



VIA email submission: objections-pnw-rogueriver-siskiyou@fs.fed.us

May 30, 2019

Merv George Jr, Forest Supervisor
Rogue River-Siskiyou National Forest
3040 Biddle Rd.
Medford OR, 97504

RE: Upper Briggs Landscape Restoration Project Environmental Assessment Objection

Pursuant to 36 C.F.R. Part 218.7, the American Forest Resource Council files this objection to the proposed draft decision for the Upper Briggs Restoration Project Environmental Assessment. Wild Rivers District Ranger, Matt Paciorek, is the responsible official. The Upper Briggs Restoration Project occurs on the Wild Rivers Ranger District on the Rouge River-Siskiyou National Forest.

Objector

American Forest Resource Council
700 NE 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 Upper Briggs Restoration 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

Amanda Astor, Southwestern Oregon Field Forester
2300 Oakmont Way, Suite 205
Eugene, OR 97401
(541)-342-1892
aastor@amforest.org

Reasons for the Objection

The content of this objection below is based upon the prior specific written comments submitted by AFRC in response to the Scoping Notice and Draft EA which are hereby incorporated by reference.

The Purpose and Need is flawed and inappropriate for the Matrix Land Allocation in that it focuses on development of late-seral habitat characteristics and excludes the provision of timber products and support for local timber products infrastructure. The written response provided by the Forest Service in the Final EA have not adequately responded to these concerns.

Our written comments in response to the Draft EA read: “[...] we urged the District [in our scoping comments] to closely consider whether objectives such as “accelerating development of later seral forest structure” are consistent with the LRMP direction on lands designated as Matrix. This particular request was not addressed in the Upper Briggs EA as we could not identify any written description that justifies how treating 1,796 acres of Matrix lands to “develop and enhance late seral habitat” is in accordance with your LRMP direction.

Additional written comments in response to the Draft EA read that: “AFRC believes that the provision of useful raw material off National Forest Service land is an integral component of the agency’s multiple-use mission. In recent years, many Forest Service Districts have opted to omit the provision of useful raw material from the purpose & need statements of vegetation management projects. AFRC has warned against this practice as it marginalizes the appropriateness of this provision to the agency’s mission. Most all Forest Service vegetation management projects achieve an array of positive outcomes. One of these positive outcomes is a sustainable supply of wood products, which is why AFRC is so perplexed as to why the Wild Rivers District opted to omit this critical objective from the design of the Upper Briggs project. We asked for this objective to be included in the project’s Purpose & Need. The District responded in writing, on page 32 of the EA, to this request by saying that: *“a commenter proposed that the purpose and need statement be revised to include local economic viability and support to local infrastructure. It was eliminated from further consideration because the purpose and need statement focuses on the complex problem of restoring resiliency...”* This response makes no sense to AFRC. Essentially the Forest Service is saying that an additional element of the purpose and need was eliminated because the purpose and need says something else?”

When developing and evaluating a project’s purpose and need, agencies and courts “must consider the statutory context of the federal action at issue.” *HonoluluTraffic.com v. Fed. Transit Admin.*, 742 F.3d 1222, 1230 (9th Cir. 2014). Here the context includes the Northwest Forest Plan Matrix designation, where timber production should occur to meet the Plan’s socioeconomic goals. The National Forest Management Act requires all projects to be consistent with a governing Plan. 16 U.S.C. § 1604(i). By ignoring the Plan direction for Matrix, the Forest is impermissibly straying from its obligations.

The Final EA identifies the desired condition as:

“Improvement in habitat and watershed resiliency to short-term natural disturbances and long-term climate change”

One of the objectives of the Project is to “develop and enhance late successional habitat.” The Final EA states:

“Based on the Briggs Creek Watershed Analysis and the Siskiyou National Forest Plan as amended by the Northwest Forest Plan:

- *Late-seral stands constitute approximately 18% of this watershed. It is desired to increase this to a minimum of 45%.”*

AFRC is very concerned that the District is basing these “desired conditions” on a speculative document cited in a Watershed Analysis, which is intended to be guidance as it has not received public input or review.

In AFRC’s EA comments, we clarify how the Watershed Analysis clearly states that *“reconstruction of historic proportions of seral stages is speculative.”* The response to comments and/or Final EA have not clarified how treating the Matrix in this way is consistent with the Forest’s LRMP Objectives. Nor have either document addressed the speculative nature of the Briggs Creek Watershed Analysis for prescribing a minimum of 45% late-seral habitat within the Briggs Creek Watershed.

Resolution Requested

AFRC requests that a clear response to these comments be incorporated into the Final EA and taken into consideration by the Deciding Official. Help us understand what the intent of these stands are for the long term and how that intention “emphasizes obtaining a full yield of timber within the capability of the land” according to Matrix allocation objectives. The maximum allowed treatment in this project is requested to move forward in the final decision.

