even allowed to see the complete list of sensitive plant species that have potential habitat in the Ten Cent project area or maps showing the locations of sensitive plant populations and plant species of concern. This makes it impossible for us to determine the likelihood of a sensitive plant species or species of concern plants existing in an area proposed for management impact s...." (Comment #11-127, FEIS p.379)

"What LWWC and Undeveloped Lands Report Appendix and associated maps? None of these are included in the DEIS sent to me. How can I refer to these documents when they were not included in the DEIS? We would like to see the location of undeveloped lands, but we can't." (Comment# 11-153, FEIS p.302)

"The methodology methods and assumptions used to determine the number of acres at low, moderate, and high risk of invasive plant spread should have been disclosed and discussed in the DEIS, not just in the Invasive Species Resource Report not included in the DEIS." (Comment

#11-135, FEIS p.379)

More of our comments on the Forest Service's failure to incorporate key documents, methodology, and assumptions can be found in the following Comment #s: 11 -092, FEIS p.321; and 11-134 and 11-133 on FEIS p.378. In many cases, the Forest Service responses to our queries about missing information in the DEIS support our concerns and confirm that the missing information was indeed not incorporated in the DEIS. See for example Forest Services responses to our Comment #s: 11-059; 11 - 144; and 11 -127, as well as to another public comment at Comment# 05-025.

Resolution

BMP has commented on its objection that the Forest Service failed to incorporate key documents within the Ten Cent EIS and that the Forest Service failed to disclose methodology and assumptions used for analysis conclusions. See our comments quoted and cited above.

To resolve this objection, the Forest Service needs to incorporate key documents (e.g. specialist reports and the Biological Evaluation) underlying Ten Cent project analysis assumptions and management plans in a Supplemental Environmental Impact Statement, along with disclosure of methodologies used and all science citations used for the analysis, and release this SEIS for a full public comment period prior to any final decision on the Ten Cent project.

The Ten Cent project violates the National Forest Management Act

The Ten Cent project violates the National Forest Management Act in the following ways: failure to ensure the viability of Management Indicator species, violation of management guidelines for Dedicated Old Growth areas, Wild and Scenic Rivers, C7 Special Fish Management areas, and Wildlife Connectivity Corridors, and potential violation of Forest Plan standards for soils and down wood retention through proposed actions. The Forest Plan also requires adherence to INFISH requirements, including attainment of Riparian Management Objectives, which some of the proposed project actions could threaten.

Failure to ensure the viability of Management Indicator Species (MIS)

Our comments noted areas of analysis in which the Ten Cent EIS failed to demonstrate that the viability of Management Indicator and Sensitive species (MIS) would be ensured with project implementation. Species of concern for protection of viability included the following Management Indicator species: Pileated, American Three-toed, and Blackbacked woodpeckers; American ("Pine") marten; Redband trout; Northern goshawk; and Rocky Mountain elk.

We are also concerned about failure to ensure viability of Sensitive listed species on the Forest, including: Redband trout, Columbia Spotted frog, Rocky Mountain Tailed frog, North American wolverine, bat species, and Featured species such as Northern goshawk and Neotropical migratory songbirds. The Forest Service is also legally obligated to not contribute to an uplisting trend for Threatened-listed species under the Endangered Species Act, including in this case, Threatened Canada lynx and Threatened Gray wolf, which also involves ensuring viability for these species under NFMA.

The Forest Service has legal responsibilities to protect the viability of Management Indicator species, but not to theoretically protect communities from stand replacement fire (especially in areas such as Ten Cent, where stand replacement fire is the historical norm) as an over-riding goal. It's not appropriate or legally justifiable to keep reducing Management Indicator species'

suitable habitat (e.g. Pileated woodpecker) in timber sale 'project' after timber sale 'project', even after that species is considered vulnerable by the U.S. Fish and Wildlife Service--which apparently applies now to American marten, and Three-toed woodpecker, both of whom would have suitable habitat acreage reduced under the Ten Cent project. The EIS did not include adequate cumulative effects analysis as to all these reductions of suitable habitat across the Forest from numerous timber sales and prescribed burning projects. It is also not justifiable to plan for continued impacts and cumulative potential loss of species viability for a Management Indicator species based on "long-term" theoretical re-growth of suitable habitat eventually, as the species' viability may be lost before the habitat can grow back-especially given likely planned similar timber sales and repeated prescribed burning in the same area in the future, and the 100+ years suitable habitat would take to re-develop for old growth-associated species.

Examples of how our comments express these concerns regarding the failure to ensure the viability of MIS and other vulnerable species follow:

"We prefer the No Action alternative as better protecting the viability of Marten, Pileated woodpecker, Northern goshawk (all MIS) and density-associated species. No Action would be the best alternative for ensuring the viability of the American Three-toed woodpecker in the project area and on the two National Forests, as demonstrated by the No Action discussion on

p.123 (par. 1) of the DEIS. Native wildlife and plant species evolved with natural disturbance such as wildfire and insect and disease mortality, not with logging, mechanical fuel reduction, roading, and prescribed burning. None of the action alternatives is better than No Action for goshawk. Much less burning, less logging, and less intense logging are needed, all of which should avoid MIS habitat, such as for Marten, Pileated and Three-toed woodpeckers, and N. goshawk." (Comment #11-101, FEIS p.296)

"The Forest Service... on p.96 of the DEIS... admit that 'The negative effects of reduced structural complexity ... could result in reduced use of affected late and old structure habitat by some species, including the Pileated woodpecker and American Marten.' This means that suitable habitat for Pileated woodpecker and Marten would be eliminated. These are the two species for whom this habitat was identified on the Umatilla....the DEIS... admit[s] that alt. 2 would also have the most cumulative impact on late and old structure associated wildlife species, including the Pileated woodpecker and the American Marten. (DEIS p.97)" (Comment# 11- 085, FEIS p.296)

