



June 8, 2022

Objection Reviewing Officer
Region 6 Regional Forester
Pacific Northwest Region
USDA Forest Service
Attn: 1570/1950 Objections
PO Box 3623
Portland, OR 97208- 3623

SUBMITTED VIA

<https://cara.ecosystemmanagement.org/Public/CommentInput?project=58218>, and

SUBMITTED VIA email addressed to: objections-pnw-regional-office@usda.gov

RE: OBJECTION North Fork Nooksack Vegetation Management Project, Project #58218
Mt. Baker-Snoqualmie National Forest; Mt. Baker Ranger District;
Responsible Official: Jody Weil, Mt. Baker- Snoqualmie Forest Supervisor

Dear Objection Reviewing Officer,

On April 3, 2021, the Washington State Chapter of The Sierra Club (herein referred to as the "Sierra Club") submitted a Public Comment Letter on the USDA Forest Service's (herein referred to as the "Forest Service") March 2021 Draft Environmental Assessment of Project #58218. The April 3, 2021 Public Comment Letter is referred to herein as the "Comment Letter".

The Sierra Club has now reviewed the Forest Service's April 2022 Environmental Assessment (referred to herein as the "EA") and the Forest Service's Decision Notice and the Forest Service's Finding of No Significant Impact, collectively issued as a combined single document dated April 25, 2022 (referred to herein as the "Decision Notice/FONSI") for the subject North Fork Nooksack Vegetation Management Project.

We have also reviewed the Analysis Documents posted on the Forest Service's website for this project, including those documents which were either updated in 2022 from 2021 or added as new documents in 2022. We will refer to those Analysis Documents by specific name in this Objection Letter. Regarding the updated or new documents, we note that the Decision Notice/FONSI provides, at page 36, that the Objection must include the following (36 CFR 218.8(d)):

“...6) A statement that demonstrates either the connection between prior specific written comments on the particular proposed project or activity, or **the new information presented after the designated comment opportunities**, and the content of the objection.”

Clearly subsection 6) permits objections to be submitted on new information presented after April 5, 2021 the ending of the designated comment opportunity.

We have overview comments to many of the above listed documents, as well as specific references to issues in some of the documents including those not previously available on the Forest Service website.

Please note that this June 2022 Objection Letter does include many of the objections included in our November 5, 2021 Objection Letter; however, this June 2022 Objection Letter is a new letter in response to the April 2022 revised DN/FONSI and EA. We do note that the Objection Letters issued in response to the September 2021 DN/FONSI and EA were removed from the Forest Services' Project Website, so we make no further reference to that November 5, 2021 Objection Letter.

I. OVERVIEW of 2022 DOCUMENTS

A. Regarding the DN/FONSI and the EA, we acknowledge several of the changed items:

- The addition of a No Action Alternative, so we no longer object to the omission of the No Action Alternative from the 2021 EA, as noted in the Comment Letter, page 2 (see Exhibit A hereto);
- The addition of Alternative 1-Modified, which follows Alternative 1 except for requiring wider Riparian Buffers, resulting in less cut acreage in the Riparian Zone;
- Removing the proposed treatments along Glacier Creek Road due to need for repairs to the Road due to damage caused by the 2021 rain events.
 - **Please advise whether or not those proposed treatments are contemplated to be proposed for future action once the Road is repaired.**
 - *Please advise as to funding for repairs to Glacier Creek Road, and what the contemplated schedule is for starting and completing repairs.*
- The Wildlife Background Information Report was issued by the FS, Phyllis Reed, on 4/18/22, so that document is no longer 'outstanding' as it had been under the 2021 EA.

B. We Request that the EA include 2022 National Policies:

1. We request that the EA comply with the new NEPA Rule issued 4-20-22, adding back the obligation to include direct and indirect cumulative effects/impacts. We request that the requirements of the new Rule be complied with and included in revisions to the EA.

2. We request that the EA take into consideration the Biden Administration's executive order dated April 22, 2022, "Executive Order on Strengthening the Nation's Forests, Communities, and Local Economies" mandating an inventory of old growth trees across all Federal forests, and that the EA mandates an inventory of old growth trees prior to commencing any cutting.

3. We request that the EA include an analysis of the impact of the proposed cutting on the ability of the Mt. Baker-Snoqualmie Forest, specifically the North Fork Nooksack region, to achieve the carbon sequestration and biodiversity co-benefits described in the following article:

Carbon sequestration and biodiversity co-benefits of preserving forests in the western United States - Buotte - 2020 - Ecological Applications - Wiley Online Library (funded in part by the USDA)

<https://esajournals.onlinelibrary.wiley.com/doi/10.1002/eap.2039>

II. OVERVIEW OF THIS OBJECTION LETTER

First, we have reviewed the Appendix E to the September 2021 Decision Notice/ FONSI, which is the "Response to Substantive Comments". The Sierra Club acknowledges that several of our April 2021 comments were addressed in Appendix E and also addressed in the April 2022 Decision Notice/FONSI, but we conclude that the analyses by the Forest Service was insufficient, incomplete, or incorrect in terms of addressing our concerns, particularly those comments that relate to non-compliance with existing management direction.

Therefore, we have restated in this Objection Letter many of our original concerns, as had been raised in the Comment Letter. We also note that not all of the Sierra Club comments were addressed in Appendix E.

Second, we raise our objections to issues:

a) which arose after the designated opportunity for public comment, which expired on April 5, 2021; and/or

b) which arise under the 2022 EA or under the 2022 Decision Notice/FONSI or under those of the 'Analysis Documents' listed on the Forest Service Website which were either created in 2022 or were modified in 2022.

Incorporated herein by reference is the Comment Letter, a copy of which we have attached hereto as Exhibit A. All comments included in the Comment Letter are restated herein in their entirety except as may be noted in this Objection Letter.

Please note that in addition to the Comments that we address in this Objection Letter, we specifically reserve as Objections herein:

- 1) those of the comments made in the Comment Letter, and*
- 2) those of the substantive comment responses by the Forest Service in Appendix E to the EA,*

which we do not address in this Objection letter.

III. OBJECTIONS based on Comments raised in the Comment Letter

1. **Roads: We object to the fact that the proposed road mileage modifications as presented in a table in the Comment Letter (see *Exhibit A, page 8*) were not addressed as substantive comment** (i.e. roads in LSRs that should be considered for decommissioning after thinning work in stands less than 80 years old is completed). These road segments, particularly those currently in ML1 status, will have no apparent purpose once the thinning operations have been completed and the stands reach or exceed 80 years of age, at which point subsequent entry into the stands is not allowed by the Northwest Forest Plan (NWFP) for the purposes of timber management. **These segments should be decommissioned as the stand is exited. Please provide the rationale for why these road segments were not considered for decommissioning.**
2. **Roads:** As discussed in the Comment Letter (see *pages 5 and 8 of Exhibit A*; see also Appendix E), **we object to the fact that the road system post-project does not appear to be in compliance with the North Fork Nooksack ATM (July 2016)** despite FS's response in Appendix E Comment 5 to our comment regarding road ML modifications. Specifically, the ATM designates FSR 3035 to be decommissioned beyond milepost 0.2 (ATM, Page 22, Appendix B). From Appendix E (Comment 3, p 3), regarding FSR 3035, "Response:...The road would remain on the road system from milepost 0.00 to 0.20 as a Level 2 road and *milepost 0.20 to 0.56 would be decommissioned*" (emphasis added). The Transportation Report specifically states that "No new road decommissioning is planned for the NF Nooksack project" (Updated Transportation Specialists Report, p 18). The NWFP specifically states that "Road closures with gates or barriers to not qualify as decommissioning..." (p B-19) within Tier 1 Key Watersheds. This drainage is a Tier 1 Watershed. **Please provide the rationale for why this road segment is not being**

decommissioned, and why there is discrepancy between the EA, Appendix E, and the Transportation Report.

3. Roads: As discussed in our draft EA comment letter (*see page 8 of Exhibit A*; and see also Appendix E), **we object to the fact that the road system post-project does not appear to be in compliance with the North Fork Nooksack ATM**, despite FS's response in Appendix E Comment 5 to our comment **regarding road ML modifications**. Specifically, the ATM recommends decommissioning of FSR 3100444 (MP 0.0 to MP 0.18) (ATM, Page 24, Appendix B). This road is proposed for use as a haul route per Table 5 of the Transportation Report. **Please provide the rationale for why this road segment would not be decommissioned after use as decided in the ATM**. Note again that a "blocked" segment is not the same as decommissioning the segment, per NW FP direction (p B-19).
4. Entry into Late Successional Reserves (LSR):
As discussed in our draft EA comment letter (*see page 12 of Exhibit A*; *see also Appendix E*), **we object to harvests in LSRs of trees 80 years of age or older at the time of harvest**.

Per page 12 of the EA, in LSRs

Variable density thinning may occur in stands that have the following parameters:

...Are less than 80 years old. Any stands which are found to be 80 years of age or greater (at time of planning) would be dropped from the proposed treatment.

The phrase "(at time of planning)" would permit action that would be substantially out of compliance with the clear and unambiguous direction of the NWFP. The NWFP states, "There is no harvest allowed in stands over 80 years old." (NWFP C-12). The NWFP does not allow cutting in stands that are over 80 years old *at the time of cutting, irrespective of when plans were prepared or how much time elapses between plan preparation and stand harvest*.

If any of the cutting units defined in the EA reach a stand age greater than 80 years before they are cut, these units must be dropped from the EA's cutting plan because these stands will exceed the age class direction allowed for cutting within LSRs per the NW Forest Plan.

Since the EA notes (*see page 11*) that some stands may not be entered for cutting for 10 to 15 after planning is completed, we call your attention to those stands on the Forest that were cut between 1941 and 1955. The archived data for the Mt Baker-Snoqualmie National Forest shows there are 235 stands initiated during the period 1941-1955 that encompass more than 48,000 acres.

(See archived data for Vegetation Stand Year of Origin shown at <https://web.archive.org/web/20170228130834/https://www.fs.fed.us/r6/data-library/gis/mtbaker-snoqualmie/>)

If any of the above noted stands are situated within the North Fork Nooksack Vegetative Management Plan per the subject EA and they have not been entered by 2036, they must be dropped from the subject plan.

Any stand that is considered for harvest must be less than 80 years old *at the time of harvest*.

Please revise the EA to confirm this requirement, and address this Objection.

5. Mountain Hemlock Zone, MA19:

a. Project Specific Amendment to the 1990 Mt Baker Snoqualmie Forest Land and Resource Management Plan

We object to the fact that the Forest Service did not address in Exhibit E our concerns with the proposed Amendment to the Mt Baker-Snoqualmie Land and Resource Management Plan, as discussed in our Comment Letter (see page 4 of Exhibit A), which is copied below:

*“The 1990 Land and Resource Management Plan (LRMP) for the Mount Baker-Snoqualmie National Forest (MBS) called for the establishment of MA 19 and a study to test various silvicultural practices within that LUA. No such study was undertaken, and **we are concerned about a Forest Plan amendment that would mandate an increased level of development in the sensitive, high elevation, low productivity areas characterized by MA 19 without having done any analysis of the impacts of such treatments**”. [emphasis added]*

- **We object to the fact that the extent of any cutting in timbered stands associated with the enhancement of huckleberry areas has not been explicitly defined, by map or written description. We are asking for the explicit definition in the EA of the extent of conversions of mature and old growth Mountain Hemlock stands to meet the MA-19 huckleberry objective.**
- **We object to the fact that the EA has not provided specific information for the following aspects of the huckleberry enhancement project:**
 - a) determination criteria for site suitability of huckleberry enhancement
 - b) scientific studies that define the effects of huckleberry enhancement within the mountain hemlock zone:
 - c) analysis of the short-term and long-term effects of specific management activities authorized by this project that may include but are not limited

to logging, thinning, brush clearing, treatment of slash, underburning, planting, or cultivation of huckleberry plants, planned changes in access to huckleberry areas, etc. These effects should address effects on the viability and persistence of late successional ecosystems including habitat and species.

