

Amy L Mower



June 6, 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.ecosystem-management.org/Public/CommentInput?project=58218>

SUBMITTED VIA email addressed to: [objections-pnw-regional-office@usda.gov](mailto: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 2, 2021, I 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 2, 2021 Public Comment Letter is referred to herein as the "Comment Letter" . or as "my Comment Letter".

I have reviewed the April 25, 2022 Forest Service's Decision Notice/Finding of No Significant Impact (referred to herein collectively as the "DN/FONSI"), as well as the April 2022 Draft Environmental Assessment (the "EA") for the subject North Fork Nooksack Vegetation Management Project.

I 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. I will refer to those Analysis Documents by specific name in this Objection Letter.

Regarding the updated or new Analysis Documents, I 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 which was the ending of the designated comment opportunity.

I 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’s website.

The Forest Service had previously issued an EA and Decision Notice/FONSI in September 2021, for which I submitted (and had been posted on the Forest Service’s Website for this project) my Objection Letter dated November 6, 2021. Please note that this June 2022 Objection Letter does include many of the objections included in my November 6, 2021 Objection Letter, but this June 2022 Objection Letter is a new letter in response to the April 2022 revised and reissued DN/FONSI and EA. I note that the Objection Letters issued in response to the September 2021 DN/FONSI and EA were removed from the Forest Service’s Project Website, so I make no further reference to that November 6, 2021 Objection Letter.

**I. OVERVIEW OF THIS OBJECTION LETTER; REVIEW OF NEW INFORMATION PRESENTED AFTER THE DESIGNATED COMMENT OPPORTUNITIES; and INCORPORATION BY REFERENCE OF THE COMMENT LETTER**

First, I have reviewed the Appendix E which is included as one of the Analysis Documents, which is the “Response to Substantive Comments”. I acknowledge that a few of my April 2021 comments were addressed in Appendix E and were also addressed in the April 2022 Decision Notice/FONSI. However, I conclude that the analyses by the Forest Service was insufficient, incomplete, or incorrect in terms of addressing my concerns.

Therefore, I have restated in this Objection Letter many of my original concerns which had been raised in the Comment Letter. I also note that not all of my comments were addressed in Appendix E.

Second, I raise 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.

*Third, please note that in addition to the Comments that I address in this Objection Letter, I 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 I do not address in this Objection letter.*

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

## **II. OVERVIEW of 2022 DOCUMENTS**

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

- The addition of a No Action Alternative, so that is no longer an objection 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 the source of 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 4/18/22, so that document is no longer 'outstanding' as it had been under the 2021 EA, as noted in the Comment letter, page 2.

### **B. I Request that the EA include the following 2022 National Policies:**

- 1. I request that the EA comply with the new NEPA Rule issued 4-20-22, by the White House Council on Environmental Quality, adding back the obligation to include direct and indirect cumulative effects/impacts. I request that the requirements of the new Rule be complied with and included in revisions to the EA.**

2. I 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. Specifically, I request that the EA mandates an *inventory of old growth trees* prior to commencing the proposed cutting.**

3. I request that the EA include an analysis of the impact of the proposed cutting project 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>

### **III. OBJECTIONS based on Comments raised in the Objection Letter**

#### **1. CARBON SEQUESTRATION**

I copy, and restate as an Objection the following comment from the original Comment Letter (see page 1 and 2 of Exhibit A; see also Appendix E, Comment 1):

*"...recent changes being made and further discussed by the State of Washington Department of Natural Resources, including "rethinking the value of trees on state lands not as logs, but as trees to help address the twin crises of species extinction and climate warming." Page 1 of the Seattle Times Sunday issue, March 21, 2021, "Saving Washington Forests for carbon storage, not logging"*

<https://www.seattletimes.com/seattle-news/environment/amid-climate-crisis-a-proposal-to-save-washington-state-forests-for-carbon-storage-not-logging/>

*"It is important for the USFS to coordinate with the State of Washington DNR on the value of trees in the US National Forest in the State to address species extinction and climate warming.*

*"...The only climate change issues discussed in any depth in the DEA are the impacts of mechanized logging, rather than the impact of removing more forests from carbon sequestration. See pp 36-38 of the DEA. Carbon sequestration needs to be addressed for this project."*

I also refer you to the Evergreen Land Trust Scoping Comment Letter dated July 1, 2020 (*referred to on page 1 of my Comment Letter*). That Scoping Comment Letter has an extensive discussion of carbon storage in forests, along with professional citations, as well as a discussion of the impact of logging under the NFN VMP. See specifically Section 5 of that Scoping Comment.

I also refer you to the article on Carbon Sequestration and Biodiversity Benefits which I mentioned above in this Objection Letter on page 4.

**I object that the Forest Service does not sufficiently address**, either in the EA or in Appendix E, **the ongoing review** by the community at large, as well as by the WA Department of Natural Resources, **the issue of carbon sequestration and whether or not old growth trees should be harvested or should be retained for carbon sequestration. Please address this objection.**

**2. INCOMPLETENESS OF DECISION NOTICE/FONSI AND INCOMPLETENESS OF EA – MISSING DOCUMENTS** (*see page 2 of Exhibit A, Section II A; this issue was not addressed in Appendix E*).

As stated on in my original Comment Letter, the following documents remain outstanding as listed in the Decision Notice/FONSI:

- Page 27 - the Endangered Species Act Section 7 consultation and review and concurrence (U.S. Fish and Wildlife Services; and National Marine Fisheries Service); and
- Page 34 - pursuant to the Magnusen – Stevens Fishery Conservation and Management Act, review and consultation regarding essential fish habitat for Pacific coast Salmon habitat (National Marine Fisheries Service) remains outstanding; 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; and

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 public cannot thoroughly address impacts without all available 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 reports and documents which remain outstanding.

The lack of transparency and failure to provide several of the critical documents which form the basis of the Forest Service's decision making, and are specifically cited in the Decision Notice/ FONSI and or the EA, is a failure of the Forest Service to comply with its obligation to involve the public in all aspects of decision making on the project.

I object to the omission of these documents from the EA and the Decision Notice/FONSI. **Please address this objection.**

3. **INCOMPLETENESS OF THE EA – MISSING INFORMATION ON PROJECT TIMING, DURATION, LOCATION PER YEAR, ACREAGE PER YEAR, DESCRIPTION OF PARCELS PER YEAR** (see page 2 of Exhibit A, Section II D; this issue was not addressed in Appendix E).

Copied below is my original comment, restated as an Objection:

*"The DEA is not clear as to the time schedule of the planned actions. There are references of 10-15 years, but no discussion of how much acreage per year, or where, or what years, and in some places the work is indicated to start in 2023. Such time schedule, as well as duration of work, and precise description of the parcels involved is critical for understanding the scope of the proposed project, and the consequences of the project."*

**I object to the Forest Service's failure to include this information. Please address this objection.**

4. **THINNING TREES IN LSR OVER 20" DBH UP TO 26" DBH** (see page 2 of Exhibit A, Section III A.; these issues in the Comment Letter were not addressed in Appendix E).

Copied below is my original comment, restated as an Objection:

*"The proposal to obtain approval and an exemption from the Regional Ecosystem Office, to maintain consistency with the Northwest Forest Plan, for thinning trees in LSR over 20" DBH up to 26" DBH, should be dropped from the Project. Trees over 20" DBH are old growth and need to be retained for structure of the forest and for habitat. If the goal is to create old-growth forest, the USFS should retain the existing old-growth which even the experts say takes several hundred years to develop. See page 79."*

See below on page 15 Objection #10 of this Section III of this Objection Letter, regarding information in the Silviculture Report on the number of years it takes to develop old growth forests, and characteristics. The goal of LSR is to develop old growth forests; for the Forest Service to thin and cut trees that are approaching early stage old growth is contrary to that goal.

Further, if there are sites that clearly encourage good growth of old growth stands, those stands should be kept standing and alive.

