To: Reviewing Official, Region 6 Regional Forester, Pacific Northwest Region, USDA Forest Service, Attn: 1750/1950 Objections, 1220 SW 3rd Avenue, Portland, OR 97204

From: Barry Gall

Re: Objections to NF Stillaguamish Landscape Analysis FONSI/DN/EA

Submitted May 27, 2023

The objections below are complemented by my earlier comments to the Draft EA that are contained in attachment #2, which are referenced below within this attachment (#1). Those comments to the Draft EA are all still pertinent and were not rectified by the responses given by the MBSNF in the ‘Responses to Comments’ PDF that was posted on April 14, 2023 – the same day that the DN and FONSI was issued. All of my comments to the Draft EA that were submitted on March 16, 2023, shall be considered part of the objections I am submitting.

1. A total of 29 people submitted a total of approximately 200 pages of comments on the Draft EA. The April 2023 Final EA that is virtually identical to the Draft EA that 29 people commented on. The only significant change found was that the Climate Change section was expanded. It is virtually impossible that none of the hundreds of comments that were submitted on the Draft EA merited any changes whatsoever to the EA. This strongly indicates that the MBSNF had already decided what they were going to do before public comments were collected and that they essentially ignored public input since the Responses to Comments PDF resulted in no change to the EA..

 In addition, the public comment period for the Draft EA ended on March 16, 2023. The FONSI, Final EA, and DN notice and the Responses to Comments PDF were all posted 4 weeks later on April 14, 2023. This short period was not sufficient for USFS staff to review comments and make any consequent edits to the Draft EA, which is highlighted by the fact that the Responses to Comments PDF was also posted on April 14, 2023. The norm for USFS NEPA public comment process has always been to state (and track for reader) what changes were made to a Draft EA in the Final EA. In this case no significant changes were made between the Draft and Final EA beyond adding two larger scale maps to the Soils Specialist Report (with no consequent discussion) and a longer climate change section in the EA, which still does not adequately address the ongoing increases in peak flows and lower base flows in the basin. See Attachment #2 for additional comments/objections on this issue.

2 - The EA and the Silvicultural Specialist Report both state that this project may be a **deficit sale** and that some aspects of the project may not occur. There is no explanation of **how** and **when** a project economic analysis would occur to determine what actions could occur that would: 1- meet the stated purpose and need; and 2- not result in a deficit sale since the USFS does not allow this to occur. In addition, no contractor would bid on a deficit sale if they had to incur the costs needed to properly conduct the project per USFS policies and regulatory requirements under the NWFP and the Forest Plan, especially in a project area such as this where many miles of new or upgraded roads would need to be constructed. The road costs alone could make result in this proposal being a deficit sale.

 Both the EA and the Silvicultural Specialist Report state that up to 50% of the proposed harvest units may not be viable to harvest. How and when will the Forest do an economic analysis to determine total costs that include, but are not limited to upgrading existing roads, building new temporary roads, decommissioning some roads, installing LWD, eliminating some fish passage barriers, etc.… as compared to possible timber revenues is not stated, hence this is a fatal flaw in the EA. If this proposal is conducted incrementally over a period of 15-20 years (as proposed) the total costs and revenues of undetermined harvest units will be unknown until there may be no chance to affect a correction. Unless such a thorough explanation of how and when an economic analysis will be conducted, this proposed action is not viable, and no further expenditure of public funds should occur until it occurs. See Attachment #2 for additional comments/objections on this issue.

