FINAL DECISION DOCUMENTATION
for
Timber Sales within the Revised Westside Project
Environmental Assessment (EA OR118-05-021)

United States Department of the Interior
Bureau of Land Management
Glendale Resource Area, Medford District

INTRODUCTION

The Westside Project planning involved the public by mailing invitations to approximately 1,281 residents of the towns of Glendale and Azalea to attend a public scoping meeting provided on April 28, 2005 at the Azalea Grange Hall. About 30 local residents attended. A subsequent scoping report was mailed to those attending the meeting and to individuals and organizations that have expressed interest in Glendale Resource Area projects. The scoping public comment period was available from June 7, 2005 to July 7, 2005. The BLM received 32 public responses from either letters or emails, and fully responded to those comments in Appendix 3 of the Westside Project environmental assessment (EA). The Glendale Resource Area also accepted public comments to the Westside Project through the quarterly BLM Medford Messenger publication beginning in the fall of 2004. Comments were considered in the development of the alternatives as analyzed in Appendix 1 of the EA.

The Westside Project Environmental Assessment (EA), including a Finding of No Significant Impact (FONSI), was made available for public comment from June 22 to July 24, 2006. The BLM has received 35 comment letters or emails to the Westside Project EA. BLM responses to public comments are found in the attached *Public Comment to Revised Westside Project Environmental Assessment and BLM Response* and were considered in reaching a final decision for timber sales in the Westside Project Planning Area.

This decision conforms with the *Final Supplemental Environmental Impact Statement* and *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS,1994 and ROD, 1994); the *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement* and *Record of Decision* (EIS, 1994 and RMP/ROD, 1995); the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004); the *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (*FSEIS, 2000 and ROD, 2001) including any amendments or modifications in effect as of March 21, 2004; and the *Final Supplemental Environmental Impact Statement Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts Within the Range of the Northern Spotted Owl,* and *Proposal to Amend Wording About the Aquatic Conservation Strategy* (FSEIS, 2003 and ROD, 2004).

The Glendale Resource Area is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. The Glendale Resource Area is also aware of the January 9, 2006, court order to:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and

- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The order further directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities...unless such activities are in compliance with the provisions of the 2001 ROD (as amended or modified as of March 21, 2004)."

The litigation over the amendment that eliminated the Survey & Manage mitigation measure from the Northwest Forest Plan does not affect the Westside Project. This is because all required biological surveys for Survey & Manage species were completed before the completion of the Middle Cow LSR Project EA and meets the 2001 protocol (2001 ROD as amended or modified as of March 21, 2004). Therefore, this project complies with the Northwest Forest Plan prior to that amendment.

The Glendale Resource Area is also aware of ongoing litigation Pacific Coast Federation of Fishermen's Associations et al. v. National Marine Fisheries Service et al. (W.D. Wash.) related to the 2004 supplemental environmental impact statement and record of decision for the Aquatic Conversation Strategy. The Magistrate Judge issued findings and recommendations to the Court on March 29, 2006. The District Court has not yet adopted them. The Court has not found this amendment to be "illegal," nor did the Magistrate recommend such a finding. The District Court has yet to adopt the findings and recommendations and rule.

REVISIONS TO ENVIRONMENTAL ASSESSMENT

The Revised EA replaces and supersedes the original Westside Project EA (OR118-05-021) previously released on June 22, 2006. Any comments submitted for consideration must be directed to the analysis contained in the Revised Westside Project Environmental Assessment (OR118-05-021) in order to be considered. The following are changes from the original EA:

1. Appendix 2 (p. 190) has been revised to include migratory birds. This revision is in response to public comment.

2. Appendix 10 has been added on page 345 and includes the wildlife biologist's specialist report regarding the rationale for determining migratory birds as Not Affected in Appendix 2.

3. Remove wording in section 2.3.1 that states "Firelines would be constructed by hand on slopes greater than 35%. On slopes less than 35%, one-pass with a brush blade could be used to construct fireline using machinery. Machine firelines would not be constructed in riparian reserves" is removed because there would be no mechanical line construction. This revision is in response to public comment.

4. Appendix 2 (p. 184) has been revised to include information to explain why Pacific lamprey and cutthroat trout (Bureau Tracking species) are not affected by the Westside Project and would not lead to listing as a threatened and endangered species. This revision is in response to public comment.

5. The Westside interdisciplinary team evaluated the effects of the Screen Pass Timber Sale and determined the effects are within those analyzed under the Westside EA. The analysis of potential effects of Screen Pass hauling is found in the Revised Westside Project EA on pages 68, 69, 72, 69, 140 and 150. This revision is in response to public comment.

These modifications are minor and do not change the scope of the project analyzed, nor do the modifications affect the adequacy of the analysis contained in the EA.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the Middle Cow Creek Watershed Analysis (1999) and Grave Creek Watershed Analysis (1999), as well as the management direction contained in the Record of Decision and Standards and Guidelines of the Northwest Forest Plan (1994), Medford District Resource Management Plan and Record of Decision (1995) and Evaluation of the Medford Resource Management Plan Relative to Four Northern Spotted Owl Reports (2005), I have decided to implement the proposed activities as described in **Alternative 3**, in two or more separate decisions. This decision includes harvesting timber on approximately 3,009 acres of forest land by the general prescription of modified even-aged silvicultural methods. Cut trees would be removed by the use of tractor, skyline cable or helicopter yarding methods. To facilitate the transport of logs there would be approximately 93 miles of road maintenance, 5.2 miles of temporary road construction, 0.5 mile of permanent road construction, 2.4 miles of road reconstruction, 0.7 mile of existing road decommissioning, the expansion of four rock quarries and the replacement of one existing bridge. There would be a stream channel crossing of two pieces of equipment to access unit 17-c one time and then exit one time after harvest using a pre-designed log, natural bottom or mat ford. The streambanks will also be stabilized and built up to redirect flow back into the historic channel. An existing in-stream culvert would be replaced downstream of this unit on road 32-5-17, sized to accommodate the additional flow that would occur within this channel as a result of redirecting the natural flows back into the channel

Residual limbs and branches left on the ground after harvesting would be treated by either slashing, hand-piling, pile-burning, underburning, and/or lop-and-scatter methods to reduce the fuel loading and to prepare the site for planting of conifer seedlings. Units would be planted, where necessary, to ensure adequate stocking as required by the Federal Land Policy and Management Act (FLPMA).

Subsequent decisions for the hazardous fuels treatment and stewardship project will be issued at a later date. Any deferred harvest units or portions of deferred units will be considered for non-commercial density management, small wood removal, or hazardous fuels reduction in the subsequent decisions.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the No Action Alternative (Alternative 1), which serves as the baseline to compare effects, the Proposed Action (Alternative 2), which initiated the environmental analysis process, and Alternative 3, the Selected Alternative. A description of these alternatives is found on pages 35 – 43 of the Revised EA.

REASONS FOR THE DECISION

My rationale for the decision is as follows:

1. The Selected Alternative (Alternative 3) addresses the purpose and need of the Revised EA to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74). The need would also be met by reducing activity based fuel hazards (RMP, p. 91) and controlling stocking, re-establish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy and riparian reserve objectives (RMP, p. 27).

   Open space in excess of 25% is considered a trigger point with the potential of enhancing peak flows (USDI, 2006a). The open space trigger point is generally only of concern when these openings occur within the transient snow zone (TSZ) or where road acres exceed 4% of the watershed (USDI, 2006a). Alternative 3 is not expected to enhance channel changing peak flows in the Planning Area and therefore would not cause an increase in bank erosion, scour and deposition and would not adversely affect Essential Fish Habitat.

   - Under Alternative 3, potential negative effects to fish habitat from increases in peak flow would be immeasurable as there would not be increases in open space within the TSZ of HUC 7 drainages exceeding the recommended amounts of open space in TSZs. Alternative 3 would not be expected to result in localized peak flow enhancement within the tributary headwaters of these drainages, and would not cause an increase in channel erosion and

subsequent sediment input. Therefore fish habitat would not be affected as a result of timber harvest (EA, p. 133).

2. Alternative 1 was not selected because this alternative would not meet the purpose and need of the project as described in Chapter 1 of the EA.

3. Alternative 2 would meet the purpose and need of the project but was not selected because increases in peak flows are expected to occur within several HUC 7 drainages (EA, p. 129) which has the potential to adversely affect fish habitat, including Essential Fish Habitat.

4. New information regarding the NSO from the following four reports was also considered in this decision.
   - *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney *et al.* 2004);
   - *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony *et al.* 2004);
   - *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and
   - *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

   To summarize these reports, although the agencies anticipated a decline of NSO populations under land and resource management plans during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable habitat, competition with Barred Owls, and habitat loss due to wildfire were identified as current threats; West Nile Virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. This information has not been found to be in conflict with either the Northwest Forest Plan or Medford District RMP (*Evaluation of the Medford Resource Management Plan Relative to Four Northern Spotted Owl Reports,* 2005). The Selected Alternative meets the Medford District RMP goal regarding conservation of species while providing a sustainable supply of timber.

5. Mitigation Measure 1, which defers 198 acres of regeneration harvest and overstory removal in NSO critical habitat, was not selected as the deferral of units would result in minimal differences in affects on NSO, fire risk and hazard, and soils, hydrology and fisheries from that of the Selected Alternative (EA, Chapter 6). Additionally, Mitigation Measure 1 would not meet the purpose and need for action as well as the Selected Alternative.

6. Mitigation Measure 2, which limits the helicopter harvesting of unit 21-8 from September 10 to October 5, was not selected as it has the potential to adversely affect logging feasibility resulting in a no-bid sale. However, the BLM will work with the timber sale purchaser to

avoid impacts, to the extent feasible, to the Fir Point Bible Conferences camp during their high use period, June 19 – August 25.

7. Thirty-five letters or emails were received during the 32-day comment period on the EA and FONSI. See Attachment, *Public Comment to Revised Westside Project Environmental Assessment and BLM Response,* for full disclosure of public comments and BLM's response to those comments.

FINDING OF NO SIGNIFIANT IMPACT

Thirty-five letters were received during the 32-day review period for the EA and FONSI. Though those letters did ask for additional information, they did not identify a flaw in assumptions, analysis, or data that would alter the environmental analysis disclosed in the EA or conclusions documented in the FONSI. It is my determination that Alternative 3 will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition for significance in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement will not be prepared.

ADMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. In accordance with the BLM Forest Management Regulations (43 CFR § 5003.2(1)), the decision for the timber sales will not become effective, or be open to formal protest, until the first Notice of Sale appears in a newspaper of general circulation in the area where the lands affected by the decision are located.

To protest a forest management decision, a person must submit a written and signed protest to the Glendale Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526 by the close of business (4:00 p.m.) not more than 15 days after publication of the Notice of Sale. The protest must clearly and concisely state which portion or element of the decision is being protested and why it is believed to be in error, as well as cite applicable regulations. Faxed or emailed protests will not be considered.

IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 p.m.) within 15 days after publication of the Notice of Sale, the decision will become final. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and a final decision will be issued in accordance with 43 CFR § 5003.3

CONTACT PERSON

For additional information contact either Katrina Symons, Glendale Field Manager, 2164 NE

Spalding Avenue, Grants Pass, OR 97526; telephone 541-471-6653 or Martin Lew, Ecosystem Planner, 541-471-6504.

_____ _____

Katrina Symons Date
Field Manager, Glendale Resource Area
Medford District, Bureau of Land Management

Attachment
Public Comment to Revised Westside Project Environmental Assessment and BLM Response

The Westside Project planning involved the public by mailing invitations to approximately 1,281 residents of the towns of Glendale and Azalea to attend a public scoping meeting provided on April 28, 2005 at the Azalea Grange Hall. About 30 local residents attended. A subsequent scoping report was mailed to those attending the meeting and to individuals and organizations that have expressed interest in Glendale Resource Area projects. The scoping public comment period was available from June 7, 2005 to July 7, 2005. The BLM received 32 public responses from either letters or emails and fully responded to those comments in Appendix 3 of the Westside Project environmental assessment (EA). The Glendale Resource Area also accepted public comments to the Westside Project through the quarterly BLM Medford Messenger publication beginning in fall, 2004. Comments were considered in the development of the alternatives as analyzed in Appendix 1 of the EA.

The Westside Project environmental assessment (EA) was made available for public comment from June 22 to July 24, 2006. The BLM has received 35 comment letters or emails to the Westside Project EA. BLM responses to public comments are found below and were considered in reaching a final decision for timber sales in the Westside Project Planning Area.

If a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for each group. Depending on the volume of comments received, responses may be made individually to each substantive comment or similar comment may be combined and a single response made. CEQ (40 CFR 1503.4) identifies five possible types of responses for use with environmental impact statements.

1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve or modify the analysis.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response, citing the sources, authorities or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

Jennifer Lance, Holly Del Soto, Lydia Garvey, John and Stephanie Bullock, Rob and Linda Joseph, Philip Simon, Stu Phillips, Linda Carnine, Mohan Attar, Susan Cary, Rob Harp, Nicola Calvert, Barry Snitkin, Shannon Clery, Jessica Rojas, Judith Schlacter, Ken Schiff, Terry Woods, Fred Fleetwood, Lesley Adams, Joseph Vaile, Sean Cosgrove and Brian Byrd (Sierra Club), David Ehrensperger, David Puritz, Hope Robertson, Mark Rutherford

Comment 1: A number of letters from the public oppose old growth logging and interchange the word "clearcutting" for regeneration harvesting.

BLM Response: Comments that a regeneration harvest is merely a clear cut is unfounded. The definition of clearcut harvest, as defined in the Medford District *Resource Management Plan*

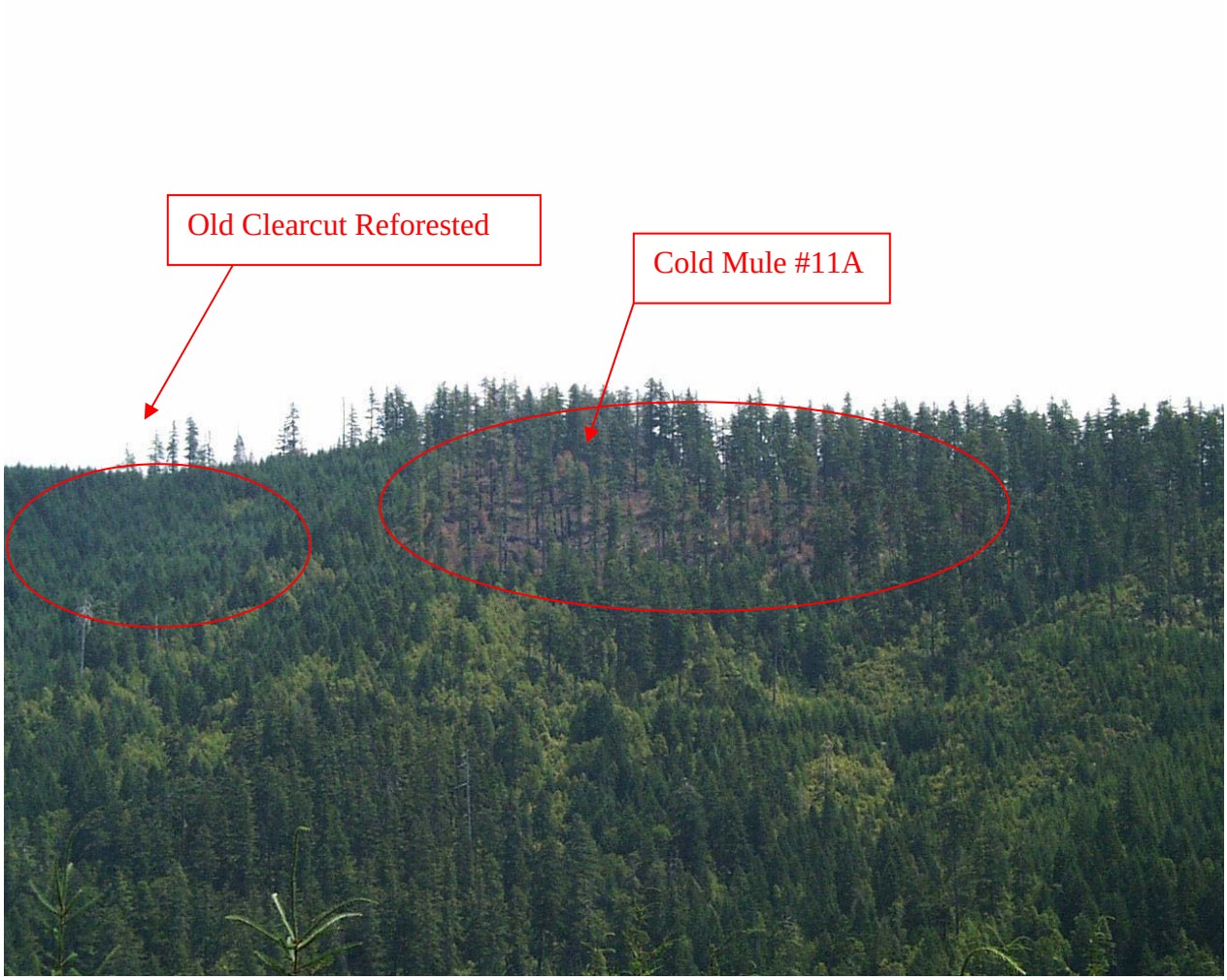
(RMP), is a timber harvest method in which all trees are removed in a single entry from a designated area, with the exception of wildlife trees or snags, to create an even aged stand. BLM no longer does clearcuts per the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan (NFP), 1994). The NFP requires leaving a substantial number of standing trees in units as biological legacies, snags, coarse woody debris, and wildlife trees. The interim definition of old growth published in PNW 447 identified the overstory component of at least 6-8 trees over 32" in diameter or 200 years and older. Regeneration harvesting would retain 6-8 large green trees per acre in harvest units that "would proportionally represent the total range of tree size classes greater than 20 inches in diameter" (RMP, p. 188) These similar comments regarding the concern of cutting old growth trees was responded to under Response to Comments in the EA on page 195:

> The concerns of whether to harvest old-growth trees, whether to allow commercial timber harvest of these lands, or whether to use timber harvest in general, to achieve landscape management objectives was already decided upon. The Medford District BLM has already completed an Environmental Impact Statement for the Resource Management Plan, known as the 1995 Medford District Resource Management Plan/Environmental Impact Statement (RMP-EIS). The RMP is itself an implementation of the Northwest Forest Plan (NFP) which was also prepared by federal agencies, including the BLM. These EISs, and the corresponding RODs [Record of Decisions], specifically contemplated the ecological significance of the areas in which commercial and non-commercial timber harvest activities would be planned. The Westside Project EA conforms to the analysis of these impacts already contained in these programmatic EISs.

The Glendale Resource Area of the Medford District, Bureau of Land Management has invited local residents and environmental groups to attend several public meeting conducted the past several years, including the Westside Project. The following photos were presented at these meetings to demonstrate harvest methods on the Glendale Resource Area and have been acknowledged by local residents as representative characterizations of effects on the landscape.

The photo below is taken of Unit #3 of the Lost Fortune Timber Sale, in the foreground, that is within the Westside Project Planning Area. Approximately 10 large trees per acre were retained in this overstory removal.

Below is a photograph of Cold Mule unit #11A, which was treated with a regeneration harvest in 2000. Unit #11A is located in the center of the photo and retains approximately 7-9 trees per acre (1-2 additional trees are retained for coarse woody debris and future snags) as required by the Medford Resource Management Plan. In comparison the young stand to the left is an old "clearcut" harvest from the 1960's now reforested with conifers.



Klamath-Siskiyou Wildlands Center, Cascadia Wildlands Project, Oregon Natural Resources Council, Pacific Coast Federation of Fishermen's Associations (PCFFA), Siskiyou Project, Umpqua Watersheds, Inc.

Comment 2: The Resource Area Manager made such a determination prior to the acceptance of public comments on the EA. What is the purpose soliciting public input if the Decision Maker has already decided that none of the environmental impacts of the project rise to the level of "significance?" Further, the FONSI simply ignores the "unresolved conflict" identified by the ID team as well as the mitigation measures proposed to address that unresolved conflict.

BLM Response: The Decision Maker purposefully issued a finding of no significant impact (FONSI) in draft form at this stage so that members of the public, including KS Wild, would have an opportunity to comment on the FONSI. Also, issuing the draft FONSI gave the public, including KS Wild the opportunity to provide evidence to support any disagreement with the FONSI; as

detailed below, KS Wild's disagreement with and comments on the FONSI provided no information or evidence of any kind to support its view that project impacts rise to a level of "significance" that would require preparation of an EIS supplementing the EISs that have already been prepared for this action. KS Wild is incorrect that the Decision Maker did not consider public comments. BLM may disagree with a commenter's position, however, this does not mean that BLM "ignored" those comments or did not consider them. BLM held a public meeting in April 2005 after mailing over 1,200 invitations to members of the interested public, including KS Wild. KS Wild chose not to attend the meeting, but did provide 20 pages of scoping comments that BLM exhaustively responded to in over 20 pages in Appendix 3 of the EA. BLM expressly considered KS Wild's, and others' comments along with the recommendations of an interdisciplinary team consisting of professionals experienced in soils, hydrology, fire, wildlife, silviculture, and other natural resources in analyzing potential impacts of proposed actions. The Decision Maker considered impacts analyzed in the EA and from public comments and then issued her FONSI for both Alternatives 2 and 3 and Mitigation Measures. None of the effects identified, including direct, indirect and cumulative effects, were considered to be significant and do not exceed those effects described in the *Medford District Resource Management Plan/Final Environmental Impact Statement* (June 1995).

BLM did not "ignore" any "unresolved conflicts." The unresolved conflict KS Wild mentions deals with the risk of increases of peak flows in the transient snow zone and led BLM to the development of Alternative 3. The evaluation of unresolved conflicts was thoroughly described in Appendix 1 (pp. 170 – 174) of the EA. As such, any such "conflict" no longer remains, as it has been addressed and resolved through BLM's NEPA process.

Comment 3: Westside will log almost two and one half times as much LSOG as is proposed in the Kelsey Whisky sale that the agency acknowledges is "significant." If these cumulative impacts to a federally listed species that is declining faster than projected by the NFP do not rise to the level of "significance" requiring an EIS, than it is difficult to envision any federal project that would in fact result in significant environmental impacts.

BLM Response: KS Wild's comment fails to recognize that two EISs have already been prepared for the Westside Project, including EISs for the NFP, and the Medford District RMP, which both envisioned this type of activity occurring on these lands, and analyzed the associated impacts. KS Wild has not identified any impacts that have not already been anticipated and analyzed under the RMP and NFP that are significant. As detailed below, KS Wild's comments present merely a disagreement with the agency's conclusion regarding the non-significance of this project's effects; KS Wild's disagreement presents no basis or information that would support an opposite finding. KS Wild's comparison of the Westside Project to the Kelsey Whisky EIS presents serious misinformation about BLM's motivation for preparing an EIS for Kelsey Whisky. BLM's decision to prepare an EIS for Kelsey Whisky was based on amending the Medford RMP for off-highway-vehicle restriction components of the transportation plan and also as exercise of discretion, not because an EIS was required. As stated on page 9 of that project's ROD:

> The BLM prepared an Environmental Impact Statement for this project because of the sensitivity of the area to the interested public… Any project proposed in this area generates public controversy, and BLM believed that the purposes of NEPA would be best served by preparing an environmental impact statement to address any possible environmental

> concerns to the public. However, the analysis of the minor amendments proposed for this portion of the project does not show any major impact of environmental concern.

Thus, as expressly stated in the Kelsey Whisky ROD, the decision to prepare an EIS for that project, contrary to KS Wild's assertion, was entirely BLM's voluntary choice, not based on a finding of any significant impacts beyond those already analyzed in the RMP/EIS or EIS for the NFP. KS Wild's comment is based on the faulty premise that any size differential between Kelsey Whisky and Westside necessarily means Westside Project impacts rise to a level of "significance." Further, the reason BLM exercised its discretion to prepare an EIS for Kelsey Whisky ROD was in part the issue public concern; however, as the Ninth Circuit has repeatedly held, mere public concern or opposition does not automatically trigger the need for an EIS. Cold Mt. v. Garber, 375 F.3d 884, 893 (9th Cir. 2004) (citing Wetlands Action Network v. U.S. Army Corps of Eng'rs, 222 F.3d 1105, 1122 (9th Cir. 2000)). The BLM's choice to prepare an EIS in recognition of public concern in Kelsey Whisky does not in any way establish a precedent that BLM must follow in subsequent projects, such as the Westside Project.

In regard to KS Wild's comparison of the amounts of harvest occurring in the Glendale Resource Area, the BLM cannot stress enough the fact that for years, timber harvest on the Medford District has been far below the levels anticipated in the Medford District RMP/EIS. The Westside Project EA (p. 14) recognized this in its Purpose and Need statement that:

> For sustained yield the Medford ROD/RMP assumed an average annual harvest of 1,140 acres of regeneration harvest and overstory removal the first decade (ROD/RMP, p. 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified regeneration and overstory removal as the primary method of harvest on NGFMA lands (RMP, p 187).