**First, I object that neither the Forest Service nor the REO/REIC addressed the need to recognize and protect stands and sites that optimize old growth. Please address this objection.**

In addition, trees that ‘age out’ over the course of the project, *i.e. that were under 80 years old as of the date of start of the Project, but over the course of the 10-15 years duration of the Project become 80 years or older (i.e. even 95 years old)*, must not be cut. Those aged out trees will acquire old growth characteristics sooner than the trees that were 65 – 70 years old when the Project started. **The North West Forest Plan explicitly states,**

**“There is no harvest allowed in stands over 80 years old.” (NWFP C-12).**

**The NWFP focuses on the time of harvest rather than the date of the adoption of the Plan, which is what is, inappropriately, focused on in the EA on page 32.**

**Second,** the harvest in the final years of the Project should explicitly prohibit the cutting of newly created old growth trees (i.e. 80 years of age or older) which were trees less than 80 years of age at the start of the project. **I object that the EA does not prohibit cutting of newly created old growth trees after the start of the project. The EA should require that age assessments be made every year that the project is in operation. Please address these objections, and amend the EA to confirm these requirements.**

**Third,** in addition, the subsequent thinning harvest which is contemplated in the EA to occur 15 years after the conclusion of the Project, should prohibit cutting of new old growth trees either by age or by DBH diameter. **Otherwise, there will be no creation during that time period of future old growth as required in LSRs.** If those newly created old growth trees are cut, and then there are multiple cutting cycles of thinning (see page 22 of the Silviculture Specialist Report) which will also be authorized to cut trees 20-26” DBH, there will be no old growth in the LSRs.

**I object that the Forest Service did not address the concern described above with cutting of ‘new’ old growth trees either by age or by DBH with the future anticipated thinning harvest. Please address this objection.**

5. **CANYON CREEK ISSUES** (see pages 3-4 of Exhibit A, Section III E; see also Appendix E, Comment 18).

Copied below is one of my original comments on this issue, restated as an Objection:

*"The Whatcom County Public Works Dept raised significant issues regarding deep seated landslide issues in the Canyon Creek drainage in its comment letter of July 2, 2020, and requested several steps to be taken by the FS before proceeding further, including but not limited to the following:*

*"5. A susceptibility analysis for shallow and deep-seated landslides should be done for all proposed timber removal or road areas. This request is based on the extensive landslide history in the Canyon Creek watershed such as during the 1989 and 1990 events. While not as dramatic, several shallow landslides formed small landslide dams during those events and combined routed many thousands of yards of sediment to the Canyon Creek's channel....*

*The FS is urged to meet with Whatcom County Public Works Dept to address their issues and to take necessary steps to protect life and property, and to amend the DEA to reflect how those issues will be handled to the satisfaction of Whatcom County."*

**I object that the Forest Service did not conduct a susceptibility analysis for shallow and deep-seated landslides for all proposed timber removal or road areas. Please address this objection, as the response in Appendix E did not address conducting a susceptibility analysis. The 2022 Mineral and Geology Report did not address the specific proposed timber removal or road areas, and instead focused on the geology of the drainage in general.**

**I also object that the Forest Service did not consult with Whatcom County Public Works Dept or other officials of Whatcom County. Please answer these objections.**

6. **35% MAXIMUM STAND DENSITY INDEX IN LSR** (see page 5 of Exhibit A; these issues were not addressed in Appendix E)

Copied below is my comment from my Comment Letter, as restated as an Objection herein:

*"Throughout the DEA (see page 16 for example) and the Specialist Analyses (see Silviculture Analysis, page 18), the preferred cutting would leave 35% SDI max density, and contemplates multiple subsequent entry commercial thinning. Effectively, this plan is approaching the Forest as a 'plantation' in terms of density, even if reforestation would occur both naturally and by planting.*

- *35% SDI max density can easily result in windthrow, which would further decrease the density of trees left for habitat or structure.*



- 35% SDI max density would result in fragmented habit and connectivity corridors.
- Even at 47 years after harvest, in **Alt 1**, at page 19 and 20 of the *Silviculture Analysis*, there would be an increase only to 55-58% canopy closure after 47 years which would be unacceptable for habitat for the Marbled Murrelet and the Spotted Owl.

**§ After thinning in 2023: 22-25% canopy closure and 37 – 41% SDI max density where Variable Density Thinning occurred**

**§ By 2070: 55-58% canopy closure and approximately 67% SDI max density where Variable Density Thinning occurred, and 81% canopy closure and 68% SDI max density where Variable Retention Harvest occurred.**

- Under Alt 2, at pages 24 and 25 of the *Silviculture Analysis*, the regrowth of canopy closure and SDI max density would be only slightly better than under Alt 1:

§ 2023: Variable Density Thinning: 22-47% canopy; 36-57% SDI max density

§ 2070: Variable Density Thinning: 53-66% canopy; 55-79% SDI max density

*An increase to 53-66% canopy after 47 years under Alt 2 is only marginally better, for the Marbled Murrelet and the Spotted Owl.*

*The preferred cutting targets for SDI max density and for forest canopy clearly focus on the timber harvest rather than the creation of appropriate habitat for listed species, and should be increased so as to create appropriate habits more quickly.”*

First, following a 35% target for SDI in 2023 immediately after thinning pursuant to the Project results, as indicated above, **in loss of habitat for Endangered Species for almost 50 years, again as indicated above.** The MM and the NSO are birds of the forest, and do not choose habitat consisting of small isolated groups of trees surrounded by open space; as endangered species, these birds need habitat now, and cannot wait for the future multiple decades for habitat to be created. **I object to the Forest Service using a 35% target for SDI in 2023. Please answer this objection.**

Second, a further difficulty for the MM and the NSO is that the Forest Service included in the EA a plan for re-harvesting 15 years after the completion of the original project. Such additional harvest would minimize the development of appropriate habitat for these Endangered Species. **I object to the inclusion of an additional future thinning plan in this project. Please answer this objection.**

Third, I object to the Forest Service using Variable Density Thinning, a commercial type prescription, in LSR, an allocation managed specifically for old growth. The ‘enhancement of

*development of old growth characteristics'* would be better achieved with a Stand Improvement treatment? **Please answer this objection.**

**Fourth,** If stands in LSR hold an "abundant" amount of trees over 20" DBH (see page 12 of the EA), there is an ecological reason that those stands have such an abundance of trees over 20" DBH. Those ecozones clearly encourage the growth of large trees, which is the desired trajectory in LSR. Those trees should be left standing so as to contribute to old growth habitat in LSRs as contemplated by the NWFP. **I object to cutting of the trees over 20" DBH. Please answer this objection.**

**Please respond to my objections to the use of 35% as the targeted maximum stand density index and 35% as the targeted canopy cover in LSR, which violates the goals of the 1994 NWFP and the 1990 Land and Resource Management Plan of the Mt Baker - Snoqualmie National Forest.**

**The 35% target not only impairs production of old growth by cutting down trees on their way to becoming old growth but also impacts the viability of the Marbled Murrelet and the Northern Spotted Owl.**

Keeping the 35% target has the result that the goal of this EA is rotational harvests rather than creating old growth forests and protecting Endangered Species as required under the NWFP and the Land and Resource Management Plan of the Mt. Baker - Snoqualmie National Forest.

## **7. CUMULATIVE IMPACT OF CUTTING OLD GROWTH TREES ON ENDANGERED SPECIES:**

**MARBLED MURRELETS AND NORTHERN SPOTTED OWL** (see Exhibit A, page 6, Section IV A; Appendix E did not address cumulative effects on this issue). **See also Section IV A 3 of this Objection Letter**

Copied below is my comment from my Comment Letter, as restated as an Objection herein:

*"A. The DEA and the Wildlife Effects Analysis fail to take into consideration, and do not even mention, the recent 2019 decisions by the State of Washington Dept of Natural Resources regarding both:*

- i) the Marbled Murrelet Long-Term Conservation Strategy; and*
- ii) the State of Washington's Sustainable Harvest Calculation.*

*The cumulative effect of the ongoing timber harvests on nearby DNR State lands, under the 2019 SHC and the 2019 MMLTCS do not protect the Marbled Murrelet sufficiently to allow it to survive and flourish if the DEA is implemented."*

The Sustainable Harvest Calculation in 2019 looked at the impact of harvest calculations on State Lands, some of which abut lands in the Mt Baker-Snoqualmie National Forest, on the viability of the Marbled Murrelet.

