



Via: <https://cara.ecosystem-management.org/Public/CommentInput?Project=44149>

March 26, 2019

Mike Williams
c/o Objection Reviewing Officer
Okanogan-Wenatchee National Forest
Attn: Appeals and Objection
215 Melody Lane, Wenatchee, Washington 98801

Re: Swauk Pine Objection

Pursuant to 36 C.F.R. Part 218, the American Forest Resource Council (AFRC) files this objection to the proposed decision for Swauk Pine. The responsible official is Mike Williams. The Swauk Pine project occurs on the Okanogan-Wenatchee National Forest.

Objector

American Forest Resource Council
700 N.E. Multnomah, Suite 320
Portland, Oregon 97232
(503) 222-9505

AFRC is an Oregon nonprofit corporation that represents the forest products industry throughout Oregon, Washington, Idaho, Montana, and California. AFRC represents over 50 forest product businesses and forest landowners. AFRC's mission is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. We do this by promoting active management to attain productive public forests, protect adjoining private forests, and assure community stability. We work to improve federal and state laws, regulations, policies and decisions regarding access to and management of public forest lands and protection of all forest lands. The Swauk Pine project will, if properly implemented, benefit AFRC's members and help ensure a reliable supply of public timber in an area where the commodity is greatly needed.

Objector's Designated Representative

Tom Partin
P.O. Box 1934
Lake Oswego, Oregon 97035
503-704-4644
tpartin@amforest.org

5100 S.W. Macadam Avenue, Suite 350
Portland, Oregon 97239
Tel. (503) 222-9505 • Fax (503) 222-3255

Reasons for the Objection

The content of this objection below is based upon the prior specific written comments submitted by AFRC on April 8, 2016 in response to the draft EA, and from information gathered by field visits to the area. Many of the recommendations and requests for change in that document were not incorporated into the Final Record of Decision, thus prompting this objection.

Since the project is only treating 21 percent of the project area (1,327 acres) by commercial thinning and 2,815 acres with prescribed fire, AFRC does not believe the Forest can meet the Purpose and Need for this project or achieve the outlined goals of the project which include.

- Interrupt fire flow paths (that is, create fuel breaks) to better protect areas of moist late successional forest, including current and future spotted owl habitat;
- Protect and conserve existing high value spotted owl habitat, and culture old forest multi-story (OFMS, that is, future high value habitat) on northerly slopes and valley bottoms;
- Reduce the over-abundance of small diameter dense forest, and culture larger patches of open forest dominated by large old ponderosa pine, particularly on upper and southerly slopes;
- Increase the distance between patches with moderate and high running crown fire risk by thinning;
- Restore ecological processes dependent on fire and help re-establish a mixed severity fire regime, by reintroducing fire;
- Provide forest products where ecologically appropriate and feasible. The project is located in the Tapash Collaborative Forest Landscape Restoration (CFLR) Area—designated by the Secretary of Agriculture as a priority landscape for restoration.

1. First and Foremost the Project is Not Economical

In AFRC's comments on the Draft EA we stated that we were very concerned about the economics of the proposed action. As presented, only 159 acres (12 percent) would be harvested using ground based skidding systems while 1,168 acres are scheduled for skyline logging. Skyline logging is much more expensive than tractor logging, and given the intent of this project – which is to remove the smaller trees in the stands to promote growth of the larger dominant trees – the value of the timber may not be adequate to support the project. We urge you to consult with industry in order to develop an economically viable project. AFRC urged the Forest to consider doing more tractor logging to make the project more economical. This was not done.

Hence the response from the Forest regarding the economic viability of the sale was: *“The purpose of the project is to restore the resiliency of the landscape and reduce potential for stand replacement fire. The value of the timber removed **may pay for only a portion of the restoration, but this is a minor issue compared to the catastrophic monetary and non-monetary costs of a landscape scale stand replacement fire.** A preliminary economic analysis shows that the sale is deficit, but that this cost is far less than the per acre fire suppression costs that would likely cost. Fire suppression costs in the 2012 Table Mountain fire that burned part of the Swauk Pine project area, the cost was \$413.00/ acre. For the Swauk Pine project, the cost of the vegetation restoration treatments is \$168.00/ acre.”*

AFRC strongly believes that the project could have been greatly improved by taking more volume per acre including some larger trees, and by doing less skyline logging. It is doubtful that this project will sell! Language in the Final EA states: *“Retain the largest available trees for large tree retention, and do not remove trees >25” DBH, unless they are surplus to the large tree retention need. Remove trees 20” DBH to 24” DBH only if they are not needed to meet large tree retention objectives.”*