Regarding impacts to the northern spotted owl (NSO), KS Wild's comments fail to recognize that the NFP is a comprehensive land management strategy that more than adequately addresses the needs of the NSO. The federal agencies consulted with the U.S. Fish and Wildlife Service (USFWS) on the level of timber harvest, including removal of suitable NSO habitat, that was to occur under the Plan, and received a biological opinion from the expert federal agency charged with conserving the NSO and its habitat. In short, removing and downgrading suitable NSO habitat was anticipated in two EISs, and does not now trigger the need to prepare yet another EIS when the record shows that the federal agencies have more than taken the necessary "hard" look at these issues. Further, BLM consulted with the FWS for this project (BO Log #:1-15-06-F-0162), in which the Service analyzed incidental take of NSO by considering the removal, downgrading, or degradation of all suitable and dispersal habitat acres at the Cow Upper Section 7 Watershed level. Finally, KS Wild is incorrect that NSO populations in SW Oregon are still declining. The latest science suggests that NSO populations in SW Oregon are stable, and that habitat loss through timber harvest is having very little effect on NSO population (EA, p. 63).

The EA states on pages 62 and 63 that:

> Demographic data from northern spotted owls in the Klamath Demographic Study Area collected from 1985 – 2003 indicate that populations appear to be stable in the Klamath

study area as a result of high survival and number of young produced by territorial females, which were stable over the period of the study.

The Bureau of Land Management (BLM), Forest Service (FS), and USFWS have conducted a coordinated review of four recently completed reports containing information on the NSO. The reviewed reports include the following:

- *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney et al. 2004);
- *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004);
- *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and
- *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

Although the agencies anticipated a decline of NSO populations under land and resource management plans during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable habitat, competition with barred owls, and habitat loss due to wildfire were identified as current threats; West Nile virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. The status of the NSO population, and increased risk to NSO populations due to uncertainties surrounding barred owls and other factors, were reported as not sufficient to reclassify the species to endangered at this time.

The effects on NSO populations identified in the four reports are within those anticipated in the RMP EIS, and that the RMP goals and objectives are still achievable in light of the information from the reports (BLM, 2005).

Comment 4: The FONSI ignores the social strife and instability caused by the BLM's relentless destruction of old-growth forests.

BLM Response: BLM does not believe that there is any true "social consensus" regarding the BLM's management of timbered lands in Oregon. If there is indeed any "social consensus," it is found in the Congressional directive of the O&C Act to produce a sustainable supply of timber from these lands. Until Congress provides different direction, BLM will continue to follow present management direction in the Medford RMP. Further, mere public opposition does not somehow preclude a FONSI and trigger the need for yet another EIS. See Cold Mt. v. Garber, 375 F.3d 884, 893 (9th Cir. 2004). Again, BLM's disagreement with KS Wild's scoping comments does not mean that BLM "ignored" those comments, or did not consider them; in fact, BLM exhaustively considered all of the scoping comments received for this project (EA, pp. 195-217).

Comment 5: In addition to the short term increase in fire hazard briefly mentioned in the FONSI, the EA (56) acknowledges that thinning forest canopy "can increase wind speeds and lower fuel moistures in the stand which tends to exacerbate fire behavior. Also opening canopies allows brush to grow in the understory…" The EA (58) further acknowledges that regeneration logging followed by fiber farming may increase fire spread due to flashier fuels, and that "scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior." Yet the FONSI is silent as to these significant environmental impacts of your logging proposal. Please keep in mind that the "trigger" point for requiring an EIS is whether the project "may" result in significant environmental impacts. Clearly the proposed logging may adversely impact fire hazard in the planning area.

BLM Response: As the Ninth Circuit has held, "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005).

KS Wild has taken quotations from the EA out of context to support its position that a level of significance has been reached that triggers the preparation of an EIS. When taken in context however, the language in the EA clearly demonstrates that the action does not result in significant impacts. See response to comments "6" and "7."

Comment 6: *Thinning forest canopy "can increase wind speeds and lower fuel moistures in the stand which tends to exacerbate fire behavior. Also opening canopies allows brush to grow in the understory*

BLM Response: The EA considered this concern and disclosed that:

> If no subsequent treatment occurs in the stand after thinning, such as fuel treatments to mitigate the slash or future thinning or brushing treatments to maintain the open stand conditions, the concerns listed above could lead to increased fire behavior. However, the stands proposed for commercial thinning treatments in this Planning Area are managed stands within the matrix land allocation and within the WUI, meaning it is expected that these stands would receive fuel treatments to mitigate the slash as well as future treatments, either silvicultural or hazardous fuel related, that would maintain the stand to prevent overstocking and future accumulation of fuels (BLM, 1994). Also, studies show that thinning followed by sufficient treatment of surface fuels reduce the overall expected fire behavior, outweighing the changes in fire weather factors such as wind speed and fuel moisture (Weatherspoon, 1996) [EA, p. 56].

Comment 7: The EA (58) further acknowledges that regeneration logging followed by fiber farming may increase fire spread due to flashier fuels, and that "scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior.

BLM Response: The EA considered this concern and disclosed that:

> Plantations, although they may present an area with increased fire rates of spread due to the presence of flashier fuels, may also provide areas in which effective and efficient fire suppression operations can occur (Martin, 2006). For example, air attack operations with air

> tankers and helicopters are generally less effective in stands with taller trees and closed canopies. Also, access through managed areas is already in existence, meaning mechanical equipment such as dozers can be used in a much more efficient manner. Existing fire barriers, such as roads and firelines, may also already exist in managed areas, meaning fire control lines take less time [to] construct than in older stands, in most instances (Martin, 2006)
>
> Scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior, particularly during times of dry conditions and in stands that have received slash-producing maintenance treatments (such as pre-commercial thinning) where the slash remains on site and is not mitigated (Martin, 2006). However, in most instances, monitoring plots taken in older stands in the local area reveal that the number of small trees (up to 8 inches dbh) with varying heights are at such levels of abundance that these stands are also vulnerable to fire and have the potential to produce catastrophic fire behavior during dry conditions (Martin, 2006). As Chart 3-1 shows, the high end of the range for flame lengths in mature stands (8 feet) exceeds the high end in early seral stands (7 feet) and mid-closed stands (3 feet) that are indicative of plantations [EA, p. 58].

Comment 8: *The soils portion of the FONSI ignores the acknowledgement in the EA (82) that the NRCS Douglas County Soils Survey Manual identifies soils in the planning area as having "major management limitations" for (1) hazard of compaction and erosion and (2) steepness of slope. The un-rehabilitated yarding corridors and skid trails that dominate the watershed are a source of chronic sediment. (EA page 87). And the BLM acknowledges that "Measuring the amount of sedimentation that results from the movement of materials offsite and into streams has generally been unsuccessful, and there are no known research data, relative to this region, that is able to provide this information." (EA 95). In addition to resulting in and contributing to significant soil damage in the Planning Area, this project requires an EIS due to the uncertainty and unknown risks reflected in the sediment quotation above. Please note that the impacts of "bush blading" fire lines around units (EA 26) on soil resources are ignored in both the EA and the FONSI.*

BLM Response: As it did throughout much of its comments, KS Wild merely quotes the EA's disclosure of impacts, and points to these disclosures as evidence that an EIS is needed. As the Ninth Circuit held in Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005), "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Further, the Court held that NEPA does not require the preparation of an EIS any time that a federal agency discloses adverse impacts or acknowledges information favorable to a party that would prefer a different outcome. "NEPA permits a federal agency to disclose such impacts without automatically triggering the 'substantial questions' threshold." KS Wild's comments present many, if not most, of the EA quotes out of context in order to support its view that this project is significant.

As the Ninth Circuit has recently stated and reaffirmed, CEQ regulations do not anticipate the need for an EIS anytime there is *some* uncertainty, but only if the effects of the project are "highly" uncertain. See Envtl. Prot. Info. Ctr. v. U.S. Forest Service, 451 F.3d 1005 (9th Cir. 2006) (citing Native Ecosystems, 428 F.3d at 1240). As presented in the comment above, the EA acknowledges *some* uncertainty, but goes on to state that "For this reason, erosion, and subsequent stream sedimentation, has been done in this analysis using the Medford District RMP guidance which

states that projects would be in compliance with the Oregon water quality standards, and Aquatic Conservation Strategy (ACS) objectives under the NFP, where BMPs are implemented to minimize the amount of eroded material, and the transport of that material offsite (RMP, 151)" (EA, p. 96) KS Wild has not presented any evidence showing that this uncertainty rises to the level of "highly" uncertain that would trigger the need for an EIS; in fact, KS Wild presents no information contradicting BLM's conclusion regarding the unavailability of data that would otherwise remove the minor uncertainty present in the existing analysis.

Regarding brush blading, the EA states on page 26 that on slopes less than 35%, a one-pass with a brush blade could be used to construct fireline. However, after considering the types of fuels reduction treatments, the EA determined that "For activity slash created from timber harvesting, fuel reduction treatments include slashing, hand-piling, pile-burning, underburning, and/or lop-and-scatter" and that the use of machinery to construct fireline was not needed in any of the Action Alternatives and Mitigation Measures. This PDF will be removed under the Revised Westside EA.

Comment 9: *The Decision Maker's unsubstantiated contention that project-created sediment and reduction in the quality of fish habitat will not contribute to the need to list Oregon Coast coho or Oregon coast winter steelhead does not address the question of whether proposed activities may significantly impact the environment necessitating completion of an EIS. The impacts to these 7th field watersheds, including increased peak flow, increased water yield, increased channelization and increased sediment and turbidity are significant and require the completion of an EIS.*

BLM Response: The Decision Maker's conclusions regarding project effects to fish habitat and any need to list the OC coho or OC winter steelhead are substantiated by the very basis of the FONSI- the environmental assessment. The FONSI need not regurgitate the entire EA in support of the finding of no significant impact. The EA itself substantiates the conclusions BLM reached regarding project effects, if any, to these issues. KS Wild presents merely a disagreement of opinion; it failed to provide any specific information to show why this project's effects, even where recognized as potentially negative, would rise to a level of significance triggering a need for yet another EIS (Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005). KS Wild has not presented any information that would suggest any flaws in BLM's selected methodology for analyzing such effects.

The effects of the proposed activities do not constitute a significant impact on OC coho or OC steelhead because the result of the effects would not contribute to the need to list the Bureau sensitive Oregon Coast coho or Oregon Coast winter steelhead. As stated in the EA:

- Sediment from road related activities: Because of the close proximity of the road related activities (excluding new road construction) sediment would reach fish habitat. This sediment would be expected to be seen in fish habitat during the first winter. Because of the Project Design Features (PDF), which include the Best Management Practices (BMP) within the RMP, the amount of sediment reaching fish habitat from road related activities would be minimal. The amount entering fish habitat would not cause turbidity to the point of disrupting fish behavior. The amount of sediment would not cause a reduction in macroinvertebrates, which are a food source for fish. Sediment input would not cause a detectable change in fish habitat. For example changes in embeddedness, interstitial spaces,

and pool depth would not be measurable. Following the first winter and thereafter sediment entering fish habitat would decrease to the point of being immeasurable [EA, pp. 6-7].

- Harvest Activities creating open space: The creation of additional open space when combined with the existing condition within the Wood Creek HUC 7 increases the potential of changes in peak flows. Depending on the magnitude of the increase in peak flow, there is a potential for the increase in peak flow to negatively effect fish habitat. The channel erosion and increased sediment would not however, substantially alter fish habitat within Wood Creek rather the effect would be a minor reduction in quality of fish habitat. The increased peak flows would result in localized effects of in-channel erosion. Even in light of a potential minor reduction in quality of fish habitat, sufficient fish habitat within this HUC 7 would remain available under Alternative 2 for fish to carry out life cycles. In addition, there are no regeneration or overstory reduction units adjacent to fish habitat in Wood Creek [EA, p. 7].

  The Bureau sensitive species found within Wood Creek include Oregon Coast coho and Oregon Coast winter steelhead. The Action Alternatives within Wood Creek would not cause a reduction in population within the ESUs or the smaller populations of Oregon Coast coho or Oregon Coast winter steelhead because sufficient quantity and quality of habitat would remain in Wood Creek for coho and steelhead to utilize. Therefore the effects to habitat used by these species would not be expected to contribute to the need to list these species under the Endangered Species Act. The factors which led to this conclusion include 1) the minor reduction of quality of fish habitat, 2) the localized effects of in stream erosion, and 3) the small scale of the effects. The effects would be measurable at the HUC 7 scale but not at a HUC 6 or HUC 5 scale [EA, p. 7].

Seventh field watersheds were analyzed under the EA for site specific analysis:

> Effects such as peak flows, channel scour, and stream sedimentation, which could all potentially affect aquatic habitat under this project at the HUC 7 scale, would meet all water quality objectives at the HUC 6 scale. Since when effects are present, they are more apparent at the smaller HUC 6 scale than at the HUC 5 scale, and since measurable effects at the HUC 6 scale are not expected occur as a result of this project, it can therefore be presumed that the effects from this project would be within the ACS objectives at the HUC 5 level. ACS objectives are designed to maintain and improve aquatic habitat in the long-term at the HUC 5 scale [EA, p. 118].

Comment 10: While acknowledging a reduction in quality of EFH in Wood creek, the FONSI again side-steps the question of significance and instead contends "Wood Creek would remain available under Alternative 2 for fish to carry out life cycles." The question of significance is not whether the proposed action would in fact kill the last fish in Wood Creek or Windy Creek. Further harming EFH in waterbodies that are 303 (d) listed for temperature and habitat modification (EA 107) may constitute a significant environmental impact even if some fish may survive the BLM's management. Further, "temporary" and permanent road construction in watersheds that all exceed the USFS/NMFS road density criteria for "not properly functioning" (EA 110) in direct contradiction to the recommendations in the WA (67) to aggressively reduce road density contributes to the significance of the proposed project vis-à-vis fish habitat. The EA acknowledges (but the FONSI

does not) that roads are the largest source of chronic sediment in the watershed and that "Sediment in some stream reaches of Windy Creek, Wood Creek, Bear Creek, Lawson Creek and Fortune Branch within this planning area is more than double NMFS's recommended levels for properly functioning conditions for aquatic habitat." (EA 111). Lastly, forgotten in the FONSI is the fact that 75% of fish habitat in the planning area have a road in "close proximity" to the stream and that ODFW data indicates that fish bearing streams are "not properly functioning" due to sediment. (EA 121-122). By exacerbating these conditions in EFH through logging, yarding and road building, the BLM is contributing to significant environmental impacts that require an EIS.

BLM Response: As the Ninth Circuit has held, "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005).

The Decision Maker's conclusions regarding project effects to EFH are substantiated by the very basis of the FONSI—the environmental assessment. The FONSI need not regurgitate the entire EA in support of the finding of no significant impact. The EA itself substantiates the conclusions BLM reached regarding project effects, if any, to these issues. KS Wild presents merely a disagreement of opinion; it failed to provide any specific information to show why this project's effects, even where recognized as potentially negative, would rise to a level of significance triggering a need for yet another EIS (Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005)). KS Wild has not presented any information that would suggest any flaws in BLM's selected methodology for analyzing such effects.

The effects of the proposed activities do not constitute a significant impact on EFH because PDFs, BMPs, riparian reserve no treatment buffer widths, the RMP and the NFP adequately minimize adverse affects to EFH.

The EA addressed potential effects to EFH:

- Road construction: The proposed new road construction (permanent and temporary) and the subsequent decommissioning of the temporary roads are not expected to result in sediment reaching fish habitat. The closest new road to fish habitat is approximately 0.2 miles away. Because of the location of the roads, the proximity to fish habitat, the lack of stream crossings, the lack of new construction within riparian reserves and the PDFs and BMPs which guide the design and construction of new roads there are no mechanisms for sediment to be transported to fish habitat [EA pp. 133-134].

- Peak Flows: Essential fish habitat (EFH) for Chinook and coho salmon were also considered in light of Wood Creek. Potential channel erosion would not substantially alter EFH within Wood Creek. The effect would be a minimal reduction in quality of EFH. The increased peak flows could potentially result in localized effects of in-channel erosion. These small sediment depositions within habitat units (pools, riffles, etc.) would not remove the ability of fish to use those habitat units for carrying out activities such as spawning, rearing or holding. Even in light of a potential minor reduction in quality of EFH, sufficient EFH within Wood Creek would remain available under Alternative 2 for fish to carry out life cycles [EA pg. 7-8].

- Road maintenance: Approximately 9 culverts (non fish bearing) are proposed for replacement and one bridge replacement over fish habitat in Windy Creek. The road maintenance, reconstruction and hauling are proposed for roads which cross intermittent, perennial, and EFH. Some of these roads also parallel EFH in some spots as close as 30 feet. Because of the close proximity of the road related activities (excluding new road construction) sediment would reach EFH. There is an expected localized, minimal, short term increase in sediment which would affect EFH during the first winter. PDFs would mitigate sediment at the site level following the first winter. It is during the first winter rain storms in which most of the exposed soil from road maintenance is mobilized, transported down the ditches and enters stream channels. In addition, road maintenance and decommissioning would reduce chronic erosion problems and have the overall effect of reduced input of sediment to streams [EA pp. 7-8].

Comment 11: The short term and long term increase in fire hazard that may result from the Westside timber sale clearly has the potential to impact public health and safety. The short term effect of commercial thinning treatments may be an increased fire hazard on 1,859 acres under Alternative 2 and 1,671 acres under Alternative 3 due to the presence of slash on site." The FONSI is silent as to the significant potential impacts to public health and safety from your proposal to increase fire hazard in both the short and long term in the planning area.

BLM Response: As stated in "8" above, most of KS Wild's comments simply quote the EA, and suggest that the mere disclosure of impacts necessarily means those impacts are "significant." However, as the Ninth Circuit stated held in Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005), "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." In the EA BLM used accepted research from both fire ecology and fire behavior experts. Where information is not specific to southwestern Oregon, the BLM reasonably relied on its agency expert who utilized commonly accepted field knowledge shared in the fire organization.

With respect to public health and safety concerns from the EA's disclosure of project effects on fire behavior, KS Wild comment is overly broad; merely expressing a belief that project effects on fire behavior will impact public health and safety does not provide BLM any specific information by which to address KS Wild's expressed concerns in any meaningful way. For BLM to guess at which, if any, specific aspects of "public health and safety" KS Wild believes would be impacted by project effects on fire behavior would require an exercise in speculation that NEPA does not require. NEPA requires that public participation be focused to allow the agencies to respond in a meaningful way; KS Wild's comment simply is not sufficiently specific, and as such the comment presents no information that could lead the Decision Maker to reach anything other than a FONSI.

Again KS Wild has taken quotations from the EA out of context. The concerns regarding fire hazard as it relates to young stands has been addressed under Comment 6 above and when taken in context, the language in the EA demonstrates that the action may result in the long term cumulative effect of a **decrease** in fire hazard on approximately 3,740 acres under either Action Alternative (page 62).

Comment 12: The BLM attempts to discount the concern of fire hazard by referencing un-published, non-peer-reviewed personal opinions of a member of the ID Team.

BLM Response: The reference came not from the "personal opinions of a member of the ID Team" but rather from the *professional knowledge* of the Medford District Fire Ecologist who is in fact an author of Fire Regime Condition Class information and the foremost expert on the District in regard to Firemon, which is a published and peer-reviewed monitoring system developed by the Joint Fire Sciences Program at the National Interagency Fire Center and the standard monitoring system used by the wildland fire community to determine stand characteristics and related fire behavior. The Fire Ecologist used his professional knowledge of the local area in conjunction with his professional experience with Firemon plots taken locally to form his professional judgment referenced in the EA.

Comment 13*: While the BLM does not acknowledge that US Fish and Wildlife designated Northern Spotted Owl (NSO) Critical Habitat is a "ecologically critical area" most human beings do acknowledge that fact. Similarly, the Rogue/Umpqua Area of Concern for the NSO (also known as the Galesville Area of Concern) is recognized by most people outside of the BLM as an ecologically critical area. While the FONSI contends that the there are no wetlands in the Planning Area, the PDFs for this EA acknowledge that there are wetlands and wet areas smaller than 1 acre in the planning area and contends that trees will be directionally felled away from such ecologically critical areas.*

BLM Response: The term "ecologically critical areas" is a term of art with a specific regulatory definition; as a regulation, the definition is not subject to re-definition based on certain publics' perception. KS Wild's use of the term "ecologically critical areas" is inconsistent with the definition presented in CFR § 1508.27 (b)(3). The Federal Land Policy and Management Act of 1976 identified such areas as "areas of critical environmental concern," which are specifically identified in the Medford RMP (p. 56). None of the areas KS Wild identified in its comment above fall within the areas of critical environmental concern identified in the RMP. The EA recognizes the potential for wet areas and, if found, would be buffered; however, there are no identified wetlands within the Planning Area. The RMP defines a wetland as a swamp, marsh, bog (RMP, p. 117).

Comment 14: The BLM's apparent position is that no actions, no matter how destructive or controversial, that are anticipated by the Medford RMP require the completion of an EIS. One is left to ponder why the Resource Area completed an EIS for the Kelsey Whisky timber sale. As for Westside, did the RMP anticipate that the BLM would conduct rare destructive downhill yarding (EA 96), create 1/4 acre clearcuts in riparian reserves (EA 219), unilaterally re-designate VRM lands to allow for more intensive logging (EA 237), experience NSO competition from Barred Owls (EA 204), or cut a sweetheart deal with your friends in the timber industry to mandate volume from riparian reserves and LSRs? The RMP also anticipated that the BLM would survey for and protect species such as the Red Tree Vole and the Del Norte Salamander. The BLM is not implementing those portions of the RMP and is instead relying on illegal Annual Species Reviews that never underwent NEPA review or commenting to simply "write-out" those portions of the RMP that inhibit its insatiable appetite for old-growth logging. The WA establishes that even within the agency it is controversial to build more roads in this watershed, sever the Northern ridge "east-west" connectivity corridor, and reduce connectivity between three LSRs outside of the planning area. Lastly, as established above, and in the fuels portion of these comments, the impacts of your logging program on fire hazard is highly controversial and the subject of intense scientific debate.

BLM Response: KS Wild has made it apparent that its goal, as stated on its website, is to end timber harvest on federal land. KS Wild, and others', opposition to projects like the Westside Project, are not a basis, in and of themselves, to prepare an EIS. See response above to comment discussing Cold Mt. v. Garber, 375 F.3d 884, 893 (9th Cir. 2004). The BLM has already responded above to KS Wild's attempt to equate the Kelsey Whisky EIS to the Westside Project in response to "3" above.

KS Wild is correct that the RMP did not identify where in this timber project downhill logging would take place; the RMP did envision the degree of impact that would be caused on the ground by downhill yarding from implementing timber harvest, like the Westside Project, pursuant to the RMP. The RMP's anticipation of this type of activity and associated impact is reflected in the Best Management Practices of Timber Harvest Yarding Methods in Appendix D of the RMP (RMP, p. 166-168).

Downhill yarding was analyzed on page 181 of the EA and it was determined that:

> Four units are proposed for downhill yarding under this project which BMPs suggest avoiding for water quality protection. Downhill yarding typically results in more impacts than typical yarding corridors would create. However, downhill yarding was proposed in these units as the least impactive option for timber management, when compared to the poor placement options for road entry, and/or the very long and infeasible yarding corridors that would have to be used for uphill yarding, and since these units all occur more than ¼ mile from a stream, which would generally allow for all detectable amounts of sediment that became mobilized, to become trapped within the vegetation prior to entering the waterways, and yarding activities would be mitigated by water-barring, seeded and mulching following harvest to prevent gullying. Therefore these units would not be expected to contribute increased amounts of sediment to the streams.

The Northwest Forest Plan anticipated that there would be harvesting in the riparian reserves and states: "Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands" (ROD, p. C-32). As stated in the RMP "Active management of riparian areas can accelerate the process of riparian recovery of stands to predominantly large conifers. These large trees would provide most of the large woody debris required for achieving optimum stream conditions." (RMP/EIS p. 4-66).

KS Wild has not specifically identified how the Westside Project unilaterally re-designates VRM lands to allow for more intensive logging other than to cite page 239 of the silviculture prescription. The EA states on page 189 that:

> The Proposed Action is consistent with these visual resource management objectives as stated in the Medford District Resource Management Plan (page 70), and mitigated through the application of Project Design Features addressed within this document. Visual Contrast Rating sheets have been created and are located within the Westside analysis file

The BLM responded to KS Wild's scoping comment regarding new information on barred owls on page 206 of the EA. KS Wild has not provided specific information on barred owls that would either modify the analysis or make factual corrections to the analysis.

KS Wild's comments concerning the Northwest Forest Plan, Annual Species Reviews (ASR), and ACS currently involve matters in litigation, to which KS Wild is a party. First, the federal district court in Oregon has upheld the ASRs. Klamath Siskiyou Wildlands Ctr. v. BLM, 2006 U.S. Dist. LEXIS 9612 (D. Or. 2006). Second, KS Wild was a party to the litigation concerning the Pickett Snake project; there, even though the court entered a judgment in favor of KS Wild on other issues, KS Wild litigated and lost on its challenge of BLM's interpretation of the ACS in that project. Klamath Siskiyou Wildlands Ctr. v. BLM, 2004 U.S. Dist. LEXIS 10965 (D. Or. 2004). KS Wild's advocated interpretation of the ACS that it presents in its comments is the same interpretation KS Wild advanced, and the court implicitly rejected, in the Pickett Snake litigation. Under the ACS, as stated on page 118 of the EA "ACS objectives are designed to maintain and improve aquatic habitat in the long-term at the HUC 5 scale." A Summary of the Aquatic Conservation Strategy was provided on page 194 of the EA.

Contrary to KS Wild's assertion, BLM is not building "more roads" in this project; as mentioned in the EA, there is a net decrease of roads due to decommissioning under Alternatives 2 and 3 and the Mitigation Measures (EA, p. 42).