Chapter 4.6 of the FEIS for the Sustainable Harvest Calculation incorporated the analysis of Chapter 4.6 of the FEIS for the Marbled Murrelet Long-Term Conservation Strategy.  
[https://www.dnr.wa.gov/publications/amp\\_sepa\\_nonpro\\_shc\\_feis\\_ch4.pdf?uzo06i](https://www.dnr.wa.gov/publications/amp_sepa_nonpro_shc_feis_ch4.pdf?uzo06i)

Quoting from Chapter 4.6 of the MMLTCS,

“...keep in mind that the results for the Washington population are greatly influenced by the assumption that murrelet habitat capacity **will remain stable** emphasis added) on non-DNR-managed lands. **In fact, inland habitat is expected to increase on federal lands** (emphasis added) over the next 50 years as a result of the Northwest Forest Plan.” See page 4.59 of the MMLTCS.

See [https://www.dnr.wa.gov/publications/amp\\_sepa\\_nonpro\\_mmltcs\\_feis\\_ch4.pdf](https://www.dnr.wa.gov/publications/amp_sepa_nonpro_mmltcs_feis_ch4.pdf)

**As quoted above, DNR developed both of these plans with the expectation that the NWFP would cause inland habitat *on federal lands* to increase; however, based on the North Fork Nooksack Vegetation Management Project’s Silviculture Specialist Report, that habitat does not increase in 50 years.** See Objection #6 above, referring to the Silviculture Specialist Report, page 20,

§ *By 2070: 55-58% canopy closure and approximately 67% SDI max density where Variable Density Thinning occurred, and 81% canopy closure and 68% SDI max density where Variable Retention Harvest occurred.*

**Merely 55-58 % canopy closure by 2070 would not meet the WA DNR’s expectation of increase of habitat *in 50 years*.**

Note, however, the EA does not even list WA Dept Natural Resources as a state agency consulted during the writing of the EA. See page 90 of the EA.

Here, on the one hand we have the Forest Service not talking to WA DNR and *not incorporating projections from DNR*, for the same time period that the NFN VMP is planned to cover, into the Forest Service plans, and on the other hand, we have WA DNR *assuming* that the Forest Service will implement the NWFP in a manner that will ‘increase’ habitat on federal lands.

**The result is that the Forest Service and the REO/REIC have not accurately assessed the cumulative impact of the NFN VMP on old growth habitat and species.** *See also Section IV A 3 of this Objection Letter.*

See also Objection 10 below of this Section III of this Objection Letter for discussion from the Silviculture Specialist Report for discussion on how long it takes to develop old growth forest.

In addition, pursuant to the Sustainable Harvest Calculation process, The State of Washington Dept of Natural Resources is now (per their website noted below) getting ready to adopt the **Westside Sustainable Harvest Calculation**:

“This proposal is to establish a sustainable harvest level for the 2025 to 2034 fiscal year planning decade for forested state trust land in western Washington...Located in: All forested State trust lands located west of the Cascade Crest in Washington State.”  
<https://www.dnr.wa.gov/sustainable-harvest-calculation-west>

**The Forest Service should have known about the upcoming Westside Sustainable Harvest Calculation, and under the EA, the Forest Service and the REO should have considered the cumulative impacts of the WA DNR Sustainable Harvest Calculation which was renewed and updated in 2019, after extensive public comment. The impact of WA DNR’s Marbled Murrelet Long-Term Conservation Strategy, also adopted in 2019, should also have been taken into consideration by both the Forest Service and the REO.**

*Both of WA DNR SHC and the MMLTCS when read in conjunction with the North Fork Nooksack Vegetation Management Proposal will have cumulative impacts on the Marbled Murrelet as well as the Northern Spotted Owl, and their habitats.*

There are extensive DNR lands contiguous to the Project Area, and these ongoing and future state timber harvest programs under the WA DNR Sustainable Harvest Calculation will certainly diminish available habitat for both the Marbled Murrelet and the Northern Spotted Owl.

Pressure thus is placed on the federal lands, the Mt. Baker- Snoqualmie National Forest, to sustain the necessary habitats for the 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, and in Appendix B, the EA states merely that the **“extent and timing of these activities are unknown”**.

In order to adequately assess whether or not the various Silviculture treatments described in the EA should be implemented, the Forest Service should have:

- 1) had discussions with DNR about DNR’s harvest plans and programs on lands abutting or near the boundaries of the project area, as discussed above in this Objection #8, and specifically on those DNR lands over which the Marbled Murrelet flies from salt water to old growth forest in National Forest lands on a daily basis; and
- 2) then analyzed the cumulative impact of those DNR timber harvest plans on the appropriateness of the proposed Project, specifically with Endangered Species at risk.

**I object to the failures described above in this Objection #7, and to the consequent failure to consider cumulative impacts on the Mt Baker-Snoqualmie National Forest of 1) the WA DNR Sustainable Harvest Plans and 2) the Marbled Murrelet Long-Term Conservation Strategy.**

**Please address the failure of the Forest Service to consult the WA Dept Natural Resources on these issues since it is not listed as a state agency consulted during the writing of the EA, and those issues are not addressed in the EA.**

It is not that the Forest Service did not consult any WA Depts, for they did have discussions with the Washington State Historic Preservation Office. The Forest Service should have had in-depth discussions with the WA Dept of Natural Resources.

**Please also address the failure of the Forest Service to consider cumulative impacts of the 1) the WA DNR Sustainable Harvest Plans and 2) the Marbled Murrelet Long-Term Conservation Strategy.**

Both of these Endangered Species need old growth forest habitat, including habitat which, while not yet old growth, within 25 years will grow into old growth forest habitat. Leaving those larger trees approaching old growth status standing and alive would have better served both the target of LSR management and the habitat of Endangered Species such as the Northern Spotted Owl and the Marbled Murrelet. The NWFP mandates the protection of the Northern Spotted Owl and the Marbled Murrelet, as well as both their nesting habitat and their Primary Constituent Elements.

**For Listed and Threatened Species that require and prefer old growth forests, the time line for regrowth of old growth forests will be beyond time of survival of those Listed and Threatened Species.**

**I object to the EA's failure to consider cumulative impacts including but not limited to the impacts of the State of Washington's DNR harvest plans and the MM Long- Term Conservation Strategy.**

**I also object to the EA's canopy targets and the EA's SDI targets as significantly too severe for viable habitat of these Endangered Species. Please address these objections. See also Objections 6 above and 10 below in this Section III of this Objection Letter.**

Given the deteriorating population prospects for the Marbled Murrelet and the Northern Spotted Owl, **the responsible Forest Service action would be to limit the Forest Service's management actions in areas that could further harm the Marbled Murrelet and/or Northern Spotted Owl's prospects for long term survival.** Reduction of habitat is contrary to protection of a listed species. The Forest Service should not cause further losses of habitat for these Endangered Species. **Please address this objection.**

**8. ENDANGERED SPECIES MONITORING REQUIREMENTS FOR MARBLED MURRELET AND NORTHERN SPOTTED OWL** (See page 7 of Exhibit A; see Appendix E Comments 7 and 19)

**First,** as stated in my Comment Letter on page 7, and restated herein as an objection, *“Current protocol requires 2 years of surveys to assure that no marbled murrelet nests exist in areas planned for timber harvest.”*

See the Final SEIS at 2-28 for the 1994 ROD and 1994 Standards and Guidelines at page C-10. Those surveys are to be conducted pre-project. There is nothing in those governing documents which exempts the mandatory surveys.

Per the Wildlife Effects Analysis, page 2, no pre-project surveys have been taken of either of the bird species as no nesting habitat would be removed under the proposed project. However, as stated, there is no exemption under the 1994 ROD or S&G for conducting mandatory surveys.

**Therefore, I object to the failure to conduct pre-project surveys. Please respond to this objection.**

**Second,** neither the EA nor the Wildlife Effects Analysis considered whether or not the populations are ‘stable or increasing’ as required under the Standards and Guidelines to the 1994 ROD. This would be the ‘validation monitoring’ per the same S&G.

Copied below from my Comment Letter, page 7, and restated as an Objection:

*“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?” Standards and Guidelines, page Implementation E-10, Attachment A to the ROD.*

**Therefore, I object to the failure of the Forest Service to consider, as required if the populations are stable or increasing. Please respond to this objection.**

**Third,** declining populations not considered. As is well known (see above discussion of the WA DNR Marbled Murrelet Long-Term Conservation Strategy), the population of the MM is not stable and has been decreasing. It is also well known is that the population of the NSO is challenged such that the NWFP was adopted to provide better protection to the NSO.

