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Organization:

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Comments: Wallowa-Whitman National Forest

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Via Postal Mail and Electronic Comment Portal

Re: Scoping Comments on the Morgan Nesbit Proposed Forest Resiliency Project #58961 in the Hells Canyon National Recreation Area and other federal lands on the Wallowa-Whitman National Forest

April 1, 2023

Dear Forest Service:

This letter is in response to your solicitation for public comment on the Morgan Nesbit Project, an area I am intimately familiar with. I lived in Wallowa County for 36 years and still hike and camp in the HCNRA and surrounding National Forest Lands on a regular basis. I have hiked in the Sheep Divide and Grouse Creek Roadless Areas, mountain biked out Jaynes Ridge, and cut firewood near Harl Butte. I'm a former member of the Forest Service Helitack crew when it was stationed at Memaloose. I spent 34 of my years in northeast Oregon working within Forest Service processes to protect the ecological viability and wilderness values of the HCNRA and undesignated land in the Wallowa-Whitman National Forest (WWNF).

I am deeply concerned with the prospective impacts of Morgan Nesbit, which would incise clearcuts, construct 23 miles of roads, log large, fire-resistant trees, and authorize aggressive thinning. The project objectives, particularly "improve vigor of residual trees and increase forest resilience...maintain and promote desirable fire and drought tolerant tree species," are sweeping and unexplained. The threats of such an expansive alteration of forest structure to native biological components could be massive. I am also concerned with the project's potential lack of compliance with federal laws and applicable science. The following is a list of my primary concerns:

1) Regarding the NEPA process for Morgan-Nesbit, it appears a Proposed Action has been developed. There is evidence this was created with the exclusive participation of the Northern Blues Collaborative. This is disturbing because it is common practice for the Proposed Action to become the Preferred Alternative in the EA or EIS, and the Preferred Alternative is rarely ever modified to any significant degree as a result of scoping and Draft EA comments. Thus, the Collaborative will have enjoyed privileged access to information and influence, while the remainder of the public has been relegated to bystanders vainly attempting to revise a project that has already been designed in detail. This is likely illegal under NEPA and FACA, and it is patently unfair. All publics should have equal opportunities to influence federal projects from the inception level. The Forest Service should publicly reveal the meetings and correspondence with the Collaborative, and re-open the process for developing the Proposed Action to give all publics an opportunity to participate in its development.

2) The Forest Service must not selectively cite scientific studies that support logging as a means to achieve the stated "Needs" of Morgan Nesbit-particularly to reduce wildfire risk. The EA must consider recent scientific papers, for example Dominick A. DellaSala's (et al) 2022, Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus? Among other pertinent observations, this paper notes that past fuels reduction logging has not been proven effective in reducing wildfire risk. So has Counteracting Wildfire Misinformation, by Jones et al 2022, by former Deputy Chief of the Forest Service Jim Furnish, which was published in The Smokey Wire, September 2022; and Logging in disguise: How forest

thinning is making wildfires worse by Chad T. Hanson, et al. The EA must consider all pertinent scientific information. It also must establish that the project is not, as many studies suggest, exacerbating wildfire danger by opening up the forest canopy, thus facilitating drying of ground fuels and allowing hot winds a free run through standing timber, while creating more ground fuels with logging slash.

3) Past forest supervisors and district rangers on the WWNF have seen the Hells Canyon National Recreation Area (HCNRA) as just another ranger district that can be logged like any other. The HCNRA was inexplicably combined with other non-designated land in what used to be the Wallowa National Forest, to create a single ranger district. That mindset of marginalizing the HCNRA does not appear to have changed. Bunching the HCNRA in with undesignated national forest lands in Morgan Nesbit does not release the Forest Service from compliance with the HCNRA Comprehensive Management Plan (CMP) and the HCNRA Act.

The HCNRA CMP requires the Forest Service to consider impacts to the HCNRA's function as a critical biodiversity connection corridor. Analysis of Morgan Nesbit must include a thorough examination of project impacts to the migration of species such as gray wolf, grizzly bear, marten, wolverine, white-headed woodpecker, antelope, lynx, Rocky Mountain elk and all species known to migrate between the the Hells Canyon-Wallowa Ecosystem, and the Salmon-Selway Ecosystem; the Great Basin (Oregon High Desert) Ecosystem; and the Blue and Ochoco Mountains Ecosystem. Forest habitat and cover is important to all these species, and the impacts of expansive "thinning" of forest structure must be analyzed in an objective scientific review.