BLM also thoroughly responded to KS Wild's concern with east-west connectivity under Response to Comments in the EA on page 172. The role of watershed analysis is not to prescribe new requirements with which BLM must achieve consistency or even attempt to attain. The Middle Cow Creek Watershed Analysis states that:

> these recommendations are not to be considered for future management actions…They should not be viewed by the public, BLM staff or managers as a commitment or as binding on future management. Watershed analysis is clearly not a decision document" (WA. p.65). Any specialist recommendation in the watershed analysis is considered with the larger landscape analysis done through the Northwest Forest Plan and consultation with the US Fish and Wildlife Service and the subsequent Biological Opinion.

As responded earlier, a disagreement with the analysis of fire effects does not elevate the concern to "highly controversial" as a determination of significance as described under 40 § 1508.27 (b)(4). KS Wild's concern of cutting old growth trees was responded to under Response to Comments in the EA on page 195 of the EA and Response to "1" above

Comment 15: The contention in the FONSI that "There are no predicted effects on the human environment that are considered to be highly uncertain or involved unknown risks" is not reflected in the findings of the EA. "Measuring the amount of sedimentation that results from the movement of eroded materials offsite and into streams has generally been unsuccessful, and there is no known research data, relative to this region, that is able to provide this information." (EA 95). "There are no gauging stations located within this Planning Area that would be helpful in determining the effects that past, present or future logging may be having on peak flows, runoff timing, or water yields." (EA 102). "[I]ncreased open space within five HUC 7's could potentially increase peak flows resulting in localized areas of channel instability and increase in the amount of sediment originating from these headwater streams." (EA 144). Please note that the use of the word "potentially" indicates that the BLM does not know whether or not these impacts will in fact occur.

BLM Response: KS Wild's comments merely quote the EA, without providing any information to indicate BLM's conclusions are factually erroneous. As the Ninth Circuit held in Native

Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005), "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." The mere fact that the EA discloses "effects," even negative effects to the environment does not trigger "significance" requiring yet another EIS. See earlier response to comment "8" regarding EA's acknowledgement of lack of data. The mere lack of data does not automatically rise to the level of uncertainty that would trigger the need to prepare an EIS. KS Wild's citation on page 96 is taken out of context to support KS Wild's concern of "significance." The EA acknowledges the lack of data but states that "For this reason, erosion, and subsequent stream sedimentation, has been done in this analysis using the Medford District RMP guidance which states that projects would be in compliance with the Oregon water quality standards, and ACS objectives under the NFP, where BMPs are implemented to minimize the amount of eroded material, and the transport of that material offsite (RMP, 151)" (EA, p. 96).

The uncertainty in the BLM effects analysis is whether or not an increase in peak flows would be measurable, hence the phrase "could potentially increase peak flows." The analysis speaks to the possible effects if there was an increase in peak flows and what would be expected to occur from an increase in peak flows. The following are excerpts from the EA in regards to effects from an increase peak flow on fish habitat:

> Depending on the magnitude of the increase in peak flow, there is a potential for the increase in peak flow to negatively effect fish habitat. An increase in peak flows could lead to additional inputs of sediment to fish habitat and channel instability (including bed and bank erosion) from increased flows. Based on the conclusions reached in section 3.4.2 Water Resources from a potential increase in peak flows, potential effects to fish habitat can be explored. The channel erosion and increased sediment would not however, substantially alter fish habitat within Wood Creek rather the effect would be a minor reduction in quality of fish habitat. The increased peak flows would result in localized effects of in channel erosion. In other words, channel erosion would not be expected to occur along entire stretches of streams, but rather short discontinuous sections. Small pockets of sediment, resulting from an increase in peak flows, may be deposited in Wood Creek. These small sediment depositions within habitat units (pools, riffles, etc.) would not remove the ability of fish to use these areas for carrying out activities such as spawning, rearing or holding. Even in light of a potential minor reduction in quality of fish habitat, sufficient fish habitat within this HUC 7 would remain available under Alternative 2 for fish to carry out life cycles. The potential for an increase in peak flows would be reduced because full Northwest Forest Plan riparian reserve buffers would be retained within regeneration or overstory removal units. In addition, there are no regeneration or overstory reduction units adjacent to fish habitat in Wood Creek. (EA, p. 130)

> Under Alternative 3, potential negative effects to fish habitat from increases in peak flow would be immeasurable as there would not be increases in open space within in the TSZ of HUC 7 drainages exceeding the recommended amounts of open space in TSZs. Alternative 3 would not be expected to result in localized peak flow enhancement within the tributary headwaters of these drainages, and would not cause an increase in channel erosion and subsequent sediment input. Therefore fish habitat would not be affected as a result of timber harvest. (EA p. 132)

Comment 16: The FONSI is incorrect in stating that the Action Alternative does not set a precedent for future actions. It is simply not true that the "all projects proposed would be compliant with the effects anticipated under the Medford RMP." (EA 9). The RMP did not anticipate downhill yarding as is proposed in this timber sale. The RMP did not anticipate that the BLM would propose wet stream crossing with heavy equipment to facilitate yarding operations. The RMP did anticipate that the BLM would use the Watershed Analysis as the basis for developing site-specific proposals. Here the WA recommendations regarding wildlife connectivity and road decommissioning are not reflected in the BLM's aggressive old-growth logging proposal. The proposal to log riparian reserves (and LSRs in the Middle Cow LSR timber sale) so as to meet the conditions of your sweetheart settlement with the American Forest Resources Council ***(attached)*** *was not anticipated by the RMP. The RMP did not anticipate the proposed canopy removal in riparian reserves. The BLM's decision to exceed the RMP projected annual regeneration harvest through this one timber sale (EA 67) is a precedent setting action.*

BLM Response: As KS Wild is aware, this particular project decision does not set "precedent" for future actions; future timber management activities are subject to their own NEPA analysis and decision-making process, and nothing in this decision dictates the outcome of those future processes. KS Wild is correct that the RMP/EIS did not identify where in this timber project downhill logging would take place; the RMP did envision the degree of impact that would be caused on the ground by downhill yarding from implementing timber harvest, like the Westside Project, pursuant to the RMP. The RMP's anticipation of this type of activity and associated impact is reflected in the Best Management Practices of Timber Harvest Yarding Methods in Appendix D of the RMP (RMP, p. 166-168).

Response to "14" above discussed downhill yarding. Further, KS Wild is correct that the RMP/EIS did not identify what specific stream channel would be crossed in implementing this project, or the site specific canopy desired for each riparian reserve. Again, the RMP anticipated these types of activities and associated impacts as described under stream crossing design and stream crossing construction under Best Management Practices in Appendix D of the RMP (RMP, pp 158-162).

The Medford RMP incorporated the analysis of the NFP and anticipated the use of site specific Watershed Analysis (RMP, p. 96), as in the Middle Cow Creek Watershed Analysis. The RMP is intended to be consistent with the SEIS ROD; any apparent inconsistencies are oversights or misinterpretations of SEIS ROD language (RMP, p. 18).

BLM has already responded to KS Wild's comments regarding the role of the WA, see "14" above. BLM also fully responds to WA recommendations to connectivity, road decommissioning and harvesting in riparian reserves in specific comments KS Wild made in "14." KS Wild's opposition to LSR thinning and riparian reserve treatments for forest health in the Middle Cow LSR thinning project are non-responsive to the request for comments on the Westside Project, as are KS Wild's repeated reference to the BLM's court-recognized settlement agreement with AFRC.

There will be separate offerings of five timber sales over several years (EA, p. 18). KS Wild is seriously mistaken in asserting that the projected annual regeneration harvest would be exceeded. As stated on page 14 of the EA:

> For sustained yield the Medford ROD/RMP assumed an average annual harvest of 1,140 acres of regeneration harvest and overstory removal the first decade (ROD/RMP, p. 9).

However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified regeneration and overstory removal as the primary method of harvest on NGFMA lands (RMP, p 187).

Comment 17: *The Ninth Circuit Court held that a programmatic Forest Plan cannot substitute for the site-specific cumulative impacts analysis required of project-level environmental analyses. City of Tenakee Springs v. Clough, 915 F.2d 1308. The cumulative impacts of the Westside, Bonny Skull, and Middle Cow LSR timber sales on open space, peak flows, channel scour, salmon, riparian reserves, LSRs, Del Norte Salamanders, Red Tree Voles, late successional forests, Spotted Owls, critical habitat, Barred Owl encroachment, Pacific fishers, migratory birds, fuel loading, canopy closure, fire behavior, fire hazard and human health are neither predicted by or disclosed in the RMP or the EAs for these projects. Collectivity and individually these projects and associated impacts involve significant environmental effects necessitating completion of an EIS.*

BLM Response: KS Wild misconstrues the court's holding in City of Tenakee Springs v. Clough, 915 F.2d 1308 (9th Cir. 1990). There, the court held that where several similar projects in a geographic region have a cumulative or synergistic effect, they should be analyzed in a single EIS rather than separate EISs. Notably, separate EISs were at issue in that case, not an EA; moreover, for years, KS Wild has been calling on BLM to prepare a multi-timber sale NEPA document covering several years worth of timber sales, like the one prepared for the Westside Project. Klamath-Siskiyou Wildlands Ctr. v. BLM, 387 F.3d 989, 996 (9th Cir. 2004) (KS Wild arguing that multiple timber sales must be analyzed in a single NEPA document). Further, Tenakee Springs did not do away with the concept of tiering and incorporation by reference, as KS Wild implies in their comment. KS Wild has not identified any other similar project of BLM's that would have a cumulative or synergistic effect which has not been included in the EA covering this project. BLM never stated that the programmatic analysis will "substitute for the site-specific analysis of cumulative impacts analysis," but rather, the BLM has properly recognized the fact that at least two EISs have already been performed that anticipated and analyzed the types of site-specific effects, including cumulative effects, that would arise from carrying out site-specific timber sales like in the Westside Project. Where the *type* of cumulative impact relevant to a particular issue has already been identified and discussed in the programmatic EIS, it does not need to be done over and over again. The Westside Project EA tiers to those documents as specifically permitted and encouraged in the NEPA regulations. See 40 CFR § 1502.20 ("Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions and to focus on the actual issues ripe for decision at each level of environmental review").

The Westside Project EA assumes there would be effects to the environment and analyzed those relevant resource elements that would be potentially affected. Those relevant resources have been identified by BLM guidance (Critical Elements), Special Status Species (which includes threatened and endangered), survey and manage species and public comments. Under Appendix 2 of the EA, (pp.175-194) those relevant resources were assessed as to whether they are present, not affected or affected. Relevant resources that would be potentially affected were analyzed under Chapter 3 of the EA. O*pen space, peak flows, channel scour, salmon, riparian reserves, LSRs, Del Norte Salamanders, Red Tree Voles, late successional forests, Spotted Owls, critical habitat, Barred Owl encroachment, Pacific fishers, fuel loading, canopy closure, fire behavior, fire hazard and human health* were analyzed in the EA in Chapter 3, Appendix 2 and/or Appendix 3 of the EA. Migratory birds were not analyzed and. KS Wild also did not raise the concern of migratory birds in KS

Wild's scoping comments. However, the BLM will provide further analysis of migratory birds to the Revised Westside EA.

Comment 18: The Westside timber sale may lead to the loss of important scientific and cultural resources. As acknowledged in the 2001 Survey and Manage ROD, the BLM's management of survey and mange (BSS) lichen and fungi species may result in those species being extirpated. Loss of lichen and fungi species represents a significant blow to our nation's biological and botanical scientific and cultural legacy.

BLM Response: "Cultural resources," is another term of art that KS Wild misuses. A "cultural resource" is defined by the RMP (p. 103) as "any definite location of past human activity identifiable through field survey, historical documentation, or oral evidence; includes archaeological or architectural sites, structures, or places, and places of traditional cultural or religious importance to specified groups whether or not represented by physical remains." Cultural Resources is used in the context of areas eligible for listing under the National Register of Historical Places or significant scientific, cultural or historical resources. Fungi and lichen are not deemed cultural resources.

Comment 19: We are aware of no other agency or entity that has the audacity to claim that a project that would remove or downgrade over 3,000 acres of NSO and Pacific Fisher suitable habitat (EA 40) would not adversely affect an endangered species. The proposed removal and degradation of over 900 acres of NSO critical habitat clearly may adversely affect the critical habitat of a listed species. This project in fact calls for numerous activities known by the public, the agency and the decision maker to harm listed species. Hence an EIS is required before you implement actions that will result in that harm.

BLM Response: KS Wild has not identified any new information that was not already analyzed in the Northwest Forest Plan, Medford Resource Management Plan and Westside Project EA. The NFP analyzed approximately 24 million acres of federal lands which includes lands set aside by Congress (30%), late successional reserves (30%), adaptive management areas (6%), managed late successional areas (1%), administratively withdrawn areas (6%), riparian reserves (11 %), and matrix (16 %) (ROD, p.2). Harvesting was to primarily occur in matrix lands and KS Wild's objections are with harvesting on the matrix portion. The NFP identified that harvesting can occur in riparian reserves and allows for salvaging trees and to control stocking and manage stands to attain ACS objectives (p. C-32). The RMP tiers to existing EISs (i.e. NFP and RMP) and it is outside the scope of the EA to analyze KS Wild's concerns regarding the legitimacy of those documents. The Westside EA considered the cumulative effects of Boney Skull and the Middle Cow LSR on listed species (See pages 62 -83 on the northern spotted owl and Pacific fisher).

Comment 20: As established below the project threatens numerous violations of Federal laws designed to protect the environment.

BLM response: KS Wild merely disagrees with timber harvesting and has not shown where the Westside Project EA is in violation of federal law.

Comment 21: The information and recommendations in the Middle Cow Creek WA did not in fact serve as the basis for developing proposals in the Westside EA. The Watershed Analysis found that

"A higher level of connectivity should be maintained along the north and south ridges to promote east-west movement of species." WA page 69.

"Providing for east-west connectivity should be a major consideration for management plans in this watershed." WA at 37. Amazingly, the EA attempts to justify ignoring this WA recommendation and refusing to even consider (let alone) implement a reasonable alternative that would reflect the concern in the WA for east-west connectivity by arguing that connectivity along the northern and southern ridges is worse than anticipated in the WA! (EA 204). "Middle Cow Creek plays a key role in connecting three LSR's again, largely providing east-west connections." (WA 69). This larger area has been identified as a very important corridor for mature and old-growth dependant wildlife movements in the greater region. The Westside project will further sever this larger corridor. Moreover, "At a smaller scale, connectivity within the watershed is also problematic." The WA also informs the agency and the public that, "regeneration harvest within the GFMA connectivity bands on the north and south ridges should be avoided in the next decade or two to allow more contiguous forest stands to develop." WA at 67. It is unfortunate that the Glendale timber planners simply will not develop reasonable alternatives or implement actions that acknowledge this recommendation.

BLM Response: The Middle Cow Creek Watershed Analysis clearly states that "recommendations are not to be considered management decisions. They are intended as recommendations to be considered for future management actions…Actual implementation decisions need to be developed through the NEPA process using this watershed analysis, public input and other information and consideration" (WA, p. 65). The Westside Project considered the Watershed Analysis and public comments. BLM thoroughly responded to KS Wild's scoping comments regarding Watershed Analysis on page 196 of the EA:

> As stated on page 10 of the EA "The *Middle Cow Creek Watershed Analysis* is incorporated by reference. Watershed analysis is an analytical process and not a decision-making process as provided in the Record of Decision for the Northwest Forest Plan (p. B-20)." The Middle Cow Watershed Analysis was considered in the Westside Project analysis. The Purpose and Need section cites the WA that "[t]he Middle Cow Creek Watershed Analysis (WA, p. 35) estimated that 58% of northern GFMA lands within this area are mature and older stands. Approximately 39% of the older stands are over 200 years of age. Individual stands currently have an all aged structure developed as a result of past disturbances such as natural fire or partial cut harvesting. The desired landscape on NGFMA lands within the Westside Planning Area is a mosaic of even-aged stands between 0 and 100 years old, distributed relatively evenly within the watershed, with each age class in approximately even proportions (WA, p. 66).
>
> An alternative was considered considering connectivity along the north and south ridges. The alternative was considered but eliminated from detailed study. That analysis was provided under Appendix 1 of the Westside EA.

BLM thoroughly responded to comments regarding connectivity on page 206 of the EA:

> The NFP considered the issue of connectivity and developed a system of reserves, connectivity blocks and 100 acre owl core areas. The Medford RMP EIS identified the concern for this east-west swath and stated in the analysis that "[h]abitat loss in these areas

due to past logging could have already resulted in a significant loss of connectivity between physiographic provinces and consequent reproductive isolation."

The Westside Project interdisciplinary team determined that the northern ridge does not provide a continuous west to east band of federal land because of heavily harvested private lands to the west, intermingled land ownership and the I-5 corridor, which forms a barrier, and runs north to south at the eastern edge of the Planning Area. The southern ridge also has the same barriers to the west to east movement of species because of intermingled private land and the I-5 corridor.

Comment 22: *The WA also recommends that, "A more detailed assessment of late-successional habitat from a conservation biology perspective should be conducted. This would involve patch size analysis, corridor design and gap analysis." WA at 72. Such an assessment is not present in the Westside EA. The lack of agency knowledge about late successional habitat in this watershed from a conservation biology perspective speaks to the need for an EIS to be completed.*

BLM Response: The sentence you cite on page 72 is found under the section "Data Gaps and Monitoring Needs." Though your citation is not found in the Recommendations Section, the guidance on recommendations would be similar to analyzing for data gaps. The Middle Cow Creek Watershed Analysis clarifies that "recommendations are not to be considered management decisions. They are intended as recommendations to be considered for future management actions…Actual implementation decisions need to be developed through the NEPA process using this watershed analysis, public input and other information and consideration." The Purpose and Need of the Westside Project (p. 14) clearly states that the "need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74)."

The appropriate level for this type of analysis will be done on the Western Oregon Plan Revision that would analyze changes to land use and allocation.

Regarding gaps in information, the EA states on page 45 that:

When encountering a gap in information, the question implicit in the Council on Environmental Quality regulations on incomplete and unavailable information was posed: is this information "essential to a reasoned choice among the alternatives?" (40 CFR §1502.22[a]). While additional information would often add precision to estimates or better specify a relationship, the basic data and central relationships are sufficiently well established that any new information would not likely reverse or nullify understood relationships. Although new information would be welcome, no missing information was determined as essential for the decision maker to make a reasoned choice among the alternatives.

The Ninth Circuit has recently stated and reaffirmed, CEQ regulations do not anticipate the need for an EIS anytime there is *some* uncertainty, but only if the effects of the project are "highly" uncertain. See Envtl. Prot. Info. Ctr. v. U.S. Forest Service, 451 F.3d 1005 (9th Cir. 2006) (citing

Native Ecosystems, 428 F.3d at 1240). KS Wild has not presented any information showing that this uncertainty rises to the level of "highly" uncertain that would trigger the need for an EIS; in fact, KS Wild presents no information contradicting BLM's conclusion regarding the unavailability of data that would otherwise remove the minor uncertainty present in the existing analysis.

Comment 23: *Additionally, the WA states that, "An aggressive effort should be made to reduce open road densities in the watershed through decommissioning, barricading and gating." WA at 67. Certainly, additional permanent and "temporary" road construction would prevent the attainment of this objective.*

BLM Response: KS Wild is incorrect in their allegations regarding open road densities after implementation of the Westside Project. As mentioned in the EA, there is a net decrease of roads due to decommissioning under Alternatives 2 and 3 and the Mitigation Measures (EA, p. 42).

Comment 24: The contentions on page 194 and 195 that the BLM "considered" alternatives that would have maintained connectivity along the north and south ridges and that reduced open road density are not born out by the record. Indeed, Appendix 1 simply acknowledges that the WA recommended considering such alternatives but that the ID Team would prefer not to.

BLM Response: KS Wild agrees that the EA considered an alternative that would have maintained connectivity along the north and south ridges and that reduced open road density and the BLM thoroughly responded to this in Appendix 1 by stating that:

> Connectivity facilitates movement and genetic exchange among individuals of species. The Northwest Forest Plan Final Environmental Impact Statement (NFP FSEIS, pp. 3 &4-38-3&4-44) discusses the assumed outcomes regarding connectivity. The NFP considered the issue of connectivity and developed a system of reserves, connectivity blocks and 100 acre owl core areas. The NFP acknowledged that there was a 66% likelihood of achieving very strong and strong outcomes for connectivity during the first 100 years. This occurs primarily because 100 years is not long enough for cutover landscapes to return to late-successional conditions that approximate prelogging conditions. Many late-successional attributes require 200 to 500 years to develop. None of the 9 alternatives analyzed under the NFP achieved a likelihood of 80% in the Klamath Province, in which Westside is located. It was noted that the NFP reverses the pattern of timber harvest on federal lands over the last 50 years (NFP FSEIS., p. 3&4-45). The Medford RMP EIS identified the concern for this east-west swath and stated in the analysis that "[h]abitat loss in these areas due to past logging could have already resulted in a significant loss of connectivity between physiographic provinces and consequent reproductive isolation" (p. 4-75).
>
> While the Watershed Analysis recommended maintaining a higher level of connectivity the Westside Project interdisciplinary team determined that the northern ridge does not provide a continuous west to east band of federal land because of heavily harvested private lands to the west, intermingled land ownership and the I-5 corridor, which forms a barrier, and runs north to south at the eastern edge of the Planning Area. The southern ridge also has the same barriers to the west to east movement of species because of intermingled private land and the I-5 corridor. There is more opportunity for spotted owl movement along the southern ridge as it contains a large block of critical owl habitat.

As mentioned in "23" above there is a net decrease of roads due to decommissioning under Alternatives 2 and 3 and the Mitigation Measures (EA, p. 42).

Comment 25: The Middle Cow Creek WA warns that BLM's many timber sales in the watershed risk exceeding the scope of the Medford District RMP for acres subjected to regeneration harvest. Several timber sales including Reuben Overlook, High 5, Pointless Fir, Lost Fortune, McCollum Creek, McLawson, and Bonnie and Slyde have sold since 1994, resulting in 734 acres of regeneration cuts (WA at 51). Most recently Papa Cow and Soukow have been cut, and the BLM is moving full steam ahead on Cotton Snake. With Westside, these newer sales could cut nearly 2,000 additional acres of regeneration cuts. The current pace of timber sale planning could result in 1,200-1,400 acres of regeneration logging on Matrix lands in the Middle Cow Creek watershed, which is "considerably greater than the projected 920 acres of decadal regeneration harvest" in the Watershed Analysis.

BLM Response: KS Wild mischaracterizes the WA to suggest incorrectly that there is a decadal restriction of harvest acres in the Middle Cow Creek Watershed. The BLM thoroughly responded to this same scoping comment on pages 197 and 198 of the EA:

> "Assuming a 100 year rotation age …an evenly distributed timber harvest on BLM lands in the watershed would result in approximately 920 acres of regeneration harvest per decade." The WA clarifies this statement in the next sentence by saying "This is a greatly simplified analysis, since productivity varies greatly between locations, but is a useful aid in assessing relative timber availability and future projections of impacts" (WA, p. 50). Under the principles of sustained yield, the determination of the annual productive capacity is based upon the calculation of the Allowable Sale Quantity. In this calculation the current forest inventory is used to project over many hundreds of years the management practices outlined in the plan to demonstrate the harvest levels are sustainable, not during a 10 year period.
>
> The Need statement in the EA states that "For sustained yield the Medford ROD/RMP assumed an average annual harvest of 1,140 acres of regeneration harvest and overstory removal the first decade (ROD/RMP, p. 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. While Westside proposes more than 920 acres of regeneration harvest, the decadal amount would vary during the 100 year rotation period. The WA mentions that the desired landscape on NGFMA lands within the Westside Planning Area is a mosaic of even-aged stands between 0 and 100 years old, distributed relatively evenly within the watershed, with each age class in approximately even proportions (WA, p. 66).

The Middle Cow Creek WA clarifies sustainability by stating on page 51:

> BLM does not generate its inventory and its projections of the Allowable Sale Quantity by HUC 5 or HUC 6 watersheds. It is actually calculated by a formula based on BLM lands within a Sustained Yield Unit, which can encompass several HUC 5 watersheds and are located roughly on county boundaries. Acres to be cut may be chosen from anywhere within this large area and not necessarily proportionately from any HUC 5 or HUC 6 within it. There is no requirement to harvest approximately 920 acres each decade from the Middle

Cow Creek watershed. It may actually be a much larger or smaller amount in any given decade.

In summary, the WA found that current forest inventory is used under the plan to project over many hundreds of years sustainable harvest levels, not during a 10 year period and that the decadal amount can vary during the 100 year rotation period, not necessarily limited to an individual watershed such as the Middle Cow Creek Watershed.

Comment 26: *The BLM is aware that Thistle, knapweed, and Scotch Broom are very common in the Planning Area. There is no question that the proposed logging and roading activities will contribute to the spread of these, and other, noxious weeds. The contention (EA 174) that the Medford RMP guidance and standards and guidelines are not meant to be met at the project level is incorrect. "Avoid introducing or spreading noxious weed infestations in any areas. Reduce infestations where possible." (RMP 92). Noxious weeds in the planning area are already having a detectable effect on the ecosystem and the contention (EA 174) that additional impacts from the proposed action will not result in a detectable effect to the environment is simply not credible.*

BLM Response: KS Wild's comment fails to provide any substantive information regarding this Project's potential effects on the spread of noxious weeds, and merely presents KS Wild's disagreement with the RMP and biologist's findings on pages 176 and 177 of the EA and the specialist report on noxious weed in Appendix 8 of the EA.