- d) the disposition of any mature and old growth logs that are cut. Will these logs be left in the forest?
- e) identify locations where the enhancement of huckleberry areas does not involve removing mature and old growth trees?

- **We object because there is no clear statement prohibiting cutting trees over 8" DBH.**
- **We object that there is no requirement limiting the stand age of trees cut in the Mountain Hemlock zone.**

b. Compliance of the proposed project specific amendment with the National Forest Management Act:

- **We object that the EA did not include an analysis describing how this project complies with the National Forest Management Act**, specifically with regard to stand conversion and 36 CFR Section 219.11 of the Planning Rule. MA-19 was originally established in the 1990 LRMP because after cutting in this zone, regeneration could not be assured within 5 years as required by the NFMA regulations. See specifically 219.11 (a) (1) (v).
- See specifically Section 219.11 (a), (c), and (d) of the Planning Rule, including without limitation:

"(d) Limitations on timber harvest. Whether timber harvest would be for the purposes of timber production or other purposes, plan components, including standards or guidelines, must ensure the following:

...

*(2) Timber harvest would occur only where **soil, slope, or other watershed conditions would not be irreversibly damaged;**"*

- **We request that such an analysis described in subsection (2) quoted above be conducted and included in the revised EA.**
- Since the general objectives for NF Nooksack is the restoration of late-successional and riparian components of the forest, **we request that the**

EA must explain how huckleberry conversion would support the NF Nooksack Plan and/or the ACS objectives.

6. Matrix: As discussed in our Comment Letter, **we object that harvest prescriptions within the Matrix do not specifically exclude old-growth fragments.** The Sierra Club commented that old-growth fragments within the Matrix should not be cut, and should be removed from the project area. See the Sierra Club's comment on *page 3 of Exhibit A*:

"Treatments within Matrix:

Cutting in Matrix should be limited to stands up to 80 years old, similar to LSRs. Cutting in stands over 100 years old is strongly discouraged and should be avoided. NWFP Standards & Guidelines delineate that old-growth fragments within Matrix Land Use Allocations (LUAs) should be retained as refugia for old-growth associated species with "limited dispersal capabilities," stating "It is prudent to retain what little remains of this age class within landscape areas where it is currently very limited." (NWFP, p C-44) These areas should be clearly removed from the project area."

We object that harvest prescriptions within the Matrix do not specifically exclude old-growth fragments and ask the Forest Service to prohibit removal of old growth trees and fragmented stands from the Matrix, as recommended in the NWFP. Please respond to this Objection.

7. The Sierra Club repeats as an Objection the following comment on page 3 of Exhibit A regarding LSRs:

"Treatments within Late Successional Reserves ("LSRs")

*Treatment objectives within LSR are "to benefit the creation and maintenance of late successional forest conditions." (NWFP Standards & Guidelines (S&G) C-12). It would be contrary to this goal to then remove the larger trees within the treatment stands—those very trees that most likely could develop old growth characteristics first within that stand. It appears that the inclusion of trees between 20-inch and 26-inch dbh can be understood as both (1) an attempt to increase the financial benefits of the commercial thin and boost the subsequent interest of timber companies, and (2) to apply the maximum timber prescriptions to the LSR stands to attain a Stand Density Index (SDI) most conducive to subsequent timber growth, and appears to contemplate multiple subsequent entries via commercial thinning. Neither of these goals should be the primary drivers in the management of LSRs. . **Rather, LSRs should be managed in a manner that best protects the habitat for old-growth dependent species in both the near-and long-term...**"[emphasis added]*

Leaving those larger trees standing and alive would better serve both the focus of LSR management and protection of late-successional habitat in both the near-and long

term, such as the Northern Spotted Owl (NSO) and the Marbled Murrelet (MM). The NWFP mandates the protection of the NSO and the MM, as well as both their nesting habitat and their Primary Constituent Elements.

One cannot argue that neither the NSO nor MM will be adversely impacted by such cutting of trees over 20" in diameter, either due to limited presence of the birds or due to presence of other available habitat.

First, no surveys have been taken of the birds (see the Sierra Club comments on pages 18 and 19 of Exhibit A). Per NWFP (p E-10):

"There is one primary evaluation question with regard to the northern spotted owl, the marbled murrelet, and at-risk fish stocks: Is the population stable or increasing?"

Such surveys are mandated for the Marbled Murrelet as described in the Sierra Club Comment Letter. Without the mandated surveys, there can be no rationale argument that the birds will not be impacted.

Secondly, the Sierra Club has reviewed both the February 2021 submission of a Consistency Request Review by the Forest Service to the REO for an exemption approval from the provisions of REO Memo 694, Stand #2, as well as the April 12, 2021 response by the REO/RIEC granting that exemption request. Neither of those documents addressed whether or not there would be cumulative impact of such harvest of 20" to 26" DBH trees on LSR lands ***cumulative with harvests on adjacent WA DNR lands, including without limitation whether or not such harvests would have a cumulative impact on critical habitat and nesting habitat of the listed species MM and NSO.***

As a note, the Sierra Club is entitled to comment on both of those documents as the REO/RIEC decision dated April 12, 2021 *was not previously available to the public during the March 4 - April 5, 2021 comment period and arose after the designated comment opportunity.* See also Section IV, paragraph #1 below for further discussion of the REO/RIEC decision.

Neither the Forest Service Consistency Request Review nor the REO/RIEC Response mentioned **whether or not there would be cumulative impact of harvest on adjoining lands** with harvest on National Forest lands, regarding endangered species.

There are two critical State of Washington programs that directly affect timber management on DNR lands that are adjacent to National Forest lands which should have been taken into consideration regarding the *cumulative impact of harvest on the DNR lands with harvest on the National Forest lands proposed by this project.* Discussion of the two WA DNR two programs follows below:

1) The Forest Service and REO should have considered the WA DNR Sustainable Harvest Calculation which was renewed and updated in 2019, after extensive public comment urging adoption of the least impactful alternative regarding the Marbled Murrelet. Note that the WA DNR did not adopt the alternative which would have been least impactful to endangered species and thus increases the sensitivity of impacts to the noted species by subsequent Forest Service management decisions including the subject EA.

2) Both the Forest Service and the REO should also have considered the impact of WA DNR's Marbled Murrelet Long-Term Conservation Strategy, also adopted in 2019, which when read in conjunction with the WA DNR Sustainable Harvest Calculation will likely have a negative impact on the survivability of the Marbled Murrelet.

There are extensive DNR lands contiguous to the Project Area, and these state timber harvest programs driven by the WA DNR Sustainable Harvest Calculation and Marbled Murrelet Long-Term Conservation Strategy will certainly diminish available habitat for both the Marbled Murrelet and the Northern Spotted Owl.

Additional pressure thus is placed on the Mt. Baker- Snoqualmie National Forest, to sustain the necessary habitats that will maximize the potential for survival of these Endangered Species.

Furthermore, even though the Forest Service included contiguous State and Private Forest Lands Harvest in its chart of "cumulative impacts, present, past and future" on page 73 of the EA, the EA states merely that the "extent and timing of these activities are unknown" when it is apparent that these activities regardless of timing and acreage will not be beneficial to the noted species.

In order to adequately assess whether or not trees older than 80 years or 20 inches - 26 inches DBH should be cut and a request made to the REO for an exception to permit such cutting, the Forest Service should have:

a) evaluated publicly available documentation on the DNR harvest plans and programs which will occur during the 10 - 15 years long program that is proposed for the subject Forest Service Project; and

b) conducted discussions with the DNR about its harvest plans and programs on lands abutting or near the boundaries of the project area, and specifically those DNR lands over which the Marbled Murrelet flies from salt water to old growth forest in National Forest lands on a daily basis.

As a matter of fact, the EA does not even list WA Dept Natural Resources as a state agency consulted by the Forest Service during the writing of the EA. See page 90 of

the EA. This non-action is an inexplicable lapse of routine coordination on the part of the Forest Service to not consult WA DNR when the Forest Service did, in a different context, consult with a different WA state agency, the Washington State Historic Preservation Office.

Therefore, the Sierra Club reiterates, as an Objection, its Comment on Treatments in LSR where the Sierra Club requests prohibition of cutting trees 20 – 26 inches DBH. Please respond to all points made in this Objection Section 7.

8. Endangered Species: See Sierra Club Comment letter, *pages 17, 18 and 19 of Exhibit A* regarding the Northern Spotted Owl, and *pages 10, 17 and 18 of Exhibit A* regarding the Marbled Murrelet. The Forest Service's response to the Sierra Club's comments, provided in Appendix E comment 7, and 19, is insufficient.

As discussed above in Objection 7, the cumulative effect of both the North Fork Nooksack harvest contemplated by this Project and the ongoing and future timber harvests on nearby DNR State lands, under the 2019 Sustained Harvest Calculation and the 2019 Marbled Murrelet Long Term Conservation Strategy (MMLTCS), may not protect the Marbled Murrelet sufficiently to maximize its potential for survival and to flourish if the EA is implemented. As well, the ongoing Federal and State timber harvests may not protect the Spotted Owl. Reduction of habitat is contrary to protection of a listed species.

Given the deteriorating population prospects for the Marbled Murrelet, the responsible Forest Service action would be to limit their management actions in areas that could further harm Marbled Murrelet prospects for long term survival. The Forest Service should not cause further losses of habitat for the Marbled Murrelets.

The Sierra Club objects to the management plan's failure to consider cumulative impacts of WA DNR harvest programs and marbled murrelet protection requirements, as well as impacts on endangered species both the MM and the NSO. Please address this objection.

9. Wild and Scenic River, MA-5B: See Sierra Club Comment letter, *pages 11, 14 and 15 of Exhibit A* regarding treatment under the Wild and Scenic River Act. The Forest Service did not address these comments in Appendix E.

We have many objections regarding the EA's treatment of the North Fork Nooksack River, specifically its status as a Recommended Scenic River under the Wild and Scenic Rivers Act.

As our last objection regarding MA 5B, set out below, we object to the EA's treatment of rivers found to be eligible within the project area, but not recommended in the 1990 MBS Forest Plan. Eligible rivers must be managed to retain their ORVs until Congress acts, including but not limited to Wells Creek.

Our First Objection regarding the Wild and Scenic River, MA-5B: the revised EA states that *“...evidence of timber harvest should not be noticeable from the river and appear natural when viewed from the river banks.”* (page 3).