No action should be taken by the Forest Service which further contributes to the failure to survive as a species of either the MM or the NSO.

**I object that the Forest Service neither conducted mandated surveys, as required, nor determined whether or not the population of these Endangered Species is *Stable or Increasing*, as required, when in fact it is known that the populations are *decreasing*.**

**Please address these objections.**

**9. MOUNTAIN GOAT ZONE, MA 15:** (see page 10 of Exhibit A; Appendix E, Comment 3.)

Copied below is my comment from my Comment Letter, restated as an Objection herein:

*“There are several concerns regarding MA 15, mountain goat habitat. First, the Visibility Resource and Wild and Scenic River Effects Analysis on page 3 makes two statements: “Visual Quality Objectives consistent with adjacent management areas. The site itself will be managed to show **little to no evidence of human impact**” [emphasis added]. That latter comment is completely restrictive but the first statement is inconsistent with the second statement. However, other parts of the documents indicated that there would be no treatment in the mountain goat habitat, so it is unclear what ‘little to no evidence of human impact’ means...”*

*“The Silviculture Analysis states, on page 3, that MA 15 is 50 acres. Given the risks of disturbing and damaging the goat habitat, including not only winter forage but also escape habitat, and in view of the other restrictions on MA 15, MA 15 should be dropped from the Project.”*

The Forest Service did not address my concerns with treatment in MA 15.

**I repeat my comment as an Objection, and object to the failure to remove MA 15 from treatment. Please address this objection.**

**10. OLD-GROWTH FORESTS; AND CORE KEY HABITAT IN CANYON CREEK LSR LANDS** (See page 10 of my Comment Letter; not addressed in Appendix E)

First, Old-Growth Forests; there should be no harvest of over 80 year old trees:

Copied below is my comment from my Comment Letter, and restated as an Objection, on this issue:

*“ VIII. Silviculture Analysis*

*A. Page 13 of the Silviculture Analysis argues that treatment can speed up conversion to ‘old-growth’, but importantly acknowledges that “the full suite of conditions that develop in old-growth forests over long periods of time cannot be expected to accelerate through a single thinning treatment”. On page 12, the Silviculture Analysis states that old forests can take between 175 to 350 years to develop, and that old growth forests can take up to 450 years to develop. For Listed and Threatened Species that require and prefer old growth forests, that time line will be beyond their survival. Again, there is no good argument for cutting down old growth forests. The FS is treating these forests as plantations for timber harvest.”*

If even the Silviculture Specialist Report states that old growth forests cannot be expected to accelerate through a single thinning treatment, let alone take up to 450 years to develop, *there is no reason to cut any existing old growth trees, whether single trees mixed in with younger trees, or stands of old growth trees as the resulting treated stands will take hundreds of years to develop.*

The rule against cutting trees over 80 years of age in LSR and encouraging old growth should be scrupulously followed. **The North West Forest Plan explicitly states, “There is no harvest allowed in stands over 80 years old.” (NWFP Standards and Guidelines C-12).**

**I object to the cutting of individual old growth trees as well as to the cutting of stands of old growth trees. Please respond to this Objection.**

Second, Canyon Creek Core Habitat In addition, as copied from Section VIII, Section A of my Comment Letter:

*“The Canyon Creek LSR lands are described as ‘core habitat’ in the Executive Summary of the 1995 Canyon Creek Watershed Analysis, page ES 1, “It includes core habitat key to the functioning of a late successional reserve”. If it is core habitat key to functioning of LSR, then it should not be harvested.”*

**I object to cutting in the Core Habitat in the Canyon Creek LSR lands. Please respond to this Objection.**

### **11. Project Specific Amendment regarding MA-19**

See page 3 of my Comment Letter:

*“B. There should not be a project specific amendment, or any other amendment, to the Forest Plan to exempt the subject Proposal from the indicated provisions, standards and guidelines (“The proposed project-specific plan amendment would allow non-commercial thinning within the Mountain Hemlock Zone MA-19 to enhance habitat for huckleberries.”) The 1990 Forest Plan called for a Study of these issues which was never conducted. There is no justification or evidence in the subject Proposal for such an exemption.”*

**First, I object to adopting a project specific amendment to the Mt. Baker-Snoqualmie Land and Resource Management Plan to exempt the proposed project and to permit harvest in MA-19.** The Forest Service did not address my objection in Exhibit E.

**Second,** with credit to the Sierra Club, WA for the following objections regarding the lack of details and specificity of the proposed MA-19 harvest, I object as follows:



- **I 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. I request that an explicit description be included in the EA of the extent of conversions of mature and old growth Mountain Hemlock stands proposed to meet the Forest Service's MA-19 huckleberry objective.
- **I 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?
- **I object because there is no clear prohibition on cutting trees over 8" DBH in the Mountain Hemlock zone.**
- **I object that there is no clear prohibition on cutting trees over 80 years of age** in the Mountain Hemlock zone.

**Third**, with credit to the Sierra Club, WA, for the following objections, I object to lack of information about the compliance of the proposed project specific amendment with the National Forest Management Act as follows:

**I 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;***

I object that an analysis described in subsection (2) of the Planning Rule quoted above was not conducted and included in the revised EA.

Please answer this objection.

#### **IV. OBJECTIONS BASED ON INFORMATION AND MATERIAL NOT PREVIOUSLY AVAILABLE DURING THE MARCH 4–APRIL 5, 2021 COMMENT PERIOD AND ARISING AFTER THE DESIGNATED COMMENT OPPORTUNITY**

A. **I object 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.**

1. **Please Revise the EA and Appendix A to provide that when trees 20-26” dbh are cut as permitted by the REO/REIC Response, *the trees will be left in place.***

I request that the EA and Appendix A (Project Design Criteria and Mitigation Measures) Section: Wildlife, W-1, be modified to address the consequences of the silence in the REO Interagency Late-Successional Reserve (LSR) Workgroup’s Response dated April 12, 2021, regarding the Forest Service’s interpretation, in its February 2021 Request for Consistency Review, of a condition in Stand Attribute (2) in REO/REIC Memorandum 694 (1996) that the Forest Service could cut *and remove* trees over 20” DBH.

In the last sentence on page 10 in the Request, the Forest Service mentions that Stand Attribute (2) in REO/REIC Memorandum 694 (1996) “*allows for* (italics added) cut and leave trees over 20” DBH.” However, Stand Attribute (2) actually says:

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

The words ‘will be’ as used in that sentence is a **mandatory directive** rather than the merely suggestive words “allows for” that the Forest Services used in the Request to describe that last sentence of Stand Attribute (2). 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.” Notwithstanding, there was no request for an exemption from that specific requirement of Stand Attribute (2).

The Request for Consistency Review only requested an exemption regarding one single aspect of Stand Attribute (2): *“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.)* There were other 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.

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 Forest Service’s statement on page 10 of the Request for Consistency Review.

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, I object to the failure of the REO/REIC Response to clarify to the Forest Service that this specific provision of Stand Attribute (2) does apply to the North Fork Nooksack Vegetation Management Project. Please respond to this objection.**

**Furthermore, I also ask that the EA and Appendix A Project Design Criteria and Mitigation Measures (subsection Wildlife, W1), be modified to include a specific compliance requirement as follows:**

***“Where older trees or trees larger than 20” dbh are cut, as permitted solely by the REO/REIC Response dated April 15, 2021, those trees will be left in place to contribute toward meeting the overall CWD objective.”***

**Please respond to this objection and please respond to my request for adding a compliance requirement as stated above.**

**2. The REO/REIC Response cannot be construed to permit cutting trees over 80 years of age, even if their size is 20-26" DBH.**

I object that the REO/REIC Response could be construed to permit cutting trees that are over 80 years of age if the trees' size is 20-26 inches DBH. However, again, the Response is silent on this point as *there was no specific request to cut trees over 80 years of age.*

I ask the Forest Service and the REO/REIC to clarify this point, and to confirm that no trees, neither stands nor individual trees, over 80 years of age are permitted to be cut. The S&Gs for LSRs prohibit cutting of trees over 80 years of age. *Therefor, neither stands nor individual trees over 80 years of age may be cut even if their size is 20"-26" DBH.*

**3. The REO/REIC Response should be revised to incorporate a Cumulative Impacts analysis of both:**

**a) the impacts of WA Dept Natural Resources Timber Harvests under the Sustainable Harvest Calculation both as currently implemented and as about to be adopted for the years 2025-2035, and**

**b) the impacts of the requirements of the Marbled Murrelet Long-Term Conservation Strategy,**

**on the proposed Project as such a Cumulative Impacts/Effects analysis was not made under the EA, as further discussed in Section III Objection 7 of this Objection Letter.**

I object that the EA did not include a Cumulative Impacts analysis as described above. Please respond to this request and objection.