Comment 27: *As an example, we are aware of no other Resource Area, not even in the Medford District, that attempted to apply the illegal 2004 ROD eliminating the survey and manage program retroactively.*

In the Westside timber sale, the BLM neglected to survey for and mange populations of rare LSOG dependant species such as the Red Tree Vole, Del Norte Salamander, Great Grey Owl, Oregon Shoulder Band Snail, Goshawks and other at-risk species as anticipated by the RMP and the WA. Instead, the BLM relied on illegal Annual Species Reviews (ASRs) that were not subject to public comments or peer review to simply write-off management of RTV and DN Salamander populations.

The EA and Appendix Two/Nine contain no actual analysis, disclosure or information regarding the sensitive species listed above and the potential impacts of the project on these species.

The site-specific impacts of the project on RTVs, Great Grey Owls Pine Martens and Oregon Shoulder Band Snails is simply not discussed in the EA. The reader and the decision maker cannot know from the information provided in the EA and Appendix Two/Nine if surveys were conducted for these species and what the impacts of the project are likely to be on these species.

BLM Response: The BLM responded to these same scoping comments (EA, p 196) that the Westside EA is compliant with the 2001 Survey and Manage EIS and subsequent Annual Species Reviews. The Middle Cow Watershed Analysis was written prior to the removal of Survey and Manage species. The removal was done through the Annual Species Review as allowed under the Survey and Manage ROD, 2001 (p. 8). See response to "14."

All of the species KS Wild mentions, including red tree voles, Del Norte salamanders, great gray owls, pine martens and Oregon shoulderband snails were analyzed on pages 191 – 194 of the EA

and responded to under "17" above. The BLM responded to KS Wild's comments regarding special status species and survey and manage species, such as the Del Norte salamander, on pages 198 and 205 of the EA:

> Appendix 2 of the Westside EA identified all survey and manage and special status species with known habitat in the area. Those species that have habitat within the Planning Area were identified as whether being Present, Affected or Not Affected. Those species that were identified as being affected were analyzed for effects in the EA. Del Norte salamanders are associated with older, closed-canopy forests with rocky substrates dominated by cobble-sized pieces of rock (Welsh and Lind 1995). Since there is very little talus in the planning area, and no treatments are planned in this habitat, it is expected that this project would have no effect on Del Norte Salamanders.

KS Wild has presented no evidence to contradict the findings in the EA regarding project effects on special status species.

Comment 28: The EA fails to adequately analyze or disclose the impact of the project on sensitive vascular and non-vascular plant populations in the planning area. The actions proposed in the Westside timber sale are likely to contribute to the extirpation of species. The EA does not acknowledge or address the need for "equivalent effort surveys" as required by the Survey and Manage Program.

BLM Response: The botanist for the Westside EA analyzed fungi, lichen and vascular plants and provided the findings on pages 186 - 188 along with the specialist report found in Appendix 9 (pp. 335 – 344) that provides detailed location of non-vascular plants found in the Westside Planning Area. The EA commented that with the "recent re-instatement of Survey and Manage Protocols, these species were placed back into their respective S&M categories (9 species in B, 1 species in F) – none of which require surveys under S&M protocol" (EA, p. 187). KS Wild has not identified how Westside would lead to the extirpation of these species. KS Wild has only made general comments regarding KS Wild's opposition to harvesting trees and has not indicated how BLM should either modify the analysis or make factual corrections to the analysis.

Comment 29: The ID Team simply did not incorporate and analyze the hydrological findings of the WA in the EA: Lack of maintenance from federal funding sources, new construction on private land and lack of maintenance on private land all point to a decline in stability and an overall increase in sediment production. The trend is seen as a decline in stability and maintenance for the long term - WA page 61.

BLM Response: The Westside Project EA clearly states that the primary need for the project is to "meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187)" (p. 14). Westside is not a restoration project. However, to "facilitate the transport of logs there would be approximately 93 miles of road maintenance" (EA, p. 12).

The cumulative effects analysis to soils, water resources and fisheries in Chapter 3 of the EA addresses erosion and sedimentation on private and federal lands within the Planning Area. As stated in "14" above, Watershed Analysis was incorporated into the Westside Project EA.

The Middle Cow Creek WA stated that native surface roads used for winter haul, un-maintained roads, and poorly maintained roads are the largest ongoing sources of erosion in this watershed (Middle Cow Creek WA, 1999). The Westside EA proposes to maintain 93 miles of road. The primary objective of road maintenance is to facilitate the transport of logs. Road maintenance will also improve water drainage on the road surfaces and decrease the amount of sediment entering streams. PDFs and BMPs guide road maintenance as well as the design and construction of new roads. Such measures effectively minimize adverse effects to riparian areas and fish habitat.

The following excerpts are from the No Action Alternative effects analysis for soils, water and fisheries. These statements describe effects if road maintenance did not occur:

- Existing chronic sediment sources currently present on many hydrologically connected, natural surface roads throughout this Planning Area would continue. Because only scheduled maintenance would occur under the No Action Alternative many roads would continue to deteriorate and chronically erode over time [EA p. 93].

- Road maintenance and improvements, such as replacing failing cross drains, that can become clogged and cause roads to slide, would only occur on roads scheduled for maintenance under the Glendale yearly maintenance plan, or as a result of emergency situations. Roads would continue to deteriorate, reducing drainage efficiency, and increasing the likelihood of small slumps and slides over time [EA p. 93].

The following exerts are from the Proposed Action effects analysis for soils, water and fisheries. These statements describe effects if road maintenance were to occur:

- … as well as the maintenance and reconstruction of up to 93 miles of haul roads which are currently in varying levels of deterioration, would be expected to cause some erosion to occur during the implementation of these projects, but would result in a reduction in the chronic erosion produced by poor surface drainage, wet season use, and plugged or insufficient cross drains along these roads [EA p. 98].

- Road maintenance and reconstruction would also reduce chronic sedimentation in the long term by improving surface drainage, rocking or spot rocking native surface and deteriorating roads, and by replacing and upgrading cross drains and draw culverts [EA p. 118].

- Road maintenance, reconstruction, and decommissioning would generally reduce chronic erosion problems and reduce sediment input to fish habitat. Replacing failing culverts with ones sized to meet 100 year flood events would reduce the risk of culverts plugging and washing out. Culvert failures result in the fill within the road prism entering stream channels, increasing sediment loads in fish habitat [EA p. 133].

The Westside EA included new road construction on private land in the analysis:

- There are also 4.9 miles of new roads planned [on private land in the three HUC 6 watersheds in the planning area (EA p.134].

Comment 30: Hydrologic cumulative effects resulting from private logging, checkerboard ownership and recent BLM actions may defer timbered stands a period of time to allow the watershed to recover. The EA did not defer timber stands to "allow the watershed to recover." Page 57 of the WA identifies "Pre-commercial thinning and brushing units since 1993" and "timber harvest units since 1993" as the first two categories of "highest priority for fuels management."

BLM Response: Alternative 3 of the Westside EA addresses deferring units for hydrologic recovery on open space. The BLM responded to this same scoping comment regarding priority treatments on page 199 of the EA:

> These activities are being prioritized as money is made available. Currently, the BLM has an ongoing fuels management program that prioritizes pre-commercial thinning and brushing work within the Wildland Urban interface. Also there are ongoing silvicultural treatments that include pre-commercial thinning within previously harvested stands to reduce stocking with the added effect of reducing fuel hazards. The Westside EA analyzed 988 hazardous fuel reduction acres. In June 2005, five thousand acres of pre-commercial thinning (PCT) began in the Glendale Resource Area to be implemented over a five year period (fiscal year 2005-2009). Portions of this pre-commercial thinning overlaps the Westside Project Planning Area. Proposed treatments include early stand thinning, vegetation competition release, pruning, and piling and burning of created slash.

Comment 31: Page 63 of the WA informs the reader that: Fire hazard is believed to be on an upward trend due to fire suppression, allowing for more build up of fuels. Recent clearcutting has resulted in young, even-aged stands, making the forest more vulnerable to stand replacement fires.

The Glendale Resource Area's response to this concern is to convert yet more ancient forests into fiber plantations and further increase the fire risk in the watershed. The BLM's late-successional logging proposal fails to address both public comments regarding consistency with the WA and the findings of the WA itself.

BLM Response: KS Wild uses the term "fire risk" in their comment. As explained in the Affected Environment section of the EA, fire risk is the probability of a fire starting which is determined by the presence of ignition sources and is proportional to human presence. The quote KS Wild uses above from the Watershed Analysis does not include fire risk and, as is demonstrated on page 60 of the EA, there is no affect on fire risk expected from either Action Alternative. Assuming KS Wild meant to use the term "fire hazard" instead of "fire risk," the concerns regarding fire hazard as it relates to young stands has been addressed under Comment 5 above and when taken in context, the language in the EA demonstrates that the action may result in the long term cumulative effect of a **decrease** in fire hazard on approximately 3,740 acres under either Action Alternative (page 62). Thus KS Wild is mistaken in its belief that this project will "increase the fire risk" in the watershed.

Comment 32: We again ask the Glendale Resource Area to consider an alternative that best meets the recommendations to make "an aggressive effort" to reduce road densities in the watershed.

BLM Response: The Westside EA considered an alternative to build no roads, as analyzed in Appendix 1, but eliminated it from further analysis:

> While the Purpose and Need for the Westside Project states that this project was not being developed as a restoration project to reduce road densities, open road density was considered in the harvest transportation system. After harvest is completed decommissioning 0.74 miles of existing roads would have a net decrease of .25 miles under the Proposed Action.
>
> Most of the roads within the Westside Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads.

Comment 33: *KS Wild again proposes the following Citizen's Alternative that would thin plantations in the planning area and log forests identified as GFMA. The Citizen's Alternative would decommission, barricade and gate all roads possible. The thinning prescriptions proposed in this Citizen's Alternative would not reduce the canopy closures below 60% in order to meet US Fish and Wildlife Service minimum requirements for Northern spotted owl (NSO) suitable habitat.*

Additionally, this alternative should include BLM proposed activities aside from logging, such as treating approximately 2,500 acres of existing vegetation that pose a fire hazard, decommissioning of existing roads, and riparian treatments that include bank stabilization and instream restoration. See Scoping Notice at 3.

The Citizen's Alternative responds to the recommendations contained in the Middle Cow Creek WA, which clearly states that unneeded roads should be decommissioned, late-successional blocks should be retained, sediment delivery should be controlled, and spotted owl suitable habitat should be maintained.

We request that the BLM at least consider this alternative. It is reasonable to consider an alternative that does not decrease late-successional cover, build new logging roads, or otherwise compromise the watershed and late-successional forest structure in the watershed.

BLM Response: The BLM responded to this same scoping comment regarding Citizen's Alternative under Appendix 1 (pp.195, 196) of the EA:

> An alternative to thin only was considered and eliminated from further study and the reasons are provided in Appendix 1 of the EA, Alternative Development Summary. The purpose and need of the EA clearly addresses the issue by stating that "[f]or sustained yield the Medford ROD/RMP assumed an average annual harvest of 1,140 acres of regeneration harvest and overstory removal the first decade (ROD/RMP, p. 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified regeneration and overstory removal as the primary method of harvest on northern general forest management areas (NGFMA) lands (RMP, p 187). Commercial thinning is not a sustainable method of harvest but produces timber and is appropriate where stands are overstocked and to assure high levels of volume productivity.
>
> The need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands containing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system

(RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74).

The Middle Cow Creek Watershed Analysis (WA, p. 35) estimated that 58% of NGFMA lands within this area are mature and older stands. Approximately 39% of the older stands are over 200 years of age. Individual stands currently have an all aged structure developed as a result of past disturbances such as natural fire or partial cut harvesting. The desired landscape on NGFMA lands within the Westside Planning Area is a mosaic of even-aged stands between 0 and 100 years old, distributed relatively evenly within the watershed, with each age class in approximately even proportions (WA, p. 66)."

The BLM further responded to the Citizen's Alternative on page 200 of the EA:

KS Wild's proposal would limit treatments to the youngest stands and would not treat older stands or treat stands on sites that historically maintain less than 60% canopy. In the Morongo Band of Mission Indians v. Federal Aviation Admin., parties claiming a NEPA violation involving failure to consider a reasonable alternative must offer a specific, detailed counterproposal that has a chance of success. Also in other cases it was determined that an agency does not have to consider alternatives that are not feasible, Headwaters, Inc., 914 F.2d at 1180-1181 and an agency does not have to consider alternatives that would not accomplish the purpose of the proposed project, City of Angoon v. Hodel 803 F.2d 1016, 1021 (9th Cir 1986).

Temporary and permanent road construction is proposed to access treatment units where no roads exist or road conditions are overgrown and inaccessible. Units without current accessibility considered helicopter logging. Approximately 1,033 acres are proposed for helicopter logging in Alternative 2 and 911 acres are proposed under Alternative 3.

Helicopter yarding is used instead of tractor or cable yarding methods for such reasons as limited access due the high cost of building roads or risk sedimentation from mid-slope road building. The Purpose of the project states on page 15 of the EA to apply "modified regeneration silvicultural treatments at a minimum of 100 years of age (RMP, p. 74). This age level is sustainable and would meet economic and logging-practicality requirements." The costs for helicopter logging are much higher than conventional harvesting systems. The appraisal costs for helicopter yarding with the Boeing BV-234 is $5,400 an hour with a consumption of 405 gallons of jet fuel an hour. A heavy helicopter such as a Boeing BV-234 can lift up to 10,000 pounds and would be needed for trees with over 1,000 pounds (greater than 24 inches DBH). A small heavy helicopter such as a K-Max can lift up to 5,000 pounds and can be used for logs less than 1,000 pound (less than 24 inches DBH). Move in costs would be approximately $10,000 per ship.

As an example the appraisal cost of helicopter yarding came out to $302/mbf, the cost for cable yarding system came out to $139/mbf on the Willy Slide Timber Sale

Temporary roads do not contribute to the overall road density since they are decommissioned after use (ripped with a winged subsoiler, waterbarred, mulched and seeded).

The BLM responded on page 199 regarding decommissioning of roads:

> Most of the roads within the Westside Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads.

Comment 34: Clearly such environmental impacts from your activities may result in significant impacts to the human environment necessitating the completion of an EIS. The Medford BLM timber planners should be aware that when the Wasson fire in the Butte Falls Resource Area reached activity slash that those units burned at a stand replacing intensity. The BLM may be unaware that the Yellow fire (47,500 acres) and the Specimen fire (7,000 acres) in the Klamath National Forest both originated in logging slash.

BLM Response: The language in the EA clearly demonstrates that the action does not result in significant impacts because the action may result in the long term cumulative effect of a **decrease** in fire hazard on approximately 3,740 acres under either Action Alternative (page 62). KS Wild has not provided any new information that would either modify the analysis or make factual corrections to the analysis of fire hazard in the EA.

Comment 35: The content of the models and data allegedly used for the fire modeling referenced on page 52 of the EA is not presented to the public or the decision maker in the document.

BLM Response: An entire section of the EA is devoted to providing an extensive description of the computer models employed along with explanations of the parameters used to perform the analysis. See the Methodology section on pages 52 through 54.

Comment 36: It appears that the agency only ran the model for regeneration units and did not factor in thinning operations. (EA 52).

BLM Response: BLM clearly explained in the EA the basis for why it did not run the model for thinning operations: "Modeling runs were made using these models to compare the potential fire behavior in regeneration harvest stands in their current condition versus post-harvest condition. Runs were not made for treatment types other than regeneration harvest (RH, OR, SW, GS) because thinning treatments (CT, SC, HFT) do not reset the stands from their current seral stage, making their effects more predictable" (EA, p. 52)

Comment 37: The assumptions of 50% slope and 98-100% extreme weather (EA 54) severely limit the accuracy of the modeling. Elsewhere the EA (85) acknowledges that "slopes over 65% are common in this Planning Area" and by its very definition, 98-100% extreme weather conditions do not account for or reflect normal weather conditions.

BLM Response: The Weather section on page 54 explains the choice of the parameters: "Weather data was collected from a local RAWS (Calvert remote automated weather station) to determine the 98 to 100 percentile range of extreme weather in the area. The extreme range was chosen in order to produce a worse case scenario of fire behavior in the area**.** The range of weather was taken for the last 100 days of fire season (from mid July to the end of October) because this is the hottest and driest time of the year and therefore the most likely time period to produce extreme fire behavior."

KS Wild's disagreement with the choice of slope in the modeling, fixates on the high end of the range of slopes in the Planning Area, while ignoring BLM's clear explanation for its choice of 50% slope in its run of the model. The Topography section on page 54 explains the choice of the parameters: "The topography in the Planning Area varies greatly in slope, aspect, and elevation. Slope is an important factor in fire behavior and a topographical parameter needed to run Behave3 computer models. Slope was held constant at 50% in the Behave3 modeling runs as a mid-point in the range of slope within the Planning Area**."** KS Wild's mere disagreement with the choice of slope in running the model provides no basis for questioning BLM's chosen methodology.

Comment 38: *The contention on page 59 and 60 of the Westside EA that only "permanent" road construction may result in an increase in fire risk is not supported by other BLM analysis documents. For instance, the Ashland Resource Area recently concluded that "barricades are seldom 100 percent effective in eliminating autos and trucks, and they don't stop any of the OHV-type of vehicle use.*

BLM Response: The Westside The Westside Project EA proposes to barricade roads in conjunction with road decommissioning which "would include partial re-contouring (pulling of fills), channel stabilization, removal of culverts and cross drains, sub-soiling, planting, **barricading**, placement of woody material, seeding with native seed and mulching. Roads would be closed with a device similar to an earthen barrier or equivalent. Roads would not be maintained in the future" (EA, p.23). Glendale does not anticipate OHV vehicle use on decommissioned and barricade roads as the Ashland Resource Area and therefore an increase of fire risk. KS Wild does not fully cite Ashland Resource Area's assessment of decommissioning and barricading in which their conclusion was that "the small amount of road to be constructed would have minimal impact to species and habitat. Because of the amount of road decommissioning vs road construction, there will be a net decrease in open roads. Therefore, the effects of disturbance to wildlife from vehicles traveling on roads will be reduced" (Deadman's Palm EA).

All Action Alternatives, including Mitigation Measures, would have a net decrease of roads. As mentioned in response to "33" above, temporary roads do not contribute to the overall road density since they are decommissioned after use (ripped with a winged subsoiler, waterbarred, mulched and seeded).

Comment 39: *The Westside EA repeatedly downplays the significant increase in fire hazard from plantation creation by referencing "Martin, 2006." (EA 58). The References section of the EA indicates that "Martin, 2006" is not a published peer-reviewed scientific paper, but instead reflects the personal opinions of a Medford BLM employee.*

BLM Response: The agency has no desire to "increase fire hazard" as is evidenced by the fact that this project proposes to mitigate activity slash and by the fact that 988 acres are proposed to receive hazardous fuel treatments **designed specifically to *decrease* the *existing* fire hazard**.

Based on the analysis utilizing extensive research of scientific documents and local expertise, no significant impact is expected from the action alternatives and therefore no other alternative was required or developed.

The "Martin, 2006" reference does not constitute the "personal opinions of a member of the ID Team" but rather the **professional knowledge and expertise** of the Medford District Fire Ecologist who is in fact an author of Fire Regime Condition Class information and the foremost expert on the District in regard to Firemon. Firemon is a published and peer-reviewed monitoring system developed by the Joint Fire Sciences Program at the National Interagency Fire Center and the standard monitoring system used by the wildland fire community to determine stand characteristics and related fire behavior. The Fire Ecologist used his professional knowledge of the local area in conjunction with his professional experience and observations with Firemon plots taken locally to form his professional judgment referenced in the EA. While peer-reviewed, published scientific documents are valuable in providing fire behavior information, very few offer scientific studies and findings related to the extremely complex fuel, weather, and topographical characteristics that define the local area. Nonetheless, the BLM took into account information from a wide variety of scientific studies in order to perform the fire hazard and risk analysis of this EA. It is difficult to imagine what might constitute a more accurate "hard look" at the environmental effects than incorporating this information along with the professional knowledge from District specialists with **local** expertise.

Comment 40: LSOG removal followed by the tree planting authorized by the project would establish even-age plantations containing unnaturally combustible fuel complexes, further increasing the severity and difficulty of control of the next fire. Plantations are far more susceptible to severe fire effects than unmanaged forests (DellaSala et al. 1995), especially where logging slash remains untreated (Weatherspoon and Skinner 1995). The elevated susceptibility of plantations to severe fire is due to:

- *Structural characteristics that promote high heat energy output by fire (Sapsis and Brandow 1997).*
- *Warm, windy and dry microclimates compared to what would exist in an unlogged forest that possessed more structural diversity and ground shading (Countryman 1955, van Wagtendonk 1996).*
- *Accumulations of fine logging debris on the ground surface (Weatherspoon and Skinner 1995).*

… Most plantations occur next to roads, which spread invasive and exotic plants with poor resistance to fire (DellaSala and Frost 2001), and increase the risk of human-caused ignitions (USDA 2000).

BLM Response: The effects on fire behavior from replacing older-mature stands with younger plantations run counter to the statement that the effects increase the "difficulty of control of the next fire." As stated on page 58 of the EA: "Plantations, although they may present an area with increased fire rates of spread due to the presence of flashier fuels, may also provide areas in which effective and efficient fire suppression operations can occur (Martin, 2006). For example, air attack operations with air tankers and helicopters are generally less effective in stands with taller trees and closed canopies. Also, access through managed areas is already in existence, meaning mechanical equipment such as dozers can be used in a much more efficient manner. Existing fire barriers, such as roads and firelines, may also already exist in managed areas, meaning fire control lines take less time to construct than in older stands, in most instances (Martin, 2006)." Also, the statement that plantations are more susceptible to fire especially where logging slash is left untreated is irrelevant because logging slash is proposed to be treated under both Action Alternatives.

Comment 41: The number and distribution of even-aged plantations has altered fire behavior and effects at both stand and landscape scales (Hann et al. 1997, Huff et al. 1995). The existence of very combustible even-age tree patches on a forest landscape creates the potential for "a self-reinforcing cycle of catastrophic fire" that the project would perpetuate (Perry 1995).

BLM Response: The EA addresses the effects of plantations on fire behavior at both the stand and landscape level on pages 58 and 59. KS Wild's comments are misleading because they do not take into account the relative perspective as the EA does by describing the conditions of both young stands and older, mature stands: "Scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior, particularly during times of dry conditions and in stands that have received slash-producing maintenance treatments (such as pre-commercial thinning) where the slash remains on site and is not mitigated (Martin, 2006). However, in most instances, monitoring plots taken in older stands in the local area reveal that the number of small trees (up to 8 inches dbh) with varying heights are at such levels of abundance that these stands are also vulnerable to fire and have the potential to produce catastrophic fire behavior during dry conditions (Martin, 2006). As Chart 3-1 shows, the high end of the range for flame lengths in mature stands (8 feet) exceeds the high end in early seral stands (7 feet) and mid-closed stands (3 feet) that are indicative of plantations" (p. 58).

Also, KS Wild fails to take into account fire suppression efforts when considering "the potential for "a self-reinforcing cycle of catastrophic fire" as the EA does:

> Plantations, although they may present an area with increased fire rates of spread due to the presence of flashier fuels, may also provide areas in which effective and efficient fire suppression operations can occur (Martin, 2006). For example, air attack operations with air tankers and helicopters are generally less effective in stands with taller trees and closed canopies. Also, access through managed areas is already in existence, meaning mechanical equipment such as dozers can be used in a much more efficient manner. Existing fire barriers, such as roads and firelines, may also already exist in managed areas, meaning fire control lines take less time construct than in older stands, in most instances (Martin, 2006) [p. 58].

Comment 42: Effects of even-age plantation establishment on the local fire regime require disclosure and assessment in an EIS because the project threatens public health and safety in a rural interface area, is likely to be highly controversial, and presents unique and unknown risks that are significant (40 C.F.R. 1508.27(b)(2), (4) and (5)).

BLM Response: KS Wild's claim that the effects of even-age plantation establishment require an EIS are unsubstantiated in light of the fact that not only are the effects assessed and disclosed in the Environmental Effects section of Chapter 3 from pages 56 through 59, but so is the methodology used to conduct the assessment (p. 52-54). The statement that the effects are "likely to be highly controversial" is complete conjecture and personal opinion. The statement that the effects "present unique and unknown risks" is simply untrue as the effects are thoroughly explained from pages 56 though 59. As the Ninth Circuit recently held, "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005). Also, KS Wild's comment that the effects are

"significant" merely disagrees, without support, with the findings in the cumulative effects section from pages 56 though 59, and does not reflect the fact that the effects of regeneration harvest have already been analyzed under the RMP/EIS (p. 61).