We object to this interpretation since it substantially misrepresents of the intent of the Wild and Scenic Rivers Act (16 U.S. Code Chapter 28-Wild and Scenic Rivers). The revised EA wording has remained unchanged and without comment extending from the time of the scoping documents and the initial release of the EA to the currently revised EA. This interpretation fails to account for comments we have provided on this issue since June 2020.

We note the fact that nearly all the recommended river corridor is in a near natural condition.

We call your attention to the Wild and Scenic Rivers Act (16 U.S. Code § 1281(a):

- ***“(a) Public use and enjoyment of components; protection of features; management plans***

Each component of the national wild and scenic [rivers](#) system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.”

See <https://www.law.cornell.edu/uscode/text/16/1281>

We also call your attention to 16 U.S. Code §1273 (b) (2), for the Wild and Scenic Rivers Act definition of “Scenic River Areas”:

- ***“(2)Scenic [river](#) areas—Those [rivers](#) or sections of [rivers](#) that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.”***

See <https://www.law.cornell.edu/uscode/text/16/1273>

We object to the management interpretation of MA-5B that provides in the revised EA for, and in fact emphasizes, timber production in the river corridor as long as timber harvest unit cannot be seen from the river bank. *In fact, the invisibility of cutting units is conditional because the visual requirement utilized is ‘should’ rather than ‘shall not.’* Therefore, under the revised EA direction for MA-5B on page 3, cutting units are expected to be seen from the river bank. **Please revise the EA to establish firm requirements that any timber cutting will not change the natural character of the river corridor.**

Our second through fifth Objections regarding the Wild and Scenic River, MA-5B: we object to the management interpretation in the revised EA of MA-5B that emphasizes timber production in the river corridor, for the following four (4) reasons:

- **Timber cutting within the scenic river corridor is inconsistent with the statutory requirement to “...protect and enhance the values which caused it to be included in said system...”** In no case does timber cutting protect and enhance the natural values of the river corridor. (16 U.S. Code § 1281(a). **Please revise the EA emphasis to establish that any timber cutting will clearly not adversely impact the natural values and character of the river corridor.**
- **Timber cutting within the corridor “...interfere(s) with public use and enjoyment of these values...”** because the existence of such cutting units close by the river is inconsistent with the enjoyment of natural values in a natural setting. (16 U.S. Code § 1281(a). **Please revise the EA emphasis to ensure that any timber cutting will not adversely impact the public use and enjoyment of the natural values and character of the river corridor.**
- **Timber production in the river corridor is contrary to the direction where the primary emphasis is “...given to protecting its esthetic, scenic, historic, archeologic, and scientific features.”** The presence of cutting units are clearly not consistent with esthetic and scenic values. (16 U.S. Code § 1281(a). **Please revise the EA to require that any timber cutting will not adversely impact the esthetic, scenic, historic, archeologic, and scientific features of the river corridor.**
- **Calling for timber cutting within the river corridor is inconsistent with the statutory direction for the management of ‘scenic rivers’ that are intended to include**

“Those [rivers](#) or sections of [rivers](#) that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.”

The placement of cutting units in the river corridor is inconsistent with watersheds that are ‘still largely primitive’ which is in fact the case for the North Fork Nooksack River corridor at the present time. Emphasizing timber production within the corridor will, over time, degrade the largely natural condition of the corridor. It appears that the Forest is selectively choosing to interpret the statutory direction on the basis of just shorelines, while ignoring the important natural condition of the watershed within this corridor. (16 U.S. Code §1273 (b) (2)). **Please revise the EA to emphasize the retention of the near natural character of the river corridor in order to keep it largely primitive and undeveloped.**

Sixth, we object to the revised EA discussion of Desired Conditions (pages 8 and 9) because it is incomplete by providing no description of the Desired Future Conditions for the recommended river corridor of MA-5B. Since the management interpretation of MA-5B calls for timber harvest, limited in extent only by what can be seen from the river bank, an inconsistency with management on the ground and the underlying statutory requirement that scenic rivers “*are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads*” (see 16 U.S. Code §1273 (b) (2)) is established by the revised EA’s discussion of Desired Conditions. The revised EA calls for an increase in timber cutting in the river corridor and appears to conflict with 16 U.S. Code Chapter 28-Wild and Scenic Rivers. Please revise the EA to emphasize the retention of the near natural character of the river corridor in order to keep it largely primitive and undeveloped.

Seventh, we object to the management interpretation of MA-5B that provides for timber cutting that is unseen from the river bank because this direction may conflict with the NW FP objectives for ACS. While the recommended scenic river corridor MA 5B may or may not be allocated for scheduled timber production, any timber harvest that is planned must be consistent with the ACS objectives, must help to achieve riparian conditions, and be compatible with the identified Outstandingly Remarkable Values (ORV) of this river: scenic, recreation, fisheries, wildlife, and historical/cultural values. **The EA for this project must be revised to reflect this clarification.**

Eighth, we object to the EA analyses because it does not specify the precise number of acres of MA-5B within the project area. Please revise the EA clarify this oversight.

Ninth, we object to the EA analyses because the EA should explicitly recognize that any rivers found to be eligible within the project area, but not recommended in the 1990 MBS Forest Plan, must be managed to retain their ORV’s until Congress acts. Wells Creek falls into this category. Please revise the EA to document this important land management constraint and document this situation on page 4 of the “Other Relevant Land Management Allocations.”

We note the clear evidence of past cutting in the Cascade River Wild and Scenic Corridor (see Section 7, T35N-R12E) that certainly occurred after its designation. This is an example of management that must not be allowed to occur in the North Fork Nooksack.

IV. OBJECTIONS BASED ON INFORMATION NOT AVAILABLE AS OF THE CLOSE OF PUBLIC COMMENT ON APRIL 2021.

To repeat discussion from pages 1 and 2 of this Objection Letter, information that was not available until after the March 4 – April 5, 2021 Comment Period is acceptable, per the Decision Notice/FONSI, for public comment and objection in this Objection Letter.

1. **The Sierra Club objects to the REO Interagency Late-Successional Reserve (LSR) Workgroup's response dated April 12, 2021, to the Forest Service's Request for Consistency Review dated February 2021.**

The Request for Consistency Review addressed the application of REO/REIC Memos 801 and 694 to the subject of the request for exemption and requested an exemption regarding Stand Attribute (2) in REO/REIC Memorandum 694 (1996). *"The specific proposed treatment for review is increasing the allowable harvest tree diameter from 20" to 26" within select stands."* (see page 1 of the Request.) However, there were other relevant requirements of Stand Attribute (2) which were not requested for review, such as the requirement of thinning from below, and the requirement to cut and leave trees over 20" DBH on the ground.

It is not until the last sentence on page 10 in the Request that the Forest Service mentions that Stand Attribute (2) "allows for cut and leave trees over 20" DBH." However, Stand Attribute (2) actually says "will be...", which is **mandatory** rather than the merely suggestive words "allows for...". The Forest Service mentions that "in these proposed stands there are too many trees to leave behind in terms of down wood requirements and operational safety." But there was no request for an exemption from that specific requirement of Stand Attribute (2).

The REO/REIC Response specifically limited its response to the *specific proposed treatment for review* regarding harvest of trees 20" to 26" DBH. The REO/REIC Response was silent on the comment on page 10 of the Request for Consistency Review. Stand Attribute (2) includes the following requirement:

"Where older trees or trees larger than 20-inches dbh are cut, they will be left in place to contribute toward meeting the overall CWD objective."

The REO/REIC Response included the following language on the last page:

"Conclusion: Based on the REO's review, the REO concurs with the Forest's conclusion that the Project's activities, if implemented as described above, are consistent with the NWFP."

Nowhere in the REO/REIC Response was there discussion of an exemption for **removal** of trees from the site. The only discussion in the Response was for variable density thinning and harvesting of trees up to 26" DBH. Therefore, there is *no exemption for removal of trees from the site*.

Therefore, the Sierra Club asks that both the EA and Appendix A, the Project Design Criteria and Mitigation Measures (subsection Wildlife, W1) be amended to include a compliance requirement with the specific provision of "Stand Attribute (2)":

“Where older trees or trees larger than 20-inches dbh are cut, they will be left in place to contribute toward meeting the overall CWD objective.”

The Sierra Club objects to the failure to fully clarify the required conformance with the specific provision of Stand Attribute (2). ***Please respond to this objection.***

The Sierra Club also requests the REO to explicitly state that the REO’s allowance of cutting of these trees under the April 15, 2021 Response is project specific and applies only to the North Fork Nooksack Vegetation Management Project. ***Please respond to this objection.***

2. GENERAL OBJECTIONS TO THE APRIL 2022 DECISION NOTICE/FONSI:

- See page 3 of DN/FONSI, regarding treatment in Matrix:
 - “These gaps would be approximately 0.5 to 3 acres in size, cover approximately 10 to 20 percent of the stand area, and remove all conifers larger than the minimum diameter limit (for merchantability).

In Matrix, **we object to the removal of “all conifers larger than the minimum diameter limit (for merchantability)”** as provided on page 3. **No trees larger than 20 inches DBH should be removed.**

We have other objections to the April 2022 Decision Notice/FONSI, which we incorporate by reference from the following discussion of our objections to the April 2022 EA, as each of those points discussed are covered, in shorter description, in the Decision Notice/FONSI.

3. GENERAL OBJECTIONS TO THE APRIL, 2022 EA:

- Page 2, in section regarding MA-19, there is an incorrect regulatory reference to (36 CFR 219 14(c)(3)). There is no subsection (3) of that regulation. **Please correct for the proper section reference.**
- Page 11_ note, re Alt 1, the variable thinning in Matrix is 692 acres versus 525 acres in original EA page 10. Why, when the 2022 EA does not include Glacier Creek acreage, should the acreage have increased? **Please correct or explain the discrepancy.**
- Page 30, in the section re impact of clearing on water runoff, Canyon Creek treatment would be the highest, at 7.1% for Alt 1-Modified. However:

- o even if the percent of vegetation reduction on 1401 acres is 7.1% of the Canyon Creek watershed total of 19,719 acres, that vegetation reduction will occur in several targeted areas rather than uniformly spread over the entire watershed. For the Forest Service to use a mathematical formula based on 19,719 acres dangerously ignores the impact on the significantly smaller acreage which will be treated.
- o The Forest Service needs to answer if treatment would increase the runoff risk in just the 1,401 acres actually treated. Just by the math, that change in approach could likely show an unacceptably high maximum vegetation reduction percentage, which could then translate as over the 15% threshold for measurable flow increases.

Therefore, we Object to the analysis of the amount of increased runoff in the treated area and **we request that the Forest Service redo its analysis to more precisely determine likely impacts.**

- Page 70 regarding Canyon Creek:

*“Debris Flows were the most common mass wasting type in the watershed, accounting for 27% of mass wasting events. Most of these were associated with **clear-cuts or road fills**. Debris slides were almost as frequent, again occurring mostly associated with **road fills or clear-cuts**. No consistent relationship seems to exist between road density within a particular landform area and frequency of road related mass wasting events. It appears that road density is just one variable among several whose interactions result in the mass wasting frequency and distribution that have been observed within Canyon Creek.”*

Given this significant historic statistic on causes of mass wasting in Canyon Creek, (See also the Mineral & Geology report for more detail) where not only road density but also clear-cuts (which are effectively the same as Variable Retention Harvest units), and looking at Appendix C to the Minerals & Geology Report which shows an extensive number and frequency of Mass Wasting Events in Canyon Creek, **we object to Variable Retention Harvests in Canyon Creek.**

- Page 71: regarding Canyon Creek, refers to the cumulative effects of timber harvest *over time* in the context of a specific location, but there is no discussion of cumulative effects of:
 - o i) increased rain and flooding events; and
 - o ii) occurring in areas of unstable soils, with mass wasting events; and
 - o ii) subject to timber harvest and road work.