2. The Economic Analysis for the Project is Flawed

The Forest still does not have harvestable volume listed by species or by logging system in the document. In your response to our request for volume in the Draft EA, the Forest said those numbers are in Appendix F. However, Appendix F states *“Volumes are estimated from cruise data to-date, stand exams, and the Liberty Fuels project and the most recent timber sale in the Swauk Pine watershed. Updated timber values came from Product Quality Adjustments (PQA), for delivered log prices. Approximately 10883 CCF or more timber volume could be cut, but the exact total is unknown since final cruise volumes are not available, the sale is currently being marked.*

A good economic analysis for the project cannot be made without obtaining volumes by species, volumes by logging method and volume by timber size class. Finally, in your own analysis the Final EA states: *“The skyline logging is deficit (1171ac.) and the ground based logging (166 ac.) has a positive net value.”*

3. The Project Fails to Protect and Conserve Existing High Value Spotted Owl Habitat.

Only commercially thinning from below and removing the smaller diameter trees will not meet the goal of the project which is to interrupt fire flow paths (that is, create fuel breaks) to better protect areas of moist late successional forest, including current and future spotted owl habitat. Small diameter thinnings throughout the project area will not reduce the fuels loading on the 1,327 acres to levels that will interrupt fire movement.

Further, the Forest is at a great risk by treating 2,815 acres using prescribed fire. The stands of trees in this project have heavy fuel loadings, and the fuel ladders from smaller trees to the crowns of larger trees exist on most of the acres. AFRC fears that spotted owl habitat is at great risk to loss from these prescribed fires.

4. The Forest Is Not Thinning to Adequate Tree Spacing Across the Project Area.

AFRC commented that to better “fireproof” the project area that will be treated, the stands should be opened up to a maximum 40 percent canopy closure. This level of opening is needed to adequately protect against stand-replacement fire, one of the ecological goals recognized by the Northwest Forest Plan’s Standards and Guidelines for Late-Successional Reserves (LSRs). AFRC supports treating the stands to retain the large trees across the landscape; however, as mentioned above, enough of the smaller trees need to be removed to ensure the larger trees aren’t killed by wildfire, insects or disease due to overcrowding.

In the Final EA, the Forest Service agrees that 40% crown closure is needed to reduce the crown fire hazard, however, some stands were left thinned to crown closures over 40% so some wildlife and watershed thresholds could be met in certain situations. Ignoring these thresholds could put the project at risk or delay the project until cumulative effect thresholds could be met.

AFRC believes by not thinning to 40% crown closure puts the wildlife and watershed thresholds to a higher risk because of heavy fuel loadings and an increased threat of wildfire.

5. The Forest Chose Not to Consider Management in the Lions Rock Potential or Proposed Wilderness Area.

The draft EA refers to and analyzes the Lion Rock “potential” or “proposed” wilderness area. It is not clear how or when this area was determined to be a “potential” wilderness area. However, any such determination is inappropriate because designation of areas potentially suitable for inclusion in the wilderness system should only be made at the Forest Plan level. Thus, the Lion Rock area should not be considered or analyzed in the Final EA.

In January 2014, the Forest Service issued directives regarding the implementation of the 2012 Forest Planning Rule. These directives are specifically directed to be used at a Forest Planning level and are not designed to be used at a project level. Chapter 70 of these directives specifically deals with areas of wilderness characteristics and the process that the forests need to utilize in order to properly evaluate potential wilderness on a forest-wide scale. These directives outline a series of steps that the Forest Planners must utilize to evaluate administratively recommended wilderness at the forest plan level. These steps include intensive public involvement that should be happening during the four stages, inventory, evaluation, analysis, and finally recommendation. AFRC objects to this project on the basis that a small portion of these directives, Chapter 71.1, was applied to the Swauk project. The wilderness evaluation process was designed to be applied as a whole process, at the plan level, and include extensive public discussion and scrutiny.

Specifically, the Forest Service Handbook (FSH) section referring to the wilderness inventory process is titled “Land Management Planning” [FSH 1909.12](#). It states in its heading: “This handbook provides procedural guidance for implementing land management planning direction for the 2012 planning rule. ... The primary use is for interdisciplinary team members and line officers responsible for planning.” [FSH 1909.12, Zero Code, at 1](#). The handbook further refers to its application to “the process by which lands are recommended during land management planning.” [FSH 1909.12 ch 70, § 70.6](#). Under the planning rule, one of the elements of plan revision is to “[i]dentify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.” [36 C.F.R. § 219.7\(c\)\(2\)\(v\)](#). As stated in the Forest Service Handbook, “Inclusion in the inventory is not a designation that conveys or requires a particular kind of management.” [FSH 1909.12, ch. 70 § 71](#).

Additionally, statutory language directs the Forest Service to manage lands for multiple use until further Congressional action or a Forest Plan revision. Congress directed that National Forest lands not designated as wilderness, including all roadless areas less than 5,000 acres, “shall be managed for multiple use in accordance with [Forest Plans].” Washington Wilderness Act of 1984, Pub. L. No. 98-339, § 5(b)(3), 98 Stat. 299 (1984).