*Comment 43: Another interesting and telling omission from the fire hazard analysis in the Westside EA are the statements of BLM Director Kathleen Clarke regarding this issue. On August 27 2002, the Medford Mail Tribune reported that Kathleen Clarke stated that the BLM's "**goal is to thin smaller trees to create forests that are similar to those before aggressive firefighting began nearly a century ago**," said Clarke. **See attachment.** "The federal government is not in the business of clearcutting now," she said. "It is not what we're doing. It is not what we're proposing." Well that is what the Glendale RA is proposing, and the Westside, Willy Slide, Soukow, 5 Rogues, Kelsey Whisky, Bear Pen and Mr. Wilson sales all call for logging larger trees that pre-date fire suppression and creating the very kind of plantations that are known to burn at a stand replacing intensity. How does the Glendale Resource Area reconcile the statements of the BLM Director with the continued regeneration of old-growth forests?*

BLM Response: KS Wild persists in its selective quotation of BLM Director Kathleen Clarke's comment regarding 'leaving big trees." Director Clarke's statement was made within the context of President George Bush's Healthy Forest Initiative to reduce the unnatural buildup of forest fuel. Further, KS Wild identifies nearly all timber harvest projects on the public land as "clear cuts," when the word "clear cut" is a term of art used to define timber harvest that removes all standing timber from a relatively large area. See response to "1." Contrary to the premise of KS Wild's comment, regeneration harvest is not "clear cutting." Since the adoption of the RMP, every regeneration timber harvest project has left standing timber in every harvest unit pursuant to the RMP's leave tree requirements. The Westside Project EA clearly identifies the purpose and need for timber harvesting to provide for a sustainable supply of commercial timber in accordance with the NFP and RMP. Harvesting timber under the Westside Project is not for forest fuel treatments. However, approximately 988 acres are planned to be treated in the Westside Planning Area for fuels treatment.

KS Wild should be aware that the Northwest Forest Plan set aside approximately 7.4 million acres, within the 24.4 million acre range of the spotted owl, as late seral reserves (ROD p. A-5). The Northwest Forest Plan designated a combination of land allocations managed primarily to protect and enhance habitat for late-successional and old-growth forest related species, and standards and guidelines for the management of land allocations (ROD A-1). This overall strategy was carried forward in the Medford District RMP. This sale follows all of the landscape allocations and standards and guides from the above plans. The Westside Project analyzed areas primarily within the matrix allocation, where timber harvest is expected to occur and is compliant with the RMP.

Comment 44: Glendale timber planners should be aware that the BLM's analysis in the Kelsey Whisky EIS (not an EA) concluded that "Partial cuts in East Fork Kelsey Creek and Quail Creek areas have substantially increased the brush component, placing these areas at greater risk of stand replacing fire.

Medford BLM timber planners should be aware that the Timber Rock Fire burned through 27,000 acres in the Elk Creek Watershed on the Upper Rogue River. The Damage Appraisal Report by the Oregon Department of Forestry found that of the forests 200 years and older that burned only 10%

burned high intensity, while 100% of the tree farms less that 35 years old burned so intensely that all the trees died.

The Westside ID Team may be less familiar with the findings of the March 2003 Wildfire Effects Evaluation Project conducted by the adjacent Umpqua NF.

BLM Response: KS Wild does not offer any new information as is made clear by the fact that the EA analyzes the effects of plantations on fire behavior. Also, KS Wild's comments are again misleading because they do not provide the holistic view that the EA does by considering older, mature stands as well as other factors that effect fire behavior:

a) "At the stand level, the concern seems to be that younger trees are more susceptible to fire than older trees. This is generally true because younger trees are smaller, both in height and diameter, than older trees and therefore require a lesser degree of fire intensity and shorter flame lengths to sustain lethal damage from fire (Agee, 1993)."-page 58. "Scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior, particularly during times of dry conditions and in stands that have received slash-producing maintenance treatments (such as pre-commercial thinning) where the slash remains on site and is not mitigated (Martin, 2006). **However, in most instances, monitoring plots taken in older stands in the local area reveal that the number of small trees (up to 8 inches dbh) with varying heights are at such levels of abundance that these stands are also vulnerable to fire and have the potential to produce catastrophic fire behavior during dry conditions** (Martin, 2006). As Chart 3-1 shows, the high end of the range for flame lengths in mature stands (8 feet) exceeds the high end in early seral stands (7 feet) and mid-closed stands (3 feet) that are indicative of plantations" (EA, p.58).

b) The probability that the existence of plantations create the potential for catastrophic fire…"is heavily dependant on many spatial and temporal variables, such as the location of the plantations in respect to slope, aspect, elevation, and position on slope, along with weather conditions occurring as the fire ignites and advances. Other critical factors in catastrophic fire development relate to the availability of fire suppression resources, their response time to the fire, and their effectiveness given the environmental factors present" (EA, p. 58).

Comment 45: *Federal land managers working in the Siskiyou Mountains routinely report that mechanical thinning projects increase fine surface fuels in the form of logging slash by 3 to 15 tons per acre, which can create faster rates of fire spread and greater flame lengths, resulting in intensified fire behavior and extended fire duration (USDI 2002a, 2002b).*

BLM Response: The EA clearly states on page 37 that activity fuels created in harvest units would be treated:. "Appropriate treatments depend on the amount of slash created and would be determined by an assessment of the post-activity condition of each unit" (EA, p. 38). The EA also describes in detail the current stand conditions, stand conditions with slash present, and post-treatment stand conditions in terms of fuel model and fire hazard using the flame length threshold for each type of activity including hazardous fuels treatments (p. 54), commercial thinning (p. 55), and regeneration harvest (p. 56). The analysis for the commercial thinning treatments clearly show that after the fuels treatments are implemented to mitigate the activity slash, the stand conditions resemble Timer Group fuel model 8 which exhibits flame lengths less than the 4 foot fire behavior threshold.

Comment 46: Fires rarely consume large tree boles, but they nearly always consume fine surface fuels including leaves, twigs and branches smaller than 3 inches in diameter (Agee 1996, Rothermel 1991). The primary variables that account for initiation of canopy fires are the surface fuel load, fine fuel moisture, and the vertical ground-to-crown height (Agee et al. 2000, Graham et al. 2004). The ability of a forest to resist canopy fire initiation is dependent on the flammability of surface fuels, which directly influences flame length and fire intensity (Agee 1996). Thus, surface fuel treatments and pruning of "ladder fuels" to increase crown height above the ground are the most effective means to reduce fire intensity and crown fire ignition potential (Agee 2002, Agee et al. 2000, Omi & Martinson 2002, Stephens 1998, van Wagtendonk 1996).

BLM Response: KS Wild provides no new information in the above statement as is evidenced by the language in the EA from page 54: "Hazardous fuel treatments (HFT) are designed to reduce the existing fire hazard posed by dense younger stands and older stands with dense understories. This is accomplished by increasing the spacing between trees in the younger stands through thinning and by thinning the understories of the older stands. These treatments reduce the amount of surface and ladder fuels present, thereby reducing the existing fire hazard."

Comment 47: Anecdotal evidence from the Medford District BLM suggests that canopy thinning of overstory trees in conifer stands is counter-productive to the objective of calming fire behavior and reducing resistance to control. Commercially thinned stands in the Spencer Lomas and Poor Bishop timber sales burned at high intensity due to increased fuel loading in the form of logging slash, simplification of stand structure including canopy removal, and reduced fuel moisture as a result of increased solar radiation penetrating to the ground surface (Callahan 2002, Kettler 2002).

BLM Response: KS Wild's statement above is misleading as it does not include the fact that the Westside project proposes to mitigate logging slash by treating the activity fuels. As the EA states on page 56 in regard to commercial thinning prescriptions…"fuels are the critical factor in influencing fire behavior. Surface fuels may be increased in the short term due to the creation of slash, as discussed above, **but once the slash is mitigated the stand experiences an overall reduction in surface fuels**. Ladder fuels are reduced when the limbs and branches are removed from the site as trees are removed during the thinning process. Aerial fuels are removed as a function of opening the canopy during thinning. If no subsequent treatment occurs in the stand after thinning, such as fuel treatments to mitigate the slash or future thinning or brushing treatments to maintain the open stand conditions, the concerns listed above could lead to increased fire behavior. However, the stands proposed for commercial thinning treatments in this Planning Area are managed stands within the matrix land allocation and within the WUI, meaning it is expected that these stands would receive fuel treatments to mitigate the slash as well as future treatments, either silvicultural or hazardous fuel related, that would maintain the stand to prevent overstocking and future accumulation of fuels (BLM, 1994). Also, studies show that thinning followed by sufficient treatment of surface fuels reduce the overall expected fire behavior, outweighing the changes in fire weather factors such as wind speed and fuel moisture (Weatherspoon, 1996)."

Comment 48: Of the three methods proposed by the Medford BLM in the Westside EA to mitigate the significantly increased fire hazard created by logging slash, two generally are not effective. Computer simulations run by van Wagtendonk (1996) projected that low thinning combined with a pile-and-burn slash treatment on flat ground yielded nearly identical fire behavior to thinning without any slash treatment because pre-existing surface fuels were not affected

BLM Response: KS Wild wrongly assumes that the activity fuels treatments proposed in the EA are similar to "low thinning" and therefore the proposed treatments are not effective. However, as the EA clearly demonstrates on pages 55, the condition of the thinning stands with slash present resemble Slash Group fuel models 11 and 12 with flame lengths **above** the 4 foot threshold while after treatment (slashing, hand piling, and pile burning) the stand conditions resemble a Timber Group fuel model 8 with flame lengths **below** the 4 foot threshold. KS Wild has presented no information that would indicate a need to modify the analysis or make factual corrections.

Comment 49: Lop-and-scatter practices "significantly increased subsequent fire behavior."

BLM Response: BLM is unclear what KS Wild means by "significantly," or the basis for KS Wild's conclusion regarding fire behavior. Nevertheless, the EA addresses this issue and clearly states on page 23 that: "The lop-and-scatter method…is normally used when there is very little treatment needed within a unit. Areas that pose an increased fire hazard due to residual slash would be hand-piled and burned rather than receive a lop-and-scatter treatment." Again, KS Wild has presented no information that would indicate a need to modify the analysis or make factual corrections.

Comment 50: In contrast, underburning (or broadcast burning) is the only method known to reduce fire intensity below pre-logging conditions. Burning in logged areas is an effective hazard reduction practice because fire consumes the finest fuels that present the greatest hazard (Deeming 1990). Other reviewed and published studies reach similar conclusions about the range of slash treatment options (Fahnestock 1968, Stephens 1998).

BLM Response: As the EA states on page 23: "For activity slash created from timber harvesting, fuel reduction treatments include slashing, hand-piling, pile-burning, **underburning**, and/or lop-and-scatter. The lop-and-scatter method would be used on cut material up to 6 inches in diameter. This method is normally used when there is very little treatment needed within a unit. Areas that pose an increased fire hazard due to residual slash would be hand-piled and burned rather than receive a lop-and-scatter treatment. Appropriate treatments depend on the amount of slash created and would therefore be determined by an assessment of the post-activity condition of each unit."

Comment 51: Attached to these comments you will find a very recent study about fire behavior in the Biscuit fire entitled "Fuel treatments alter the effects of wildfire in a mixed-evergreen forest, Oregon, USA" by Raymond and Peterson. They found that in the Biscuit fire:

[D]amage to and mortality of overstory trees in the wildfire were extensive despite the absence of crown fire. Mortality was most severe in thinned treatments (80%-100%), moderate in untreated stands (53%-54%), and least severe in the thinned and underburned treatment (5%). Thinned treatments had higher fine-fuel loading and more extensive crown scorch, suggesting that greater consumption of fine fuels contributed to higher tree mortality. Fuel treatments intended to minimize tree mortality will be most effective if both ladder and surface fuels are treated. Raymond and Peterson (2005) Fuel treatments alter the effects of wildfire in a mixed-evergreen forest, Oregon, USA. Can. J. For. Res. Vol. 35, 2005.

BLM Response: KS Wild fails to show that the Action Alternatives are inconsistent with the statements above. Both ladder and surface fuels are proposed to be treated, as the EA states concerning thinning: "Surface fuels may be increased in the short term due to the creation of slash, as discussed above, but once the slash is mitigated the stand experiences an overall reduction in surface fuels. Ladder fuels are reduced when the limbs and branches are removed from the site as

trees are removed during the thinning process" (page 56). "Subsequent prescribed burning of slash would include a combination of pile burning and *underburning*…"(page 40).

Comment 52: How can rates of burning keep up with extensive logging proposed in the EA? Why is underburning only proposed for a small portion of the Planning Area?

BLM Response: The Glendale Resource Area Fire and Fuels program implements approximately 2,000 acres of fuel reduction and prescribed burning per year. This rate is more than adequate to "keep up" with the amount of harvest activities proposed in the EA (less than 4,000 acres between 2006 and 2012) (EA, p. 13).

Underburning is not an appropriate treatment type across all stand types in the Planning Area due to topographical and vegetative conditions. For example, some areas are too steep or inaccessible to allow for successful holding during underburning implementation, which increases the risk of an escaped fire.

comment 53: *The published and peer reviewed literature referenced in these comments establishes that implementation of the BLM action will not meet the alleged purposed and need for this project to "Reduce both natural and activity based fuel hazards…" (EA 16).*

BLM Response: The Purpose and Need of the Westside Project (p. 14) clearly states that the "need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187)."

Both Action Alternatives propose hazardous fuel treatments on 988 acres which are designed to **reduce the existing fire hazard** posed by dense younger stands and older stands with dense understories" (EA, p. 54). Also, as stated on page 40 of the EA: "activity fuels created from harvesting may be treated by the slash and hand piling or lop-and-scatter methods. These methods would prepare the site for tree planting, controlling competing vegetation, and to reduce fuel loading. Subsequent prescribed burning of slash would include a combination of pile burning and underburning of woody material between 1 and 7 inches in diameter." Material between 1 and 7 inches in diameter includes branches, tops, and small trees to which fine fuels (small twigs and branches along with needles and leaves) are attached.

Comment 54: *The BLM's inadequate, misleading, incomplete, and conclusory cumulative effects analysis for fire and fuels is an example of the failure of the agency to consider cumulative effects on any serious environmental issues from the past and future late-successional logging projects. Rather than address any of the cumulative impacts on hydrology, ecology, biology, soils, late-successional habitat, rare species, connectivity or any other environmental values, the Glendale old-growth timber planners simply go about targeting more fire-resistant large-diameter trees for logging regardless of the social and scientific consensus that such logging is an anachronism that harms forest health and divides communities.*

BLM Response: BLM strongly disagrees with KS Wild that projects like the Westside Project are "anachronistic," or that they "harm forest health," or "divide communities." Extractive uses will always have a place on public lands. BLM believes that in implementing timber harvest in the

manner envisioned in the broad ecosystem approach of the NFP and Medford District RMP, will provide a sustainable supply of timber, while leaving forest health and communities better off than they would be under timber management absent those plans. KS Wild fails to provide any support or evidence for their claim that the cumulative effects analysis for fire and fuels is "inadequate, misleading, incomplete…" In fact, the EA addresses the cumulative effects including all proposed activities affecting fire behavior: hazardous fuels treatments, commercial thinning, and regeneration harvest **as well as** the before, during, and after conditions of each of these types of treatments **and** analyzes these treatments in relation to each other and the Middle Cow LSR project (Chapter 3).

As for the rest of the comments in the above statement, KS Wild fails to provide any substantive information other than their position against harvesting large trees.

Comment 55: *"An aggressive effort should be made to reduce open road densities in the watershed through decommissioning, barricading and gating."*
WA 67.

Please note that the impacts of constructing 6.8 miles of logging roads are not disclosed and analyzed in the EA or supporting documents. While the Glendale Resource Area likes to assume that soils will magically be "un-compacted," trees will reappear, and OHVs will not use so-called "temporary" logging roads, other resource areas have a far more nuanced approach to analyzing new road construction. For instance, the Ashland Resource Area recently concluded that "barricades are seldom 100 percent effective in eliminating autos and trucks, and they don't stop any of the OHV-type of vehicle use.

BLM Response: As responded to "14" above All Action Alternatives, including Mitigation Measures, would have a net decrease of roads. As mentioned in response to "33" above, temporary roads do not contribute to the overall road density since they are decommissioned after use (ripped with a winged subsoiler, waterbarred, mulched and seeded). KS Wild's comment fails to recognize that two EISs have already been prepared for the Westside Project, including EISs for the NFP, and the Medford District RMP, which both envisioned this type of activity occurring on these lands, and analyzed the associated impacts. KS Wild has not identified any impacts that have not already been anticipated and analyzed under the RMP and NFP that are significant. As detailed below, KS Wild's comments present merely a disagreement with the agency's conclusion regarding the non-significance of this project's effects; KS Wild's disagreement presents no basis or information that would support an opposite finding. The Westside Project alternatives were designed by the interdisciplinary team with restraints identified under PDFs (pg. 31-32) such as:

- Temporary roads would be winterized with water bars, berms, dikes, dams, sediment catchment basins, gravel, or mulched as needed. "Winterize" is the process that minimizes the amount of erosion which would take place before disturbed soil and new surfaces stabilize.
- Temporary spur roads and landings built would be decommissioned after use. This would involve discontinuous sub-soiling (Davis, pp. 138 & 139) to depth of 18" with winged rippers, mulching, pulling culverts, water-barring and barricading, and planting with conifer seedlings, and/or native grass/forbs mixtures. Additionally, where cut and fill construction was needed, fill material would be pulled back over road bed following sub-soiling.

- To reduce erosion and stream sedimentation, permanent road construction, reconstruction, road maintenance, temporary road construction, road decommissioning, and log hauling on natural surface roads and rocked roads would generally only be allowed between May 15 and October 15 of the same calendar year. Additionally, if wet weather conditions occur during this period, log haul may be suspended on roads with either erosive surfaces or poor drainage.
- Road cuts, fill slopes, borrow material and other bare ground disturbed by road construction activities would be mulched and seeded prior to autumn rains (generally October 15).

The Westside EA analyzed the impacts of constructing 6.8 miles of logging roads and determined that:

> Alternative 2 would result in soil compaction and top soil erosion that would reduce localized areas of soil productivity. The amount of land affected would include approximately 72 acres of tractor yarding corridors, 87 acres of cable yarding corridors, 21 acres of helicopter yarding, 1.5 acres of new permanent road and up to 15 acres of new temporary road acres (to be decommissioned after use), the renovation of up to 20 acres of helicopter landings, and the expansion of 4 rock quarries of up to 25 total acres. Together, the incremental effects of disturbance from yarding corridors, roads, landings, and quarries would cause up to 176 acres (0.5%) of compaction, and productivity losses equaling the equivalent of up to 141 acres (0.4%) within this Planning Area. [EA p. 94].
>
> Only permanent road acres and rock quarry expansions would be expected to be a permanent loss to the productive land base. Yarding corridors, landings, and temporary roads would be rehabilitated where necessary to ensure productivity on these lands is restored. Sub-soiling…6.1 miles of temporary logging roads (See PDFs, sec 2.3.7) would reduce compaction…(Froehlich and Miles; Davis), substantially restoring the infiltration of water and nutrients into the soil. .. [EA, p. 95]
>
> Under Alternative 2 this project would add less than 1% compaction in all watersheds, thus compaction would remain well below the maximum 12% compaction standard at the Planning Area level. (RMP, p. 166) [EA p. 95]
>
> The construction of 0.5 miles of permanent ridge line road, the construction and decommissioning of 6.3 miles of temporary road…would also result in small amount of localized surface erosion that would not be expected to exceed Oregon water quality standards due to the use of BMPs during the implementation of these projects which are designed to minimize erosion and protect water quality (RMP, 151). Natural surface haul routes would be spot rocked and/or seasonally closed, as necessary, to reduce surface erosion [EA p. 98].
>
> The addition of 6.8 miles of new permanent and temporary roads would further impact hydrologic drainage patterns. However given BMPs for road building, including design techniques to reduce impacts, and because all but 0.49 miles of constructed road would be sub-soiled, mulched, and seeded, upon completion of the project, the risk of a slope failure as result of these roads would be minimal and unexpected. Additionally the .49 miles of permanent road is along a ridge and should have very little hydrologic impact. Because

> BMPs would be used, as well as all management actions/directions listed in the Medford District RMP (page 28) to meet ACS objectives, the minor risk associated with these roads would be acceptable under the RMP [EA p. 100].

The watershed hydrology section Alternative 2 (EA, pp. 113-118) and Alternative 3 (pg. 120-121) addresses the implications of creating new open space from new road construction (temporary and permanent).

> The proposed new road construction (permanent and temporary) and the subsequent decommissioning of the temporary roads are not expected to result in sediment reaching fish habitat. The closest new road to fish habitat is approximately 0.2 miles away. Because of the location of the roads, the proximity to fish habitat, the lack of stream crossings, the lack of new construction within riparian reserves and the PDFs and BMPs which guide the design and construction of new roads there are no mechanisms for sediment to be transported to fish habitat. [EA p. 132]

KS Wild has not provided specific information on effects to roads that would either modify the analysis or make factual corrections to the analysis.

Comment 56: Barricades, however, don't mitigate the edge effects and microclimatic changes that roads produce. The Westside old-growth logging project must analyze and disclose ALL of the potentially significant impacts of new road construction.

Nowhere in the Westside EA is the irreversible nature of road construction admitted, let alone analyzed. Instead, the Westside EA (31, 94) relies on subsoiling with a ripper to address impacts of "temporary" road construction and yarding corridors and landings. Without analysis the BLM sites "Froehlich and Miles; Davis" to support the dubious contention sub-soiling "would reduce compaction within these units by as much as 80%." (EA 94).

BLM Response: As responded to in "38" above "The Westside The Westside Project EA proposes to barricade roads in conjunction with road decommissioning which "would include partial re-contouring (pulling of fills), channel stabilization, removal of culverts and cross drains, sub-soiling, planting, **barricading**, placement of woody material, seeding with native seed and mulching. Roads would be closed with a device similar to an earthen barrier or equivalent. Roads would not be maintained in the future" (EA, p.23)." As mentioned in response to "33" above, temporary roads do not contribute to the overall road density since they are decommissioned after use (ripped with a winged subsoiler, waterbarred, mulched and seeded). KS Wild merely disagrees, without any supporting contrary evidence, with Froehlich and Miles and Davis that sub-soiling would reduce compaction within these units by as much as 80%. Even if the ripping were not done, compaction would still remain below the 12% level of compaction identified in the RMP. The EA analyzed effects to the northern spotted owl and, as asserted by KS Wild, the irretrievable nature of road construction, as any road construction is not considered irreversible, in Chapter 3 of the EA and states that "[t]he construction of 0.5 miles of permanent roads is expected to be an irretrievable commitment of resources. The five and one-half miles of temporary road which would be decommissioned after use can be expected to return to a functional dispersal condition of 40% canopy closure and trees averaging 11 inch "dbh or greater in approximately 50-60 years."

Comment 57: Wildfire frequency and seasonality are related to road density. Recent analysis of the 2000 wildfire season, for example, noted that all of the fire starts in the Skalkaho Valley Complex were in roaded and developed areas, which accounted for 93% of the total area burned (Morrisson et al 2000). Increased attention to data of this kind is needed to adequately assess the extent of the impact of roads on wildfires.

BLM Response**:** The BLM adequately addressed the relationship of open road and fire risk. KS Wild fails to provide any new information in the statement above. In fact, the knowledge of the "… *possible causal relationship between human-caused wildfire and roads"* led to entire sections of the EA being devoted to the subject. See the Fire Risk sections on pages 49, 52, 59 and 60 for discussions on the subject.

As determined by the fuels specialist on page 59:

> fire risk is the probability of a fire starting which is determined by the presence of ignition sources and is proportional to human presence. New permanent road construction has the potential to increase fire risk because new roads allow for an increase in human presence by providing easier access into previously inaccessible areas. The miles of new road construction and increased human presence do not correlate on a one-to-one basis because many factors aside from access contribute to increased human presence. The most important factor is how appealing the areas are into which the new roads provide access. The new roads in the Action Alternatives are proposed in order to access timber sale units. These are generally short spur roads that do not lead to appealing recreational areas. So, while there is new permanent road construction proposed, it is not likely that fire risk would be affected by a large increase in human presence.
>
> Some of the new permanent road construction would connect existing roads along the ridge that divides the Cow Creek drainage from the Windy Creek drainage. Because fires tend to run uphill, ridgelines are often used by fire suppression personnel as areas to build effective control lines. Connecting the existing ridgeline road segments together would be beneficial from a fire suppression standpoint.

Page 60 of the EA states:

> While the construction of new roads in general potentially increase fire risk by allowing access into areas previously not accessible, there is no affect on fire risk expected from the proposed new permanent road construction in the Westside project for the reasons discussed in the Direct and Indirect Effects section.

Comment 58: Page 16 of the EA contends that part of the purpose and need for the Westside timber sale is to "Manage riparian reserves to restore and maintain the ecological health of watersheds and aquatic ecosystems…" Unfortunately, the BLM's action alternatives call for numerous practices known by the agency and others to directly and cumulatively harm the ecological health of watersheds and aquatic ecosystems.

Many of the riparian reserves in the Planning Area are not functional. The Westside EA calls for building 6.8 miles of new logging roads in the planning area while simultaneously ignoring the recommendation in the WA to aggressively reduce road density in this watershed. Despite the

currently degraded and non-functioning status of the riparian reserves in the Planning Area, the BLM repeatedly relies on the reserves to mitigate the impacts of logging and road work on hydrological health. The BLM cannot rely on non-functional riparian reserves (that it is in the process of eliminating through the WOPR) to mitigate the predicted increases in sediment loading, peak flows, water yield and turbidity anticipated from project activity.