Therefor we Object to the cumulative effects analysis as described above and Request that:

- 1) the Minerals/Geology Report be revised to analyze cumulative effects taking into consideration rain and flooding in this area in this project; or
 - 2) the Forest Service conduct an EIS of this issue given the severity of consequences on downstream communities impacted in the past by mass wasting events.
- Page 90 Regarding Consultations with agencies and governmental entities. Specifically, regarding Canyon Creek, we note that there is no indication in the EA that the Forest Service consulted with the Glacier Springs community or with Whatcom County officials or Whatcom County Public Works Dept. Whatcom County spent significant funds protecting the community after mass wasting events in 1989 and 1990. See Scoping Comment of Whatcom County Public Works Department (WCPWD), dated July 2, 2020. Quoting from the WCPWD letter:

"Whatcom County has been heavily engaged with the Glacier Springs community along lower Canyon Creek since three sediment-laden floods in November 1989 and November 1990 (two events). Each of these floods was driven by large "rain-on-snow" precipitation events that triggered multiple landslides in the upper Canyon Creek watershed and at the toes of the Jim Creek and Bald Mountain landslides. The latter formed a series of landslide dams which subsequently failed sending large quantities of sediment downstream to the Canyon Creek alluvial fan. As a result, four homes were destroyed, a private resort was damaged, multiple undeveloped lots and a county road were eroded, and habitat critical to ESA listed North/Middle Fork early Chinook, steelhead, and bull trout and other salmonids was degraded."

The WCPWD described its protection efforts in the July 2, 2020 letter.

- **We Object to the failure to consult with a potentially impacted community or with local governmental officials.**
 - **We request that such consultation, review and coordination be commenced immediately, and be completed before, this Project is started and any modifications requested be adopted and incorporated into the EA and other relevant documents.**
- **Page 90 We object that the Forest Service did not consult with the WA DNR regarding both timber management and protection of endangered species on lands managed by DNR that are adjacent to National Forest lands.** The Forest Service did discuss the project with WA Historic Preservation Office, so by analogy, the Forest Service should have consulted with WA DNR.

- Page 100: discussion re REO decision re 26" DBH; however, the 2022 EA omits the emphasis on 'flexibility' included in the 2021 EA. The actual REO decision focused on flexibility, so we Object to that omission and request inclusion/addition of the following language, copied from the 2021 EA:

- o "While the target of prescriptions within late-successional reserve is not to remove trees 20 to 26 inches in diameter, the flexibility to do so allows treatments to better meet stand objectives."

- Page 101: re the National Forest Management Act: does not list that the Forest Service needs to comply with 36 CFR 219.11, regarding the National Forest Management Act and the proposed amendment for MA-19 Mountain Hemlock. **As previously stated above, we Object to this omission and request that the Forest Service comply with 36 CFR 219.11.**

4. **WILDLIFE BACKGROUND INFORMATION REPORT ("WBIR"-THIS IS THE BIOLOGICAL EVALUATION REFERRED TO IN THE EA AND THE DN/FONSI) DATED APRIL 18, 2022**

- Page 9: One of the Wildlife Mitigation Measures suggested at page 9 of the WBIR (and included in Appendix A, see Pg 10) is the following:
 - o "Trees greater than 26 inches DBH will not be cut in LSR without wildlife review."

We object to the phrase 'without wildlife review' as the REO decision did not authorize removal of trees over 26 inches DBH. Please remove the phrase 'without wildlife review' from the WBIR. We further object to allowing the cutting of any trees over 26 inches DBH.

- See also comment below requesting a similar change to W1 of Appendix A.
- Page 20: Quoting from the WBIR:

"Treatment needs would be assessed prior to treatment or sale layout for current condition of the stands and it is anticipated that treatment needs and priorities may change from the modeled priorities based on conditions on the ground."

We object to changing treatment needs and priorities 'based on conditions on the ground' without public participation.

- Page 22: The following sentence on page 22 is unclear. *"None of the mature second-growth fire stands (> 80 years of age) in Wells Creek are part of the proposed thinning treatments, while stands in the Canyon Creek drainage are being reviewed for potential thinning."*

We object to any treatment in Canyon Creek of mature second-growth fire stands that are over 80 years of age. Trees over 80 years of age must not be cut.

- Page 91: refers to Stand Year of Origin maps and Fire Maps, that older stands would be retained for habitat for old forest associated species

We object that phrase ‘retention of older stands’ is not clear in terms of location and extent. Please revise the EA for clarification and also to provide maps of sufficient scale that these older stands can be located on the ground.

- Page 107, There is missing language in Section 10, see copy below:

“10. Public Comment Response

[Start typing here in Body Text]”

We ask for completion of Section 10 on page 107.

5. NORTH FORK NOOKSACK VEGETATION MANAGEMENT PROJECT CLIMATE CHANGE REPORT

Prepared by: Kevin James, Ecology and Botany Program Manager Mt. Baker-Snoqualmie National Forest. March 22, 2022

Quoting from page two of this report:

***“Landslides and Sediment Transport:** Changes in rainfall, snowpack, and streamflow may lead to an **increase in landslide risk, erosion, and sediment transport in fall, winter, and spring**, while reducing the rates of these processes in summer. Quantitative projections of the likely changes in sediment transport and landslides are limited, in part because it is challenging to distinguish climate change effects from non-climatic factors such as development patterns and forest management.*

***Flooding:** Both the extent and the frequency of flooding is projected to increase. Heavy rain events are projected to intensify, increasing flood risk in all Puget Sound watersheds. Continued sea level rise will extend the reach of storm surge, putting coastal areas at greater risk of inundation. In snow-accumulating watersheds, winter flood risk will increase as the snowline recedes, shifting precipitation from snow to rain.”*

It was a heavy rain event in November 2021 that damaged the Glacier Creek Road and other roads in the Mt. Baker-Snoqualmie National Forest.

While it may be challenging to analyze even the marginal impacts of increased volume of rain and increased frequency of rain and flooding, as well as road maintenance and construction, and timber harvest, failure to analyze risks, with their concomitant increase to the risks of landslide, erosion and sediment transport is a failure, in our opinion, to exercise good judgement in the application of best management practices.

We object to that failure and request that the Forest Service conduct, with *independent* climatologists, hydrologists and geologists, such an analysis.

6. MINERALS & GEOLOGY REPORT (“MGR”), Todd Griffin, Forest Geologist, 4/21/2022

Page 8: The following provisions from the MGR should be added to the 2022 EA and the 2022 Appendix A:

“Generally, avoiding the following practices will minimize human-caused re-initiation or acceleration of deep-seated landslide movement:

- a. removing material during road construction or quarrying at the toe;*
- b. overloading slopes by placing spoils on the upper or mid-scarp areas;*
- c. changing subsurface hydrology by excessive soil compaction; and*
- d. directing additional water into the slide from road drainage.”*

We object to the silence in the 2022 EA and the 2022 Appendix A on these important recommended practices and request that they be prominently incorporated and included in both the 2022 EA and the 2022 Appendix A.

Page 9 re Cumulative Effect (also quoted in EA at page 71):

This section of the MGR does not integrate the impact of changes in hydrology due to climate change (see Hydrology report and see Climate change report) with the impact of rain and snow and flooding on unstable land forms. This section of the MGR merely states that there is ‘no cumulative impact’ as no other projects planned, ignoring follow-on timber harvest with its attendant road construction/reconstruction.

This section of the MGR unfortunately fails to address the issue of cumulative impact of increased rain and flooding on unstable soils and historic mass wasting events and timber harvest.

The difference between 1) cumulative as to repetitive similar actions occurring over a period of time, and 2) cumulative as to different types of actions impacting a specific location is significant. The second approach, focusing on the different types of actions that impact this location, should be used for this Project

We object to the cumulative effects statement, and ask that the Forest Service redo its analysis of cumulative effects of climate change, hydrology, timber harvests, road construction and maintenance, and the unstable land forms in Canyon Creek.

7. **APPENDIX A, AS MODIFIED APRIL 2022:**

Copied from Appendix A - Project Design Criteria and Mitigation Measures:

“W1 – Trees greater than 26 inches DBH will not be cut in LSR without wildlife review”

We object to the addition of the words ‘without wildlife review’ to W1 in Appendix A as the REO decision does not permit cutting of trees in LSR greater than 26 inches DBH. We request that the words ‘without wildlife review’ be removed from W1 in Appendix A. We further object to allowing the cutting of any trees over 26 inches DBH.

V. **OBJECTION REGARDING CERTAIN DOCUMENTS THAT REMAIN OUTSTANDING WHICH SHOULD BE AVAILABLE FOR PUBLIC COMMENT PRIOR TO SIGNING THE DECISION**

The following documents remain outstanding as listed in the Decision Notice/FONSI:

- Page 27 Consultation for fish and wildlife is currently incomplete. Endangered Species Act Section 7 review (U.S. Fish and Wildlife Services; and National Marine Fisheries Service); and
- Page 27 consultation is incomplete re Magnuson-Stevens Fishery Conservation and Management Act required review, of essential fish habitat for Pacific coast Salmon (National Marine Fisheries Service); and
- Page 34 incomplete re concurrence regarding endangered wildlife, i.e. murrelet and spotted owl, to be issued by U.S. Fish and Wildlife Services for Endangered Species Act Section 7.
- Omitted without explanation from the EA is the **Biological Opinion documenting incidental take, to be issued by U.S. Fish and Wildlife Services** for Endangered Species Act Section 7 (*which had been required under the 2021 Decision Notice/FONSI at page 6 and 7 but is not mentioned in the 2022 Decision Notice/FONSI or the 2022 EA*).
 - *In addition, also required in 2021: “A Forest Service wildlife biologist prepared a Biological Assessment (BA) with these findings to meet Endangered Species Act (ESA) Section 7 consultation obligations for threatened, endangered, and sensitive wildlife. Concurrence by U.S. Fish and Wildlife Service with these risk determinations is in process”.*
 - We ask that **the 2022 EA and the 2022 Decision Notice/FONSI be revised to clarify whether or not that Concurrence has been obtained.**

The lack of transparency and failure to provide several of the critical documents which form the basis of the FS's decision making, and are specifically cited in the Decision, the FONSI and or the EA, is a failure of the FS to comply with its obligation to involve the public in all aspects of decision making on the project. The public cannot thoroughly address impacts without all available relevant documents, particularly regarding Endangered Species, the protection of which is a key focus of the North West Forest Plan/ROD and which would be analyzed in the Concurrency Documents. **Please address this objection.**

V. CONCLUSION

Please respond to these Objections. We look to the Forest Service to undertake the recommendations provided in this Objection Letter.

Please keep us informed of any actions related to this project.

