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Comments: Attached are my comments on the Dixie_Comstock project.

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Cheryl Probert

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Subject: Dixie-Comstock Community Protection Project

Dear Cheryl,

The following paragraphs detail my concerns with the Dixie-Comstock Community Protection Project. Overall, I am concerned about the large size of the project and the large size of the proposed cutting units in an area that

has already been heavily impacted by wildfire. I am particularly concerned about removal of the last remaining mature forests in what is a landscape which is now dominated by immature stands.

Emergency Situation

It is very hard to understand how a project that has been on the books since 2017 can now be classified as an [ldquo]emergency[rdquo]. The emergency designation merely appears to be a process to limit public comment and reduce the need to respond to objections of the proposal. If the project is really an emergency, why has it taken seven years to get to this point? Please drop the emergency designation from this proposal.

Section 40807 of Public Law 117[ndash]58[mdash]NOV. 15, 2021 does not include provisions for amending Forest Plans

According to Section 40807. (EMERGENCY ACTIONS) of Public Law 117[ndash]58[mdash]NOV. 15, 2021 [ldquo]Any authorized emergency action carried out under paragraph (2) on National Forest System land shall be conducted consistent with the applicable land and resource management plan[rdquo]. There are no provisions for amending Forest Plans under the provisions of this legislation and proposals to modify the Nez Perce Forest Plan under the guidance of this legislation are inappropriate. Amending the Nez Perce Forest Plan needs to undergo normal public involvement procedures and include an opportunity to object as is the normal practice for other non-emergency actions.

Old growth

Suspending old growth requirements of the Nez Perce Forest Plan is not appropriate for the Dixie-Comstock project under the provisions of Section 40807 and needs to be dropped from the proposal. The Forest Plan suggests [ldquo]Current information indicates that, in order to maintain a viable population of old-growth-dependent species, it is necessary to maintain 10 percent of the total forested acres as old growth with no less than 5 percent of the forested acres maintained as old growth within each prescription watershed or combination of watersheds totaling 5,000 to 10,000 acres. If less than 5 percent old growth exists in a drainage, the additional required acres will be assigned to adjacent drainages where excess old growth is available. An additional five percent of the forested acres within each prescription watershed shall be designated as replacement old growth.[rdquo]

The Forest Plan does not suggest that old growth must be assigned to drainages immediately adjacent to the project area. It only suggests, that it must be assigned to adjacent drainages with [ldquo]excess old growth[rdquo] and that the Forest-wide total must exceed 10%. If the immediately adjacent drainages have no excess old growth, then the Forest Service must look elsewhere to assure old growth requirements.

In the case of Dixie-Comstock project where there has been an extensive amount of wildfire, the Forest Service should be retaining all old growth and designating an additional 5% of the best available stands as replacement old growth as the Forest Plan requires. Such stands would likely be stands meeting the Green et al. (1992) screening criteria or other mature stands that were missed in the recent wildfires.

Forest-wide 10% Old Growth Standard

The Forest Service has not conducted a Forest wide inventory of old growth as required in Appendix N of the Forest Plan. Appendix N states [ldquo]All stands will be inventoried and prioritized with highest priority for inventory in those drainages where timber sales or other activities that could adversely impact old growth.[rdquo] Instead, the Nez Perce/Clearwater Forest relies on an analysis of 343 Forest Inventory and Analysis (FIA) plots to determine if they have sufficient old growth to meet the Forest level requirement of 10% old growth.

There are several problems with this approach since these 343 plots are widely spaced across the 2.2 million-acre Forest and they were never designed to inventory old growth. Their primary purpose is to provide an approximate estimate of the amount of timber in the entire United States. The plot locations occur on State, Private and National Forest lands and their exact location is not shared with local Forest managers. The plots are remeasured every ten-years to update changes that have occurred due to forest growth, timber harvest and wildfire.

To my knowledge, the old growth characteristics of the 343 plots have never been evaluated in the field by qualified ecologists or biologists. Instead, the Nez Perce/Clearwater has used the data from the plots to make estimates of the amount old growth strictly by looking at the size of the trees that were measured on the plots and/or if the plot takers recorded presence of more than one canopy layer. They have estimated that approximately 22.6% of the Nez Perce Forest is old growth using tree size and 14.7% when canopy layer information is added (Reyes and Morgan 2022). Old growth amounts presumably decline when canopy layers are added because young single layered stands are eliminated from the analysis.

The analysis does not consider factors outlined in Appendix N of the Forest Plan such as: stand age, the presence of rot or decadence, crown closure (Appendix N recommends overstory closure of at least 10-40% and an understory closure of at least 40%, total crown closure is supposed to exceed 70%), or the presence of snags and downed logs. The Forest Plan suggests there should be at least 0.5 snags per acre exceeding 40-feet in height and 21-inches DBH. Downed log numbers are not listed, but are assumed to be abundant in old growth stands. Green et al. (1992) report the average number of standing dead trees in old growth type four is 14 trees per acre over 9-inches DBH, with a range from 0 to 35.