A number of the activities that the BLM is proposing in riparian reserves directly violate the intent and requirements of the ACS. The Westside EA (21) calls for illegally creating "canopy gaps" within riparian reserves. The EA (29) anticipates that trees in the no-harvest portion of riparian reserves will be illegally "knocked over during falling and yarding" activities. The EA (29) calls for illegally expanding landings into riparian reserves. The EA (22) calls for removing LSOG canopy closure from riparian reserves. The EA (127, 12) illegally allows heavy equipment to be operated in both riparian reserves and in wet stream crossings. No science or analysis is presented in the EA to support the (AFRC sweetheart settlement driven) contention that removing canopy and creating "gaps" in riparian reserves will "create a stand that is on a trajectory to reach a late-successional condition." (EA 21). In fact the EA (66) acknowledges that "Commercial thinning would reduce future recruitment of snags and resulting down wood created from snags by removing suppressed or defective trees, and would decrease the future quality of the habitat to provide optimal nesting structure and optimal prey abundance." Such practices do not contribute to the attainment of late-successional characteristics.

BLM Response: As stated in the EA:

> While the Purpose and Need for the Westside Project states that this project was not being developed as a restoration project to reduce road densities, open road density was considered in the harvest transportation system. After harvest is completed decommissioning 0.74 miles of existing roads would have a net decrease of .25 miles under the Proposed Action [EA p. 173].
>
> Most of the roads within the Westside Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads [EA p. 173].

The BLM does not rely on riparian reserves to mitigate the impacts of new road construction. The new roads are located on ridgetops and stable locations. None of the roads cross streams or are located within riparian reserves. The following are exerts from the EA in regards to effects from new road construction:

> A majority of the roads proposed in Alternative 2 would be temporary spurs, with the only permanent road being 0.49 miles of ridgeline road that would connect existing roads along the ridge between Fortune Branch and Windy Creek HUC 6 sub-watersheds. Research indicates that ridgeline roads, when outsloped, or designed with adequate cross drains, have minimal impact on watershed hydrology because they do not intercept large quantities of subsurface flow, and do not excessively concentrate and redirect intercepted surface flows. New temporary roads are proposed for access to some harvest units, which would otherwise need very long yarding corridors, or be left untreated. In general, these roads would be fully decommissioned, stabilized, and planted the within the same dry season that they are built. Where this is not possible due to timber harvest requirements, these roads would be

> stabilized, and water-barred to ensure proper drainage during the winter months. Therefore it would not be expected that these roads to have a lasting effect on watershed hydrology [EA p. 114]

The BLM acknowledges impacts to hydrology. The EA does not lead the reader to believe increases in sediment loading, peak flows, water yield, and turbidity from the proposed action would be mitigated from "non-functional riparian reserves."

The Northwest Forest Plan anticipated that there would be silvicultural treatments in riparian reserves and states: "Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands" (ROD, p. C-32). The RMP also anticipated that there would be silvicultural treatments in riparian reserves. The RMP directs treatments in riparian reserves to "control stocking, re-establish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy and riparian reserve objectives" (RMP, p. 27). As stated in the RMP, "Active management of riparian areas can accelerate the process of riparian recovery of stands to predominantly large conifers. These large trees would provide most of the large woody debris required for achieving optimum stream conditions" (RMP EIS pg. 4-66)

The BLM responded to the 6.8 miles of temporary roads in "55" above.

KS Wild has merely taken different sentences out of context in the EA to support KS Wild's opposition of commercial harvesting. While there might be a potential of loss of snag recruitment for owls, green tree retention and snag retention guidelines were developed in the NFP for many species and that leaving green tree patches "does not apply to intermediate harvests (thinnings) in even-age young stands because leaving untreated portions of young stands would retard stand development and be detrimental to the objectives of creating late-successional patches" (NFP ROD, p. C-41). The EA (p. 65) also clarifies KS Wild's concerns by stating that:

> If harvesting is deferred, older stand development would additionally contribute greater amounts of standing and downed wood. However, stands would likely be reviewed under future actions for harvesting and would not likely support additional productive owl sites. With no thinning, the trajectory of some stands to grow into better suitable habitat would continue at a slower rate than if stands were thinned.

<u>Comment 59:</u> The significant cumulative hydrological effects from past and proposed logging that are "unresolved conflicts" referenced on page 168 of the EA and page 61 of the WA rise to the level of environmental significance such that an EIS is required for this project.

The RMP was not privy to information provided in this EA indicating the severe nature of "open space" (clearcuts and logging roads) in the 7th field watersheds to be impacted by your timber sale.

The RMP then lists nine ACS objectives that the agency is charged with meeting. Nowhere does the RMP limit attainment of the ACS objectives to the 5th or 6th field watershed scale. The Westside timber sale would inhibit attainment of the ACS objectives and directly harm the ecological health of watersheds and aquatic ecosystems on public lands and authorizes actions known to harm EFH for salmon and steelhead.

BLM Response: KS Wild is incorrect in their understanding of unresolved conflicts. Unresolved conflicts are similar to the term "issue" used in developing alternatives in an EIS. The Code of federal Regulations (CFR) states that to head off potential conflicts that each agency shall "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources" CFR § 1501.2 CFR § 1501.2. The development of alternatives is based on unresolved conflicts and a determination is made after the analysis whether an EIS should be prepared or a FONSI can be issued, such as in the case of the Westside Project.

The Northwest Forest Plan anticipated that there would be harvesting in the riparian reserves and states that "Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands" (ROD, p. C-32). As stated in the EA:

> The objective of riparian thinning treatments is to create a stand that is on a trajectory to reach a late-successional condition. Many of these units are dominated by smaller diameter stands of Douglas fir and some hardwoods. Most stands are lacking large wood debris, downed logs, and large tree structure. The treatment would reduce competition on the retained trees for light, nutrients, water and growing space. These trees would develop larger canopies, display better vigor and put on diameter growth faster then if left untreated. Canopy gaps would also be created in these zones to promote multiple-layered stands and promote species diversity that is a key element in late-successional habitat. Production of wood volume is a bi-product of this treatment, but is not a primary objective (EA, p. 21).

The RMP anticipated effects to peak flows but provided that site specific analysis would be done to show attainment of the Clean Water Act and Endangered Species Act. The RMP anticipated open space in Wood Creek because of the high proportion of private land and stated in the RMP/EIS (p. 4-5) that anticipated that all private land would be clearcut and managed under a 60 year rotation.

KS Wild's objection to managing ACS objectives at the 5th field watershed is with the *Final Supplemental Environmental Impact Statement Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts Within the Range of the Northern Spotted Owl and Proposal to Amend Wording About the Aquatic Conservation Strategy* (FSEIS, 2003 and ROD, 2004).

KS Wild was a party to the litigation concerning the Pickett Snake project; there, even though the court entered a judgment in favor of KS Wild on other issues, KS Wild litigated and lost on its challenge of BLM's interpretation of the ACS in that project. Klamath Siskiyou Wildlands Ctr. v. BLM, 2004 U.S. Dist. LEXIS 10965 (D. Or. 2004). KS Wild's advocated interpretation of the ACS that it presents in its comments is the same interpretation KS Wild advanced, and the court implicitly rejected, in the Pickett Snake litigation. Under the ACS, as stated on page 118 of the EA "ACS objectives are designed to maintain and improve aquatic habitat in the long-term at the HUC 5 scale." A Summary of the Aquatic Conservation Strategy was provided on page 194 of the EA.

KS Wild has not provided specific information that would either modify the analysis or make factual corrections to the analysis

Comment 60: The following activities, conditions and findings are of great concern to our organizations and members. Does the Glendale Resource Area contend that the following activities,

conditions and impacts "restore and maintain the ecological health of watersheds and aquatic ecosystems" and "protect salmon and steelhead habitat" as required by the ACS and the RMP?

- *"Alternative 2 would result in soil compaction and top soil erosion that would reduce localized areas of soil productivity." (EA 6)*
- *"Because of the close proximity of the road related activities (excluding new road construction) sediment would reach fish habitat." (EA 6)*
- *[T]he effective [of Alternative 2] would be a minor reduction in quality of fish habitat. The increased peak flows would result in localized effects of in-channel erosion." (EA 7)*
- *[T[he effective [of the Westside timber sale] would be a minimal reduction in quality of EFH. The increased peak flows could potentially result in localized effects of in-channel erosion." (EA7)*
- *"Because of the close proximity of the road related activities (excluding new road construction) sediment would reach EFH." (EA 8)*
- *"Canopy gaps would also be created in these zones [riparian reserves]…" (EA 21)*
- *"On slopes less than 35%, one pass with a brush blade could be used to construct fireline using machinery." (EA 26)*
- *"Trees in no-harvest portion of riparian reserves that are accidentally knocked over during falling and yarding would be retained on site…" (EA 29)*
- *"Expansions of existing landings within the riparian reserves would be allowed outside of the EPZ to facilitate logging systems…" (EA 29)*
- *"Opening canopies can increase wind speeds and lower fuel moistures in the stand, which tends to exacerbate fire behavior. Also, opening canopies allows brush to grow in the understory, which may increase surface and ladder fuels, depending on stand conditions prior to thinning." (EA 56)*
- *"[T]he short term effect of commercial thinning treatments may be an increased fire hazard on 1,859 acres under Alternative 2 and 1,671 acres under Alternative 3 due to the presence of slash on site." (EA 56)*
- *"Scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior, particularly during times of dry conditions and in stands that have received slash producing maintenance treatments…" (EA 58)*
- *"The effect of regeneration harvest activities may be a potential increase in fire behavior due to the presence of slash on site. This may effect up to 1,515 acres under Alternative 2 and 1,338 under Alternative 3." (EA 59)*
- *"Commercial thinning would reduce future recruitment of snags and resulting down wood created from snags by removing suppressed or defective trees…" (EA 66)*
- *"Timber harvest prescriptions such as clear-cutting, regeneration harvest, and overstory removal have created open space within this watershed that is vulnerable to erosional events such as rain splash, and rain or (sic) snow events." (EA 87)*
- *"Watersheds with open space in excess of 25% have a greater potential for increased water yields, and in instances where more than 25% of the TSZ is also in open condition, the potential for peak flow augmentation is also increased." (EA 87)*
- *"Road densities in all three sub-watersheds currently exceed the USFWS and NMFS target of 2mi/mi for streams to be considered in properly functioning condition." (EA 90)*
- *"Timber harvest and hauling operations would result in an increase in surface erosion within harvested stands and along roads." (EA 95)*

- *…[U]nits 3-11, 4-4, 5-12, and 8-2…would be downhill yarded. These corridors would be generally expected to result in erosion levels above those that would occur when BMPs are followed…" (EA 95)*
- *"In unit 17 –1c up to two pieces of heavy equipment would be allowed to cross through the EPZ and stream channel two times." (EA 96)*
- *"Open space created as a result of this alternatives [2] would be expected to increase peak flows and water yields above current levels in several HUC 7 drainages, causing localized stream channel erosion." (EA 97)*
- *"[Alt 2] would be expected to result in sedimentation that could affect localized beneficial uses (See section 3.4.3 Fisheries)." (EA 97)*
- *"Alternative 2 would be expected to have an overall short term increase in the intensity of erosion that would occur within these sub-watersheds as a result of upslope erosion, mainly as a result of maintenance and use of hydrologically connected roads, and units that are hydrologically connected to streams via ditchlines." (EA 98)*

- *"In-stream channel scour would be expected to cause increase (sic) sediment and turbidity within some HUC 7 watersheds." (EA 98)*
- *"[D]ue to the steep slopes and high road densities that are present in this Planning Area, there would be a low risk of mass wasting in units where timber harvest methods result in a loss of vegetative root structure and increased subsurface water because a majority of the stand was removed." (EA 99)*
- *"Under Alternative 3, surface erosion would be expected to increase as a result of timber removal operations such as yarding corridors and skid trails, road construction and maintenance, timber hauling, landings reconstructed or expansions, quarry expansions, road decommissioning, one in-stream crossing and channel realignment, and one bridge replacement." (EA 100-101)*
- *"Under this alternative [3], open space would be increased by approximately 882 acres as a result of harvest prescriptions that would leave canopy closure less than 30%." (EA 101)*
- *"Beneficial uses that could currently be locally affected, at the HUC 7 level or less, as a result of peak flow and water yield increases from past disturbance are anadromous fish rearing and spawning, and resident fish and other aquatic life. Localized increases in peak flows may be resulting in localized stream bed and bank erosion, and subsequent increases in sedimentation, changes is channel morphology, and a loss of channel substrate and woody debris." (EA 110)*
- *"[S]ediment in some stream reaches of Windy Creek, Wood Creek, Bear Creek, Lawson Creek, and Fortune Branch within this Planning Area is more than double NMFS' recommended levels for properly functioning conditions for aquatic habitat." (EA 111)*
- *"Alternative 2 proposes increasing open space within this Planning Area by approximately 1,440 acres as a result of timber removal, quarry expansions, and the construction of roads and landings." (EA 112)*
- *"Riparian baseline conditions, described it the Affected Environment are not properly functioning in both the Windy Creek 0418 and 0421 HUC 7 basins. These basins would be further affected as a result of this alternative [2]." (EA 115)*
- *"[I]ncreased open space within this drainage [0324] would lead to measurable localized increases in water yields within several tributaries due to reduced evapotranspiration and infiltration." (EA 116)*

- *"Effects such as peak flows, channel scour, and stream sedimentation, which could all potentially affect aquatic habitat under this project at the HUC 7 scale, would meet all water quality objectives at the HUC 6 scale." (EA 117)*
- *"Fish habitat within the Planning Area has been altered as a result of past harvest, roads and agricultural practices adjacent to streams. Observations suggest that these altered conditions are currently limiting salmonid production, specifically rearing and spawning habitat…Steams have become ecologically simplified and less effective at dissipating stream flow energy, scouring pools, providing complex habitat for fish, amphibians and invertebrates, and providing organic detritus." (EA 121)*
- *"Windy Creek is additionally [303d] listed for habitat modification, meaning the stream does not meet LWD or pool frequency habitat criteria for anadromous salmonids." (EA 121)*
- *"Within the Planning Area approximately 75% of fish bearing streams have a road in close proximity." (EA 121)*
- *"Surveys indicate the amounts of fine sediment (silt/sand) within some fish bearing reaches of streams within this Planning Area are above thresholds." (EA 122)*

- *"Treatments [logging] within riparian reserves would occur adjacent to perennial and intermittent streams which flow into fish-bearing streams. Treatments [logging] also occur immediately adjacent to fish-bearing streams." (EA 127)*
- *"Increases in peak flows are expected to occur within 5 HUC 7 drainages." (EA 128)*
- *"Fish habitat is present in Wood Creek within this HUC 7…Alternative 2 proposes creating additional open space within this HUC 7. The creation of additional open space when combined with the existing condition within this HUC 7 increases the potential for an increase in peak flows occurring." (EA 130)*
- *"The road maintenance, reconstruction and hauling are proposed for roads which cross intermittent, perennial, and fish bearing streams. Some of these roads also parallel fish bearing streams in some spots as close as 30 feet." (EA 131)*
- *"[O]pen space related increases in peak flows, which would be of the magnitude that would cause channel scour, would likely only occur within the headwater streams." (EA 134)*
- *"Road building, maintenance, reconstruction, and use are all contributing to erosion within this watershed. Chronic erosion is currently ongoing due to road densities between 3.9-5.1 mi/mi." (EA 136)*
- *"Timber yarding activities that increase open space are expected to result in a short term increase in the amount of erosion that would occur within this Planning Area." (EA 137)*
- *[A]t the HUC 7, or smaller, scale where peak flows are causing increased channel scour, it would be expected that there would be a localized reduction in aquatic habitat for several winters until streambanks re-stabilize." (EA 138)*
- *"Within the 0306, 0324, 0409, 0418, and 0421 HUC 7 basins, channel scour could potentially occur during and immediately following storm flow events. As a result of the increase in peak flows which could occur under Alternative 2, a minimal increase in turbidity and sediment deposition could be seen at the HUC 7 scale within some tributary streams of Windy Creek and Fortune Branch during the first winter and during high flow events." (EA 140)*
- *"According to the Watershed Hydrology section, increased open space within five HUC 7's could potentially increase peak flows resulting in localized areas of channel instability and increase in the amount of sediment originating from these headwater streams." (EA 144)*

- *"EFH in Wood Creek, which is located within the 0418 HUC 7, would be adversely effected by an increase in peak flows, therefore causing channel instability (including bed and bank erosion) and an increase in sediment at the site level." (EA 144)*
- *"Localized increases in water yields above current levels [from implementing Alt. 3] may still occur within the Fortune Branch 0306 and 0324 basins and Windy Creek 0418 and 0421 basins as a result of harvesting which would occur outside the TSZ. This is because these watersheds would be harvested above 25% of the entire basin, which research has shown to result in increased water yields (Church and Eaton, 2001)." (EA 146)*
- *"Short term, minimal adverse effects to EFH would be expected from road related activities." (EA 147)*

As our comments, and the BLM quotations in this section make abundantly clear, the Westside timber sale does not "restore and maintain the ecological health of watersheds and aquatic ecosystems contained within them on public lands" as required by the Medford RMP and the ACS. Rather, the proposed impacts of your old-growth timber sale threaten to violate the RMP, the ACS, the CWA and the ESA.

BLM Response: KS Wild's disagreement with the analysis in the EA provides no information or evidence of any kind to support its view that project impacts exceed the Medford RMP or ACS and rise to a level of "significance" that would require preparation of an EIS supplementing the EISs that have already been prepared for this action. As the Ninth Circuit has held, "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Further, the Court held that NEPA does not require the preparation of an EIS any time that a federal agency discloses adverse impacts or acknowledges information favorable to a party that would prefer a different outcome. "NEPA permits a federal agency to disclose such impacts without automatically triggering the 'substantial questions' threshold." KS Wild has taken quotations from the EA out of context to support its position that a level of significance has been reached that triggers the preparation of an EIS. When taken in context however, the language in the EA clearly demonstrates that the action does not result in significant impacts. Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005).

Comment 61: While the Glendale timber planners have already elected to ignore our scoping comments and the findings of your own WA in this matter, we once again bring to your attention that the Watershed Analysis found that "A higher level of connectivity should be maintained along the north and south ridges to promote east-west movement of species." WA page 69. Yet the EA proposes logging ancient forests and building roads along the ridges in question.

The contentions on page 194 and 195 that the BLM "considered" an alternative that would have maintained connectivity along the north and south ridge are not supported by the record. Indeed, Appendix 1 simply acknowledges that the WA recommended considering such an alternative but that the ID Team would prefer not to. The extremely cursory justifications for refusing to consider reasonable alternative suggested in the WA that would maintain connectivity does not hold water. It is simply shameful that the agency claims that it needn't develop an alternative that addresses east-west connectivity concerns identified in the WA because connectivity is currently worse than when the WA was written.

BLM Response: The BLM responded to the concern of connectivity in "21" and "24" above. KS Wild states that they do not agree with BLM's responses to their same scoping concerns in Appendix 3 of the EA. As KS Wild mentions, the EA responded to a scoping comment on east/west connectivity on page 204 of the EA by stating:

> The NFP considered the issue of connectivity and developed a system of reserves, connectivity blocks and 100 acre owl core areas. The Medford RMP EIS identified the concern for this east-west swath and stated in the analysis that "[h]abitat loss in these areas due to past logging could have already resulted in a significant loss of connectivity between physiographic provinces and consequent reproductive isolation."
>
> The Westside Project interdisciplinary team determined that the northern ridge does not provide a continuous west to east band of federal land because of heavily harvested private lands to the west, intermingled land ownership and the I-5 corridor, which forms a barrier, and runs north to south at the eastern edge of the Planning Area. The southern ridge also has the same barriers to the west to east movement of species because of intermingled private land and the I-5 corridor.

As KS Wild acknowledges, the BLM considered an alternative for east west connectivity and explained its reasons for eliminating it from further study by stating in Appendix 1, page 172 that

> Connectivity facilitates movement and genetic exchange among individuals of species. The Northwest Forest plan Final Environmental Impact Statement (NFP FSEIS, pp. 3 &4-38-3&4-44) discusses the assumed outcomes regarding connectivity. The NFP considered the issue of connectivity and developed a system of reserves, connectivity blocks and 100 acre owl core areas. The NFP acknowledged that that there was a 66% likelihood of achieving very strong and strong outcomes for connectivity during the first 100 years. This occurs primarily because 100 years is not long enough for cutover landscapes to return to late-successional conditions that approximate prelogging conditions. Many late-successional attributes require 200 to 500 years to develop. None of the 9 alternatives analyzed under the NFP achieved a likelihood of 80% in the Klamath Province, in which Westside is located. It was noted that the NFP reverses the pattern of timber harvest on federal lands over the last 50 years (NFP FSEIS., p. 3&4-45). The Medford RMP EIS identified the concern for this east-west swath and stated in the analysis that "[h]abitat loss in these areas due to past logging could have already resulted in a significant loss of connectivity between physiographic provinces and consequent reproductive isolation" (p. 4-75).
>
> While the Watershed Analysis recommended maintaining a higher level of connectivity the Westside Project interdisciplinary team determined that the northern ridge does not provide a continuous west to east band of federal land because of heavily harvested private lands to the west, intermingled land ownership and the I-5 corridor, which forms a barrier, and runs north to south at the eastern edge of the Planning Area. The southern ridge also has the same barriers to the west to east movement of species because of intermingled private land and the I-5 corridor. There is more opportunity for spotted owl movement along the southern ridge contains a large block of critical owl habitat. .
>
> The Middle Cow Creek Watershed Analysis states that "these recommendations are not to be considered for future management actions…They should not be viewed by the public,

BLM staff or managers as a commitment or as binding on future management. Watershed analysis is clearly not a decision document" (WA. p.65). Any specialist recommendation in the watershed analysis is considered with the larger landscape analysis done through the Northwest Forest Plan and consultation with the US Fish and Wildlife Service and the subsequent Biological Opinion.

Comment 62: The BLM has not analyzed the impacts of its proposal to remove/downgrade 1,019 acres of suitable habitat from this CHU via the Westside, Middle Cow and Boney Skull timber sales. (EA 74) Indeed, the BLM simply presents statistics and numbers, without any analysis of whether your actions will impact NSO reproduction, connectivity, recovery, or take. Even the percentages that you cite are simply wrong. For instance page 74 of the EA contends that removing/downgrading 619 acres of the CHU under Alternative 2 would impact "approximately 2%" of the currently available suitable habitat in the CHU; while the same page also claims that removing/downgrading 565 acres of the CHU under Alternative 3 would impact "approximately 3%" of the current available suitable habitat in this CHU.

The EA virtually ignores the management implications of there being three Barred Owls in the Planning Area and only mentions the fact in passing as a response to public comments. (EA 204)

The EA is silent as to the impacts of climate change, sudden oak death and West Nile disease on NSO recovery.

The EA downplays or ignores significant new information regarding NSO recovery developed since the inception of the NWP and the Medford RMP.

BLM Response: KS Wild's disagreement with the analysis in the EA provides no information or evidence of any kind to support its view that project impacts exceed the Medford RMP or ACS and rise to a level of "significance" that would require preparation of an EIS supplementing the EISs that have already been prepared for this action. KS Wild's comments acknowledge that the Westside EA presented statistics and numbers on the effects to spotted owl suitable habitat and critical habitat for the Westside, Middle Cow and Boney Skull but that KS Wild disagrees. The BLM acknowledges that there was an error in its calculation that there is actually a 2% reduction in suitable habitat under Alternative 3 rather than 3% as provided on page 74 of the EA. Thank you for pointing this out; this has been changed in the EA. Nonetheless, as the Ninth Circuit has held, "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Further, the Court held that NEPA does not require the preparation of an EIS any time that a federal agency discloses adverse impacts or acknowledges information favorable to a party that would prefer a different outcome. "NEPA permits a federal agency to disclose such impacts without automatically triggering the 'substantial questions' threshold." KS Wild has taken quotations from the EA out of context to support its position that a level of significance has been reached that triggers the preparation of an EIS. When taken in context however, the language in the EA clearly demonstrates that the action does not result in significant impacts. Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005).

See Response to "3" regarding northern spotted owls. The BLM responded to similar comments under Appendix 3 of the EA (pp. 202, 203 and 206) regarding new information on spotted owls and barred owls.

Comment 63: *The BLM has not developed an NSO recovery plan as required by the ESA.*

BLM Response: KS Wild should be aware that the Northwest Forest Plan set aside approximately 7.4 million acres, within the 24.4 million acre range of the spotted owl, as late seral reserves (ROD p. A-5). The Northwest Forest Plan designated a combination of land allocations managed primarily to protect and enhance habitat for late-successional and old-growth forest related species, and standards and guidelines for the management of land allocations (ROD A-1). This overall strategy was carried forward in the Medford District RMP. Until a recovery plan is developed on a region wide level, the Northwest Forest Plan serves as a defacto recovery plan. It is outside the scope of the Westside EA to analyze a region wide northern spotted owl recovery plan.

Comment 64: *Thinning will not in fact result in more suitable NSO habitat in the Planning Area. In fact, "Commercial thinning would reduce future recruitment of snags and resulting down wood created from snags by removing suppressed or defective trees, and would decrease the future quality of the habitat to provide optimal nesting structure and optimal prey abundance." (EA 66) 7, emphasis added)*

As stated on page 25 of the 04-08 Bi-Op:

> *Removal and degradation of spotted owl habitat in the Matrix may occur at higher raters than assumed in the NWFP because increasing use of density management affects more acres to meet the projected PSQ. If the PSQ is not adjusted, density management may also lead to more rapid re-entry of stands.* ***This management pattern could produce stands that will never recover spotted owl habitat attributes after the first entry and eventual conversion to young stands with legacy trees;*** *i.e., density management may result in a similar outcome for habitat as regeneration harvest, but arrive there via a pathway and schedule that both accelerate and obscures declines in habitat quality.*
> *Emphasis added.*

BLM Response: BLM responded to this identical concern of commercial thinning in "58" above. KS Wild is aware that the 2004-2008 BiOp has been set aside and a new BiOp was re-issued for this project (log #: 1-15-06-F-0162).