Please address future communications and emails regarding this project to the Sierra Club, Washington State Chapter, National Forest Committee, to the attention of:

- Nete Olsen at neteolsen01@gmail.com , and
- Donald Parks at dlparks398@gmail.com , and
- Amy Mower at almower@earthlink.net .

Sincerely,

Donald Parks, Nete Olsen, and Amy Mower
National Forest Committee
Washington State Chapter
Sierra Club

Cc:

Louis Neff, District Ranger
Mt. Baker-Snoqualmie National Forest
Mt. Baker Ranger District
810 State Route 20, Sedro-Woolley, WA 98294
FS-comments-pacificnorthwest-mtbaker-snoqualmie-mtbaker@usda.gov.

Exhibit A

Copy of April 3, 2021 Comment Letter



**Washington State
Chapter**

180 Nickerson St, Ste 202
Seattle, WA 98109
Phone: (206) 378-0114
Fax: (206) 378-0034

April 3, 2021

Greta Smith, District Ranger
Mount Baker Ranger District
Mount Baker-Snoqualmie National Forest
810 State Route 20
Sedro-Woolley, WA 98284

Submitted to:

<https://cara.ecosystem-management.org/Public//CommentInput?Project=58218>

Subject: North Fork Nooksack Vegetation Management Project draft Environmental Assessment

Dear District Ranger Smith:

The Sierra Club has reviewed the draft Environment Assessment (EA) for the North Fork Nooksack Vegetation Management Project (VMP), and we appreciate the opportunity to provide comments, concerns, and suggestions regarding this project.

Overview

Concerns Regarding Inconsistencies

There are a number of inconsistencies within the project document. Some of these inconsistencies can be attributed to a lack of editing, while others appear to indicate that the current EA was reduced from a larger document, but there are legacy elements that linger from possibly the scoping phase or the Nooksack Integrated Conservation and Enhancement Project (NICE) project. In either case, the inconsistencies are confusing, reduce the reader's understanding of the project, and need to be corrected in the EA. Errors and inconsistencies such as these reduce the confidence in the rest of the data presented in the project documents.

A few examples relating to roads and transportation:

Figure 9 on page 26 presents road densities within the project area, and shows a reduction in road mileage within eight different subwatersheds. This table is directly imported from the Hydrology Specialists Report (January 27, 2021). However, the figures presented in the table cannot be correct, given that the project as presented in the EA does not include any road storage or decommissioning. An example would be the entry for Clearwater Creek, which shows 22.4 miles of road pre-project, and only 5.2 miles post-project, “after implementing road storage and decom” (Figure 9, EA, p 26). Also, the table totals show a reduction of road mileage from 317.5 to 192.9. Clearly, these values are incorrect.

The EA refers repeatedly to the “Engineering Specialist Report” (pp 25, 53, 59, etc.), but there is no report by that title on the Project website. The closest report related to the information that this information appears to reference is the “Transportation Report”. However, the EA references information presented on “page 24” of the Engineering Report, and the Transportation Report doesn’t have that many pages. Also, the Engineering Report is said to discuss “a history of deferred maintenance”, which is not presented in the Transportation Report. Either the Transportation Report as currently presented is a reduced version of the Engineering Report, and it doesn’t contain the information referenced, or the Engineering Report was not placed on the Project website. In either case, this needs to be corrected in the documentation. A phone call to the District to request this report was not returned.

The EA, as well as the Transportation Specialist Report, refer to temporary road needs for Alternative 2, stating “Alternative 2 would use approximately 20 miles of temporary roads.” (EA p 13) (See also Transportation Report, p 12, “Haul Routes”) It is unclear why Alternative 1 would not also use those same temporary roads as the stands considered for treatment are identical.

There are also discrepancies between the EA and the Specialist Reports provided for the project. These discrepancies are discussed in detail in the following sections.

Discrepancies such as these seem to signal that the project documents were hastily reduced from the larger Nooksack Integrated Conservation and Enhancement Project (NICE), which was a precursor to this project, and the resulting inconsistencies within and between the documents must be cleared up. Inconsistencies of this type lead to confusion, as well as a lack of confidence in the veracity of the rest of the information presented in the documents.

Specific comments on the draft EA and the related Specialists’ Reports are presented below.

Alternatives Developed

There are two alternatives that have been presented. While there are only a few differences between the two alternatives, they are significant. Our concerns with the alternatives presented are as follows:

Treatments within Late Successional Reserves (LSRs)

All treatments of forestland within LSRs must be done in strict adherence to the Northwest Forest Plan (NWFP). No cutting of trees larger than 20-inches diameter breast height (dbh) should be considered, and an exemption should not be requested to diverge from this standard to an arbitrary choice of a 26-inch dbh limit. Amendments to forest plans that address site-specific projects which could then be expanded and applied to entire ranger districts and/or national forest administrative units represent a most serious misuse of the site-specific amendment process. There would also be questions as to whether a landscape-scale vegetation management plan would be considered “site-specific,” or whether such a term should only apply to a single timber stand or drainage. We call your attention to the 2012 Umatilla National Forest 28,000-acre Snow Basin Project in the Eagle Creek Watershed as an example of where the forest plan amendment process was misused. In 2014, the Courts found that the process used for site specific amendments by the Umatilla National Forest violated the National Forest Management Act and the National Environmental Policy Act, and vacated both the ROD and the FEIS for that project.

Treatment objectives within LSR are “to benefit the creation and maintenance of late-successional forest conditions.” (NWFP Standards & Guidelines (S&G) C-12) It would be contrary to this goal to then remove the larger trees within the treatment stands—those very trees that most likely could develop old growth characteristics first within that stand. It appears that the inclusion of trees between 20-inch and 26-inch dbh can be understood as both (1) an attempt to increase the financial benefits of the commercial thin and boost the subsequent interest of timber companies, and (2) to apply the maximum timber prescriptions to the LSR stands to attain a Stand Density Index (SDI) most conducive to subsequent timber growth, and appears to contemplate multiple subsequent entries via commercial thinning. Neither of these goals should be the primary drivers in the management of LSRs. Rather, LSRs should be managed in a manner that best protects the habitat for old-growth dependent species in both the near-and long-term. A more traditional and conservative approach to timber removal from LSRs should be applied to these sensitive and important forest lands to ensure the primary goal of habitat protection is met at the earliest stage by maintaining the diameter limits for LSR treatments at 20-inch dbh.

Treatments within Matrix:

Cutting in Matrix should be limited to stands up to 80 years old, similar to LSRs. Cutting in stands over 100 years old is strongly discouraged and should be avoided. NWFP Standards & Guidelines delineate that old-growth fragments within Matrix Land Use Allocations (LUAs) should be retained as refugia for old-growth associated species with “limited dispersal capabilities,” stating “It is prudent to retain what little remains of this age class within landscape areas where it is currently very limited.” (NWFP, p C-44) These areas should be clearly removed from the project area.

Treatments within Mountain Hemlock Zone (MA19)

The 1990 Land and Resource Management Plan (LRMP) for the Mount Baker-Snoqualmie National Forest (MBS) called for the establishment of MA 19 and a study to test various silvicultural practices within that LUA. No such study was undertaken, and we are concerned about a Forest Plan amendment that would mandate an increased level of development in the sensitive, high elevation, low productivity areas characterized by MA 19 without having done any analysis of the impacts of such treatments.

The project proposes to seek a project-specific forest plan amendment to “allow for non-commercial thinning for the purpose of huckleberry enhancement in Management Area 19, Mountain Hemlock Zone.” (EA, p. 7-8) The text continues, “The need for the amendment is discussed in this EA at page 4.” There is no text on page 4 of the EA that discusses this need (See notes above regarding text inconsistencies in project documents). This needs to be corrected. However, we can understand from subsequent discussions within the EA that a lack of wildfire has allowed some of this zone to become “overgrown”, and has decreased the availability of suitable huckleberry habitat, which can be considered an important element to forest users, including Tribal users.

Nevertheless, there are additional areas within MA19 that are proposed for treatments that are not related to huckleberry enhancements, and these areas need to be examined separately from the huckleberry enhancement areas. Along Forest Service Road (FSR) 3140000, 3140025 and 3140026 confluences, there are regions within MA19 that are proposed for “Stand Improvement.” Without having performed the study prescribed in the LRMP to study silvicultural practices within the Mountain Hemlock Zone, a separate forest plan amendment must be prepared for these areas. This amendment must address the treatment methodologies specific to this zone, and any treatment plan must be designed to provide monitoring, analysis, and information to satisfy the requirement within the LRMP for a study of silvicultural practices within this management unit.

Treatments within Mountain Goat Habitat, MA 15

Treatment areas within this LUA should be changed to “Stand Improvement,” implementing hand cutting with the cut materials left in place, and access only via foot along closed roads. Otherwise, treatments within this LUA should be removed from the project scope.

This LUA is administratively withdrawn from scheduled cutting under the 1990 LRMP. This MA is also recognized as ‘administratively withdrawn’ under the NWFP direction. The 1990 LRMP states “No harvest scheduled. If timber management activities are conducted, practices applied shall be for the primary purpose of maintaining mountain goat winter habitat.” (LRMP, pp 4-234 thru 4-236) Variable Density Thinning (aka “Commercial Thinning”) is intended to produce log volumes for manufacture, and would not appear to meet the necessary guidelines for cutting as set forth by these LRMP and NWFP directions. It appears that the only reference to a benefit from these treatments is one sentence in the Wildlife Specialists Report, “Alternative 1 and 2 would provide for additional forage production in winter range allocation of MA 15 while

maintaining cover in escape terrain.” (Wildlife Report, p 16) Such a rationale seems at best, very thin. Consequently, if any vegetative manipulations occur in MA 15 clear evidence must be provided in the EA for the benefits that may accrue for mountain goats, and must be restricted to Stand Improvement, where only smaller diameter trees are cut, and all cut trees are left on-site.

Within this project, the areas within MA 15 that are proposed for treatment are small units in the 40-79 year age class, accessed via FSR 3035000. These areas are completely surrounded by forest stands that are between 80 and 200 years old or greater. It is unclear how the treatment of these small units, surrounded as they are by mature and older forest, would be of sufficient importance to warrant entry into the MA 15 allocation, or how it would “maintain mountain goat winter habitat” to a degree that the surrounding intact forest is not providing. The EA needs to improve its rationale for these entries in order to justify them.

The LRMP guidelines further direct that “No new roads permitted which access mountain goat winter habitat.” (LRMP, p 4-234) This stricture clearly applies to all roads, including temporary roads. The North Fork Nooksack Access and Travel Management Project (2016) (ATM) specifically addresses FSR 3035000, and recommends that the final 1.0 mile of this roadway be removed from the roads system and decommissioned (See discussion below in Roads and Transportation). It appears that the Forest is using this VMP to overturn prior administrative decisions by attempting to reopen this Maintenance Level 1 (ML1) roadway within MA 15, creating additional temporary roads within MA 15, and conducting minimally beneficial treatment in stands within MA 15. Instead, these treatment areas should be removed from the project, or at minimum reduced to “Stand Improvement,” with access restricted to walk-in entry. The decommissioning of FSR 3035000 should be done, regardless, as defined in the 2016 ATM.