Under this analysis, many very young stands with a general scarcity of rot and decadence are likely to be included. Fast growing stands in Northern Idaho can reach stocking levels of 15-trees per acre over 21-inches in relatively short time frames (less than 100-years). Such stands would have little resemblance to old growth as described in Appendix N of the Forest Plan.

Green et al (1992) suggest it requires at least 150-years for most forest stands except lodgepole pine (120-years) to reach old growth status. In old growth type 4, which is the most common type in Northern Idaho and the project area, they found old growth stands had an average age of 210-years with a range from 160 to 264-years. These stands supported an average of 27-trees per acre over 21-inches DBH and had a range of 12 to 53 trees per acre over 21-inches. Note, that the minimum criteria of 10-trees per acre set in the Green et al. (1992) screening criteria is slightly below the range found in stands examined by the authors. This assures that all or most potential stands to be evaluated in the field for old growth condition are included in the list of stands to be screened. The minimum number was never intended to be used as a definition of old growth.

The Forest Service cannot display the location of the old growth stands they report under their FIA analysis. One just has to trust that it is out there someplace based on plot locations which they can't even identify. Field verification on many recent projects does not support their FIA claims. On this project the Nez Perce Clearwater National Forest could only find one 50-acre old growth stand and claims that adjacent old growth units do not have any excess old growth to meet the 5% requirement. On the recent Hungry Ridge project which is presumably a high-risk area with lots of mature forest, the Forest Service could only find 7% old growth in the 50,814 forested acres they examined for the (Supplemental EIS [ndash] Chapter 3, Page 14). This is in an area where they have targeted for the largest timber sale planned in 40-years and where there is scrutiny from the court to upgrade their old growth analysis process.

Similarly, information in the recently released for the Green Horse project area, suggests that there are six old growth units and none of them have 10% old growth? Old growth meeting Forest Plan requirements in four of the units equals 5.6%, 6.1%, 6.8% and 7.7%. Two of the units that were affected by the Wash Creek wildfire don't even meet the 5% requirement and have 0% and 0.5% old growth. Total old growth in the 43,067-

acre area examined for old growth condition was 1845-acres or 4.3% of the six old growth compartments.

In the Clear Creek project where the Forest Service has made a site-specific Forest Plan amendment to modify the Forest Plan old growth definition. The analysis (2015 FEIS, Page 3-121) reports that there are 4,654-acres of verified old growth in the 43,666-acre old growth evaluation area as measured by the Green et al. (1992) screening criteria. This is approximately 11% of the evaluation area, but it is unclear how many of these stands would actually meet the requirements of Appendix N of the Forest Plan. Given that the Green et al. 1992 screening criteria only require 10-trees per acre over 21-inches DBH instead of 15-trees per acre over 21-inches DBH it is very likely there is less than 10% of the area that meets the requirements of Appendix N.

I could go on with numerous other examples where the Forest Service has failed to find greater than 10% old growth to meet the requirements of Appendix N in project planning. If they can't find 10% old growth in Dixie-Comstock, Hungry Ridge and Green Horse and have to modify their standards in Clear Creek to achieve 10%, where are they going to find the additional old growth to meet the Forest wide 10% standard?

Size Harvest Units and the Amount of Timber Harvest

Given the fact that much of the area has already been heavily impacted by recent wildfire, the extent and size of the proposed harvest units appears to be fairly excessive. There are 14 openings that exceed 40-acres in size and many of these openings are immediately adjacent to one another on the slopes to the west of the town of Dixie. PACFISH and INFISH buffers are all that separate many of the openings. Unbelievably, one unit is 790-acres in size, two are near 400-acres and four more exceed 100-acres.

There appear to be several relatively intact areas in many of the harvest units that could be retained on the landscape. Unit numbers 7B, 46A, 47, 64A, 64B, 84D, 84E, the North Half of Unit 48 and the East half of 19 are examples of these areas. Leaving some of these more intact areas along with some of the areas impacted by wildfire would seem to be an appropriate prescription to help to maintain the integrity of the landscape. Given the past history of wildfire in the area, the remaining relatively intact areas are likely to be of considerable importance to most wildlife species that still utilize the project area.

Roadless

I fail to see the urgency to conduct more timber harvest in existing roadless areas and unroaded areas over 100-acres in size that are adjacent to these identified areas. I strongly disagree your contention that impacts to roadless character will be short-term and only last for 10-15 years. Impacts from constructing temporary roads and conducting timber harvest will last for decades and likely will never fully recover as additional activities are planned in what will now be part of the roaded landscape. Once temporary roads, skid trails and logging are completed the area will not be considered suitable for classification as a roadless area as originally described in the Roadless Area Review and Evaluation EIS (RARE II).

RARE II described roadless as "undeveloped areas that meet minimum criteria for wilderness consideration under the Wilderness Act." Wilderness is further defined in the Wilderness Act "as an area of undeveloped Federal land retaining its primeval character and influence and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; [The photo of the Orogrande landscape that you have provided in the environmental assessment certainly does not meet these criteria and it is likely that your new activities on the Dixie-Comstock project will either.

Please consider dropping all timber harvest, non-commercial thinning, aspen regeneration and fuel breaks in the roadless expanse that are greater than 500-feet from private land. This should allow you to achieve your

objectives of protecting private land while still maintaining roadless character in most of the outlying areas.