As the Ninth Circuit has held, "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Further, the Court held that NEPA does not require the preparation of an EIS any time that a federal agency discloses adverse impacts or acknowledges information favorable to a party that would prefer a different outcome. "NEPA permits a federal agency to disclose such impacts without automatically triggering the 'substantial questions' threshold." KS Wild has taken quotations from the EA out of context to support its position that a level of significance has been reached that triggers the preparation of an EIS. When taken in context however, the language in the EA clearly demonstrates that the action does not result in significant impacts. Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005).

Comment 65: The contention that the NA alterative would "increase the risk of stand replacement fire within the Critical Habitat Unit" (EA 72) has already been refuted in both the "EIS

Significance" and the "Fire Hazard" portions of these comments. Nevertheless, we add the following peer-reviewed science to the record:

***Attached to these comments** you will find a paper by Dennis Odion that contradicts your claim that the NA alternative "would increase the risk of stand replacement fire within the Critical Habitat Unit". (EA 72) Odion, D.C., E.J. Frost, J.R. Strittholt, H. Jiang, D.A. DellaSala and M.A. Moritz. 2004. Patterns of fire severity and forest conditions in the western Klamath Mountains, California. Conservation Biology 18(4): 927-936.*

BLM Response: As stated previously, many scientific documents, although not cited in the EA, were researched during the preparation of the fire analysis. The study by Odion et al was one such document which was researched but not cited because it did not provide new or unique information in relation to the other documents researched, nor does it provide any information that contradicts the fact that the No Action Alternative would "increase the risk of stand replacement fire within the Critical Habitat Unit." While the study provides information regarding the effects of the "long absence of fire" on fire behavior in the "western Klamath Mountains," it does *not* address the *existing* fire hazard in the *local* project area. Under the Action Alternatives 988 acres are proposed to receive hazardous fuels treatments in order to reduce the *existing* fire hazard. Many of these acres are in CHU and if they are not treated to reduce existing hazardous fuels, the probability increases that when a fire does occur in the area that the fire behavior will exceed the flame length threshold, allowing the fire to grow larger in extent and severity than if the vegetation in the stands had been reduced through hazardous fuel activities.

Although KS Wild lists several excerpts from the study below, they have failed to provide comments that would modify the existing analysis or make factual corrections to the Westside Project EA.

Comment 66: The BLM Must Account for the Recovery of the NSO and Cannot Rely on the 06-08 Biological Assessment.

BLM Response**:** KS Wild's comments are not substantive because they are outside of the scope for the Westside Project EA. Under Section7 of the Endangered Species Act, the BLM is consulting with the USFWS (prepared a Biological Assessment for their review) and a Biological Opinion was issued. KS Wild merely states their objections to the Biological Assessment and evaluation of the Medford RMP Relative to Four Northern Spotted Owl Report. The BLM responded to KS Wild's comment regarding a recovery plan in "63" above.

Comment 67: Alternative 2 would destroy approximately 3,082 acres of LSOG providing potential fisher habitat while Alternative 3 would destroy approximately 2,717 acres of LSOG providing potential fisher habitat. (EA 77, 79)

The USFWS warranted but precluded findings (referenced in the EA 76) contain a detailed review on the conservation status of the fisher, including a comprehensive analysis of threats to the continued existence of the species. 69 Fed. Reg. 18770, 18770 (April 8, 2004). This information is not reflected in the EA's casual treatment of this species. For example, FWS noted that "habitat loss and fragmentation appear to be significant threats to the fisher

None of this scientific literature was discussed in the analysis of the proposed project. Instead, the EA Addendum counts on the ability of the fisher to move out of the way of the proposed activity and relies on "reserve areas" "to provide suitable habitat for fisher and…help maintain future dispersal opportunities throughout the Planning and the Watershed." (EA 79)

BLM Response: KS Wild's comments are all hypothetical and neglect to acknowledge wildlife biologist's assessment that "There are no known sightings in the Glendale Resource Area. The nearest known sightings, from three incidental visual observations (Kerwin, pers.comm.), are approximately 6 km southwest… Approximately seventy remote camera surveys were conducted to protocol (Zielinski and Kucera 1995) in 2002-2005 in the Glendale Resource Area, with no fisher detections. Field surveys and incidental road observations from BLM personnel have also failed to detect this species in the Middle Cow Creek watershed or in any of the other 5th field watersheds within the Glendale Resource Area…Based on nearby surveys and the fragmented landscape, the likelihood of fishers using the Planning Area is low" (p. 78).

However, the EA analyzed the potential effects to fisher habitat and determined on pages 79 and 80that

> Due to the small size and isolation of late-successional forest units from previous harvesting on BLM matrix and private lands within the Middle Cow Creek watershed, it is possible that it may no longer be suitable for resident fishers. The largest late-successional blocks are expected to continue be restricted to LSRs. With the cumulative effects of private harvesting, low BLM ownership and few large patches of BLM late-successional habitat at low elevations, combined with the fisher's natural rareness and slow re-colonization rates of restored habitats, the species is not expected to be well distributed throughout its range (USDA/USDI 1994a, pp. 53, 470). This project would not change the assessment predicted in the NFP.
>
> To summarize, cumulative effects under Alternative 2 are not expected to contribute to the need to federally list the fisher as threatened or endangered. The Proposed Action is unlikely to impact fishers because they are not suspected to occur in the area. While some habitat would be removed or degraded, suitable fisher denning, foraging, and dispersal habitat would remain in the Planning Area. Since fishers are wide-ranging, they can move to minimize disturbance and utilize optimal habitat. Seasonal restrictions for wildlife, soil, and other resources would also benefit fishers by restricting project activities until young are approximately six weeks old. Habitat features, such as large snags and coarse wood would be maintained throughout the Planning Area, which would provide future habitat for denning and nesting. Additionally, late-successional habitat would be maintained throughout the watershed in riparian reserves, 100-acre Known Spotted Owl Activity Centers, connectivity blocks, and 15% late-successional forest retention (RMP, pp.38-40). These reserve areas would continue to provide suitable habitat for fisher and would help maintain future dispersal opportunities throughout the Planning Area and the watershed

Comment 68: The EA lacks analysis and documentation indicating that CWD requirements of the NFP and the Medford RMP will be met. The description of thinning in the EA (66) suggests that standards and guidelines regarding CWD will not be met in harvest units.

BLM Response: The Northwest Forest Plan states that 6-8 trees should be retained for snag and green tree retention (C-42) but that these "limitations do not apply to intermediate harvests (thinnings) in even-age young stands because leaving untreated portions of young stands would retard stand development and be detrimental to the objective of creating late-successional patches" (p. C-41). KS Wild's reference to page 66 indicates a general observation that if you cut some trees there would be effect to wildlife habitat and that those trees would not be available for future coarse woody debris needs, not that the area would be deficient. The Westside EA clearly states on pages 19-20 that all regeneration units are prescribed that

> Within northern (GFMA) General Forest Management Areas, at least 6-8 green conifer trees per acre would be retained. These conifer trees would be selected proportional to the existing species composition and equally across all 20"+ diameter classes present. **One to two additional conifer trees per acre would be retained to ensure meeting coarse woody debris guidelines [bold added for emphasis]**. Large hardwood trees would be retained with an objective of leaving 2-5 trees per acre (RMP, p. 188). For stands within Connectivity/Diversity blocks, 25-30 percent of each block would be maintained in late-successional forest condition and 12-18 green conifer trees per acre would be retained (RMP. p. 40).

Comment 69: The RMP (40) requires the BLM to "retain habitat sufficient to support species of cavity-nesting birds at 40% of potential population levels" within matrix units. The RMP (40) further requires the BLM to "provide snags and future sources of snags to maintain 100 % of the potential population levels of white-headed and black-backed woodpeckers." The EA does not establish that these S&Gs will be met.

BLM Response: Snag retention guidelines for matrix management (USDA/USDI NFP, p. C-42) are expected to meet the needs **of this species where it occurs**. The RMP states that this would be accomplished by unmerchantable snags and culls being retained unless safety hazard and providing 40% of the mean number of snags found in unentered stands (p. 45). The PDF on page 26 states that "All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood. All existing naturally occurring dead and down woody debris, greater than or equal to 16 inches diameter, would remain on site." Page 190 of the EA states that the black-backed woodpecker and white-headed woodpecker **are not present** in the Planning Area, thus KS Wild's suggestion that the EA failed to meet S&G's concerning these non-present species is without merit.

Comment 70: In C/D blocks, the Medford RMP (40) requires the BLM to ensure that "The size and arrangement of habitat within a block will provide effective habitat to the extent possible." This does not appear to have been done in Westside.

Just saying that at least 25% of the block is over 80 years old is not good enough. There must be a variety of ages, which is more than 0 and 80. If there are no stands at 150 years old, the BLM must defer logging of the oldest forests in the block until this age class is met. See the RMP page 75.

Also, C/D block planning was not included in Watershed Analysis. Since the BLM must incorporate C/D blocks within landscape planning analysis, what plan was the BLM going to use, and when?

BLM Response: KS Wild is incorrect in its interpretation of the RMP's C/D block requirements. Further, KS Wild advanced its interpretation of the C/D block requirements in Klamath Siskiyou Wildlands Ctr. v. BLM, 2006 U.S. Dist. LEXIS 9612 (D. Or. 2006), and lost. The connectivity block as a whole would be a patchwork of even aged patches of stands where at least 25% of those stands at any one time should be at least 80 years of age (definition of late successional). It should be noted that riparian reserves and other allocations of late successional forest count toward this percentage. Once stands are regenerated, they will be managed on a 150 year rotation while also meeting the 25% requirement within the connectivity block. The Westside project silvicultural prescriptions identify harvest methods in connectivity blocks (EA, Appendix 4).

Comment 71: The Medford RMP states that "nonsuitable woodlands, which include all landslide prone areas and other unstable soils, are identified as not suitable for timber harvest." (RMP 41) The Westside EA does not identify or analyze any non-suitable woodlands despite the fact that "All of these soils [in the Planning Area] have hazard of compaction and erosion identified as major management limitations in the NRCS Douglas County Soils Survey Manual." (EA 82)

BLM Response: The RMP states that prior to evaluating potential harvest treatments, the existing timber production capability classifications will assist in meeting water quality and soils management objectives (RMP, p. 41). This was done for the Westside Planning Area and no treatments will occur in those areas, such as non-suitable woodlands. The EA fully analyzed the effects to soils on pages 83 -141.

Comment 72: The EA does not adequately analyzed or disclose the impacts of the proposed logging and fuels treatment on migratory bird populations. Cumulative impacts and new information regarding migratory bird populations are absent from the EA.

BLM Response: KS Wild did not raise the concern of migratory birds in their scoping comments, however, the BLM will provide further analysis of migratory birds to the EA.

Comment 73: Please send us the VRM "worksheets" so that the public can provide informed comments about visual resources. The EA's cursory discussion of visual quality indicates that units 25-1, 27-1, 34-2, 34-3 and 35-1 are all designated by the RMP as VRM II. (EA 26) Yet the silvicultural prescription (EA 273) indicates that the BLM intends to log units 27-1 and 34-2 as if they are not VRM II. If the BLM wishes to amend its RMP so as to re-classify visually protected VRM II lands, it must do so in an EIS that explicitly amends the RMP.

BLM Response: The Visual Contrast Rating Forms were sent to KS Wild. KS Wild has not identified where the Westside is not consistent with VRM objectives other than that KS Wild disagrees with timber cutting that the RMP specifically authorizes in VRM lands.

Comment 74: Page 213 of the EA "responds" to the widespread public desire to see remaining old-growth forests protected by contending that "78% of the NFP landscape is already providing you with public land that is not managed for timber production; the public that desires the economic and ecological benefits timber harvest (sic) only has 22% of the public land devoted to their interests." (EA 213) This is an interesting insight into why the BLM ignores public comments, scientific literature and the ecological consequences of its old-growth logging addition. Is the BLM aware that over half of the "reserves" allocated by the NFP have already been logged? Is the BLM aware that the agency is proposing commercial logging of large-diameter canopy trees in

"reserves" in the Westside, Middle Cow, Timbered Rock, and Silver Hawk timber sales? Does the BLM contend that these timber sales in the "reserves" do not provide economic and ecological benefits?

BLM Response: BLM is aware that some of the LSRs had previous logging and as stated in the Middle Cow Creek Watershed analysis (p. 37):

> It is important to note that 45 percent of the LSR is in younger seral stages (less than 80 years old) and another 12 percent is in modified older stands which may provide only marginal habitat for late-successional species. The LSRs were designed to provide a reserve of late-successional forest habitat. But it will be several decades before they are fully functional in that capacity, even without major habitat loss from wildfires, wind or other causes.

The BLM does not propose cutting of large diameter conifer trees in LSRs and there is no programmed timber harvesting. However, silvicultural treatments would be done to "create and maintain late-successional forest conditions, conduct thinning operations in forest stands less than 80 years of age. This will be accomplished by precommercial or commercial thinning of stands regardless of origin" (RMP, p. 33). The WA goes on to discuss the current condition of late successional stands, not accounting for future functional LSRs, by stating:

> There are currently 13,248 acres of late-successional habitat within established reserves, representing 29 percent of the federal forest lands. Reserves include the large LSRs, 100 acre core areas, Riparian Reserve (Map 13), TPCC withdrawn lands and recreation sites. This indicates that even if all the GFMA lands were logged, there would still be more than the required 15 percent of the federal forest lands in the watershed in a late-successional habitat condition.

KS Wild has shown that it is against harvesting large trees and has not shown how the Westside Project is inconsistent with the NFP and RMP.

Comment 75: Rather than actually groundtruth the Planning Area to determine current conditions, the EA relies on "a satellite imagery tool called Medford Change Detection which detects open space acres within watersheds." (EA 103) Reliance on satellite imagery will not allow the decision maker to adequately determine the effects of the proposed action and the attainment of the Purpose or Need. While the BLM is silent as to the accuracy of its satellite imagery, the Forest Service has found such imagery to only be about 80% accurate. See the Ashland Forest Resilience DEIS at II-17.

BLM Response: Medford Change Detection is an extremely sensitive tool for identifying changes in canopy closure. Though this process is not 100% accurate, at the watershed scale this tool provides a much more accurate analysis than could be done with aerial photos because it does not rely on human estimates of open acres. This tool works in conjunction with GIS allowing for a computer program to much more accurately measure and calculate areas where canopy removal has occurred. It works across all ownerships and allows for TSZ boundaries to be defined. It also allows for areas that are naturally open such as rock outcroppings and natural meadows, to be excluded from the analysis. For this project changes of 1 acre or greater were quarried and incorporated into the analysis of unrecovered acres within each watershed. Change Detection was not used to

determine site specific conditions. This tool is used only to determine where timber harvest or fire has removed overstory canopy. Each unit was ground truthed by a BLM specialist to determine if site specific issues needed to be addressed.

The EA states on page 104 that:

> This open space analysis was done using a satellite imagery tool called Medford Change Detection which detects open space acres within watersheds. Only forested acres that would be expected to recover, such as those acres disturbed by timber harvest or wildfire, are considered during this analysis. All "permanent openings" such as historic agricultural lands (older than 32 years), rock outcrops, and other un-forested acres are excluded from this open space analysis based on the determination that channel morphology within these watersheds would have already reached a state of dynamic equilibrium, that accounts for these conditions. The percentage of acres within each watershed that is determined to be in open space condition as a result of the disturbance which has occurred in the past 32 years (This tool does not allow for a separation of age classes at 30 years, so 32 years was used instead), is then compared to research to determine if alterations in watershed hydrology are likely.

The EA also stated on page 134 that:

> Current information on cleared acres since 2002 has not yet been incorporated into the Medford Change Detection GIS system which was used to assess open space between 1974 and 2002. The estimated number of open space acres that occurred between 2002 and 2005, were based on recent field observations. The estimated open space acres for 2002-2005 include observed harvest units and the addition of 25-30 acres of new road, built to access these harvest units.

Comment 76: The cumulative effects "analysis" contained in the Westside EA is inadequate. The EA's treatment of the cumulative impacts of private lands logging, past BLM logging, and foreseeable BLM logging is vague and lacking in detailed discussion or analysis. The EA does not adequately address the site-specific cumulative effects of this action on any of those factors.

The Glendale RA is fond of attempting to "tier-away" analysis of the unique and site-specific impacts of its ubiquitous old-growth logging projects. For instance, in response to the Mr. Wilson IBLA appeal, the Glendale RA asserted that the NFP and the RMP environmental impact statements and decision records addressed the cumulative effects of logging on Matrix lands (Response 7). That is not correct. A plan-level analysis cannot substitute for the site-specific analysis of cumulative environmental impacts required by NEPA. see City of Tenakee Springs v. Clough, 915 F.2d 1308. The Final Environmental Impact Statement (FEIS) supporting the RMP demanded project-level cumulative effects analysis:

Cumulative impacts of logging and road building at Westside, Boney Skull and Middle Cow LSR must be assessed together with past, ongoing, and reasonably foreseeable future actions on adjacent private lands and other BLM lands nearby (40 C.F.R. § 1508.7).

Since the Medford BLM seems committed to ignoring the public on this point, perhaps it will help the agency to "hear" the law from another source. In the recent 9th Circuit holding in Gifford

*Pinchot. If that is not clear enough to the BLM, perhaps the recent 9th Circuit holding in Lands Council v. Powell 2004 U.S. App. LEXIS 16678 at *12-14 will help:*

The Ninth Circuit's decision in Lands Council addresses a NEPA requirement that the BLM continues to flaunt. For instance, other projects in the same CHU as Westside must be analyzed in the cumulative effects "analysis" in EA.

Additionally, the BLM may not defer analysis of cumulative effects to programmatic consultations conducted under the Endangered Species Act (ESA), as it attempted to do in the EA.

BLM Response: KS Wild's comments are similar to "17" in which the BLM responded:

> KS Wild misconstrues the court's holding in City of Tenakee Springs v. Clough, 915 F.2d 1308 (9th Cir. 1990). There, the court held that where several similar projects in a geographic region have a cumulative or synergistic effect, they should be analyzed in a single EIS rather than separate EISs. Notably, separate EISs were at issue in that case, not an EA; moreover, for years, KS Wild has been calling on BLM to prepare a multi-timber sale NEPA document covering several years worth of timber sales, like the one prepared for the Westside Project. Klamath-Siskiyou Wildlands Ctr. v. BLM, 387 F.3d 989, 996 (9th Cir. 2004) (KS Wild arguing that multiple timber sales must be analyzed in a single NEPA document). Further, Tenakee Springs did not do away with the concept of tiering and incorporation by reference, as KS Wild implies in their comment. KS Wild has not identified any other similar project of BLM's that would have a cumulative or synergistic effect which has not been included in the EA covering this project. BLM never stated that the programmatic analysis will "substitute for the site-specific analysis of cumulative impacts analysis," but rather, the BLM has properly recognized the fact that at least two EISs have already been performed that anticipated and analyzed the types of site-specific effects, including cumulative effects, that would arise from carrying out site-specific timber sales like in the Westside Project. Where the *type* of cumulative impact relevant to a particular issue has already been identified and discussed in the programmatic EIS, it does not need to be done over and over again. The Westside Project EA tiers to those documents as specifically permitted and encouraged in the NEPA regulations. See 40 CFR § 1502.20 ("Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions and to focus on the actual issues ripe for decision at each level of environmental review"

The Westside Project EA states on pages 44 and 45 that:

> As the Council on Environmental Quality (CEQ), in guidance issued on June 24, 2005, points out, the "environmental analysis required under NEPA is forward-looking," and review of past actions is required only "to the extent that this review informs agency decision-making regarding the proposed action." Use of information on the effects on past action may be useful in two ways according to the CEQ guidance. One is for consideration of the proposed action's cumulative effects, and secondly as a basis for identifying the proposed action's direct and indirect effects. Past harvest activities such as the Lost Fortune Timber Sale in 1995 have been accounted for under the satellite change detection data used to estimate harvesting the last few decades.

> The CEQ stated in this guidance that "[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." This is because a description of the current state of the environment inherently includes the effects of past actions. The CEQ guidance specifies that the "CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions." Our information on the current environmental condition is more comprehensive and more accurate for establishing a useful starting point for a cumulative effects analysis, than attempting to establish such a starting point by adding up the described effects of individual past actions to some environmental baseline condition in the past that, unlike current conditions, can no longer be verified by direct examination.
>
> The second area in which the CEQ guidance states that information on past actions may be useful is in "illuminating or predicting the direct and indirect effects of a proposed action." The usefulness of such information is limited by the fact that it is anecdotal only, and extrapolation of data from such singular experiences is not generally accepted as a reliable predictor of effects.
>
> Scoping for this project did not identify any need to exhaustively list individual past actions or analyze, compare, or describe the environmental effects of individual past actions in order to complete an analysis which would be useful for illuminating or predicting the effects of the proposed action.

BLM believes KS Wild has incorrectly interpreted the Courts' instruction on the scope of a proper cumulative effects analysis. First, KS Wild's reference to Gifford Pinchot is misplaced because that case involved claims brought under the ESA, not NEPA. Second, the BLM is aware of the Ninth Circuit's decision in The Lands Council v. Bradley Powell, Regional Forester of Region One of the U.S. Forest Service, 395 F.3d 1019 (9th Cir. 2005). The BLM is also aware of the Supreme Court's controlling precedent in Department of Transportation v. Public Citizen, 541 U.S. 752 (2004), in which the Court expressly rejected KS Wild's contention that BLM was required to analyze the incremental impact of actions other than the activities analyzed under the Westside Project. Specifically, the Court held that under 40 C.F.R. § 1508.7, all that NEPA's cumulative effects definition requires is that an agency analyze the incremental effects of its proposed action in the context of other actions—and that an agency need not perform and incremental effects analysis of actions other than its proposed action. As such, BLM complied with the Supreme Court's direction in preparing its cumulative effects analysis here by analyzing the incremental effect of its action, in the context of other past, present, and reasonable foreseeable actions; BLM was not required, as KS Wild suggests, to conduct an independent, incremental effects analysis of actions other than its proposed action.

Further, contrary to KS Wild's comment, the BLM did not "tier away" its cumulative effects analysis. In the Westside Project EA, the BLM specifically addressed the cumulative impacts of the project (see pages 40 – 152).

The EA adequately address cumulative effects of reasonably foreseeable actions. The agencies cannot speculate and analyze cumulative effects for every possible future planning scenario every time a project is proposed. This would be impossible, and is not required by any law. In a recent ruling, the Ninth Circuit held that analysis of future actions is impractical and not required where

not enough information is available to permit meaningful consideration. In EPIC v. USFS the Ninth Circuit interpreted "reasonably foreseeable" as having enough information to permit meaningful consideration and as "contemplated actions become more formal proposals, later impact statements on those projects will take into account the effect of the earlier proposed actions".

Comment 77: *There is widespread social and scientific consensus that the BLM can and should be thinning the 6 billion board feet of 12 inch DBH and smaller trees on the District that could be legally subjected to logging. Please see the BLM's Small Diameter Material Inventory, December 1, 1999, File Code 2430.*

BLM Response: It is outside of the Purpose and Need and scope of the Westside Project to limit harvesting only to thinning 12 inch DBH and smaller trees. As responded earlier, the Westside EA considered KS Wild's alternative of only thinning. See response to "33."