"We are greatly concerned by the threats posed to MIS [Management Indicator species] and other species dependent on old growth or LOS [Late and Old Structure] conditions from planned extensive commercial-size logging and burning in LOS, DOGs, and MA-14, regarding loss of suitable habitat for Pileated woodpecker, American Marten, Pacific fisher (not analyzed in the DEIS), Northern goshawk, Great Grey owl, Flammulated

owl, and migratory songbirds. We are opposed to any commercial logging in LOS, let alone 858 acres."
(Comment #11-073, FEIS p.324)

Our comments related to violation of NFMA requirements to protect species viability also include the following:

Re: LOS habitat impacts: Comment #s 11-082, FEIS p.323; 11 -073, FEIS p.324; 11-072, p.325; Re: Blackbacked woodpecker: Comment #s 11-172 and 11-171 ; re: MIS needing density, snags, and closed canopy: comment# 168 ; Re: Pileated woodpecker, Marten, and goshawk: Comment# 11 -084, FEIS p.323; Re: Rocky Mt. elk: Comment# 11 -167, FEIS p.313 ; Re: bat species: Comment# 11 -111 and 11 - 11 3, FEIS p.315; Re: wolverine: Comment# 11 -114, FEIS

p.315; Re: Northern goshawk: Comment #s: 11-1 09, 11- 108, 11-107, and 11 -105, FEIS p.316; Re: fire-adapted species: Comment# 11 - 106, FEIS p.316; Re: Three-toed woodpecker: Comment #s: 11-104, 11-103, and 11-1 02, FEIS p.317; Re: American marten: Comment# 11-

100, FEIS p.318; Re: Pileated woodpecker: Comment #s: 11-099, 11 -098, and 11 -097, FEIS p.319; Re: Primary cavity excavators: Comment #s: 11 -095, FEIS p.320, and 11 -092, FEIS p.321; Re: marten, Pacific fisher, and Pileated woodpecker, Comment#: 1 1-090 , FEIS p.322; and Re: marten, fisher, lynx, wolverine, and Gray wolf: Comment#: 11 -086, FEIS p.323; Re: snag loss: Comment#11-041, p.326; re: WUI road corridors: Comment #11-024, p.328; re: prescribed fire in Wilderness: Comment# 111 -18 2; Re: species adapted to high severity fire: Comment# 11 -062, p.342; Re: prescribed burning in old growth DOGs and MA-15: Comment #11-015, p..363; Re: MIS harmed by low basal areas: Comment# 11 -031; and Re: connectivity: Comment # 11 -034, p.366.

Resolution

BMBP has commented on its objection to the Forest Service's failure to provide for viability of Management Indicator and other species in the Ten Cent project. See our comment citations and sample comment quotes in the above paragraphs.

Resolution of this issue would include:

- * More overall tree density for density-dependent species such as Northern goshawk-especially by dropping sale units in cool moist, cold dry, and cool dry habitat and in microhabitat patches where greater density would naturally occur, such as at higher elevations, on North to Northeast aspect slopes, and within riparian corridors (RHCA's)

- * No commercial-size logging in suitable goshawk habitat , suitable marten habitat, suitable and active Pileated woodpecker habitat, and suitable American Three-toed woodpecker habitat;

- * No log and snag reduction in suitable and active American marten and Pileated woodpecker habitat.

- * Drop all commercial-size logging and wood removal in Dedicated Old Growth areas and MA- 15 LOS to better protect the viability of Pileated and other primary cavity excavating woodpeckers, marten, and other species requiring large trees and/or structural complexity, such as Northern goshawk and Great Gray owl.

* Drop all commercial-size logging in wildlife connectivity corridors.

*Drop all prescribed burning of the Wild and Scenic River corridor embedded in the North Fork John Day Wilderness or elsewhere.

* No prescribed burning of suitable habitat for Pileated woodpecker and American marten.

*Drop any suitable Pacific fisher habitat from any logging and fuel reduction.

* Drop all prescribed burning within the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Potential Wilderness areas, and any other undeveloped lands, which are important refugia and security habitat for increasingly rare predators such as Gray wolf, lynx, fisher, marten, and wolverine, as well as for big game providing prey and scavenging for these predators, such as elk and deer.

*Drop planned "temporary" roads as these often remain on the landscape and increase access for illegal firewood (often large snag) cutting and fur trappers and greatly reduce re-opening of closed roads, which is proposed for an excessive mileage.

*Reduce open road density to low levels (<than 1 mile per square mile) to allow for Gray wolf security and dispersal habitat, protect elk refugia, and reduce disturbance to other keystone predators and Management Indicator species such as lynx , wolverine, and marten. This is a very wild area important to the viability of far-ranging rare predators who also need high elevation habitat, such as wolverine, lynx, and marten.

*Drop any commercial logging in known goshawk PFAs and any other goshawk activity centers (nests and PFAs) discovered.

Please see our survey sheet priority drop sale units for these species, plus any additional mapped or known suitable habitat for these species in commercial logging sale units.

Violation of Forest Plan Standards and Management Area Direction

Additional Forest Plan violations in the Ten Cent project include potential violations of Forest Plan standards by further setting back attainment of INFISB/PACFISH Riparian Management Objectives, not following management guidance for Special Fish Management areas, Dedicated Old Growth areas (MA 15 and DOGs), Wild and Scenic River corridors, and wildlife connectivity corridors, and not meeting soil and down wood retention standards.

Forest Plan Management Area Guidance Violations

INFISH/PACFISH Violations and Potential Violation of Management Direction for Anadromous Fish Emphasis areas and C7 Special Fish Management areas:

Examples of our comments on potential Forest Plan violation regarding failure to demonstrate movement toward attaining Riparian Management Objectives can be found in Comment #s: 11- 035; Comment #11-014, FEIS p.367 re: C7 special fish management areas; Comment #11-015, FEIS p.363, and Comment #11-016, FEIS p.373.

For example, Comment #11-016, FEIS p.373: "[The] Anadramous Fish Emphasis area would not meet the Forest Plan goal ' to achieve and maintain optimum conditions for anadramous_fish and provide near optimum conditions for big game.' Commercial-size logging, roading, road re[shy] opening within RHCAs and prescribed fire within RHCAs-especially in moist to wet mixed conifer, would not place emphasis on ' providing anadramous fish habitat at or near the maximum potential of the watershed' since such management activities are known to degrade fish habitat through sedimentation of streams, reduction of large wood for pools, increasing water temperature, etc."