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

With credit to the Sierra Club, WA, for the following objections, I object as follows:

- 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, I 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. Please respond to this objection.**

I have other objections to the April 2022 Decision Notice/FONSI, which I 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.

**C. GENERAL OBJECTIONS TO THE APRIL, 2022 EA:**

With credit to the Sierra Club, WA, for the following objections, I object as follows:

- 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 that regarding Alternative 1, the variable thinning in Matrix is indicated as 692 acres versus a lesser amount of 525 acres in March 2021 EA on page 9. 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:
  - 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 being 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.
  - **The Forest Service needs to answer how much runoff risk there would be 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, I object** to the way that the Forest Service conducted its analysis of the amount of increased runoff in the treated area and **I request that the Forest Service redo its analysis to more precisely determine likely impacts. Please answer this objection.**

- Page 70 regarding Canyon Creek, quoting from the EA:

*“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 of clear-cuts or road fills being major causes of mass wasting in Canyon Creek, 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, **I object to Variable Retention Harvests in Canyon Creek. Please address this objection.**

- Page 71: regarding Canyon Creek, discusses the cumulative effects of timber harvest *over time* in the context of a specific location, that is historic and any future timber harvests.

However, there is no discussion of cumulative effects of the impacts of the proposed timber harvest in conjunction with:

- i) increased rain and flooding events; and
- ii) timber harvests that occur in areas of unstable soils, with a history of significant mass wasting events.

**Therefor I object to the cumulative effects analysis included in the Mineral & Geology Report, as incorporated into the EA.**

**I 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.**

**Please address this objection and requests.**

- Page 90 Regarding Consultations with agencies and governmental entities. Specifically, regarding Canyon Creek, I 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 scoping letter.

- o **I object to the failure of the Forest Service to consult with a potentially impacted community or with local governmental officials.**
- o **I 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.**

Please answer this objection and request.

- **Page 90 I 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: the EA does not list that the Forest Service needs to comply with 36 CFR 219.11, including subsections (a), (b) and (c), regarding the National Forest Management Act and the proposed amendment for MA-19 Mountain Hemlock. As previously stated above in Section III Objection 11 (MA-19 project specific amendment) of this Objection Letter, I object to this omission and request that the Forest Service comply with 36 CFR 219.11, including subsections (a), (b) and (c).**

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

With credit to the Sierra Club, WA, for the following objections, I object as follows:

- 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.”

**I 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. I 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.”*

**I 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.”*

**I 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

**I 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]”*

**I ask for completion of Section 10 on page 107.**

**E. 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*

With credit to the Sierra Club, WA, for the following objections, I object as follows:

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.**

**I object to that failure and request that the Forest Service conduct, with independent climatologists, hydrologists and geologists, such an analysis. Please answer this objection.**

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

With credit to the Sierra Club, WA, for the following objections, I object as follows:

**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.”*

**I 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.

**I object to the cumulative effects statement in the Mineral & Geology Report, 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. Please respond to this objection and request.**

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

With credit to the Sierra Club, WA, for the following objections, I object as follows:

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.**

**Please respond to these objections and request.**

**V. CONCLUSION**

In closing, I request that an Environmental Impact Statement be conducted for this project, due to issues with the Cumulative Impacts/Effects analysis conducted for several issues, including Endangered Species and Geological issues, as well as failure to conduct a study for the MA-19 acreage proposed for a project specific amendment to the 1990 Mt Baker-Snoqualmie Land and Resource and Management Plan.

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

Please keep me informed of any actions related to this project. I look forward to hearing from you.

Sincerely,

Amy L Mower  
360-599-3372  
almower@earthlink.net

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 2, 2021 Comment Letter

SEE ATTACHED  
(starts next page)

April 2, 2021

Gretchen Smith, District Ranger  
US Forest Service  
Mt. Baker-Snoqualmie National Forest  
Mt. Baker Ranger District  
810 State Route 20  
Sedro-Woolley, WA 98294

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Submitted electronically:

[comments-pacificnorthwest-mtbaker-snoqualmie-mtbaker@usda.gov](mailto:comments-pacificnorthwest-mtbaker-snoqualmie-mtbaker@usda.gov)  
<https://cara.ecosystem-management.org/Public//CommentInput?Project=58218>

RE: **North Fork Nooksack Vegetation Management Project #58218**

**List of concerns with  
Mt. Baker Vegetation Management Draft Environmental Assessment (the “DEA”) dated as of  
March 4, 2021**

Dear Ms. Smith,

Thank you for providing the opportunity to comment on the DEA. Please accept these comments and enter them into the public record on Project 58218. I live in Maple Falls, Whatcom County, WA, and have hiked on many of the trails which will be impacted by this project, and am familiar with the access roads serving those trails as well as the stupendous views from both the access roads and the trails.

**I. Overview of Plan**

- A. The project described in the DEA fails to preserve carbon sequestration provided by carbon storage by forests. With all the literature on the need to decrease carbon in the environment, it is unfortunate that the Federal government continues to ignore the science and instead focuses on timber harvests for National Forests, including harvests such as the subject project which are designed for a multi-year rotation cutting cycle extending out 50 years. Given the extraordinary environmental natural and human- caused disasters over the past decade and longer, and the now recognized need to decrease carbon in the atmosphere, it is irresponsible to cut this forest and to anticipate a rotation cutting cycle that extends out over five (5) decades. The Forest should be preserved.
- For more detail, I refer you to the Scoping Comment letter of the Evergreen Land Trust, dated July 1, 2020, pages 14-15.

- I also refer you to recent changes being made and further discussed by the State of Washington Department of Natural Resources, including “rethinking the value of trees on state lands not as logs, but as trees to help address the twin crises of species extinction and climate warming.” Page 1 of the Seattle Times Sunday issue, March 21, 2021, “Saving Washington Forests for carbon storage, not logging”, <https://www.seattletimes.com/seattle-news/environment/amid-climate-crisis-a-proposal-to-save-washington-state-forests-for-carbon-storage-not-logging/>

It is important for the USFS to coordinate with the State of Washington DNR on the value of trees in the US National Forest in the State to address species extinction and climate warming.

- B. The only climate change issues discussed in any depth in the DEA are the impacts of mechanized logging, rather than the impact of removing more forests from carbon sequestration. See pp 36-38 of the DEA. Carbon sequestration needs to be addressed for this project.

## II. **Incompleteness of the DEA**

- A. The DEA is incomplete as it is missing the following:

- i) **the Biological Assessment** is being prepared, and the results of consultation are outstanding with the US Fish and Wildlife Service regarding the threatened and Endangered species: Spotted Owl and Marbled Murrelet; and
- ii) **the Section 7 ESA consultation** for listed species and fish habitat under the Endangered Species Act, is incomplete (see page 55 of the DEA); and
- iii) **Essential Fish Habitat consultation** for Chinook, pink and Coho salmon, is incomplete (see page 56 of the DEA)

- B. The DEA is incomplete as the Wildlife Effects Analysis incorporates by reference the Project Record which was not provided to the public; the Project Record apparently includes additional information on assumptions, methodologies, stand evaluation criteria for Wildlife and environmental consequences:

- i) see pp 2,3, 12-15 of Wildlife Effects Analysis 1-30-21; and
- ii) see page 58 of the DEA.

Failure to include the Project Record as part of the Analysis documents results in the public not having a complete understanding of the Project proposed, and unable to make a meaningful determination as to the appropriateness of the DEA.

