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First name: Scott

Last name: Harding

Organization:

Title:

Comments: Bear Country Project Scoping Comments

1. An EIS will be needed for this project and should be undertaken now rather than an EA

An Environmental Assessment is prepared when there is uncertainty as to the significance of the impacts of a proposed project.

Due to this project's large geographic scope; the complexity of the affected environment; potential impacts to listed endangered species; project actions along the banks of two designated Wild and Scenic rivers and in a sizable portion of their watersheds; the breadth and scale of proposed actions; and the project's purpose of having a significant impact on fuels, habitat, and public safety, it is difficult to understand how, even at the scoping stage, there is any uncertainty as to the significance of the project's impacts. The hope or intent of having an overall beneficial effect does not change the need to use the proper level of NEPA analysis. "[A] significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial." 40 C.F.R. § 1508.27(b)(1).

Nothing precludes Klamath National Forest from undertaking an EA, however, it would seem that the intention to do so is based on the agency's belief that there will be no significant impact from this project and that an EIS will not be required. This project includes an undisclosed amount of new road construction and reconstruction of existing roadbeds, construction of an estimated 20 landings, nearly fifteen thousand acres of various (undisclosed) intensities of vegetation management including commercial timber removal, and nearly two thousand acres of prescribed fire-and this is believed likely to have no significant impact?

An EA is defined as "a concise public document." 40 C.F.R. § 1508.9(a). "[A]n EA's length should vary with the scope and scale of potential environmental problems as well as the extent to which the determination of no significant impact relies on mitigation, rather than just with the scope and scale of the proposed action." 77 FR 14476.

In no way can a project of this scale and in this setting be analyzed for a determination of the significance of its effects in a "concise" document, even of varying length. As such, the development of an EA is most likely just a step toward developing the inevitable EIS. For reasons of efficiency and in order to conduct the degree of analysis that is almost certainly required by law, an EIS should be prepared now rather than an EA.

Alternatively, if the intention of the agency is that this project will be developed so that it has no significant impact on the fuels, forests, or habitat and will not significantly impact community protection and public safety, and will not-even in the sense of cumulative effects-significantly impact and complement previously planned treatments, why is it being proposed? This is an inordinate amount of work and money spent for no significant effect!

2. Information provided is insufficient to fully comprehend the project even at the scoping stage

The information provided on the project webpage and through the various meetings and field trips does not adequately reflect the level of information available, is not fully indicative of the agency's plans, and does not sufficiently describe the project's actions and potential outcomes.

By providing project maps that indicate objectives rather than actions, the reviewer is left to guess what actions are being proposed and where. Although objective is an important part of any action, it is not sufficient to only provide a brief description of an objective on a map legend with no source of information provided about what specific actions (type, intensity, parameters) will take place in any of the demarked project unit locations. While the point of scoping isn't to provide a detailed presentation of a draft or final proposed action, scoping should provide sufficient information so that a reviewer can understand the fundamentals of a proposal and not just be provided with amorphous objective statements. For example, what does "promote forest health" mean? The agency has previously used this exact term for actions that range from small-diameter understory thinning to clearcutting. Without being provided a level of detail sufficient to understand this statement of objective for this project, the value of the scoping comments a reviewer can submit is severely diminished. The same case can be stated for road construction. Where would this occur? Without any specific information, the reviewer cannot provide a meaningful review or scoping comment.

3. Conduct an adequate Wild and Scenic River analysis and augment the project so that it protects and enhances the anadromous fishery ORV.

A review of recent Klamath National Forest EA's shows that the corresponding Wild and Scenic River Resource Reports are typically rather thin, inadequate, and utilize faulty methodologies. Due to this project's immediate proximity to two Wild and Scenic rivers and because of its potential to impact not only visual quality but also the outstandingly remarkable value for which these rivers were designated, it is important that a robust Wild and Scenic Rivers Resource Report be produced for the analysis and that the project also be augmented to address WSR management mandates.

In particular, it is a faulty methodology to utilize a drive on the riverside county roads as a proxy for being on the river when assessing visual impacts (see the Salmon Salvage EA's WSR Resource Report for an example of this methodology). The road is not the river, and it provides different viewsheds that cannot be assumed to be the same or even similar as those from the river where sightlines are much further and full open canopy views grant much wider viewsheds. A much better analysis method is needed, field work must be performed, and widely available modeling tools and other methodologies should be utilized.

The Wild and Scenic Rivers Act requires the Klamath National Forest to manage the Salmon River and surrounding areas in order "to protect and enhance the outstandingly remarkable value(s) for which the river(s) are designated." This means that KNF is mandated to protect and enhance the anadromous fishery of the Salmon River, its two designated forks and designated tributaries as well as other eligible reaches. This project should follow the legal requirement of this mandate and not only protect the anadromous fishery but also enhance the anadromous fishery. Part of this may be accomplished indirectly, as proposed, by toppling intact trees with rootwads for use in fisheries habitat restoration projects (this action does not directly enhance the fishery although it may contribute to future enhancement in other projects). However, much more could and should be done, especially considering the mileage of Wild and Scenic river that occurs within the project area on both the North and South Forks of the Salmon River. More actions should be proposed to directly enhance the anadromous fishery as part of this project. Toppled trees that are going to be used in habitat restoration projects on the Klamath National Forest should be made available for this use but should not be limited to being sold for this use (as language in the project proposal indicates on page 9).

Finally, the Wild and Scenic River Resource Report should specifically address the project's measures to protect the anadromous fishery and its actions to enhance the anadromous fishery.

4. The proper context and significance should be utilized in analyzing impacts to Northern Spotted Owl habitat, individuals, and populations.

Even for low intensity impacts, the significance of impact to NSO habitat is higher than it would have been in the relatively recent past due to the degree of local and regional habitat loss and downgrade that has occurred primarily as a result of high severity wildfire in the last 10-20 years. This represents a change in context relative to the time prior to the recent widespread habitat loss and downgrading. The project's analysis must use the appropriate context for determining the project's impacts to NSO and NSO habitat (even if currently unoccupied); this holds true not only for actions that may have a net benefit to NSO and habitat but particularly for actions that would degrade and/or remove habitat. Information that should be assessed and provided in the analysis includes: 1) the amount of NSO habitat within and adjacent to the project area that has been lost or degraded recently, 2) the amount of different types of NSO habitat presently remaining within and adjacent to the project area (and therefore available for use by resident NSO), 3) a quantification of habitat type and quality trends, and 4) statistically valid numerical analysis of the impacts of the project on NSO habitat through biologically appropriate time frames. It is difficult to imagine that the impacts to NSO and NSO habitat can be determined to not be significant in the absence of a quantitative analysis and modeled output to help form the basis of such a determination; lack of data-driven analysis considering the significance and context risks an arbitrary and capricious determination.

The US Fish & Wildlife Service's Yreka Fish and Wildlife Office has prepared a geospatial analysis of modeled NSO habitat change from 2008-2018. This dataset and its accompanying report should be utilized in the assessment of local NSO habitat trends to develop a contextual baseline for analyzing this project's effects (this GIS dataset and report have been previously provided to Klamath National Forest by USFWS and therefore is not attached to these comments). Initial assessment of this dataset suggests, however, that it grossly

underestimates the degree of NSO habitat loss that has actually occurred. Comparison of habitat typing completed in 2019 by the Salmon River Restoration Council (also previously provided to Klamath National Forest by SRRC) and the USFWS's modeled outputs should be utilized to determine the degree to which the model is underestimating habitat loss and downgrading.