See also Comment #11-015, FEIS p.363: " ... we are greatly concerned by proposed management in 637 acres of MA-15 Old Growth Preserves on the Wallowa-Whitman NF and 13,631 acres of proposed management in MA-18 Anadramous Fish Emphasis area on the Wallowa-Whitman.

Any commercial size mature tree logging, roading, and in the case of moist to wet mixed conifer, prescribed burning, in Old Growth Preserve acres, would be contrary to the stated goal of MA-18 to: maintain habitat diversity (most of the surrounding managed area has been already opened up and homogenized by past logging and roading), preserve aesthetic values, and to provide old growth habitat for wildlife... ."

Re: the C7 Special Fish Management areas: "We are strongly concerned ... by proposed management of a whopping 11,557 acres of C7 Special Fish Management areas. We are concerned that ' no logging' buffers of PACFISH are fully respected, that no roads be constructed or re-opened within RHCAs, and that no prescribed burning take place near streams or within RHCAs in moist to wet mixed conifer stands. Any actions in Special Fish Management areas should be to protect and benefit the fish species, not to reduce wildfire severity through logging, roading, or burning within RHCAs or where these activities may degrade RHCA values and delay attainment of riparian management objectives under PACFISH or INFISH. The Management Area goal is to maintain and enhance water quality and ' produce high levels of anadramous fish habitat on an area-wide basis.' (See DEIS p.7)" (Comment# 11-0 14, FEIS p.367)

Resolution

BMBP has commented on the Ten Cent project's potential violations of INFISH Riparian Management Objectives and of management direction for C7 Special Fish Management areas and for the Anadramous Fish Emphasis area. See our comments cited and quoted above[middot].

*Drop prescribed burning in the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Lands with Wilderness Characteristics (aka Potential Wilderness Areas), and Undeveloped lands, and any prescribed burning ignition or fuel breaks within RHCAs, including within C7 Special Fish Management areas and the Anadramous Fish Emphasis area.

*Drop any planned commercial logging on steep slopes above streams and drainages to prevent additional excess fine sediment from entering RHCAs and streams. Additional fine sediment loading in these streams would further retard attainment of INFISH RMOs.

See our survey sheets or the sale map and agency information for sale units affected.

*Drop all re-opening of closed roads and construction of 'temporary' roads within, or adjacent to, RHCAs.

*Drop any planned logging equipment stream crossings.

Forest Plan Management Area Guidance Violations regarding Dedicated Old Growth Management:

Re: Dedicated Old growth (DOG) area management:

We are strongly opposed to the removal of large trees, large snags, and/or too much mature tree canopy closure that would render ROG and Pileated feeding areas unsuitable for Pileated woodpecker nesting and/or foraging. Most DOGs on the Umatilla and Wallowa-Whitman National Forests were either designated as suitable Pileated woodpecker habitat (which would include nesting potential) or additionally for suitable American marten habitat (which would include denning potential in large snags). Rendering a DOG, ROG, or Pileated Feeding Area unsuitable for Pileated woodpecker nesting or foraging through commercial logging is completely contrary to the purpose of DOG, ROG, and PFA designation, and thus in violation of the Forest Plan. Rendering a DOG (or MA-15) unsuitable as habitat for marten when the DOG was designated for marten habitat is contrary to the purpose of that DOG's designation. Further, DOGs are not supposed to be subject to scheduled timber "harvest", yet the Ten Cent Project is a scheduled timber sale for other purposes than DOG or LOS enhancement.

Our comments on the Ten Cent project EIS express these concerns:

" DOGs and MA-15 and LOS structure in general are not supposed to be logged as part of a scheduled logging rotation, as with the Ten Cent Project. [It] is inconsistent with the Regional Forester 's Amendment #2 in the Forest Plans in that the purpose of such logging in the Ten Cent Project is not really to maintain or enhance LOS structure habitat as required, or even to move LOS into a LOS stage that is deficient, but to theoretically reduce wild fire and generate economic revenue. We find it hard to believe that none of the 806-858 acres planned for commercial logging in LOS is in moist mixed conifer forest. Regardless, commercial size logging will inevitably degrade current and future structure (mature trees for adequate canopy

closure and future large live trees, snags, and down wood) vital to LOS-dependent species such as Marten, goshawk, and Pileated [woodpecker]." (Comment# 11-073, FEIS p.324)

"It is not necessary to do prescribed burning in DOG and MA-15 old growth stands to meet overall project objectives. Prescribed burning in these designated old growth stands would violate the Forest Plans by threatening the species these designated old growth areas are designed to protect-through destruction of habitat suitability. We are strongly opposed to prescribed burning in moist and cold forest C1 and MA 15 old growth areas, as such burning would eliminate suitability for much or all of these DOGs or MA 15 old growth for Pileated woodpecker and American marten, the LOS-associated species usually intended to benefit from such old growth designation and protection. Pileated depend on down wood above the ground which would probably be eliminated or greatly reduced by prescribed fire. Prescribed burning of DOGs and MA-15 old growth does not meet Forest Service obligations to preserve the viability of these Management Indicator species or to Forest Plan objectives and goals for DOGs and MA-15

objectives....The EIS admits likely degradation of LOS structure for wildlife (see EIS p.94)." (Comment# 11-072, FEIS p.325)

Our additional comment on this issue of proposed actions degrading DOGs, MA-15, and LOS is Comment# 11-015, FEIS p.363.

Resolution

BMBP has commented on our objection issue of not following Forest Plan management direction for DOGs and MA-15. See our comments quoted and cited above.