- C. The DEA does not include a clearly identified No Action Alternative, i.e. Alt 3. Merely referring to the consequences of not choosing either Alt 1 or Alt 2 does not include a discussion of the benefits of No Action, and should be clearly mapped out and identified as such in the DEA.
- D. The DEA is not clear as to the time schedule of the planned actions. References of 10-15 years, but no discussion of how much acreage per year, or where, or what years, and in some places the work is indicated to start in 2023. Such time schedule, as well as duration of work, and precise description of the parcels involved is critical for understanding the scope of the proposed project, and the consequences of the project.

### III. Specific Comments on the DEA

- A. The proposal to obtain approval and an exemption from the Regional Ecosystem Office, to maintain consistency with the Northwest Forest Plan, for thinning trees in LSR over 20" DBH up to 26" DBH, should be dropped from the Project. Trees over 20" DBH are old- growth and need to be retained for structure of the forest and for habitat. If the goal is to create old-growth forest, the USFS should retain the existing old-growth which even the experts say takes several hundred years to develop. See page 79.
- B. There should not be a project specific amendment, or any other amendment, to the Forest Plan to exempt the subject Proposal from the indicated provisions, standards and guidelines ("The proposed project-specific plan amendment would allow non-commercial thinning within the Mountain Hemlock Zone MA-19 to enhance habitat for huckleberries.") *The 1990 Forest Plan called for a Study of these issues which was never conducted.* There is no justification or evidence in the subject Proposal for such an exemption.
- C. There is inconsistency between the Scoping acreage of 5,733 acres and the Project acreage of 4711 acres, unless the difference is the acreage of the MA 5-B which was excluded from analysis in some places in the DEA and the Specialist Analyses. But oddly that acreage of MA 5-B is listed as 1,590 acres on page 52 so that cannot be the source of the difference. The inconsistency needs to be resolved, and clarified.
- D. Regarding impact on recreation, it is inaccurate for the DEA to state on page 40 that *"It should be noted that the only recreation related issues brought forth during scoping was public safety and public access to recreation sites and experiences."*
  - Throughout the Visibility Analysis, which is part of the DEA, visibility of the treated areas was recognized as an issue. See also pp 44 of the DEA, which acknowledges that the scenic quality of the areas could be altered, which surely is an issue for the public engaged in recreation in those areas.

- There are many users of this National Forest who access trails from Glacier Creek Road and Canyon Creek Road which are designated on page 42 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. See Section VII below for more detail.
- The DEA Section on Recreation should be revised, pages 40-41 to cross-reference the DEA Section on Visibility Resources (pages 43-47) to reflect that not only is access and safety during plan treatment an issue for Recreation, but longer term the visibility of the treated sections are an issue for Recreation. The visibility of treated sections both next to the roads and extending further away, will have an impact for both drivers along the impacted haul and treatment roads, and hikers from trails such as Skyline Divide. The Visibility Analysis identified Skyline Divide as one of two areas most impacted by the Plan. Unappealing views of harvested areas will have a direct impact also on skiers, snowmobilers, hunters and others who use the roads to access the trailheads.

§ The Visibility Map #5 attached to the Visibility Analysis clearly identifies that the trailhead and at least 3 other view spots on the Skyline Divide Trail will have clear views of the thinning and treatment. In that large landscape, seeing clearcuts will stand out to the viewer, even if several miles away.

E. There are many issues for the Canyon Creek Drainage which is part of the proposed project:

- The community of Glacier Springs, WA, has historically experienced soil disturbance, increase in surface erosion and mass wasting of soil, and flooding due to *“Debris dam breach floods have developed in the Canyon Creek drainage after slope stability failures caused debris flows or landslides to temporarily dam Canyon Creek”*. Page 49 and 50 of the DEA.
- Debris dam breach floods and deep-seated landslides have been raised as concerns by the Whatcom County Public Works Dept, and by Carl Weimer, former chair of the Whatcom County Council, in their scoping comments.
- Neither Whatcom County Public Works Dept nor Carl Weimer was listed on page 68 as contacted by the FS for preparation of the DEA; however, clearly Whatcom County has significant issues with any proposed logging in the Canyon Creek Drainage .
- The Whatcom County Public Works Dept raised significant issues regarding deep- seated landslide issues in the Canyon Creek drainage in its comment letter of July 2, 2020, and requested several steps to be taken by the FS before proceeding further, including but not limited to the following:

“5. A susceptibility analysis for shallow and deep-seated landslides should be done for all proposed timber removal or road areas. This request is based on the extensive



*landslide history in the Canyon Creek watershed such as during the 1989 and 1990 events. While not as dramatic, several shallow landslides formed small landslide dams during those events and combined routed many thousands of yards of sediment to the Canyon Creek's channel."*

- In addition, as stated on page 48 and 49 of the DEA, *"However, there are a few project units in both Alternatives 1 and 2 which are within the mapped boundaries and margins of Jim Creek Slide and Bald Mountain Slide shown by Washington Geologic Survey."* In its scoping letter of July 2, 2020, Whatcom County Public Works Dept raised concerns specifically regarding these two slides, which do not appear to have been addressed by the FS.

The FS is urged to meet with Whatcom County Public Works Dept to address their issues and to take necessary steps to protect life and property, and to amend the DEA to reflect how those issues will be handled to the satisfaction of Whatcom County.

- F. Turning to the Nooksack River, on page 52, the DEA implies that since the Riparian Reserve Management Allocation is 1,590 acres and thus 15% of the subwatershed, and likewise that the same 1,590 acres are merely 4% of the Watershed, that the treatment proposed is not significant. The DEA states that the effect on recruitment of trees to instream usage would be "minimal and undetectable..." and "effects on fish and fish habitat from vegetation treatments...would be small." And, on page 54, that the effects would be "negligible and certainly undetectable." Likewise, on page 53, the DEA states that the effects on fish from increased sedimentation from various roadwork associated with the vegetation treatments would be 'minimal'.

But the Visibility Resource and Wild and Scenic River Effects Analysis indicates that due to the pending status of the River as a Wild and Scenic River, **no treatment action should be taken.** See Section VI subsection D below of this comment letter. Again, the inconsistency between the DEA and the Visibility Resource and Wild and Scenic River Effects Analysis must be resolved, and the DEA revised and reissued.

- G. Throughout the DEA (see page 16 for example) and the Specialist Analyses (see Silviculture Analysis, page 18), the preferred cutting would leave 35% SDI max density, and contemplates multiple subsequent entry commercial thinning. Effectively, this plan is approaching the Forest as a 'plantation' in terms of density, even if reforestation would occur both naturally and by planting.
- 35% SDI max density can easily result in windthrow, which would further decrease the density of trees left for habitat or structure.
  - 35% SDI max density would result in fragmented habit and connectivity corridors.

- Even at 47 years after harvest, in **Alt 1**, at page 19 and 20 of the Silviculture Analysis, there would be an increase **only to 55-58% canopy** closure after 47 years which would be unacceptable for habitat for the Marbled Murrelet and the Spotted Owl.

§ After thinning in 2023: 22-25% canopy closure and 37 – 41% SDI max density where Variable Density Thinning occurred

§ By 2070: 55-58% canopy closure and approximately 67% SDI max density where Variable Density Thinning occurred, and 81% canopy closure and 68% SDI max density where Variable Retention Harvest occurred.

- Under Alt 2, at pages 24 and 25 of the Silviculture Analysis, the regrowth of canopy closure and SDI max density would be only slightly better than under Alt 1:

§ 2023: Variable Density Thinning: 22-47% canopy; 36-57% SDI max density

§ 2070: Variable Density Thinning: 53-66% canopy; 55-79% SDI max density

An increase to 53-66% canopy after 47 years under Alt 2 is only marginally better, for the Marbled Murrelet and the Spotted Owl.

The preferred cutting targets for SDI max density and for forest canopy clearly focus on the timber harvest rather than the creation of appropriate habitat for listed species, and should be increased so as to create appropriate habits more quickly.