3 - The EA, several Specialist Reports, and especially Appendix B list numerous additional USFS staff of varying disciplines that would have to be added to conduct stand exams, assess slope stability, provide technical assistance for ‘tipping’ trees into streams, and other tasks. It is not stated how these staff would be funded, nor when/how they would be hired. It’s obvious that these staff would need to be hired before final identification of harvest units and road upgrades or new road construction would occur. The MBSNF cannot maintain the roads it currently has, nor conduct the scores of hundreds of stand exams in this proposal. If the Forest cannot explain how and when these positions will be funded and staffed, it appears very likely that many of the promised actions will not be able to occur in a timely manner that would result in both meeting the stated purpose and need and not resulting in a deficit sale. In addition, what staff disciplines (expertise) would assess ‘stability’ or how and where to ‘tip’ trees? Lastly, how will required implementation and effectiveness monitoring be funded and staffed. The list of promised actions in Appendix B cannot occur with current Forest funding and staffing. See Attachment #2 for additional comments/objections on this issue.

4 – The proposed action would harvest trees in the outer half of the riparian reserve (RR) with the same prescription of the upland areas. There is inadequate justification for this arbitrary segmentation of the riparian reserve, and this proposed action does not abide by the requirements of the Aquatic Conservation Strategy (ACS) of the NWFP for silvicultural actions with RRs. In addition, the proposed action increases the allowable maximum dbh of harvested trees in the RR from 20- to 24-inches without any justification.

 The desired future condition of RRs is late-seral stage, and there are currently few trees larger than 20 inches in the RRs of the proposed action area. The purpose and need states that part of the purpose is to promote late seral conditions in the RRs, yet this proposed action would harvest some of the largest trees. The proposed action does not meet the purpose and need. The EA refers to a prescription in the Snoqualmie Basin as part of the rationale for this proposed prescription. The Snoqualmie is very different than the NF Stillaguamish, which has much higher rainfall and some of the least stable slopes in Western Washington. Plus using an example in from Snoqualmie that does not comply with the ACS in no way justifies using a similar prescription in the NF Stillaguamish. See Attachment #2 for additional comments/objections on this issue.

5 – The proposed action would only leave a very narrow 30-feet no cut buffer along streams. The only justification for this appears to be the citation of a single reference (Rashin et. al. 2006) that was intended for Washington State industrial forests, not USFS lands which have a very different mission. In addition, there are many other studies in the PNW that could have been referenced that contend that a much wider no cut buffer is necessary to protect aquatic systems from erosion due to heavy equipment and yarding, including those cited in preparation of the NWFP. This proposed very narrow buffer is not justified nor warranted and would result in unnecessary high risks of sediment delivery to streams from felling and yarding operations. The proposed 30-feet no-cut buffer does not support the stated purpose and need and clearly is not in compliance with the ACS. See Attachment #2 for additional comments/objections on this issue.

6 - The EA titled a Landscape Analysis is a Condition Based Analysis. This not clearly stated, nor is the difference between it and a traditional EA explained. It needs to be, and how this document is compliant with NEPA needs to be justified and defended. The USFS has never thought it needed to use such vague project descriptions before, so why are they needed now?

 The draft document contends that the environment within the planning area could change so much in the time span between the EA Decision Notice and implementation that it would be impracticable to disclose the specifics (or at least reasonable narrower ranges) of what is being proposed, where it would occur, and when it would occur. That could not be the case unless it would be many, many years before implementation. Vegetation management proposals have always been able to give this information in past EAs for many decades and there is no justification for why that could not happen here.

 The ranges of ‘possible’ acres and locations of harvest in the EA lists maximums but minimums, so actual acres could differ greatly from maximums. There is no way to assess those impacts if you don’t know if the actual number of commercial thinning is 10,572 acres or for instance half that. In addition, other possible actions such as LWD input and removal of instream passage barriers are listed as ‘up to’ various numbers of sites, with no minimums given, so actual numbers could vary from zero to the maximum listed various numbers. So again, there is no way to assess the impacts of these proposed actions.

 There is also no assurance that those restoration actions will be funded and occur. There is also no assurance that the stated road decommissioning will occur since the EA states that there may well be inadequate funds to complete all proposed actions. In fact, how can there be assurance that the newly built or rebuilt roads will be maintained considering that the Forest has insufficient funds to maintain the current road system, and in some cases relies on volunteers to maintain roads?