*Drop all commercial size logging in DOGs, MA 15, ROGs, and PFAs. Based on our surveying, there is no real excess density of mature trees in the Ten Cent project area. Just non-commercial thinning up to 8-9" dbh would be enough to greatly reduce tree density back to what would be considered "normal" levels without significant fire suppression effects. Retaining the mature trees would allow for continued Pileated woodpecker foraging use, and for more future large replacement snags and logs to support the nesting, denning, and foraging habitat needs in the Pileated Feeding Areas and ROGs.

*Drop any proposed prescribed burning in DOGs and ROGs designated for suitable Pileated woodpecker and/or American marten habitat, as burning removes crucial foraging and prey structure for both species, as well as threatening the persistence of existing nest/den snags.

Violation of Wildlife Connectivity Corridor Management Goals:

We are strongly opposed to commercial logging and to most "non-commercial" size thinning in wildlife connectivity corridors. We want the Forest Service to drop all commercial logging and most non-commercial thinning in connectivity corridors, as it defeats the purpose of leaving denser areas to allow for movement of old growth-associated wildlife species, including native ungulates, and to provide greater habitat security in these areas compared to intensively managed stands outside these corridors.

Examples of our comments regarding violation of wildlife connectivity corridor management goals:

"Higher density and greater structural complexity in stands for the purpose of wildlife security in movement for LOS-dependent and other wildlife in wildlife connectivity corridors is not retained or advanced through logging down to a very open 70-90 square feet of basal area. We know what this would look like. It would no longer serve as secure connectivity for Pileated woodpecker,

American marten, Pacific fisher, Northern goshawk, or Rocky Mt. elk, as well as for other density- and LOS-associated species. We strongly oppose the logging and cover removal proposed for wildlife connectivity corridors...." (Comment# 11-034, FEIS p.366)

" ... Degradation of wildlife connectivity needs to be addressed as an increasingly significant cumulative impact over time. This degradation trend needs to stop. The intent of the Forest Plan was to identify, maintain, and preserve LOS and old growth connectivity, not to incorporate such corridors as sale units to be logged, NCTed, and burned. Short-term and mid-term definite impacts should not be justified on the basis of long-term speculative benefits to species who may not survive the short- and mid -term impacts." (From Comment #11-086, FEIS p.323)

Our other comment on planned degradation of wildlife connectivity corridors is Comment#: 11 -087, FEIS p.322.

Resolution

BMBP has commented on the potential Forest Plan violation of not following management area intent regarding Wildlife Connectivity Corridors. See our comments cited and quoted above.

*Drop all planned commercial logging and most non-commercial thinning of mapped or identified wildlife Connectivity Corridors.

* " Drop all the connective corridor units displayed on map A-5." (From Comment #11-034, FEIS p.366)

* "We support all commercial-size logging being dropped from stands identified as providing wildlife connectivity, as developed in Alternative 4." (From Comment# 1 1-086, FEIS p.323)

Violation of Forest Plan Standards for Soils and Down Wood retention: Our comments explain our position:

Re: violation of Forest Plan standards for down wood retention:

"The Forest Service admits that: 'In the long-term, the amount and intensity of treatment that would be applied to the Ten Cent analysis area, when combined with landscape burning, may result in downed wood levels that fall below Forest Plan standards and desired levels' (DEIS

p. I 05, par.2). This is planned violation of Forest Plan standards that need to be avoided through less logging intensity, less overall logging, and far less prescribed burning, including no burning in the wilderness or in moist and cold forest types." (Comment# 11-091, FEIS p.321)

"Based on the information given in the DEIS and our uncertainty as to the content of analysis, findings, methodologies, and guidelines missing in the DEIS, we are concerned that down wood levels would not meet Forest Plan standards for down wood after management implementation in affected sale units. We are also concerned by potential displacement of species requiring high wood densities and cover and by potential loss of ecological functions [such as carbon] sequestration to slow climate change served by down wood." (Comment# 11-089, FEIS p.322) Another of our comments on down wood requirements is Comment#11-090, FEIS p.322)

Re: violation of Forest Plan standards for detrimental soil impacts:

"We support less logging and roading than in Alt. 4 to reduce future detrimental soil impacts...." (From Comment #11-120, FEIS p.372)

Resolution

BMBP has commented on the potential violation of Forest Plan standards for down wood retention and for reduction of detrimental soil impacts. See our comments cited and quoted above.

To resolve these objection issues, the Forest Service needs to follow recommendations in our comments:

*Re: retaining more down wood and meeting associated Forest Plan standards:

"This is planned violation of Forest Plan standards that need to be avoided through less logging intensity, less overall logging, and far less prescribed burning, including no burning in the wilderness or in moist and cold forest types." (From Comment# 11-091, FEIS p.321)

*Re: avoiding detrimental soil impacts exceeding Forest Plan standards:

"Drop heavy equipment use (e.g. commercial logging, movement for slash piling, road building) within units 61, 62, and 63 due to higher potential on aquatic soils for compaction, erosion, and sedimentation of streams." (Comment# 11-120, FEIS p.372)

*Following our other recommendations for sale units to drop from commercial logging and for reducing re-opening of closed roads and construction of "temporary" roads also contribute to reduction in detrimental soil impacts and down wood removal.

Violation of Forest Plan management direction for Wild and Scenic River corridors: Comment# 11-143, FEIS p. 303, summarizes our position:

"We are opposed to using prescribed burning in the 'wild' segment of the North Fork John Day

Wild and Scenic River corridor. These 51 acres will not make any significant difference to future wildfire behavior even if we agreed (which we don't) that prescribed burning will significantly affect future wildfire behavior. Evidently the Wilderness Act is more restrictive than the Wild and Scenic River Management Plan, and thus the Wilderness Act should be followed, and this section of the NFJD Wild and Scenic River in the project area should be left alone and not managed ('untrammeled by man' (sic) under the Wilderness Act) to protect its outstanding scenic, fisheries, wildlife, and historic values and allow natural ecological processes [to] take place without manipulation...."

We also commented on the proposed Wild and Scenic River corridor prescribed burning in Comment #s 11-146, FEIS p.302, and #11-010, FEIS p.307.

Resolution

BMBP has commented on violation of Forest Plan management direction for the North Fork John Day Wild and Scenic River corridor. See our quoted comment and comment citations above.