- H. The argument that the harvest and thinning would benefit the Marbled Murrelet and Spotted Owl makes no sense whatsoever. Both species are Listed Species who are rapidly declining in population. The Marbled Murrelet may well die off before any ‘new’ old-growth is developed. Neither bird preferentially nests in small islands of old growth surrounded by bare or thin patches of harvest and thinning which will not grow back for years. See Section IV following below.
- I. Regarding all of the specific objectives included in the various Legal Obligations on the FS, listed under “Preliminary Review” on pages 68 - 78 of the DEA, how are those obligations going to be monitored and mapped? Who is going to provide, and pay for, staffing for that monitoring and mapping? Monitoring and mapping are critical concerns for all parties, and must be included in the DEA. Merely a statement by the FS at this stage, in the DEA, that Project is “in compliance with” the listed Legal Obligations does not address how to ensure actual implementation in fact on the ground. Given the significant issues with the Project, there should be a mechanism to ensure compliance by the contractors, with compliance provided by independent parties.

IV. **Specific Comments regarding the Marbled Murrelet and Spotted Owl** (see the *DEA and the Wildlife Effects Analysis 1-30-21 (the “WEA”)*):

A. The DEA and the Wildlife Effects Analysis fail to take into consideration, and do not even mention, the recent 2019 decisions by the State of Washington Dept of Natural Resources regarding both:

- i) the Marbled Murrelet Long-Term Conservation Strategy; and
- ii) the State of Washington’s Sustainable Harvest Calculation.

The cumulative effect of the ongoing timber harvests on nearby DNR State lands, under the 2019 SHC and the 2019 MMLTCS do not protect the Marbled Murrelet sufficiently to allow it to survive and flourish if the DEA is implemented. “...According to DNR’s analyses (FEIS p.4-61) the adopted plan will result in fewer marbled murrelets on DNR-managed lands at the end of 50 years than are present today, even under the most optimistic set of assumptions.” See Statement from the Washington Environmental Coalition, Dec 4, 2019.

B. The Wildlife Effects Analysis is incomplete for both the Marbled Murrelet and the Spotted Owl. See page 2 of the Wildlife Effects Analysis which states that “no new surveys were conducted for the Marbled Murrelet and the Spotted Owl since no nesting habitat would be removed”. However, the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (the “ROD” or the “1994 Record of Decision”), clearly refers on page 46 to “**mandatory pre-project surveys**. (Final SEIS at 2-28)”. Without surveys, one cannot accurately determine the inventory of existing habitat so as to preclude removal of existing habitat. Merely relying on historical surveys is not accurate in general, let alone for two Federally Listed species.

C. On page 9, the WEA states that those treatments are ‘long-term beneficial’ notwithstanding that long-term benefit treatments are defined as being one or more decades (see page 1 of the WEA), in duration to occur, and does not take into consideration the current and future declining population of Marbled Murrelets and Spotted Owls.

D. However, the WEA states, page 9 for the Spotted Owl, and on page 10 for the Marbled Murrelet, that there is short-term risk that the treatment ‘*may affect, likely to adversely affect the Marbled Murrelet (and Spotted Owl, respectively,) and its designated critical habitat*. Short term is defined, on page 1 of the WEA as being less than 5 years in duration. Given the Threatened Status of both birds, and the issues with historical and future clear-cutting on neighboring State and private Lands, even short-term risk is unacceptable for the Marbled Murrelet and the Spotted Owl.

E. Even though page 61 of the DEA states that '*no suitable spotted owl or marbled murrelet nesting habitat would be degraded or removed*', the variable density thinning under both Alt 1 and Alt 2 is in critical habitat for both the Spotted Owls and the Marbled Murrelet (see page 9 of the WEA) and such removal has multiple consequences:

- such variable density thinning, as discussed on page 9 of the WEA, and page 63 of the DEA:

§ impacts the Primary Constituent Elements of Spotted Owl critical habitat, and

§ removes the Primary Constituent Elements of MM Critical Habitat, and

§ reduces canopy to approximately 25 % in the treated areas of critical habitat for both the Spotted Owl and the Marbled Murrelet.

- There is literature referenced on page 8 of the WEA that suggests large blocks of habitat are important in deterring detection by predators.
- MM and Spotted Owls are birds of the forest. What is being proposed would consist of single tree or multi trunked trees sparsely spread across the treatment area. Even though the WEA states that *no nesting habitat would be removed*, the treatment as described would not leave viable habitat for either bird.
- Furthermore, since on page 65 the DEA is stated that it is expected that commercial harvest of trees on non-federal lands is expected to continue, it stands to reason that it is even more important that there be viable nonfragmented habitat for both birds on federal lands as there will be less and less habitat on non-federal lands.

F. Question: how to correlate different listings of subject acreage impacted by the treatments:

- In a discussion of noise disturbance to the MM and the Spotted Owls, the WEA states on page 8 that of up to 525 acres of murrelet nesting habitat and up to 265 acres of spotted owl nesting habitat would be impacted by noise; but
- 123 acres of LSR Murrelet habitat is listed in the Silviculture Analysis at page 9, which is 3% of the entire proposed project.

There needs to be clearer and consistent identification of the acreage of existing and historical habitat, and the acreage impacted by noise.

Given that the WEA was written based on 525 acres and 265 acres, respectively for MM and Spotted Owl, impacted by noise, and that the WEA still concluded that there was short-term risk that '*may affect, likely to adversely affect the Marbled Murrelet and its designated critical*

*habitat*, if instead there are only 123 acres of LSR habitat, merely 25% of the habitat that resulted in such high short-term risk, a new analysis is required to determine if the merely 123 acres create a higher and longer term risk to MM and Spotted Owl.

G. The 1994 Record of Decision notes:

“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?**” **Standards and Guidelines, page Implementation E-10, Attachment A to the ROD.**

“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.” **Page Standards and Guidelines C-10, Attachment A to the ROD**

“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.” **Page Standards and Guidelines C-10 and 11, Attachment A to the ROD**

H. **Overview:** Canyon Creek Road: why harvest here at all given presence of critical habitat? The statement that “...no nesting habitat would be removed...” is inconsistent with all the statements throughout the WEA 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 so many issues with cutting in Murrelet and Spotted Owl habitat, all cutting in and around MM and SO habitat should be dropped from the Project proposal.

## **V. Specific Comments re Mountain Goats**

There are several concerns regarding MA 15, mountain goat habitat. First, the *Visibility Resource and Wild and Scenic River Effects Analysis* on page 3 makes two statements: “*Visual Quality Objectives consistent with adjacent management areas. The site itself will be managed to show **little to no evidence of human impact***” [emphasis added]. That latter comment is completely restrictive but the first statement is inconsistent with the second statement.

However, other parts of the documents indicated that there would be no treatment in the mountain goat habitat, so it is unclear what ‘little to no evidence of human impact’ means.

Is there in fact going to be some treatment? If so, how and what, since on Wells Creek Road, where the goats spend the winter and spring, is quite sparsely vegetated and is mostly bare due to the Barometer Ridge fire many years ago. This steep ridge has not regrown, since the fire, in many areas, and is subject to snow slides as there are no anchors. How could treatment be possible here?

There is nothing in the DEA that justifies such treatment, let alone explains what that treatment would consist of.

The Silviculture Analysis states, on page 3, that MA 15 is 50 acres. Given the risks of disturbing and damaging the goat habitat, including not only winter forage but also escape habitat, and in view of the other restrictions on MA 15, MA 15 should be dropped from the Project.

## **VI. General comments re Wildlife Effects Analysis**

- A. For the same reason that the DEA is incomplete as discussed in Section II above, the Wildlife Effects Analysis is incomplete as it does not include either 1) the Nooksack Wildlife Background Report in the Project Record, although it is incorporated by reference, or 2) the Biological Assessment nor 3) ESA Section 7 consultation nor 4) the results of consulting with US Fish and Wildlife Service. The public needs to be able to review those documents to accurately evaluate the Wildlife Effects Analysis.
- B. On page 2 of the WEA, there is a chart defining Resource Indicators; however, there is no material in the WEA discussing the actual calculation of existing Resource Indicators. It appears that such a calculation is in the Nooksack Wildlife Background Report in the Project Record, which is not included in the WEA.