Thus, areas are not subject to additional management direction or requirements unless and until they are actually recommended for wilderness designation in a final Forest Plan. And, of course, only Congress can designate wilderness under the Wilderness Act.

By improperly applying the process at a project level, the Forest Service did not undergo the extensive public engagement required to implement this process and in doing so implied that portions of this project qualify as areas with wilderness characteristics despite the fact that these areas have not undergone the additional scrutiny required by the directives. It was inappropriate for the Forest Service to designate, and then analyze in its EA, areas potentially suitable for inclusion in the national wilderness system. The final Record of Decision should delete all such references.

The reason for staying out of the Potential or Proposed Lions Rock Area was “*The Swauk Pine project was designed to avoid impacting potential roadless and potential wilderness land use designation. The reason for this was the need to expedite this project and reduce fuel loading. The project could have treated these areas with commercial logging but it would have required an EIS, which is a longer more complex process and would have opened the project up to more potential for objections that could delay implementation.*”

AFRC stated in our earlier comments that we support the Forest Service’s use of an Environmental Assessment on this project. From our perspective there are no unique factors or impacts to this area during the operations that would dictate the need for an Environmental Impact Statement. AFRC feels the Forest bypassed management in the Lion Rock area without justification.

Resolution Requested

The Swauk Pine Project Area is located approximately 10 miles northeast of the town of Cle Elum in Kittitas County, Washington and encompasses an area of 6,242 acres of National Forest System land.

The restoration strategy was for treatment to reduce the risk of large-scale uncharacteristically severe wildfires and insect outbreaks and wide-spread loss of late-successional and spotted owl habitats. The project lies within the Swauk Late Successional Reserve (LSR) and was selected due to the high risk of habitat loss from uncharacteristically severe fires, the dry forest restoration need, the high ratio of Wildland Urban Interface, and the relatively low ratio of northern spotted owl use.

With the description of the on ground conditions AFRC does not believe the Forest will meet the Purpose and Need for this project or accomplish outlined goals.

To resolve this objection, the following actions will need to occur.

1. To satisfy the economic portion of our objection, AFRC recommends the Forest reevaluate how much of the project is in cable logging. This evaluation and conversion to more tractor logging could be accomplished by allowing ground-based logging on slopes greater than 35% slopes. This is being done by many Forests where new lighter touch mechanized equipment is being used. AFRC recommends thinning ALL residual stands to the 40% crown closure for reducing wildfire risk, maximizing volume, and increasing growth on remaining trees. Further AFRC suggests the Forest remove the criteria which calls for retaining the largest available trees for large tree retention, and do not remove trees >25" DBH, unless they are surplus to the large tree retention need. Remove trees 20" DBH to 24" DBH only if they are not needed to meet large tree retention objectives.
2. To protect spotted owl habitat, AFRC believes that more acres should be mechanically thinned and fewer acres treated by prescribed fire. The Forest is at great risk by treating 2,815 acres with prescribed fire. The stands of trees in this project have heavy fuel loadings, and the fuel ladders from smaller trees to the crowns of larger trees exist on most of the acres.
3. AFRC believes the Economic Analysis is flawed and cannot be portrayed accurately without having actual volumes and species of timber to be harvested by unit and by logging system. The Forest acknowledges that the project is deficit and some management is better than no management although outside funds will be needed to complete needed work. There is no option presented in the analysis to capture more value by including more acres or volume per acre. AFRC believes the Forest needs to present a better economic analysis based off factual volumes and species, and present a project that could be purchased and operated without being subsidized.
4. It was inappropriate for the Forest Service to designate, and then analyze in its EA, Lions Rock Potential or Proposed Wilderness Area as potentially suitable for inclusion in the national wilderness system. Any such determination is inappropriate because designation of areas potentially suitable for inclusion in the wilderness system should only be made at the Forest Plan level. The final Record of Decision should delete all such references.

Request for Resolution Meeting

Pursuant to 36 C.F.R. § 218.11, the objectors request a meeting with the reviewing officer to discuss the issues raised in this objection and potential resolution.

In the event multiple objections are filed on this decision, AFRC respectfully requests that the resolution meeting be held as soon as possible with all objectors present. AFRC believes that having all objectors together at one time, though perhaps making for a longer meeting, in the long run will be a more expeditious process to either resolve appeal issues or move the process along. As you know, 36 C.F.R. § 218.11 gives the Reviewing Officer considerable discretion as to the form of resolution meetings. With that in mind, AFRC requests to participate to the

maximum extent practicable, and specifically requests to be able to comment on points made by other objectors in the course of the objection resolution meeting.

Thank you for your efforts on this project and your consideration of this objection. AFRC looks forward to our initial resolution meeting. Please contact our representative, Tom Partin, at the address and phone number shown above, to arrange a date for the resolution meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is written in a cursive, flowing style with a prominent initial "T".

Travis Joseph
President