To resolve this objection, the Forest Service must drop all prescribed burning and any other management planned in the North Fork John Day Wild and Scenic River corridor.

Potential Management Area Direction violations for Scenic integrity, visual quality, and recreational experience values:

Our comments describe our concerns:

1

"This proposed unnaturally wide spacing [of roadside fuel breaks] would create a homogenous virtually sterile eye sore all along the major routes within a popular recreational and residential area. Further, such spacing would not mimic natural or HRV conditions-especially for mixed conifer and Lodgepole pine and at such a large roadside band width. as up to 500 feet would represent a significant depletion of security habitat for elk and habitat for more rare species such as marten, Pacific fisher, Pileated woodpecker, Northern goshawk, and various Neotropical songbirds and owls. What happened to the concept of limiting roadside fuel breaks by tree heights? (E.g. 80-100 feet?)" (Comment# 11 -024, FEIS p.300)

"The 1,543 acres of Viewshed 1 proposed for management should not be commercially logged or otherwise managed in a way that would degrade or alter 'a natural appearing landscape', which is the goal for this management area. What management activities are proposed for the Viewshed I acres?" (Comment# 11-011, FEIS p.301)

"We support No Action or a more ecologically protective version of Alt. 4 with no burning in the Wilderness to better protect recreational values from logging, roading, and prescribed fire impacts. We are opposed to

changing the Recreation Opportunity spectrum in Mas A-8 and A-9 from Semi-Primitive to 'Roaded Natural' through proposed management imp acts. We are concerned by commercial-size logging impacts and burning in moist and cold forest types

degrading the recreational experience on trails and in campsites, not just the effects on the trail or campsite itself, but also to the surrounding area." (Comment# 11 - 140, FEIS p.300) Other comments we submitted on scenery, visual qua lity, and recreational values include Comment #s: 11-049 and 11-012 on FEIS p.300.

Resolution

BMBP has commented on potential violations of Forest Plan management direction for scenic integrity, visual quality, and recreational opportunities. See our comments quoted and cited above.

To resolve this objection, the Forest Service should:

- *Drop proposed roadside fuel breaks or narrow them to band width equivalent to or less than site[shy] specific tree[middot]heights that could actually reach the road (usually 80-100 feet at most) while retaining the "feathering" approach to thinning.

- *Drop any commercial logging, road construction, or closed road re-opening, or any other activities that would degrade "natural appearing landscape" in the 1,543 acres of Viewshed I.

- *Drop plans to change the Recreational Opportunity Spectrum from Semi-Primitive to Roaded Natural in Management Areas A-8 and A-9 by dropping proposed management activities in these Management Areas that would necessitate this change (e.g. road construction and road re[shy] construction or re-opening)

- *Drop commercial logging and prescribed burni.ng in moist and cold forest types, which would degrade the recreational experience in these areas, not only adjacent to trails and campsites, but in explorations (hunting, hiking, wild plant gathering, fishing, etc.) in the broader areas.

These remedies were all suggested in our comments, with no responsive changes in plans.

III. The Ten Cent Project Violates the Endangered Species Act

Species for which continued viability in the project area could be most threatened by the Ten Cent project include Threatened- listed fish species, including Threatened Middle Columbia River Steelhead trout and Bull trout; Blackbacked woodpecker (subspecies are already Candidates for uplisting under petition); Threatened Canada lynx; North American wolverine (under petition for uplisting); Threatened-listed Gray wolf; and potentially Whitebark pine. The Ten Cent project analysis and Draft Record of Decision fail to avoid the project contributing to a trend toward potential uplisting of Sensitive species, and to potential loss of these species' viability in the project area or on the Umatilla and/or Wa llowa-Whitman National Forests. The species we addressed for this

objection in our comments include Sensitive plants; Sensitive and MIS Interior Redband trout; Sensitive Rocky Mountain Tailed Frog and Columbia Spotted frog; Sensitive aquatic species, including Western Ridged mussel, Shortface lanx, Columbia Clubtail, Pacific Lamprey, and Westslope cutthroat trout; and Sensitive Pacific fisher; as well as "vulnerable" ranked American marten and Three-toed woodpecker.

Examples of our comments regarding the Ten Cent project contributing to the uplisting of Threatened, Candidate, Sensitive, or vulnerable rated species under the Endangered Species Act: "[The] Anadromous Fish Emphasis area would not meet the Forest Plan goal 'to achieve and maintain optimum conditions for anadromous fish'....Commercial-size logging, roading, road re[shy] opening within RHCAs, and prescribed fire within RHCAs-especially in moist to wet mixed conifer-would not place emphasis 'on Providing anadromous fish habitat at or near the maximum potential of the watershed' since such management activities are known to degrade fish habitat through sedimentation of streams, reduction of large wood for pools, increasing water temperature, etc." (Comment #11-016, FEIS p.373)

"Any actions in Special Fish Management areas should be to protect and benefit the fish species, not to reduce wildfire severity through logging, roading, or burning within RHCAs or where these activities may degrade RHCA values and delay attainment of riparian management objectives under PACFISH or INFISH. The Management Area goal is to maintain and enhance water quality and produce high levels of anadromous fish habitat on an area-wide basis. (See DEIS p.7)" (Comment #11-014, FEIS p.374)

"Species requiring dense stands to move between LOS stands that would be negatively affected [by logging in wildlife connectivity corridors and logging in Dedicated Old Growth areas or MA[shy] I 5, as well as by prescribed burning in the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Potential Wilderness Areas, and undeveloped lands] happen to be increasingly rare MIS and listed species like Marten, Fisher, Lynx [Thre[middot]atened], Wolverine [Threatened], and Gray wolf [Threatened]...." (From Comment #11-086, FEIS p.323)