 There are hundreds of ‘possible’ harvest units, but only about 40 have been surveyed thus far, so the current stand and ground conditions of most units is actually unknown. Yet the EA states that current stand conditions require commercial or pre-commercial thinning in order to meet the desired future condition. That statement is not supported by data and there is no data included in the EA to support the need for the project as stated in the Purpose and Need.

 In addition, there is little difference in acres proposed to be thinned between the two action alternatives. Alternative 2 states ‘up to’ 10,572 of variable density thinning (commercial thinning) and up to 6492 of non-commercial thinning. Alternative 3 is up to 8,842 and 5644, respectively. Under this scenario the preferred alternative (Alternative 2) may result in less acres thinned than the maximum under Alternative 3. The second action alternative is not significantly different and constitutes a straw dog.

 Most of the actual vital decisions would be deferred until occur after the Decision Notice by unidentified Forest staff disciplines, with no opportunity for public involvement. For instance, it states that treatment prescriptions for the planning area would be developed after the NEPA decision is made. This proposed action is predominately timber harvest; hence prescriptions are a key aspect of assessing impacts. The EA does not disclose what staff disciplines would decide which "guidelines or mitigations" "as relevant". Guidelines by definition are set before assessment of impacts are made, and before a NEPA decision is made, not after. There is no rational stated for why so many key decisions are deferred to after the NEPA decision. If the premise is that conditions on the ground are changing so rapidly that many decisions have to made many years after issuance of the Decision Notice, then clearly the 23-year-old NF Stillaguamish Watershed Analysis needs to be revised before a Final EA can be issued as required under the ACS of the NWFP, and an EA written in 2023 can’t be used for the next 15-20 years of multiple entries because it would soon become outdated.

 The content of the EA and description of the preferred alternative do not adequately support the stated Purpose and Need. The Need statement is also vague in some respects. For instance, the third bullet states “Enhance riparian areas for the benefit of both aquatic and terrestrial species”. That is vague and it does not explain what the current problem is, the Need. There is also no clear Purpose statement, and much of what appears to represent the Purpose is general background or really Needs, not the Purpose. In addition, the Draft EA does not have a References or Literature Cited section, which is required.

 The Draft EA contains several important aspects of the proposed act that say the Forest "may" do, or “could" do. I agree that proposals cannot be definitive in all aspects, but some of these possible actions or decisions are in important. In those cases, neither the public nor the Services have any way to assess what will occur and its likely consequent environmental effects, or even a reasonable range of relatively site- specific environmental effects/

 In addition, USFS 'standards', such as LSR standards are mandatory, they are not optional. The USFS put a lot of time and thought into what a standard should be. If a standard is not going to be adhered to, the Forest Plan needs to be amended to change that standard, and if the standard stems from the USFS Handbook or Manual, or from Regional Standards, those documents must also be changed. The USFS wrote these documents to be followed or formally amended.

 In summary, this Condition Based Analysis does not meet the ‘hard look’ requirement under NEPA.

8 – The project description (as discussed above in objection # 7) is so vague that it is impossible for NMFS and USFWS to conduct minimally adequate Section 7 consultation.

7 - The proposed action would ‘tip’ 2-4 trees at ‘up to 12 sites’. Neither the EA nor any of the Specialist Reports describe how the locations and design of these sites would be planned and conducted, nor what staff would conduct them. Previous projects on the MBSNF that included tree tipping in the Nooksack Basin resulted in severe bank erosion and damage to infrastructure (e.g. Excelsior Campground). In addition, the EA states ‘up to 12 sites’ which means there may be as little as zero sites, especially since the EA and the Silvicultural Specialist Report state that this may be a deficit sale and some aspects of the planned action may not occur. Hence this aspect of the possible supposed restoration aspect of the proposed action cannot with any assurance be assumed to be part of what actually occurs. See Attachment #2 for additional comments/objections on this issue.