Treatments in MA 1B, LSR (less than 80 years old), Semi Primitive, non-motorized LSR:

It appears that the only area within this LUA is in the Glacier Creek/Clearwater Creek watershed, at the end of FSR 3900. No roads of any maintenance level should be permitted or planned for this MA. Any Stand Improvement thinning performed in this LUA must be done with the least visible impacts upon the stand. The Standards and Guidelines for this LUA in the LRMP states “The desired future condition: Areas are characterized by a predominately natural or naturally appearing environment generally free from evidence of sights and sounds of human activity....” (LRMP, p 4-161) Any Stand Improvement in this LUA should be done to meet this standard, with the resulting condition appearing “free from evidence of sights and sounds of human activity.” Any cut trees should be left on-site. Again, the Forest appears to be overturning long-standing administrative decisions through this VMP process.

Treatments in MA 1C, LSR less than 80 years old), Semi Primitive, motorized LSR:

It does not appear that there is any land in this allocation included in the project document.

Roads and Transportation Report

Road Mileage Reductions

We strongly disagree with the current recommendations within the project documents to not reduce the road mileage within the project area. By not reducing road mileage in a project that is predominately made up of the LSR LUA, this VMP is violating the spirit and intent of the NW Forest Plan Standards and Guidelines. There are a number of opportunities to decommission roads through the course of this project, which we present below. However, the information regarding the road modifications must be corrected within the project documents to align the Transportation Specialists Report and the EA, as they are currently in conflict.

There are discrepancies in the discussion of roads as presented in the draft EA versus the Transportation Report. The draft EA contains language that indicate that roads will be decommissioned:

As proposed activities would be completed as part of the North Fork Nooksack Project, the Forest would implement proposed road storage and decommissioning treatments under the Nooksack Access Travel Management (ATM). (EA, p. 25)

In the long-term, road closure and decommissioning activities would reduce the risk of culvert failures and chronic road-related sedimentation to streams, as well as reduce the risk of mass failures that could contribute catastrophic inputs of sediments and road fill that could transport to fish-bearing waters, degrading the quality and quantity of spawning and rearing habitats. (EA, p. 53)

Legal Consistency ACSO3: Additionally, proposed action would decommission and/or obliterate roads analyzed during the North Fork Nooksack ATM (EA, p.69)

However, the Transportation Report states:

Most system roads would remain the same after project implementation. (Trans. Report, p. 11)

No new road decommissioning is planned for the NF Nooksack project. (Trans. Report, p. 17)

This project does not change the overall miles of road in the project area and makes minor changes to the Nooksack ATM project. (Trans. Report, p. 19)

Further, the Transportation Report proposes to make changes to the North Fork Nooksack Access and Travel Management Project (ATM, 2016), removing the road decommissioning recommendations made in the ATM that are pertinent to the project area. It also proposes to increase the Maintenance Level (ML) of roadways, keeping more roadways in open status after the project than before. Tables 2 & 3 of the Transportation Report show that 2.79 miles of ML1 roadway would be increased to ML2, 1.56 miles of ML1 roadway would be increased to ML3,

whereas only 2.5 miles of ML4 roadway would be decreased to ML3. This would increase the miles of open roadway by almost 4.5 miles.

We strongly disagree with these recommendations made within the Transportation Report. These recommendations are contrary not only to the ATM, but to the requirements of the NWFP as noted above. The North Fork Nooksack is designated as a Tier 1 Key Watershed as delineated by the NWFP, and Aquatic Conservation Strategy (ACS) requirements within Tier 1 Key Watersheds establish that “The amount of existing system and nonsystem roads within Key Watersheds should be reduced through decommissioning of roads. Road closures with gates or barriers do not qualify as decommissioning or a reduction in road mileage” (NWFP, p B-19).

Additionally, per Watershed Analyses developed for the project area, including the North Fork Nooksack, the ATM confirms (Environmental Assessment, North Fork Nooksack Access and Travel Management Project, page 10-11):

Findings indicate that roads and road deterioration will negatively impact fish and fish habitat, wildlife and wildlife habitat, and change hydrology in watersheds. Specifically,

- that without proper maintenance, roads would deteriorate and increase the risk of mass wasting or road related slope failures and sediment delivery to streams
- *without proper funding many of the system mileage are recommended to be placed in a low cost maintenance category or decommissioned* (emphasis added)
- roads have the potential increased erosion and sedimentation effects on stream channels and aquatic habitat, and fragmented terrestrial habitats
- that open roads and high-use trails have placed much of the terrestrial vertebrate habitat within a potential disturbance zone (1/3 mile from open roads and high-use trails)
- habitat features are highly fragmented and discontinuous as a result of geography, roads and trails

The Mt Baker Snoqualmie Land and Resource Management Plan (LRMP) also clarifies the priorities for roads within the Forest, stating as a Management Objective for Roads: “As funding levels vary, primary priority will be given to resource management and protection, with second priority given to user convenience.” (LRMP p 4-140) This Management Objective was noted in the Transportation Report (p. 3). We do not find the VMP in general conformance with the documented Management Objectives for Roads as directed in the LRMP, as noted in multiple places in our comments.

Proposed Road Mileage Modifications

There are a number of road segments that should be decommissioned through this project. A table of these segments is presented below. The roads proposed for closure are all within LSRs, which per NWFP direction should have no entry whatsoever after the stand reaches 80

years of age, unless some other management objective, other than timber harvest, can be specifically identified. The ages of the stands accessed by these roads are all greater than 40 years old. Therefore, once these stands are accessed for treatment during the 10-15 year duration of this project, and after which it is assumed that no further treatment would be performed within the limited time until these stands reach 80 years of age, these stands should then be considered inaccessible for further entry. In these cases, the roads within these stands should be decommissioned through this project in order to protect the forest resources, and to hasten the recovery of the stands' ecosystem values.

Road No.	Road Name	Begin MP	End MP	Current ML	Notes
3100000	Canyon Cr	14.6	15.0	3	This is the old switchback spur of road beyond the Damfino TH. This road portion does NOT serve the TH as is suggested in Trans. Report Table 3
3150000	Canyon View	0.0	0.8	1	Short ML 1 spur to treatment area
3160013	Bee Cr	0.0	0.9	1	Short ML 1 spur to treatment area
3160015	Everlast	0.0	0.5	1	Short ML 1 spur to treatment area
3170020	Canyon Lake	0.0	0.2	1	Short ML 1 spur to treatment area
3130000	Kidney Cr	1.3	2.5	1	End of road, leads from Matrix to LSR
3120000	West Church	3.5	4.3	2	From matrix boundary (at 3120035 spur) to end of road
3120035	Blooper	0.0	0.2	1	Short ML 1 spur to treatment area
3120037	Dismal	0.0	0.4	1	Short ML 1 spur to treatment area
3035000	Fourmile	0.2	1.2	1	Per ATM, decommission ^A
3310000	Pinus Lake	1.39	3.4	1	End of road

^A This road segment was recommended for decommissioning in the ATM. It accesses MU 15, Mountain Goat Habitat, as well as forest stands >200 years of age. Please clarify in particular why this road is not listed for decommissioning.

In addition to these road segments, the ATM recommends decommissioning of Road No. 3100444 (0.2 miles), please clarify why this road segment is not being decommissioned as part of this project.

Also, a review of Table 5 in the Transportation Report, "Roads Proposed for use as Haul Routes", includes roads 33100011 and 3940000, both of which are recommended for decommissioning in the ATM. These roads, however, do not access any of the proposed timber stands presented in the project documents, so it is not clear why they would be listed as haul routes. Please correct this information, as well as any other discrepancies in this table. If there is some reason why they would be utilized in this project, they should be decommissioned as the related work is completed.

Road Maintenance Funding Concerns

Chronic underfunding of the road maintenance budget is also not addressed by retaining an oversized road system as proposed in the Transportation Report. The Transportation Report proposes that “Timber purchasers would be required to perform road repair and maintenance work as a condition of timber-sale contracts prior to using the roads.” (p 12) Also, “Road maintenance accomplished by the proposed project would allow for the appropriated road maintenance dollars to be expended on other road projects.” (p 12) While the use of timber sale contracts to perform maintenance on roadways is a sound solution for those roadways that will remain open after use, it should not preempt the decommissioning of roads that are no longer required after the project life. Roadways retained within the Forests’ road system will always require ongoing maintenance, whether they be ML1 or ML5. These maintenance costs cannot be supported under current funding levels, and it is not a long-term solution to the chronic problem of funding road maintenance. The proposed retention of roads in excess of identified requirements only exacerbates this funding problem.

Proposed Road Maintenance Funding Modifications

Only a reduction in overall road mileage will reduce long-term road maintenance costs. The road closure suggestions presented above would provide a long-term reduction in these costs, as well as improve the terrestrial and aquatic conditions of the watershed, as intended by the ACS. As has been suggested in the Transportation Report, the costs of road decommissioning can be a condition of the timber sale contract, and in so doing save the Forest the cost of decommissioning these same roads in the future when the stands that they access reach an age greater than 80 years old.

Temporary Roads Concerns

With nearly all the planning area allocated as an LSR it is important to note that the standards and guidelines in the NW Forest Plan advise against road construction in LSRs unless the benefits are clear. Per the NWFP, “Road construction in Late-Successional Reserves for silvicultural, salvage, and other activities generally is not recommended unless potential benefits *exceed* the costs of habitat impairment. If new roads are necessary to implement a practice that is otherwise in accordance with these guidelines, they will be kept to a minimum, be routed through non-late-successional habitat where possible, and be designed to minimize adverse impacts. Alternative access methods, such as aerial logging, should be considered to provide access for activities in reserves” (NWFP, p C-16). In this case, benefits mean benefits to the environment and the acceleration of late successional characteristics, and costs would mean any detrimental impacts to these goals. When costs exceed benefits, roads within LSRs should be avoided. In addition, other methods of access to LSRs must be considered before road construction, including temporary roads, is allowed.

For those treatments planned within Riparian Reserves (RR), no activity shall be allowed that retards or prevents the attainment of Aquatic Conservation Strategy objectives, and all activities shall follow the Standards and Guidelines specified for Riparian Reserves in the NWFP, in particular regarding Timber Management and Road Management (NWFP, p C31 thru C-33).

We are concerned that there are over 20 miles of temporary roads proposed for this project. While temporary roads do not contribute to the long-term inventory of roads within a watershed, they do contribute to short- and mid-term impacts to terrestrial and aquatic resources through ground disturbance activities and vegetation clearing, erosion and sedimentation, and creating unsanctioned access opportunities to the forest. As noted above, within LSRs, “potential benefits” must “exceed the costs of habitat impairment.” To that end, minimization of temporary roads should be a goal of this project.

A few sites of particular concern:

- The temporary road network proposed from the terminus of FSR 3130000 (Kidney Creek Rd) must be reconsidered. This temporary road network (1) is proposed to be built within LSR of stand age greater than 200 years old, and (2) criss-crosses the 0.5 mile buffer surrounding and containing a Marbled Murrelet occupancy site (Canyon Creek Eng). Any access to these timber stands must only be considered using an alternative access method, such as aerial logging.
- The temporary road network proposed along the southern bank of Kidney Creek must be reconsidered. This road network appears to run fully within the Riparian Reserve in order to access a timber stand that, based on the Fire History Map in Appendix A, is land that burned in the 1960s. This narrow strip of forestland is, again, predominantly within the Riparian Reserve. The temporary road network proposed along the south bank of Kidney Creek must be removed, and an alternative access method proposed.