"We are strongly opposed to the elimination of marten habitat of 3,400 acres on the Umatilla NF and 1,700 acres on the Wallowa-Whitman NF under alt.s 2 & 3. Burning almost 18,000 acres of suitable marten habitat into lack of suitability would be a huge impact threatening marten viability under alternative 2 [the selected alternative]. We oppose all prescribed burning and logging of marten habitat. Marten are already recognized to be a vulnerable species at risk on the Malheur NF [and across Oregon]... The DEIS does not adequately substantiate that Ten Cent action alternatives would not result in short or long-term marten population reductions at the Forest scale, and does not address the high likelihood of marten population reductions at the watershed and project area scales. As loss of viability for a species is incremental and cumulative, there is no support for the DEIS contention of continued viability of marten on the two Forests-especially in the absence of any marten current population and trends data on the two Forests." (From Comment# 11-100, FEIS p.318)

"We are concerned by potential Ten Cent project impacts to Wolverine-especially from extensive planned prescribed burning in the NFJD Wilderness and in less disturbed cold and

moist higher elevation forest types. We ask that all prescribed burning plans for these areas be dropped. More intensive logging, as in alt.s 2 & 3, would also harm Wolverine habitat. It is not true that connectivity of Wolverine habitat would be maintained with the logging of wildlife connectivity corridors under alt.s 2 & 3 and extensive wilderness prescribed burning under alt. 2...." (Comment#11-114,FEISp.315)

"In the absence of current population data, population trends, and viability thresholds for Columbia Spotted frog in the project area, it is hard to judge how significant the loss of individuals from RHCA burning would be re: the viability of populations. We are concerned by proposed prescribed burning in RHCAs creating reduced cover for Rocky Mt. Tailed frog[shy] especially along cold, high gradient, boulder and cobble-dominated streams used for breeding. Due to this frog species' 'impaired' status in Oregon, drop all prescribed burning in RHCAs with

suitable habitat for Rocky Mt. tailed frog. With no information on the population status or trends for Rocky Mt. Tailed frog, we remain concerned by potential loss of individuals and habitat quality from RHCA burning." (Comment #11-117, FEIS p.314)

See our other comments concerning potential violation of the Endangered Species Act in Comment #s: 11-128 and 11-130, FEIS p.378; 11-132, FEIS p.342; and 11-131, p.295 re:

Sensitive plants; 11-171, p.311 re: black-backed woodpecker; 11-173, p.355 re: Whitebark pine; and 11-006, p.375 re: listed fish species.

Resolution

BMBP has commented on our objection that the Ten Cent project violates the Endangered Species Act. See our comment citations and quotes in the above paragraphs.

To resolve our objection regarding Endangered Species Act violations, the Forest Service needs to fully meet the requirements of the Endangered Species Act by demonstrating that a revised selected project alternative would not contribute to a trend toward uplisting or loss of viability for the species listed above. This entails:

- *dropping all identified suitable Pacific fisher and American marten habitat from any commercial-size logging, fuel reduction, or prescribed burning

- * retaining more trees > or equal to 15" dbh to provide future large tree structure, and all existing large snags and logs (>20" diameter) as these are critical habitat components for Pileated woodpecker for nesting and roosting, for American marten for denning and for prey habitat, and for Pacific fisher for denning snags, travel corridor logs, and prey habitat

- * eliminating all logging, non-commercial thinning, and prescribed burning of last undeveloped land areas in the Ten Cent project area, including the planned prescribed burning in the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Potential Wilderness Areas, and Undeveloped lands, as these are critical habitat areas for far-ranging rare predators, including Threatened -listed Gray wolves, North American wolverine (a Candidate for uplisting), Threatened Canada lynx, Sensitive Pacific fisher, and vulnerable ranked American marten.

- * retaining all wildlife connectivity corridors between Late and Old structure habitat in an unlogged state (no commercial logging and little or no noncommercial-size thinning)

- *dropping from logging and snag removal all suitable habitat (e.g. Lodgepole pine) for vulnerable ranked American Three-toed woodpecker in Ten Cent sale units

- *dropping any planned commercial logging on steep slopes above streams and drainages to prevent additional excess fine sediment from entering RHCAs and streams and impairing viability for Threatened-listed Mid-Columbia River Steelhead trout and Threatened Bull trout

- *dropping all re-opening of closed roads and construction of 'temporary' roads within, or adjacent to, RHCAs so as to better protect listed fish, Sensitive Redband trout and Sensitive Columbia Spotted frog and Rocky Mountain Tailed frog, as well as Sensitive Pacific Lamprey and mollusk species, and Sensitive riparian-associated plant

species

*dropping all suitable habitat for Rocky Mt. Tailed frog from prescribed burning

*dropping any planned logging equipment stream crossings

Undeveloped Lands, Inventoried Roadless Areas, and Potential Wilderness Areas

Examples of our concerns regarding degradation of the Inventoried Roadless Areas, Lands with Wilderness Characteristics, and any other undeveloped lands in the Ten Cent project area from our comments:

* Drop all planned management in undeveloped lands (see table 3-60, DEIS p.212). Cumulatively the Ten Cent project would have a very significant negative impact to wildlife and fish refugia; higher water quality; more intact LOS and old growth stands; natural fire cycles; moisture retention in moist forest types; native plant communities, especially rare and sensitive plants; sensitive amphibians vulnerable to management impacts ; snag abundance pockets; primitive and semi-primitive recreation; cultural sites and artifacts; natural ecological processes; and large blocks of intact habitat for large and far-roaming uncommon predators-- by planning to introduce destructive management impacts over tens of thousands of acres of Wilderness, Lands with Wilderness Characteristics, Inventoried Roadless Areas, and Undeveloped lands. This is shocking and totally unacceptable. We are very opposed to logging and other management in larger blocks of undeveloped lands (i.e. 2,877 acres in alt.s 2 & 3)... " (Comment# 11 - 150, FEIS p.370)

" ... many of the reasons we are strongly opposed to any management of undeveloped lands [include] these generally having greater ecological integrity re: natural processes being allowed to function unimpeded; higher water quality; better fish and riparian habitat; more intact native plant communities; better conditions for rare plant viability; fewer invasive plants; a natural diversity of wildlife habitat; more large and old trees; less stressful/more relaxing recreational opportunities; greater opportunities for solitude and a sense of remoteness; more intact cultural sites and artifacts; and larger blocks of intact wildlife habitat (along with IRAs, Wilderness, & Lands with Wilderness Characteristics) for far-roaming rare species like Marten, Gray wolves, and Lynx." (Comment #11-149, FEIS p.302)