9- The EA state that ‘up to 7 fish passage barriers’ would be removed. It does not state where these sites are, nor what are the priority sites. In addition, since the EA states ‘up to 7 fish passage barriers’ that means as little as zero barriers may be removed, especially since the EA and the Silvicultural Specialist Report state that this may be a deficit sale and some aspects of the planned action may not occur. Hence this restoration aspect of the possible action cannot with any assurance be assumed to be part of what actually occurs. See Attachment #2 for additional comments/objections on this issue.

10 -The Hydrology Specialist Report (which has not changed since issuance of the the Draft EA) defines short-term as occurring within the first 3-5 years. It defines long-term as greater than 20 years. The proposed lifespan of the EA and project work is 15-20 years. All Specialist Reports and the EA need to define consistent time frames for the entire proposed span of work, and for effects following the end or work, with estimated impacts for all time periods. There can’t be a 15-year void of time between short- and long-term (i.e., years 5-20). The Specialist Reports and the EA are not adequate with this error.

 The Hydrology Report claims that the no cut buffer widths are wide enough that there would only be some short-term increases of sediment inputs to streams from “road stream interactions”. The EA proposes that there will be multiple entries of vehicles and harvest over 15-20 years. Hence there will certainly be significant input of sediment over that entire span and possibly longer from roads and yarding. In addition, the Report does not discuss the possible erosion and soil compaction impacts from ground or cable yarding within the Riparian Reserves, where no cut buffers under the Preferred Alternative range from only 100 feet on fish bearing streams to as little as 25 feet on intermittent streams that flow into fish bearing streams. The Rashin et.al. 2006 paper it cites to rationalize these very narrow no-cut buffers is not applicable nor appropriate for USFS lands. The authors wrote it regarding management of Washington State lands under TFW, which are much less protective than what is required under USFS lands under the NWFP.

11 -The proposed road miles by treatment type listed in the Hydrology Report do not agree with the numbers in Tables 6,10, 13, 14, and 16 in the Draft EA. The numbers in all tables, maps, and Reports need to be rectified where there are differences. They were not rectified between the Draft EA and the issuance of the Final EA, hence the true mileages or proposed roads in unknown. In addition, as stated earlier, the Draft EA contained too many road-related tables that appear to present similar information but use different terms to describe roads, and road mileages to not agree between those tables. That problem was also not rectified between the Draft EA and the Final EA.

 Under a subheading of “Deferred Maintenance” within the Water Quality section of the Hydrology Report its stated “There are over 194 road miles in North Fork Stillaguamish Landscape Analysis Project area, approximately 130 miles will have reconstruction and heavy maintenance and nearly 45 miles will have maintenance.” This sentence refers to a period of 10-15 years during the proposed action. This infers that all this reconstruction and maintenance on all the 175 miles of current road within the proposed action portion of the planning area is “deferred maintenance” that the Forest has not conducted to due to funding or other constraints. It’s very concerning that that Forest is stating that all the existing 175 miles of road within the planning area have not received the maintenance that the Forest thinks should have occurred. The Forest appears to now reliant on the revenues of harvests and volunteers to conduct basic road maintenance, hence no explanation of how road upgrades and new road construction would be funded for this proposed action, especially since it may be a deficit sale.

 The Hydrology Report later states “Further, as shown with the WWPR process there is a long term with the reduction of 40% in roads with in within floodplains and with road stream crossings. This is accomplished placing the maintenance level one roads into a hydrological stability and with the amount of decommissioning of roads within the action alternatives this could lead to lower instream sediment loading due to roads.” The EA states that some harvest and other aspects of this proposed action may not occur due to reduced timber receipt revenues if its impractical to harvest some of them. That being the case, there is no assurance that there will be enough funds left at the end of harvest activities to fund “placing the maintenance level one roads into a hydrological stability” and decommissioning “up to 12 miles” of road. If that occurs the end result may be that the road system will be in worse condition than it is now. In addition, there is no definition of hydrological stability and specifically how it contrasts to decommissioning. That later problem still exists in the Final EA and the Hydrology Specialist Report.