Aquatics

Why is water yield being allowed to exceed the 20% ECA threshold in Rhett Creek and Upper Crooked Creek? Activities levels in these streams should be maintained below the 20% threshold and not be placed at greater risk than they already are given the historic level of wildfire that has occurred in the project area.

Hand thinning in Riparian Areas

The proposed project includes 390-acres of hand thinning in riparian areas, but the objectives of this thinning are very unclear. There is virtually no discussion on what is expected to be accomplished with this activity or its purpose described in the environmental assessment. Unless you can justify the ecological need for this activity, please drop these units in their entirety from existing PACFISH and INFISH buffers.

Lynx

The Nez Perce-Clearwater NF does not have to follow the Northern Rockies Lynx Management Direction (NRLMD) on the Dixie-Comstock project because the Nez Perce National Forest is considered unoccupied at this time. However, it is recommended that [ldquo]until such time as these National Forest System lands become occupied, they should consider the following management direction, but are not required to follow it.[rdquo]

Most of the proposed treatments (6,044 of 6508-acres) occur in lynx habitat which are found in five lynx analysis units (LAUs) which overlap the project area. Two of these units have already been significantly impacted by wildfire and already far exceed the VEG S1 of 30% in the stand initiation structural stage. LAU 2070703 has 74% in currently unsuitable habitat and LAU 2070705 has 46%. If these units where in occupied habitat no additional regeneration by management activity would be permitted. The Nez Perce Clearwater would allow 16-acres of regeneration harvest in LAU 2070703 bringing unsuitable habitat to 75% and 653-acres of various activities in LAU 2070703 bringing the amount of unsuitable habitat to 52%

A third (LAU 2071001) currently only has 12% unsuitable habitat, but most of the proposed harvesting, burning and thinning on the Dixie-Comstock project is proposed in this unit. Proposed activities would bring this unit to 34% unsuitable habitat and include 2,535-acres of new regeneration harvest (16% of the LAU) which is slightly above the VEG S2 standard of not cutting more than 15% in a ten-year period. The remaining two units (LAU 2070702 and LAU 2070706) do not exceed VEG S1 and VEG S2 standards.

Given the existing condition of the area (Particularly in LAU 2070703 and 2070705) the Nez Perce [ndash] Clearwater should take a different approach to lynx management. Instead of ignoring the fact that a large expanse of lynx habitat has been lost in the project area, you should consider an approach which does not further degrade lynx habitat and at least meets the minimum criteria of the Lynx Conservation Strategy in LAU 207101. This would mean dropping activities in LAU 2070703 and 2070705 to maintain the existing condition and dropping 147-acres of regeneration harvest and 513-acres of other activity in LAU 207101.

Thus, meeting the requirements of the Lynx Conservation Strategy would mean dropping 617-acres of regeneration harvest and 712-acres of other activity in the appropriate LAUs. This would be 1,329-acres or approximately 20.4% of the proposed 6,508-acres of the non-overlapping activities.

Black-backed Woodpecker

The project proposal appears to target several stands that were recently burned by wildfire. These stands likely provide ideal habitat for the black-backed woodpecker. More consideration should be given to retaining some of

these stands to provide for habitat for this species.

Goshawk, Pileated Woodpecker, Pine Marten, Fisher and Forest Bats

Wildlife species that find preferred habitat in mature forests like the goshawk, pine marten, pileated woodpecker, fisher and forest bats are going to have a difficult time in the project area due to the lack of mature forest. This suggests that existing mature stands should not be targeted for regeneration harvest at this time.

According to the wildlife analysis for the pileated woodpecker, there are only 174-acres of potential nesting habitat for the pileated woodpecker in the project area and every acre of this nesting habitat is located within a regeneration harvest unit. This action is not consistent with habitat maintenance for this important management indicator species.

It is also suggested that there are only 407-acres of mature forest that meet the Green et al. (1992) screening criteria in the project area. Approximately, 242-acres (59.5%) of this total would be harvested under Alternative B. Given the low amount of mature forest located within the project area, this action is not consistent with maintaining habitat for both sensitive and management indicator species that are dependent on mature forests.

Elk, Deer and Moose

Maintaining existing cover is important for elk, deer and moose in this heavily impacted landscape. Large harvest units are likely to be avoided, especially by deer and elk.

Summary

Given the history of past wildfire, this project needs to be limited in size to reduce the impacts on roadless, water quality, riparian integrity, lynx and species dependent on mature forests. Excessively large harvest units over 100-acres need to be divided into smaller units and incorporate the retention of the most intact forested portions of as leave areas. Fuel treatments designed to protect private land should be confined to locations actually adjacent to private land and avoid outlying roadless and riparian areas that are not within 500-feet of the private land boundary.

Sincerely,

/s/ Harry R. Jageman

Harry R. Jageman

Literature Cited

Green, P., J. Joy, D. Sirucek, W. Hann, A. Zack, and B. Naumann. 1992. Old-growth forest types of the Northern Region. U.S. Forest Service, Northern Region R1, Missoula, MT.