"We are strongly opposed to planned prescribed burning in the North Fork John Day Wilderness, the Inventoried Roadless Areas, and the NFJD Wild and Scenic River corridor. It is ridiculous hubris for the Forest Service to claim that prescribed burning in these areas would restore fuel loadings and configurations ' to that which would be experienced under uninterrupted natural fire cycles or that ' this would begin to restore naturalness' in fuel loads and vegetation type and density. (See DEIS p.203, 3rd par.)" (Comment #11-146, FEIS p.302)

Our other comments regarding impacts to undeveloped lands, IRAs, and Potential Wilderness Areas, as well as to the North Fork John Day Wilderness Area, include Comment #s: 11-152; 11- 154, FEIS p.301 ; 11-145 and 11 - 147, FEIS p.302; 11 - 143, p.303; 11 - 151 , p.380; 11 - 148, p.371;

and 11-146. Resolution:

BMBP commented on our objection to management proposed in Inventoried Roadless Areas, Lands with Wilderness Characteristics (aka Potential Wilderness areas), and other undeveloped lands in the Ten Cent project area. See our comments cited and quoted above.

While resolution of our objection is also addressed as part of the resolution of our concerns under the legal NFMA requirement to protect the viability of Management Indicator species and their habitat and the ESA requirement to prevent the uplisting of Sensitive and Threatened species, we want to reiterate our suggested remedies from our comments here, as protection of last undeveloped lands from logging, roading, and other development is critical to the conservation of listed, Sensitive, rare, and Management Indicator species that are now vulnerable or in decline due to extensive over-management of public lands, as well as private lands.

* Drop all prescribed fire, commercial logging and noncommercial thinning in undeveloped lands, and all prescribed fire in the North Fork John Day Wilderness Area, Lands with Wilderness Characteristics, and Inventoried Roadless Areas. We are strongly opposed to any logging or other development in such rare relatively pristine areas, which serve as scientific

reference conditions, undisturbed wildlife habitat, fish strongholds, and primitive recreation areas.

**We are opposed to converting unmanaged lands to managed lands wherever they exist.

IV. The Ten Cent Project Would Violate the Clean Water Act

The EIS leaves a lot of questions and concerns unanswered regarding potential effects to water quality and watershed integrity, including hydrologic flows and sedimentation of streams. The EIS fails to disclose the contents of the Water Quality Restoration Plans and TMDLs relevant to Ten Cent project area streams and creeks, or to disclose and analyze what the Forest Service is doing to meet the TMDL and WQMP requirements. So the public reviewers of the DEIS were left in the dark as to the TMDL and WQMP requirements and timelines, whether the Forest Service is adhering to these, and any recent monitoring done to demonstrate progress, further degradation, or current conditions regarding water quality. Thus it is impossible to know, due to the lack of water quality-specific analysis in the EIS, how, and how much, the Ten Cent project action alternatives would affect water quality. That does not prevent us from having concerns about potential effects to water quality. Specifically, we are concerned that the EIS failed to address Ten Cent project effects to already altered hydrologic flows, future large wood recruitment and pool formation, water temperatures, and sedimentation of streams, which are already not all in conformance with Forest Plan INFISH standards.

Examples of our comments regarding water quality and potential violations of the Clean Water Act, including possible violations of TMDLs and the Water Quality Restoration Plan:

* ... Granite Creek is 303(d) listed by the State of Oregon for water quality impairment, so no further impairment re: the listed criterion, sediment, is allowed. Prescribed fire is known to increase sedimentation of streams. We are thus concerned that prescribed fire... would violate the Clean Water Act." (Comment #11-148, FEIS p.371)

"This is very scanty, biased, and inadequate analysis of effects to hydrology, which largely downplays management impacts. The threshold for detectable changes in peak flows apparently changes from project to project documentation, as I have seen it as low as 11%, not just 15%. We are concerned that alt. 2 is modeled to change ECA from 4.7 to 14.2... indicating the potential for changes in peak flows." (Comment #11-121, FEIS p.372)

Our additional comment on this objection issue is in Comment #11-014, FEIS p.374. Resolution

BMBP has commented on our objection regarding violation of the Clean Water Act. See our comments quoted and cited above.

*Drop all planned prescribed burning in the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Lands with Wilderness Characteristics, and Undeveloped lands.

*Drop any planned commercial logging on any steep slopes above streams and drainages to prevent additional excess fine sediment from entering RHCAs and streams.

*Drop all re-opening of closed roads and construction of 'temporary' roads within, or adjacent to, RHCAs .

*Drop any planned logging equipment stream crossings.

National Historic Preservation Act Violations

Our comments express our concerns:

" From the earlier description of the action alternatives, it does not sound like 'risk management' for prescribed fire damage to cultural heritage sites and artifacts is mandated. So how would this greater risk to cultural heritage artifacts be mitigated? (See DEIS p.184, par.s 2 and 3) With extensive landscape burning over thousands of acres, as proposed in the action alternatives, it is very unlikely that any 'level of risk management' to prevent loss of cultural heritage artifacts would take place." (Comment #11-125, FEIS p.377)

"Eliminate prescribed fire use in the Wilderness to better protect cultural heritage sites and artifacts (especially from indigenous people's cultures) that are unlikely to have been identified or mapped. The 'no risk' assessment for prescribed burning in wilderness does not seem warranted based on the lack of knowledge as to the location of cultural sites and artifacts in the wilderness. We have the same concerns for any prescribed burning or other management in potential Wilderness Areas, Inventoried Roadless Areas, and other undeveloped lands." (Comment# 11-124, FEIS p.377)

Notably, the Forest Service response to our Comment# 11-125 admits that the no risk assessment is only for alternatives that do not have prescribed burns. (FEIS p.377) However, the selected alternative (modified Alt. 2) has a tremendous acreage of prescribed burning across many thousands of acres.