Section 7 of the HCNRA Act requires that any logging be compatible with "conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; preservation...of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith; protection and maintenance of fish and wildlife habitat..."

The Act requires all logging be "...by selective cutting."

Section 8 of the Act requires that "...timber harvesting by selective cutting...may continue during development of the comprehensive management plan, at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas [areas of such activity at the time of enactment of the HCNRA Act]."

The required special rules as dictated by Section 10 of the Act state: "The Secretary shall promulgate, and may amend, such rules and regulations...to accomplish the purposes of this Act...provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area...standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting..."

This means that to comply with the HCNRA Act, the burden is on the Forest Service to establish its logging plans will not impinge upon the natural values named in Section 7 of the Act. "Rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats...outstanding and diverse ecosystems..." must be identified. Logging must be by "selective cutting," which by any rational definition means no clearcutting or high-grading. Logging must be limited to areas where commercial logging occurred prior to December 31, 1975, the date the Act was passed, and these previously logged areas must be identified and mapped. Logging must comply with, or exceed the special regulations in 36 CFR Part 292.40-48. As written, these rules are inadequate, as in most cases they do not state how logging operations and use of motorized/mechanical equipment will be governed by direct measures to ensure compatibility with the protection provisions of the HCNRA Act.

4) The Morgan Nesbit project should comply with the provisions of the Eastside Screens. Although the revisions made to the screens is under litigation, the Forest Service should err on the side of compliance with the screens rather than risking habitat destruction and exacerbation of fire intensity that could occur by ignoring them.

5) The Forest Service must not employ "condition-based management." This "loggers choice" process has been repudiated by the Environmental Protection Agency as illegal. It enables radical departures from silvicultural prescriptions, as has been documented on other Forest Service projects, for example the Mission Project on the Okanogan-Wenatchee National Forest. Trees to be removed must be marked by Forest Service personnel.

6) The EA must consider the Morgan Nesbit project area as a unique forest type, distinct from other eastside forests. The project area contains naturally dense forests in a geographic area that receives among the highest levels of precipitation in Oregon east of the Cascade Mountains. The EA must consider the extent, and value of dense forests, which have always been present in this ecosystem prior to commercial logging and fire suppression. Generic characterizations of "dense forest conditions" is not a viable scientific standard by which to prescribe logging operations allegedly to restore natural or historic conditions. Past frequency of dense forests over their 12,000 year history must be researched and disclosed. If it is not possible to determine the natural complexion of this forest over its life span, the Forest Service cannot rely simply on snapshots from the recent past as representative of consistent conditions present during the evolution of this forest. It is possible that during its evolution, this forest often looked as it does now. Therefore, the definition of "historic conditions" are subjective at best.

7) Even if the present condition of the forests in Morgan Nesbit could be justified as unnatural, the Forest Service must disclose how it will perpetuate the contrived conditions that would result from the project. If future logging to maintain the new conditions is anticipated, that must be disclosed. If fire will be allowed to resume its natural role as stated in the scoping notice, how will that occur given the need to reduce wildfire risk by extinguishing wildfires? What will the wildfire management direction be? This consideration must be articulated, or the project goals will not be achieved, since without further management changes from the present policies, the forest will naturally revert to a condition that does not comport with the contrived "desired conditions" as stated in the project Needs. Failure to disclose anticipated future actions in the project EA would constitute a NEPA violation.

8) The Morgan Nesbit project area includes areas recently logged (and possibly still open to logging) in the upper Imnaha River area via the Puderbaugh project. The EA/EIS cannot segment Puderbaugh and Morgan Nesbit by ignoring the impacts of the logging that occurred in the upper Imnaha area, including unauthorized removal of large ponderosa pine trees. The cumulative impacts of these two projects must be analyzed.

9) If an EA analysis results in a determination of "No Significant Impact," the Forest Service must justify how artificially modifying an 87,000 acre expanse of forest is not significant by rational and/or scientific standards. The sheer size of this project demands an EIS.

This concludes my comments. Please include me in all public correspondences for, and related to the Morgan Nesbit project.

Sincerely,

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