## VII. General Comments re Visibility Resource and Wild and Scenic River Effects Analysis (the “VRA”)

- A. The Visibility Resource Analysis in its road analysis only looked at the Mt. Baker Highway, notwithstanding that significant work would be done along the Canyon Creek Road and Glacier Creek Road.
- Even though apparently the S&Gs and VQOs for LSR and Matrix permit ‘maximum modification’, from a public relations perspective the failure to consider the impact on the public who will be using the Canyon Creek Road and Glacier Creek Road, which are access roads for many major trails, is quite unfortunate and should be reversed.
  - Significant treatments right next to the road will be distasteful to the public, and could result in negative impression of the Forest Service’s failure to honor its *“VISUAL RESOURCE MANAGEMENT Goal: Provide an attractive forest setting, emphasizing the natural appearance of areas seen from major roads and recreation sites.”* See page 4- 93 of the Forest Plan.
- B. The VRA acknowledges, on page 5, that the treatment *“may change the landscape as seen from primary secondary travel routes.”* However, the VRA justifies the treatment by saying: *“but visual quality objectives and guidelines associated with Partial Retention and Modification VQOs would be met”*. See above comments in Subsection A to the contrary.
- C. The VRA is inconsistent in its descriptions of the modifications permitted:
- On page 4, the VRA says that **‘partial retention’** is the ‘most restrictive’ VQO in the Management Areas in the project; but then
  - In the table on page 3 of the VRA, the **‘retention’** standard is utilized for MA 2A from primary road corridors and where trails cross 2A, and for part of MA 19.

The VRA needs to accurately revise its statements to reflect the limitations of some of the VQO modifications actually permitted, as discussed above, and to correct the inconsistencies.

- D. The VRA on page 3 makes two inconsistent statements regarding MA 15, mountain goat habitat:
- “Visual Quality Objectives consistent with adjacent management areas”; and
  - “The site itself will be managed to show *little to no evidence of human impact*” [emphasis added].

That latter comment is completely restrictive, but the first statement is inconsistent with the second statement.

Frankly, as stated in Section V above, other parts of the documents indicated that there would be no treatment in the mountain goat habitat, so it is unclear what 'little to no evidence of human impact' means. Further comments regarding mountain goat habitat and MA 15 are found in Section V above. Again, the VRA needs to be revised to remove inconsistencies. There should be no treatment in any of the mountain goat habitat.

- E. The VRA states the following conclusions regarding the Nooksack River, which conclusions need to be incorporated into the DEA:

Page 5 of the VRA:

*"The Forest Plan S&Gs for Wild and Scenic Rivers states that we are to "Maintain recommended rivers and streams to protect their highest classification level until Congress takes actions on preliminary administrative recommendation." The highest VQO classification is Preservation. This VQO allows ecological changes only. Management activities except for very low visual impact, are prohibited. Thus, a visual analysis was conducted with the highest and most restrictive visual classification in place."*

Page 7 of the VRA:

*"Conclusion and Consistency. After reviewing the Forest Plan Standards and Guidelines for the visual resources for Wild and Scenic River land management allocations, and performing a viewshed analysis, it appears that Alternative 1, in regards to regeneration variable retention and or Alternative 2 variable density thinning unit 137c, is **not consistent** [emphasis added] with the Forest Plan. It is suggested that this unit be reduced in size and readjusted to stop at the edge of land management allocation 5B. **Until a resulting Wild and Scenic River designation is made for the Nooksack River. Forest Plan direction recommends that 5B is to be preserved and have the highest VQO classification applied to it.**" [emphasis added]*

Therefore, these recommendations should be clearly included in the DEA.

## VIII. Silviculture Analysis

- A. Page 13 of the Silviculture Analysis argues that treatment can speed up conversion to 'old-growth', but importantly acknowledges that *"the full suite of conditions that develop in old-growth forests over long periods of time cannot be expected to accelerate through a single thinning treatment"*. On page 12, the Silviculture Analysis states that old forests can take between 175 to 350 years to develop, and that old growth forests can take up to 450 years to develop. For Listed and Threatened Species that require and prefer old growth forests, that time line will be beyond their survival. Again, there is no good argument for cutting down old growth forests. The FS is treating these forests as plantations for timber harvest.



- Stands in Variable Retention Harvest would be planted for reforestation, while stands in the Variable Density Thinning areas are planned to be reforested naturally. Page 22.
- A precommercial thinning is contemplated for 10-15 years after the treatment in the Variable Retention Harvest stands. Page 22.
- A commercial thinning is contemplated for 40-50 years post-harvest in Variable Retention Harvest stands, with a second commercial thinning contemplated depending on site specific conditions. Page 20

The Canyon Creek LSR lands are described as 'core habitat' in the Executive Summary of the 1995 Canyon Creek Watershed Analysis, page ES 1, "*It includes core habitat key to the functioning of a late successional reserve*". If it is core habitat key to functioning of LSR, then it should not be harvested.

- B. Inconsistency between the acreage of 5,733 listed on page 10 of Silviculture Analysis, and the acreage of 4,710 listed on page 9, 15 and 23 of the Silviculture Analysis, needs to be explained.
- C. There is a very concerning aspect to the charts on page 19, for Alt 1 and on page 24 for Alt 2. The charts show analysis based on *remaining trees on the treated sites having a DBH of 7" not only for Matrix stands treated with Variable Retention Harvest, but also for Variable Density Thinning stands*. To have only 7" DBH trees used for the analysis is quite concerning as it could imply that there are no trees left which exceed 7" DBH.
- D. The economic analysis (cost efficiency) excludes the costs and profits of pre- commercial (or non-commercial) Stand Improvement thinning parts of the Project. See page 8. That exclusion is misleading as to ultimate value of the timber harvest, and its financial costs.

The data for the Mountain Hemlock Huckleberry Enhancement and data for other Stand Improvements were likewise excluded from the charts in the Silviculture Analysis. See page 14. That exclusion is misleading as to ultimate value of the timber harvest, and its financial costs.

- E. The economic analysis needs to break out the benefits and costs, both short-term and long-term, to local, rural economy other than just to the timber industry.
- There is no such economic analysis provided of whether or not there are financial benefits to tourism, recreation, conservation, or other local business of this timber project.
  - Nor is there any analysis of whether or not the timber industry is located locally in the Mt. Baker Highway corridor, in Whatcom County, or if located further south in other counties.

If not located in Whatcom County, the benefit to the timber industry would not count as a local benefit.

- Nor is there analysis of negative impacts on local businesses. Generally, negative impacts to views along major trailhead access roads and along trails will adversely impact local businesses. Due to unappealing views from access roads, there will in all likelihood be loss of tourism, hiking, camping, hunters, birders, skiers, and snowmobilers which will impact the businesses of local lodging, restaurants, grocery stores, and convenience stores.

F. As suggested by Richard Bowers, former Executive Director of the Whatcom Land Trust, in his comment letter of June 24, 2020, it would be useful to have *“more robust evidence the FS has regarding the future value of clear-cuts in the Canyon Creek watershed as a benefit to rural communities and the timber industry. That information should be compared with potential tourism, recreation, and conservation, financial and economic benefits.”*

## **IX. Mitigation Analysis**

All ten of the proposed mitigations for wildlife found at pages 20-22 of the Mitigation Analysis, Exhibit A to the DEA, should have enforcement conducted by an independent licensed Wildlife Biologist. As drafted, only one of the mitigations, W-3 for protecting raptor nests, requires *as an alternative*, enforcement by a wildlife biologist. The other alternatives for W-3 and for all other wildlife mitigations W-1, W-2 and W-4 through W-10 provide merely for timber sale contact and administrator, or representatives, to provide enforcement. An independent wildlife biologist is needed to ensure that the wildlife mitigations are observed and enforced.

## **X. Conclusion**

For all of the reasons listed in this Comment Letter, and for the many other reasons listed in the numerous other Comment Letters submitted on this proposal, the Draft Environmental Assessment should not be adopted. The Draft Environmental Assessment should be rewritten and resubmitted.

Ideally, instead there should be an Environmental Impact Statement conducted, given the significant impacts of any such proposal on the Forest and the environment.

Thank you for considering my comments. I look forward to your response, and to participating in ongoing discussions and decisions about this Project. I hope that my comments and concerns will provide an opportunity for discussion and improvement of this plan going forward.

Please keep me on your mailing list for this Project, and keep me informed of future developments.

Sincerely,

Amy L. Mower