Proposed Temporary Road Modifications

The scale and locations of the temporary roads within this project must be further studied. Any temporary road that is proposed within an LSR must be analyzed to demonstrate that the costs (in terms of detrimental impacts to the goal of habitat restoration) do not exceed the benefits. Any temporary roads proposed within Riparian Reserves must be analyzed to demonstrate that they comply with the restrictions on road design and construction outlined in the NWFP (S&G p C-32). The EA and appropriate supporting documents must be revised to include the necessary cost benefit analyses noted above.

In the Kidney Creek road network, the temporary road network from the terminus of Kidney Creek Road described above must be removed. Any access to these timber stands must only be considered using an alternative access method, such as aerial logging. Likewise, the temporary road network proposed along the south bank of Kidney Creek must also be removed, and an alternative access method proposed.

Within Land Management Allocation 15, Mountain Goat Habitat LSR, the Mount Baker Snoqualmie Forest Plan states that “Road density will average no more than two miles per square mile and no new roads will be built in Goat MR areas” (LRMP, p 4-44). Therefore, any thinning (commercial or noncommercial) within MA 15 must be carried out without any road building, temporary or otherwise. However, given the negligible benefits expected from the

harvest within LUA 15, these stands should be removed from the project area. See previous discussion of LUA 15 above.

Silviculture Specialist Report (dated December 2020)

Our review of the Silviculture Specialist Report generates the following concerns and recommendations:

- Page 4, Area of Analysis. The Silvicultural Specialist Report (here after referred to as the report) states that the Nooksack Vegetation Project area totals 61,696 acres. This statement is unclear if this acreage refers to all NFS (National Forest Service) lands within the North Fork Nooksack drainage, or only NFS lands that are theoretically subject to treatment under this vegetation management plan, i.e. LSR and matrix LUAs? Per existing management direction such treatment excludes LSR>80 years old and Inventoried Roadless Areas. Please clarify the areas of NFS lands that the treatment options apply to.
- Page 4, Area of Analysis. The report states that there are approximately 4710 acres of stands suitable for silvicultural treatment. Tables 1, 2, 3, 6 and 11 (pages 5, 9, 15, 23) repeat this figure of 4710 acres. However, on page 10, section Existing Condition, the report then states “There are ~200 stands that are proposed for treatment and total approximately 5733 acres.” Please clarify which area of treatment is correct and update this report accordingly.

We are further confused by the documentation of the “treatment acres” that are shown in the EA data table included on page 14 that defines the “treatment acres total” to be 2907 acres for both Alternatives 1 and 2. Which figures are correct, the report or the EA? All documents should be updated for consistency as to the total treatment areas this vegetation management project is actually addressing.

The Silvicultural Report and the EA should provide the total number of acres in the project area that include LSR <80 years old.

- Page 5, Table 2, Acres within each MBS Forest Plan Land Allocation organized by the NWFP Land Allocations. The data table lists MA 5B (Recommended Scenic Rivers) as including 19 acres of lands in the Matrix category. Our review of the North Fork Nooksack Vegetation Project LUA (Map #4) for MA 5B shows that nearly all of this recommended river segment to be within the LSR LUA and none of it within Matrix. Please update the Table 2 so that the MA 5B LUA is correctly reflected in the proper LUA in the Silvicultural Specialists Report.

The 1990 MBS LRMP identified several rivers as eligible for the Wild and Scenic Classification, but only recommended the North Fork Nooksack as scenic. The Wild and Scenic Rivers Act directs the agency to manage all rivers found to be eligible for designation to insure they remain in a condition suitable for designation when and if Congress should

act. Please revise the report to list Wells Creek as an eligible river that could potentially become a LUA MA 5B should Congress Act.

- Page 10, Forest Health. The data presented in the report for the Palmer Drought Severity Index (PDSI) indicates drier conditions have prevailed in recent decades. This study should address stream temperatures effects of these trends. Stream temperature trends should also inform the intensity of cutting in the riparian areas so as not to exacerbate natural occurring phenomena.
- Page 5-6, Applicable Laws, Regulations, and Policies. This section of the report should also list the management direction for Inventoried Roadless Areas (IRA). Those areas are identified and mapped in accordance with the Roadless Area Conservation Rule (36 CFR Part 294). No road construction of any kind should be considered or proposed for IRA's. And no timber harvesting or vegetative management should be proposed within any IRA as part of this project. *In addition, no timber harvest or road construction should take place within any area that is roadless and is contiguous to a mapped roadless area.*
- Page 6, Relevant Standards and Guidelines. We strongly agree that all direction for LSR's (See NWFP ROD, C-12) must be strictly followed. There must be no cutting of any kind in LSR>80 years old. In addition, no roads *of any kind* should be built in LSR>80 years old.
- Page 12, Late Successional Reserve. While the report has stated that no stands >80 years old will be treated, this LSR write up should be absolutely clear that treatments proposed by this project will occur in stands <80 years old. It should also be stated that older trees within the <80 years old category will acquire old growth characteristics sooner than tree <70 years old, particularly given that this sale may be extended over 10-15 years time period.
- Page 13, Matrix. Within the Matrix LUA, where stands are over 80 years old, cutting and treatments should be avoided.
- Pages 12-13, Treatment Considerations for MBS Land Allocations. If treatment for 171 acres of MA19 requires special access, in terms of either new or reopened roads, we strongly question the need for such construction given the concentration of adjacent older stand ages.
- Pages 15-26, Discussion of Alternatives 1 and 2. With all the data on average MBF/acre, acres, and estimated net timber value (\$), we find it strange that estimates for volume removal by each LUA and by treatment type were not provided for each alternative. We are particularly interested in the volume projected to be removed by LUA for each Alternative, and in particular from Riparian Reserves for each alternative. Since no volume information is included in either the EA or supporting documents, we believe this omission makes these VMP documents inconsistent with the intent of 36 CFR

219.8(b) as it applies to the social and economic sustainability analyses where multiple uses may contribute to local, regional, and national economies in a sustainable manner. Without volume data, no such economic assessment is possible.

We also find no detailed analyses for the rationale for a NWFP amendment (exemption) that would be reviewed with the Regional Ecosystems Office for the treatment of trees up to 26" dbh in an LSR <80 years old as is discussed in the EA, page 7. Please provide this detailed analyses so that its scope and intent can be better understood.

- Page 27, Past and Present Actions. The report states that past timber harvest practices have influenced the landscape patterns on both federal and private lands. The adjacent private lands have been particularly impacted by even-age silvicultural systems on the basis of low rotation age cutting. We question the report's comment that "The decision not to harvest or thin much of the landscape has contributed to existing conditions and many of the problems that the Nooksack Vegetation project area is currently seeing....." as being somewhat myopic and in fact at least in part has been self-inflicted. It seems to us that the decision made by the MBS NF to maintain high levels of cutting in low elevation, roaded areas during the period 1970-1990 after the exclusion of roadless area entry had reduced the forest base, has certainly exacerbated the problems noted above. This report should be more open about disclosing all the decisions that have been made that have contributed to the noted problems.
- Page 28, Conclusion. The report conclusion seems to be biased against the selection of Alternative 2 when it states that opportunities would be foregone for silvicultural treatments to better meet wildlife objectives. We are concerned about a potential Forest Plan amendment because:
 - Expanding cutting in LSR<80 years old by removing larger diameter trees may have the effect of removing the very trees that have the potential of contributing to the earliest development of old growth characteristics within the younger stands of the LSR. The purpose of cutting in LSR<80 is to accelerate the development of old growth characteristics and increasing the diameter limits appears to retard that development. Please explain the impacts of cutting larger trees in LSR<80 on the rate of acceleration of old growth characteristics.
 - Because the report has provided no data on volume removals by alternative, or LUA, or treatment type, we are concerned that the removal of larger trees is simply an effort to increase cutting volumes associated with this sale. Please expand the EA and this report to define the expected log volumes that will be extracted for each alternative, by LUA (including Riparian Reserves), and treatment type.
 - The wildlife objectives that would be 'better' met by Alternative 1 have not been quantified in a fashion that facilitates an understanding of any definable benefits to wildlife. Please improve the description of any benefits.
 - The scope of the application of cutting to increased diameter limits in LSRs <80 years appears to have no defined geographical limits. The scope of the proposed amendment appears 'open loop' and without constraint. The report makes references to cutting units with an 'abundance of larger trees,' but with no specific locations defined. We are

concerned that the proposed expanded diameter limits would be made applicable to all treatment areas in LSR<80 years in this sale, expanded to cutting in other LSR<80 on the MBS NF, and even applying this amendment to other national forest units in the Region of the Northern Spotted Owl.

- 13. Pages 28-30, Glossary. The report includes a very helpful Glossary. Please revise the EA to include this Glossary.

Climate Change

The discussion on Climate Change within the EA should include an analysis, or reference to an analysis, of the specific hydrologic design criteria to mitigate climate change impacts. Per the EA, strategies for adapting to climate change include “Replacing undersized culverts with larger appropriately sized crossings.” (p 38) The project Best Management Practices (BMPs) do not specify the design criteria for streamflow, such as the design storm that culverts, ditches, and other drainage elements would be based on (i.e. 100 year storm), and whether these design criteria have been adapted to the newer, higher volumes predicted by climate change analyses. This is an important element in costs associated with roadway improvements suggested by the EA. If roadway maintenance and reconstruction is predicated on a timber sale, the associated drainage must be designed and build/rebuilt to accommodate increased flow rates and volumes. The project, including the BMPs, should include a discussion of the culverts within the project area, including identification of culverts that will need to be replaced due to road maintenance, reconstruction, or climate change impacts.

Wild and Scenic River

Recommended Scenic River MA 5B.

The EA states that “...evidence of timber harvest should not be noticeable from the river and appear natural when viewed from the river banks.” (pp 2 and 47-48) We take exception to this interpretation since it misrepresents of the intent of the Wild and Scenic Rivers Act. The EA wording is unchanged from the scoping documents and fails to account for our comments provided on this issue from June 2020. We believe that the management prescription should to revised as noted below:

- The Act requires that the management of recommended scenic river corridors be managed so as to largely remain primitive with shorelines that are largely undeveloped. Please revise the EA so that it complies with the intent of the Wild and Scenic Rivers Act. See 16 U.S. Code § 1273(b)(2).
- Per the land use allocation map on the website, all of the MA5B in the project area is in the North Fork Nooksack river corridor. Nearly all of this land is in a near natural condition. Future management actions are expected to retain this condition.
 - A recommended scenic river corridor MA 5B may or may not be allocated for scheduled timber production, but any timber harvest that is planned must be consistent with the ACS objectives, help to achieve riparian conditions, and be compatible with the

identified Outstandingly Remarkable Values (ORV) of this river: scenic, recreation, fisheries, wildlife, and historical/cultural values. The EA for this project must be revised to reflect this clarification.