See also our Comment #11-017, FEIS p.377 re: local indigenous people s' cultural values and sense of place.

Resolution

BMBP has commented on potential violations of the National Historic Preservation Act. See our comments quoted and cited above.

To resolve this objection, the Forest Service would need to drop all prescribed burning in the North Fork John Day Wilderness Area, Inventoried Roadless Areas, Potential Wilderness Areas, and undeveloped lands, as well as demonstrate full compliance with the Act in other areas.

Wilderness Act Violations

In addition to the legal claims presented in the separate objection being submitted on behalf of Blue Mountains Biodiversity Project and Wilderness Watch by Gary Macfarlane, BMBP's comments on the Ten Cent project proposed prescribed burning in the North Fork John Day Wilderness expresses our concerns:

"We are concerned that this project will degrade the untrammeled and natural character of the Wilderness. Prescribed fire in the Wilderness may also have unintended negative consequences on the ecology, wildlife, historic fire regime, and natural ecological processes. Justifications for the project are based on faulty and scientifically controversial theories regarding: historic fire regime and stand densities, the effectiveness of fuels reduction to lessen future fire severity, beetle-killed stands and fire risk, threats to Wilderness values due to high severity fires, and threats to firefighter safety and resources outside of the wilderness. Possible negative impacts to wildlife and habitats due to prescribed fire have not been adequately analyzed in the EIS. Wilderness areas are not the place for a management experiment. The experimental extensive human intervention and interference with natural processes in Wilderness areas as proposed in this project are suffused with faulty rationales, scientific controversy, and uncertainty, and are not science-based. In consideration of these problems, this project does not comply with the Wilderness Act." (Comment# 11-161, FEIS p.380)

"Prescribed burning in Wilderness is inconsistent with the Wilderness Act and with carbon sequestration to slow climate change. See our enclosed science quotes and citations that support these assertions. The Forest Service did not consider the full range of best available science in project planning." (Comment #11-048, FEIS p.303)

"Wilderness values of these areas being preserved in a natural state untrammeled by man (sic) would not be preserved, protected, or 'improved' by prescribed fire management. Prescribed fire and other typical management actions (e.g. logging, roading) are completely contrary to the Wilderness Act and have no place in Wilderness Areas. We are deeply disturbed by, and strongly opposed to the 9,000 acres of proposed prescribed burning in the North Fork John Day Wilderness. Further, it's not as if wildfires are [fully] suppressed in Wilderness Areas or are not occurring there or that the NFJD Wilderness is naturally prone to low intensity frequent fire." (Comment# 11-013, FEIS p.306)

"[The] Wilderness Act gives direction to emphasize and allow natural processes. Allowing high intensity wildfires in the wilderness is necessary for proper ecological functions in these

forests....Studies repeatedly show that fuels treatments do not affect the size or intensity of wildfire....Current policies of firefighting are putting firefighters at risk. The actions in this proposal are not needed to change current policies....Based on scientific realities regarding fire regime and behavior, fire risk, and forest density, the justification for this management proposal in the Wilderness are invalid and do not meet the criteria for human intervention described in the Wilderness Act or in associated regulations. Post-fire appearance is different in prescribed fire compared to wild fires. The difference in appearance and character of the Wilderness area, as well as differences in ecological functions, violate the Wilderness Act....Forest Service policy under the

Wilderness Act directs that lightning-caused fires should be permitted to play, as nearly as possible, their natural ecological role within wilderness....The minimum criteria for justification to manage Wilderness areas with prescribed fire have not been met by this project.

Additionally, the consequences of high intensity fires within the wilderness are ecologically beneficial, risks are not increasing relative to historic norms, and chances of wildfire escaping the wilderness cannot be effectively influenced by fuels reduction projects. Fuels reduction efforts may also run counter to Wilderness Act directives regarding Wilderness, including: 'A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by

man....An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements...which is protected and managed so as to preserve its natural conditions' ...Experimental large-scale management is not in line with the spirit or directives of the Wilderness Act... " (Comment# 11 -162, FEIS pp.340-341)

Our additional comments on violation of the Wilderness Act through proposed prescribed burning alteration of the North Fork John Day Wilderness include Comment #s: 11 -143 , FEIS p.303; 11-185 and 11 -181 , p.301; and 11 -162, FEIS pp.340-341 in full. We submitted extensive comments proposed burning in the North Fork John Day Wilderness that also included Comment

#s: 11 -037, FEIS p.343 ; 11-048; 11 -145; 11-184; and 11 -173.

Resolution

BMBP has commented on evident violations of the Wilderness Act from prescribed burning in the North Fork John Day Wilderness associated with the Ten Cent project. See our quotations and citations from our comments above.

To resolve this objection, the Forest Service must drop all prescribed burning (and any other management proposed as part of the Ten Cent Project) within the North Fork John Day Wilderness.

Additional remedies proposed for our objections may be found in many of our comments, including Comments: 11 -081, FEIS p.296; 11-147,p.302; 11 - 146; 11- 143; 11-116; 11-140;

11-049; 11 -011; 11 - 154; 11-010; 11 - 013; 11-098; 11 -097; 11-100; 11-080; 11-039; 11-024; 11-

020; 11 -019; 11- 043; 11 -036; 11-033; 11 -053; 11 -021; 11 -018; 11-004; 11-076; 11-029; 11 -031;

11-079; 11-014; 11-015; 11-034; 11 -030; 11 -025; 11-023;and 11-017. While most of these are

likely covered in stated potential resolutions to objection issues, we may also use any of these additional

remedies during objection negotiations.

We also addressed the problems with the Forest Service's approach to climate change in the DEIS (as did the EPA) in Comment #s: 11-048, 11 - 163; 11- 160; and 11-158.

We may not have cited all our comments for these objections, as they are numerous.

Thank you for your consideration of these objections. We look forward to meeting with you to work on a resolution to our concern

Sincerely,

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