The actions described in Alternative 3 will hamper the overall attainment of the project’s Purpose & Need and objectives.

The Purpose & Need as it appears in the Final EA includes the following:

“to reach desired conditions by improving the overall resiliency of the Upper Briggs Creek watershed to short-term natural disturbance (fire, drought, storms) and long-term climate change.”

“because post-industrial human management has disrupted the disturbance regime and watershed function leading to the existing conditions present in the Upper Briggs Creek watershed.”

In AFRC's opinion, the goal of any Forest Service vegetation management project should be to meet the stated project objectives to the maximum extent across as many acres of the project area as possible. The scope, measured in acres treated for this project, should be the metric that indicates how well the Forest Service is meeting its stated objectives on any given project. In other words, meeting the stated Purpose & Need on 500 acres is inferior to meeting the stated Purpose & Need on 600 acres.

In our EA comments, we expressed concern regarding the that restrictive nature of utilizing two arbitrary canopy cover parameters (40% and 60%) for treatment types, producing a project that ceases to be a true restoration project. By including any part of Alternative 3 or the No Action Alternative, the Project will be further away from attainment of the Purpose & Need of the Project.

Resolution Requested

AFRC requests that the Deciding Official not incorporate any elements of the No Action Alternative or Alternative 3 into the selected alternative. As the current decision is a draft decision, potential exists for both the reduction of the level of acres treated and the intensity of those treatments that would the compromise the forest health and diversity objectives stated.

Certain modifications made between the publication of the Draft EA and the Draft Decision due to impacts by last summer's wildfires do not meet the Purpose & Need of the project.

Between the time Draft EA comments were taken and the Final EA/Draft Decision Notice was published, a large wildfire moved into the Project area. A public comment period was not opened to comment on the changed condition analysis (Appendix A) of the Final EA. Due to the fact that these changes could not be addressed within our scoping comments or Draft EA comments, AFRC would like to provide comments at this point.

Appendix A of the Final EA consists of the changed condition analysis for the Upper Briggs Restoration Project Area. AFRC has been to the project area and observed maintained need to treat in all of the proposed units. Much of the fire burned at a low to moderate intensity within the Project area resulting in unburned to low soil burn severity and basal area loss classes of 0-4 (RAVG data). Appendix A has identified units with reduced treatments under Table 7 on page 304. This table is void of pertinent information for the public under the "Commercial" column. The paragraph beneath Table 7 begins with "*Units with reduced treatment will have commercial treatment dropped from the prescription.*" It is unclear if every acre of every unit will no longer have commercial treatment on it or if portions of units will no longer have commercial treatment on them. On page 5 of the Draft Decision Notice, the Forest Service states, "In units that experienced 25-100% basal area loss, all commercial treatment will be dropped." This statement furthers confusion about the proposed action.

One specific unit of concern is Unit 5. As shown on Map 1 and Map 2 in Appendix A, the fire produced a loss of between 0-10% basal area with identified unburned or very low soil burn severity. Additionally, we have been to this unit post-fire and those site visits indicate no reason for its deferral from treatment or its inclusion in Table 7. The original prescription described in the Draft EA should be implemented with no acreage reductions.

Then, when reviewing Table 8, a total of 607 acres have been identified to have “reduced” treatment. It is unclear what “reduced” actually equates to in this table. This is also the table that was chosen to be utilized in the Draft Decision Notice. Without clear definition of “reduced” it cannot be certain for the public or the Deciding Official if any or all of these acres have or do not have commercial treatment dropped from them. To compound the clarity issues, Table 8 seems to come to a different conclusion than Table 7 and the following tables (Tables 9-14). The acres do not add up and inconsistencies exist between all of them. For instance, Table 8 shows reduced treatment in 128 acres of Riparian Reserves, yet Table 7 does not identify any Riparian Units. Table 12 in addition, does not seem to identify any units with a basal area loss indicative of reduced treatment. Overall, the clarity of Appendix A’s Silviculture section needs to be improved for the public to fully understand how the proposed actions have changed post-fire.

Resolution Requested

AFRC requests that Unit 5 be implemented as described in the Draft EA with no acreage reductions.

We also request that Table 7 on page 304 of the Final EA include a “Y” or “N” for each unit and clearly identify for those units with commercial products if the entire unit or portions of the unit will not have commercial removal any longer. Table 8 also needs to be synced with Table 7, 9, 10, 12, 13, and 14. A changed condition/changed treatment map is requested to better identify how the proposed action has changed post fire spatially. Additional clarity needs to be provided in the Final EA and Final Decision Notice illuminating what units have been dropped from having commercial treatment and why this change in treatment has occurred.

Request for Resolution Meeting

Pursuant to 36 C.F.R. § 218.11, the objectors request to meet 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 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, Amanda Astor, 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 style with a large, prominent initial "T".

Travis Joseph
President