- The clear evidence of past cutting in the Cascade River Wild and Scenic Corridor (see Section 7, T35N-R12E) after designation is an example that must not reoccur in the North Fork Nooksack.
- The EA should specify the number of acres of MA 5B within the project area.
- The EA should recognize that any rivers found to be eligible within the project area, but not recommended in the 1990 MBS Forest Plan, must be managed to retain their ORV's until Congress acts. Wells Creek falls into this category. The EA should be revised to document this important land management constraint and document this situation on page 2 of the "Other Relevant Land Management Allocations."

Additional EA Comments

- Pages 1-2, Land Management Allocations, LSRs. We agree that the EA should be prepared in accordance with NEPA regulations, but we question why an explicit "no action" alternative was not included? Please explain the rationale for this decision.

While we agree that the EA must be tiered to the 1990 MBS LRMP, as amended, the EA must also include an explicit list of all amendments that apply on the Project Area, not just the 'major amendments.' Please revise the EA accordingly.

We agree that the proposed actions should be designed to contribute to attainment of the Aquatic Conservation Strategy (ACS) objectives. These LSR management objectives include a focus on roads and they direct that roads in LSRs should be kept to a minimum. The North Fork Nooksack is designated as a Tier 1 Key Watershed as delineated by the Northwest Forest Plan, and ACS requirements within Tier 1 Key Watersheds establish that "The amount of existing system and nonsystem roads within Key Watersheds should be reduced through decommissioning of roads. Road closures with gates or barriers do not qualify as decommissioning or a reduction in road mileage" (LRMP, p B-19). The Forest, as part of this project, should be considering a significant reduction in road density throughout the project area. The plan should eliminate roads where impacts of the roads and vehicle access impacts soils, aquatics, wildlife usage and primitive recreation. No new permanent roads should be constructed for this project, temporary roads should be fully decommissioned at the completion of this project. We would request a reduction in the mileage of system roads within the study area to only those segments necessary for recreational and cultural access and that are *consistent with those administrative needs that are only supported by reasonably expected agency budgets*. See Roads discussion above for additional discussion of roads within the Forest.

- Page 2, Land Management Allocations, Matrix. The EA states that the matrix is where most of the timber harvest and other silvicultural activities occur. However, on the MBS National Forest most of the timber removals that have occurred since 2000 have come from the

LSR<80 years old. The EA should be updated to reflect the actual situation on the Forest and not just copy and paste in the relevant sections of the Northwest Forest Plan.

- Page 3, Other Relevant Land Management Allocations, Inventoried Roadless Areas (IRA). We are pleased with the addition of the reference to this critical element of Land Management Allocations in this EA. As a reminder, these specific these IRAs include:
 - Mt Baker (Canyon Creek Block) Roadless Area 6041 (LRMP, pp C-16 thru C-23)
 - Mt Baker (North Block) Roadless Area 6041 (LRMP, pp C-24 thru C- 35)
 - Mt Baker (West Block) Roadless Area 6041, unit MK (LRMP, pp C-36 thru C-45)

It is indeed appropriate that no road construction or timber harvesting of any kind take place in lands that are inventoried as roadless.

This or any other project must not take any action that would prevent any unroaded lands from being inventoried per the current direction in FSM Chapter 70 (Wilderness Inventory and Evaluation Process), and no cutting should be considered for any unroaded lands within LSR land allocations. Per the EA data on stand age we note discrepancies in the roadless inventory. For example, they include:

- The IRA boundary should be extended downhill nearer to road R33 and Wells Creek in Sections 15 and 16 (T39N-R8E).
- The IRA boundary near the confluence of Clean Creek and Canyon Creek should be extended north to the south bank of Canyon Creek in Sections 9 and 10 (T40N-R7E).

The IRA inventory should be updated with a review of stand age mapping as well as a detailed consideration of inventory criteria as defined in FSM Chapter 70.

- Page 42: There are many users of this National Forest who access trails from Glacier Creek Road and Canyon Creek Road which are designated as two of the three primary haul roads for the timber treatment. Not only will access be impacted during the harvest, but long-term visibility will be impacted.
- Page 53: “In the long-term, road closure and decommissioning activities would reduce the risk of culvert failures and chronic road-related sedimentation to streams, as well as reduce the risk of mass failures that could contribute catastrophic inputs of sediments and road fill that could transport to fish-bearing waters, degrading the quality and quantity of spawning and rearing habitats.” We agree with this statement, and would therefore request that road closure and decommissioning be done via this project. At present, the EA does not plan to close or decommission any roads, see discussion regarding Roads above, and this statement does not correctly reflect that plan.
- Page 54: “There would be a continued negative impact from the removal of riparian trees from the landscape that could have otherwise been recruited to adjacent streams and river

in the Upper North Fork Nooksack watershed. The legacy of removed riparian trees from past timber management on federal, state, and private land, combined with current and future removal, would lead to fewer trees that can be recruited to nearby streams and rivers.” Also:

Page 54: “Legacy impacts from riparian removal persist today through continued fish habitat degradation and would overlap with current and future riparian tree removal. Collectively those impacts would persist on the landscape for decades.”

This result of the proposed treatment plan is directly contrary to the restrictions set forth in the NWFP for Riparian Reserves to comply with Aquatic Conservation Strategy objectives. “Complying with the Aquatic Conservation Strategy objectives means that an agency must manage the riparian-dependent resources *to maintain the existing condition or implement actions to restore conditions.*” (NWFP, p B-10). Any work to be conducted in Riparian Reserves must comply with these restrictions within the NWFP. Any work that does not comply must be removed from the project.

- Page 54: “The incremental impact of the riparian tree removal when combined with other interacting actions is negligible and certainly undetectable in its effect on fish and fish habitat. The total acres of riparian treatment and vegetation treatment type of the proposed action is in stark contrast to legacy riparian management of the past and of some current and future riparian treatments on state and private land.” Also:

Page 55: “The proposed action would incrementally contribute to the reduction of riparian trees that can be recruited to nearby streams and rivers. However, this contribution is negligible when added to the more frequent and wide-spread riparian management impacts occurring on state and private land currently and in the future. These impacts combined continue to slow the recovery of suitable habitat for ESA and MIS fish species.”

These comments are directly contrary to the statements noted above regarding the collective impacts to the project area. Additionally, an argument that the Forest Service does not need to consider the impacts of its actions because (a) they didn’t in the past, and (b) other landowners aren’t doing it is completely indefensible. The Forest Service is required by law to consider the impacts of its actions and develop action alternatives that abide by the laws and regulations that define those actions. Not doing so because “everyone else isn’t” is not logically valid, nor is it a legal argument in the management of our federal lands.

- Wells Creek Road and Canyon Creek Road: why harvest here at all given presence of critical habitat? The statement that “... *no nesting habitat would be removed...*” appears to be inconsistent with all the statements throughout the Wildlife Effects Analysis (WEA, dated January 30, 2021) about the impact of ‘treatment’ on the Marbled Murrelet and the Spotted Owl. Leaving fragmented islands of nesting habitat does not provide habitat for survival of either of these Federally Listed Species. Where there are multiple issues with

cutting in Marbled Murrelet (MM) and Northern Spotted Owl (NSO) habitat, many of these cutting units in and around MM and NSO habitat should be re-examined for conformance with the Standards and Guidelines of the NW Forest Plan. If the noted monitoring has taken place, these surveys should be explicitly documented and included in the EA.

Monitoring

Monitoring of the project elements must be addressed in the EA. Currently, the only discussion of monitoring within the EA is in regards to regeneration within Matrix gaps. Currently, the Lake Wenatchee Ranger District of the Okanogan Wenatchee National Forest is developing a monitoring plan in conjunction with stakeholders and the public for the Upper Wenatchee Pilot Project, a landscape-scale vegetation management plan. We would recommend that the Mt Baker District contact Lake Wenatchee to more fully understand the elements of monitoring that are pertinent to Vegetation Management Plans that are attempting to rehabilitate the aquatic and terrestrial elements of the Forest that have been heavily impacted by past management activities.

NWFP Standards & Guidelines specify:

Monitoring is an essential component of natural resource management because it provides information on the relative success of management strategies. The implementation of these standards and guidelines will be monitored to ensure that management actions are meeting the objectives of the prescribed standards and guidelines, and that they comply with laws and management policy. Monitoring will provide information to determine if the standards and guidelines are being followed (implementation monitoring), verify if they are achieving the desired results (effectiveness monitoring), and determine if underlying assumptions are sound (validation monitoring). (NWFP, S&G p E-1)

In order to comply with NWFP Standards & Guidelines, a monitoring plan that provides for implementation, effectiveness, and validation monitoring must be included in this EA. The scope and framework of such monitoring is outlined in the NWFP S&G, Section E: Implementation. In particular, any exemption or amendments to the LRMP or NWFP must include a rigorous monitoring plan to track the implementation, establish the efficacy of the amended treatment, and validate the assumptions of the treatment plan. The plan should clarify who will be providing staffing, funding, and management oversight for the monitoring as well as the subsequent analyses and mapping efforts that must come out of the monitoring. Implementation Monitoring needs to be performed in the short-term to ensure that the work is consistent with the contract, while Effectiveness and Validation Monitoring can require studies that are carried out years after the work has been completed.

Additionally, per NWFP (p E-10): “There is one primary evaluation question with regard to the northern spotted owl, the marbled murrelet, and at-risk fish stocks: Is the population stable or increasing?” This question must be answered through a robust monitoring program. Per NWFP (p C-10):

Current protocol requires 2 years of surveys to assure that no marbled murrelet nests exist in areas planned for timber harvest. If behavior indicating occupation is documented (described below), all contiguous existing and recruitment habitat for marbled murrelets (i.e., stands that are capable of becoming marbled murrelet habitat within 25 years) within a 0.5-mile radius will be protected. The 0.5-mile radius circle should be centered on either the behavior indicating occupation, or within 0.5 mile of the location of the behavior, whichever maximizes interior old-growth habitat. When occupied areas are close to each other, the 0.5-mile circles may overlap.

Have these surveys been performed? If not, the project does not comply with the NWFP. If they have been performed, the results of these surveys must be included in the project documents.

The NWFP continues (pp C-10 – C-11):

One hundred acres of the best northern spotted owl habitat will be retained as close to the nest site or owl activity center as possible for all known (as of January 1, 1994) spotted owl activity centers located on federal lands in the matrix and Adaptive Management Areas. This is intended to preserve an intensively used portion of the breeding season home range. "Activity center" is defined as an area of concentrated activity of either a pair of spotted owls or a territorial single owl. Timber management activities within the 100-acre area should comply with management guidelines for Late-Successional Reserves. Management around this area will be designed to reduce risks of natural disturbance. Because these areas are considered important to meeting objectives for species other than spotted owls, these areas are to be maintained *even if they become no longer occupied by spotted owls* (emphasis added).

Again, if these surveys have not been completed, the project does not comply with the NWFP. If they have been performed, the results of these surveys must be included in the project documents.

We appreciate the opportunity to comment on this significant project. The scale of the project, the sensitivity of the lands and waters in the project area, and the duration of the plan require a close analysis of any proposed actions, with plenty of input opportunities from interested parties. We hope that our comments and concerns will provide an opportunity for discussion and improvement of this plan going forward. Please keep us on the mailing list and informed of future developments.

Sincerely,

Nete Olsen
National Forest Committee
Washington State Chapter
Sierra Club