Oregon Natural Resources Council. Oregon natural Resources Council provide over 55 pages of comments. Many of the comments were the same comments KS Wild provided and fully responded to by the BLM (2-77). As mentioned earlier under comment 8 " As the Ninth Circuit held in Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005), "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Further, the Court held that NEPA does not require the preparation of an EIS any time that a federal agency discloses adverse impacts or acknowledges information favorable to a party that would prefer a different outcome. "NEPA permits a federal agency to disclose such impacts without automatically triggering the 'substantial questions' threshold." ONRC's comments present many, if not most, of the EA quotes out of context in order to support its view that this project is significant.

comment 78. *ONRC merely goes on to present three pages of bulletized statements indicating ONRC's disagreement with the analysis in the EA and provides no information or evidence of any kind to support its view that project impacts exceed the Medford RMP or ACS and rise to a level of "significance" that would require preparation of an EIS supplementing the EISs that have already been prepared for this action.*

BLM Response: For each of their bulletized statements that provides a substantive comment, BLM cites where it responded earlier:

- This project involves a large acreage of intensive regen logging methods applied to mature and old-growth forests that are significantly under-represented relative to the historic norm. **(See Response to "1")**
- 1277 acres of spotted owl NRF will be removed by this project, and 1186 acres of spotted owl NRF habitat will be downgraded. Alt 2 also removes 238 acres of suitable habitat, downgrades 381 acres of suitable habitat within a Spotted owl CHU and Rogue-Umpqua Area of Concern. **(See Response to "3")**
- There is significant new information on the Threatened northern spotted owl indicating increasing risks and increasing value of remaining suitable habitat. See supplemental material on the spotted owl. **(See Response to "3")**
- Because of all the significant new information on the spotted owl (barred owl, west Nile virus, sudden oak death, BLM WOPR, fires, inappropriate fuel reduction, etc), the BLM can

no longer rely on the cumulative effects analysis presented in the 1994 FSEIS for the Northwest Forest Plan. Regional monitoring and ESA status reviews are no substitute for a new supplemental NEPA with full disclosure and public comment. **(See Response to "3")**

- Contrary to the assertions in the EA, there is no evidence that logging mature forests accelerates spotted owl habitat functions, in particular the loss of dead and down wood sets back critical features of owl habitat. **(See Response to "58")**
- Spotted owl dispersal opportunities will be significantly impacted because of cumulative loss of habitat on federal and non-federal lands. The EA failed to analyze dispersal impacts based on the fact that owl dispersal needs are best met with habitat resembling NRF habitat. **(See Response to "3")**
- Essential Fish Habitat for Coho and Chinook salmon will be degraded. Coho are also a bureau sensitive species. Lamprey are also at risk and likely adversely affected by this project. **(See Response to "9." Lampreys were analyzed on page 185 of the EA)**
- Habitat for the imperiled Pacific fisher is removed and degraded. **(See Response to "67")**
- Over 100 miles of haul roads will significantly impact water quality and spread weeds **(See Response to "26" and "29")**
- The cumulative impact of extensive canopy removal in a watershed where BLM owns less than 1/3 of the land will significantly impact peak flows and cause significant stream bed erosion. **(See Response to "9")**
- The project will significantly impact red tree voles, one of the spotted owls main prey species, yet the BLM failed to even become fully informed of the potential impact by surveying for them. See supplemental material on RTV attached. **(See Response to "17")**
- Slash would create a short-term increase in fire hazard, opening the canopy to create will create hotter, dryer, and windier conditions causing a longer-term increase in fire hazard that was not adequately addressed in the EA. The extent to which opening the canopy will increase fire hazard in the long-term is a "unique and unknown risk" that justifies an EIS. See supplemental material on the "effectiveness of fuel reduction," and "SW Oregon fire regimes may be unique." **(See Response to "48")**
- The EA admits that regen harvest will increase fire hazard by establishing dangerous canopy fuels close to the ground, but the EA attempted to make this seem no more hazardous than canopy fuels in mature forests, but his analysis failed to account for the fact that 1-8 foot flame lengths have different consequences in different forest types. The fire hazard analysis also failed to recognize that 1-8' flame lengths in reprod is more likely to be stand replacing, while the same flame lengths in mature stands is more likely to be stand maintaining. **(See Response to "35" and "48")**
- The EA failed to recognize that the snag habitat conservation methodology is scientifically outdated and that significantly more snags need to be retained in order to provide adequate snag habitat for cavity associated species and ecological process. See supplemental material on the value of snags and dead wood. **(See Response to "69")**
- Cumulative impacts of non-federal land management in the watershed. In order to compensate for intensive and extensive impacts of non-federal land management in the watershed BLM must better protect old forest, snags, soil, streams and riparian. This proposal would push all these critical resources values further from the historic range of variability. See supplemental material on HRV. **(See Response to "8")**
- Road construction will cause significant impacts on soil, water, wildlife, fire risk, weeds. See supplemental material on roads. **(See Response to "29" and "55")**

- Proposed logging in riparian reserves will violate the ACS because logging is only allowed if "needed" to attain aquatic objectives. In this case, BLM has failed to describe any ACS objective that would not be met in the absence of logging. Multi-layered canopies are not absent in this area, nor are the essential to attainment of the ACS. Contrary to the assertion in the EA, LWD would be captured and removed rather than enhanced by the proposed logging. See supplemental materials on logging in riparian areas and the ACS. The EA says that existing landings within RRA could be expanded (this is surely not needed to achieve ACS objectives). **(See Response to "14")**
- Capturing mortality from riparian and upslope areas will reduce the recruitment of large woody debris which is an essential feature of stream health.
- The EA admits that peak flow increases and channel erosion are expected. This violates the ACS. ("open space (stands with less than 30% canopy cover) in excess of 25% was considered a trigger point for the potential for increased peak flows, especially in instances where more than 25% of the TSZ is also in open condition."). **(See Response to "9")**
- FONSI made before public comment received and considered. The BLM should make a finding of no significant impact after receiving and considering public comment. To do otherwise undermines the objectives of NEPA, including public involvement and informed decision-making. **(See Response to "2")**
- "Satellite change detection" was used as the basis for cumulative impacts, however that analysis is flawed because it failed to account for partial harvest that still downgraded or removed habitat, so the satellite change detection vastly under-reports the true loss of owl habitat due to past logging. The decision-maker cannot make an informed decision based on faulty description of cumulative impacts. The satellite data analysis failed to reveal significant habitat loss of partial removal of habitat. The FWS conducted a study with similar objectives and found far more habitat degradation than the satellite methods, but the EA never attempted to reconcile these disparate results. The satellite-based monitoring report indicates that 17,300 acres of old-growth were destroyed by clearcutting. However, we know from the recent spotted owl status review that 156,000 acres of spotted owl habitat on federal lands have been lost to logging (Note: This figure was corrected to minimize over-counting). This same FWS report shows that, in Oregon, owl habitat on federal land has suffered an 8.5% decline over the last ten years, and in SW Oregon, owl habitat on federal land has declined 21.76%. See FWS 2004. Estimated Trends in Suitable Habitat Trends for the Northern Spotted Owl on Federal Lands from 1994 to 2003. **(See Response to "75")**
- pp 58-59 -- fire hazard associated with regen harvest is excused based on the fact that mature stands are also at risk, but they failed to consider an alternative that would carefully thin those stands from below to reduce fire hazard. the range of alternatives failed to highlight the differing consequences of differing actions. **(See Response to "33")**
- the fire hazard analysis also failed to describe the differing consequences of 1-8' flame lengths in reprod vs mature forest. its more likely to be stand replacing in the younger stand and more likely to be stand maintaining in the older stand. **(See Response to "35" and "48")**
- pp 61-62 -- The EA claims that the RMP considered the fire hazard associated with regen harvest, but this analysis is lacking and fails to account for the heightened concern about fire hazard in the years since the RMP was approved. The RMP actually mandates BLM to modify fuel profiles so as to lower the rate of spread. The plantations that follow regen harvest violate this requirement. The EA should have at least considered an alternative that

would have removed surface and ladder fuels while retaining all large trees and canopy cover that helps maintain a cool, moist microclimate. **(See Response to "44")**

- BLM relies extensively on BMPs which guarantee neither compliance with the CWA nor avoidance of significant impacts on soil and water. **(See Response to "60")**

Comment 79: *The BLM should have considered obtaining timber volume through thinning dense young stands or from careful fuel reduction focusing on surface and ladder fuels.*

BLM Response: As responded in "33" above:

> In the Morongo Band of Mission Indians v. Federal Aviation Admin., parties claiming a NEPA violation involving failure to consider a reasonable alternative must offer a specific, detailed counterproposal that has a chance of success. Also in other cases it was determined that an agency does not have to consider alternatives that are not feasible, Headwaters, Inc., 914 F.2d at 1180-1181 and an agency does not have to consider alternatives that would not accomplish the purpose of the proposed project, City of Angoon v. Hodel 803 F.2d 1016, 1021 (9th Cir 1986).

Comment 80: *The transient snow zone may be broader than assumed due to climate change and the agency must consider new information on snowmelt physics.*

BLM Response: It is outside of the scope of the Westside EA to consider climate change.

Comment 81: *Significant new information on Spotted owls (and Barred owls)*
New information on the Threatened northern spotted owl indicates that there are significant new uncertainties for the owl that have not been fully considered at the regional or local scale. The 9th Circuit ruled in Gifford Pinchot Task Force v. USFWS, 378 F.3d at 1062, that avoiding jeopardy is not enough, that critical habitat is intended for recovery. The Gifford Pinchot case invalidated the FWS's regulatory definition of Adverse Modification of Critical Habitat and found that FWS's application of the erroneous standard in the relevant Biological Opinions was not harmless error. Implications: The decision to approve logging must not be based on an erroneous standard. A change in information, requiring NEPA supplementation "need not be strictly environmental . . . ; the test is whether the new information so alters the project's character that a new 'hard-look' at the environmental consequences is needed." . . . [I]nformation "that does not seriously change the environmental picture, but that nevertheless affects, or could affect, the decisionmaking process, is subject to the procedural requirements of NEPA." Natural Resources Defense Council v. Lujan, 768 F. Supp. 870, 886-87 (D.D.C. 1991).

BLM Response: The BLM responded to the concern of new information on spotted owls in "3" above and the Gifford Pinchot case in "76."

Comment 82: *Red tree voles require greater protection.*

BLM Response: See Response to "14," "17" and page 190 of the Westside EA.

Comment 83: *Red tree voles should have been surveyed.*

BLM Response: See Response to "14," "17." The EA states on page 190 that :

> Bureau Tracking – The red tree vole is likely to be present within project units and the action could potentially remove some habitat trees. However, this species was removed from the Survey and Manage list through the 2003 Survey and Manage Annual Species Review (signed December 19, 2003), because the species was found to be more abundant and widely distributed throughout its range. Potential effects to the red tree vole through project activities are not expected to affect species persistence. As a Bureau Tracking species, surveys, protecting known sites, or other management or mitigation (IM OR-2003-054) are not required.

Comment 84: The agencies lack sufficient information to remove protection for red tree voles. The 2003 Annual Species Review was completely unjustified in removing protection for red tree voles in the central mesic portion of its range because they lack sufficient information on red tree vole biology and ecology to ensure species viability and persistence.

BLM Response: See response to "14" regarding legitimacy of Annual Species Reviews.

Comment 85: Ground based surveys are inadequate.

BLM Response: See response to "83."

Comment 86: Management recommendations require NEPA analysis. Survey and manage "management recommendations" guide and constrain managers and therefore need to have NEPA analysis conducted.

BLM Response: The Westside EA clearly states that the proposed action are in conformance with the *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and* Guidelines (FSEIS, 2000 and ROD, 2001) and amendments or modifications as of March 21, 2004. ONRC has not provided specific information that would either modify the analysis or make factual corrections to the analysis

Comment 87: *SW Oregon fire regimes are unique.Fuel reduction projects in SW Oregon must consider the implications of Odion, D.C., E.J. Frost, J.R. Strittholt, H. Jiang, D.A. DellaSala and M.A. Moritz. 2004. Patterns of fire severity and forest conditions in the western Klamath Mountains, California.*

BLM Response: The BLM responded to the Odion paper in "65."

comment 88: *Concerns about Fuels Management Effectiveness. Logging also has many effects that fires do not have. Soil compaction, roads, weeds, etc. It would be better to just do a controlled prescribed burn at the right time of year without logging. The EA should have considered such an alternative.*

BLM Response: ONRC merely cites numerous articles and individuals to demonstrate their opposition to harvesting. The Purpose and Need of the Westside Project (p. 14) clearly states that

the "need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74)." The appropriate level for this type of analysis to eliminate harvesting was done. An alternative not to harvest trees at this time was analyzed under the No Action Alternative. The EA states on pages 35 and 36 for the No Action Alternative that:

> Selection of this alternative would not meet the purpose and need of the project (described in Chapter 1) of harvesting timber and implementing the Medford RMP at this time. Consideration of this alternative provides the answer to the question of what it would mean for the objectives not to be achieved. Selection of this alternative would not constitute a decision to reallocate these lands to non-commodity uses.
>
> Future harvesting in this area would not be precluded and could be analyzed under a subsequent EA.

Comment 89: Recognize the Many Values of Snags, Decayed Wood And Associated Functions And Species.

BLM Response: The title of this comment represents a list of literature citations and does not include a substantive comment.

Comment 90: New information on Snags.

BLM Response: While ONRC cites various articles on snags, it does not provide new factual information that would change the snag guidelines in the Medford RMP/EIS or provide specific information to modify the analysis in the Westside EA. The Project Design Feature identified in the Westside EA states that "All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood" (EA, p. 26). Since all snags are intended to be left and one to two additional green trees would be left for coarse woody material, Westside would not be deficient in snag retention even with ONRC's new information

Comment 91: The Forest Service now recognizes that current methods and assumption concerning snag habitat are outdated. The agencies need to prepare a EIS to consider a replacement methodology for maintaining species and other values associated with dead wood.

BLM Response: The Medford RMP is specific to activities on BLM managed lands and not Forest Service managed lands. See response to "90."

Comment 92 Consider the following before relying on DecAID

BLM Response: ONRC has not provided specific information in their comments as supported by the fact that the Westside EA did not use the DECAID methodology or even mention this in the analysis.

Comment 93 New information on Pileated Woodpeckers indicates Standards & Guidelines are Inadequate.

BLM Response: The BLM considered pileated woodpeckers though they are a Bureau Tracking Species and not considered a Special Status Species. The analysis of pileated woodpeckers in the Westside Planning Area is found in the Special Status Species List Review and Analysis for the Glendale Resource Area and is a part of the Project Record. While ONRC cites various articles on pileated woodpeckers, it does not provide new factual information that would change or modify the analysis in the Westside EA. While ONRC request that the "EIS must address this new scientific information" it is unclear what EIS document they are referring to, such as the RMP or northwest Forest Plan, since the Westside is an EA. Further, the Project Design Feature identified in the Westside EA states that "All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood" (EA, p. 26). Since all snags are intended to be left and one to two additional green trees would be left for coarse woody material, Westside would not be deficient in snag retention even with ONRCs new information. The concern of pileated woodpeckers was not brought up by ONRC during their scoping comments.

Comment 94: Avoid Regen Harvest

BLM Response: As stated in the Purpose and Need of the Westside project EA:

> The BLM has a statutory obligation under FLPMA which directs that "[t]he Secretary shall manage the public lands . . . in accordance with the land use plans developed by him under section 202 of this Act when they are available . . ." The Medford District's Record of Decision and Resource Management Plan (ROD/RMP, June 1995) guides and directs management on BLM lands.
>
> One of the primary objectives identified in the RMP is implementing the O & C Lands Act which requires the Secretary of the Interior to manage O&C lands for permanent forest production in accord with sustained yield principles (ROD/RMP, p.17).
>
> For sustained yield the Medford ROD/RMP assumed an average annual harvest of 1,140 acres of regeneration harvest and overstory removal the first decade (ROD/RMP, p. 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified regeneration and overstory removal as the primary method of harvest on NGFMA lands (RMP, p 187). Commercial thinning is not a sustainable method of harvest but produces timber and is appropriate where stands are overstocked and to assure high levels of volume productivity.
>
> The need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74).

> The Middle Cow Creek Watershed Analysis (WA, p. 35) estimated that 58% of NGFMA lands within this area are mature and older stands. Approximately 39% of the older stands are over 200 years of age. Individual stands currently have an all aged structure developed as a result of past disturbances such as natural fire or partial cut harvesting. The desired landscape on NGFMA lands within the Westside Planning Area is a mosaic of even-aged stands between 0 and 100 years old, distributed relatively evenly within the watershed, with each age class in approximately even proportions (WA, p. 66).

Comment 95: Plantations are a fire hazard

BLM Response: See response to "40," "41," "42," and "46."

Comment 96: Manage within the Natural or Historic Range of Variability

BLM Response: ONRC has not provided specific information on the natural or historic range of variability that would either modify the analysis or make factual corrections to the analysis.

Comment 97: Manage within the historic range of variability with restoration efforts that increase under-represented elements and reduce over-represented elements.

BLM Response: ONRC's comments are vague and general and lack any site specificity. For instance ONRC suggests that "Certain trees such as Pacific yew, western redcedar, (and Sitka spruce in some areas) are under-represented and need to be planted or otherwise encouraged." Pacific yew and redcedar are generally found in moist areas, generally in riparian areas and are not planted in the drier upland conditions in southern Oregon. Sitka spruce is not found in the Planning Area and is considered a tidewater, coastal, fogbelt species. The Westside Planning Area approximately 40 miles from the coast. ONRC's concern to manage within the historic range has no merit.

Comment 98: Don't Abuse the Historic Range of Variability Concept. The NEPA document repeatedly invokes the concept of "historic range of variability" (HRV) to justify industrial intervention such as logging and roading.

BLM Response: Nowhere in the Westside Project EA or RMP do these documents mention historic range of variability. Also, ONRC suggests that "In the Northwest Forest Plan area and the Interior Columbia Basin, the amount of old forest, large trees and large snags are far below the historic range of variability." The Interior Columbia Basin is over 200 miles north of the Westside Planning Area.

Comment 99: The agency should consider the possibility that the future range of variability is different than the historic range of variability.In other words, we raise the significant possibility that CO2 enrichment, plus cessation of native burning and continuation of fire suppression, plus climate change (different spatial and temporal patterns of wet/dry ad warm/cold) has resulted in a different range of future possibilities relative to the past?

BLM response: It is outside the scope of the Westside EA to analyze the concerns of CO2 enrichment and climate change on the planet.

Comment 100: Avoid Roadbuilding Please The agency should conduct a comprehensive cumulative impact analysis of the impacts of the existing and foreseeable road system.

BLM Response: As mentioned in the EA, there is a net decrease of roads due to decommissioning under Alternatives 2 and 3 and the Mitigation Measures (EA, p. 42). Also as responded to in "32"

> The Westside considered an alternative to build no roads, as analyzed in Appendix 1, but eliminated it from further analysis:
>
> While the Purpose and Need for the Westside Project states that this project was not being developed as a restoration project to reduce road densities, open road density was considered in the harvest transportation system. After harvest is completed decommissioning 0.74 miles of existing roads would have a net decrease of .25 miles under the Proposed Action.
>
> Most of the roads within the Westside Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads.

The EA considered the risk of fires from road access and responded to this concern in "57;" noxious weeds in "26;" and water quality in "55."

Comment 101: The NEPA analysis must address significant new information about the impacts of roads and road construction is controversial, causes significant cumulative impacts and requires an EIS.

BLM Response: ONRC's comment fails to recognize that two EISs have already been prepared for the Westside Project, including EISs for the NW Forest Plan, and the Medford District RMP, which both envisioned this type of activity occurring on these lands, and analyzed the associated impacts. ONRC has not identified any impacts that have not already been anticipated and analyzed under the RMP and NFP that are significant. The Westside Project EA considered an alternative to build no roads, as analyzed in Appendix 1, but eliminated it from further analysis:

> While the Purpose and Need for the Westside Project states that this project was not being developed as a restoration project to reduce road densities, open road density was considered in the harvest transportation system. After harvest is completed decommissioning 0.74 miles of existing roads would have a net decrease of .25 miles under the Proposed Action.
>
> Most of the roads within the Westside Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads.

Comment 102: The November 2000 National Forest Roadless Area Conservation FEIS p 3-30 says that temporary roads are not designed and constructed to the same standard as classified roads and therefore result in a "higher risk of environmental impacts." The NEPA analysis must account for this increased risk of temporary roads compared to permanent roads.

BLM Response: The FEIS that ONRC references is for US Forest Service managed lands, not BLM managed lands as stated in the Forest Service FEIS: "The Forest Service is proposing new

regulations to protect inventoried roadless areas within the National Forest System." The BLM does not have designated roadless areas. See response to "100."

Comment 103: Thinning in riparian reserves. Make sure long-term benefits out-weigh short-term degradation. One of your evaluation criteria should be whether any short-term degradation of ACS objectives is off-set by long-term benefits brought about by the proposed action.

BLM Response: BLM responded to concerns of thinning in riparian reserves and meeting ACS objectives in "14."

Comment 104: The agency seems to claim that the direct sediment input from timber harvest in addition to any other sources of sediment will be sufficiently mitigated by the use of Best Management Practices (BMPs). While the use of BMPs is to be encouraged in timber projects, we note that the use of these measures are not themselves sufficient to ensure compliance with the Clean Water Act (CWA).

BLM Response: ONRC has not specifically identified where the Westside Project is not in compliance with the Clean Water Act. See response to "59." The EA analyzed soil and water quality on pages 83-141 and states on page 183 that "Together erosion from this project would not be expected to cause sedimentation to streams that would be in excess of the Environmental Protection Agency's criteria for surface water quality standards under 304 a(1) of the Clean Water Act or the State of Oregon, because PDFs would limit the amount of erosion, and subsequent sedimentation to streams at the project level (HUC 5 & 6)."

Comment 105: Avoid rather than mitigate soil and water quality. Do not rely on BMPs. In recognition of the vast superiority of prevention over mitigation, the Northwest Forest Plan mandates "Do not use mitigation or planned restoration as a substitute for preventing habitat degradation." WR-3, NWFP ROD page C-37. See also Northwest Indian Cemetery Protective Ass'n v. Peterson 795 F.2d 688, 697 (9th Cir. 1986) (holding that compliance with BMPs does not equate to compliance with water quality standards). Most agency evaluations claiming to support the effectiveness of BMPs are not scientifically credible and lack statistical rigor.

BLM Response: The Ninth Circuit has rejected the position. stated above. Native Ecosystems Council, 428 F.3d at 1233. ONRC alleges that BMPs "are not scientifically credible and lack statistical rigor." Contrary to ONRC's assertion, the BLM need not mitigate or completely prevent any adverse effects from this timber sale; as the Ninth Circuit held in Native Ecosystems, an EIS is not required merely because an agency's EA discloses that an action will have adverse effects on the environment. The agency may rely upon mitigation measures if they were a part of the original proposal. That is precisely the situation in the Westside Project as PDFs have been incorporated into the design of the alternatives. Thus, there is no apparently dispute that there are reasonably assurances that the mitigation measures identified in the EA will be carried through to the timber sales.

Comment 106: Address The Causes And Consequences Of Soil Erosion And Sedimentation.

BLM Response: The Westside EA thoroughly analyzed the potential effects of soil erosion and sedimentation on pages 83-141 of the EA. ONRC has not provided new site specific information, such as other mechanisms of transporting sedimentation into Westside Planning Area streams that

were not already analyzed in the EA. ONRC has not provided specific information on soil erosion and sedimentation that would either modify the analysis or make factual corrections to the analysis.

Comment 107: Retention in the Matrix must be Variabel. Given all the new information on the risks and uncertainties faced by spotted owls, thinning projects in the Matrix should apply variable density thinning techniques because variable density thinning and managing for decadence will help increase the complexity of the forest (structural complexity and plant species diversity) thereby increasing populations of owl prey species and enhancing owl foraging opportunities within owl dispersal/foraging habitat.

BLM Response: The majority of harvesting within the Westside Planning Area would occur in the matrix land allocation. The Purpose and Need of the Westside Project (p. 14) clearly states:

> The need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74)."

Comment 108: Manage for Decadence. One of the big challenges of VDT or any restoration thinning regime, is that thinning tends to "capture mortality," yet the trees that are removed represent future snags and down logs and are valuable (even essential) components of any complex forest. Carey et al. (1999) found that coarse woody debris amounts declined significantly as a result of variable density thinning, especially the higher decay classes, despite the intent of the treatment to leave all existing debris in place."

BLM response: ONRC appears to make a contradictory comment regarding their insistence of variable density thinning in "106" compared to this comment regarding the shortfalls of VDT. See BLM response to snags in "90."

Legacy Lands Project

*Comment 109: These comments are focused upon a single subject with wide ranging regional implications, the need for **biological corridors** running east-west connecting the Cascades with the Coast Range, mitigating the biological barrier posed by Interstate 5. The agency has gone to some effort to inventory wildlife and map corridors e.g. "Glendale R.A. Biological Corridor." Unfortunately, this limited information is used to dismiss corridor opportunities in the Westside project area.*

The best effort we can find is contained in the "I-90 Snoqualmie East EIS". Inside "Fisher Consulting Services" Executive Summary, titled "The Biological Case for Preserving Lands in the I-90 Corridor, July 2000" concludes there are four corridors in this 15 mile stretch of interstate of "critical importance". We are collecting the supporting documentation, notably PNW-RP-549,"Landscape permeability for large carnivores in Washington: a geographic information system weighted-distance and least-cost corridor assessment" by Peter Singleton and others. Does the BLM claim to have reached this depth of analysis?

Another flawed assertion is that corridors are not possible in "Westside" because of fragmentation, checkerboard ownership, logging, etc. No, No. Quoting Fisher, "The Service concluded that protection of wildlife habitat and connectivity was best achieved through land exchanges or purchases that secure large blocks of federal land." The area at Snoqualmie Pass has a highly fragmented ownership pattern, much like Southwest Oregon and the Westside project area.

And finally, the FONSI statement says (paraphrased), the BLM actions do not have region-wide importance. The lack of well developed corridors has an important region-wide impact because the current LSR system suffers from isolation. These islands of old-growth are prone to disease, genetic isolation, stocastic events, etc. unless biological corridors connect them. The NFP system of connectivity blocks rests upon incomplete and now outdated science. The NFP doesn't address corridor design that mitigates Interstate Highway barriers.

The Westside EA will fall unless these issues are addressed. Tiering on corridor issues to the Medford District RMP and NFP is flawed. The I-90 EIS shows how far the science has come in the last decade. Particular BLM projects near I-5 are incomplete without tiering to a region wide EIS that is done in partnership with many other agencies and individuals.

BLM Response: It is out of the scope of the Westside EA to mitigate the alleged biological barrier posed by Interstate 5 and analyze land exchanges or purchases that secure large blocks of federal land. The appropriate level for this type of analysis is the Western Oregon Plan Revision that would analyze changes to land use and allocation.

Roxy Hills

Comment 110: *Thin within an experimental tree plantation, remove wildlife fencing, cut trees infected with Armillaria root rot. Do not cut timber, maintain or construct roads, expand rock quarries or replace bridges.*

BLM Response: The BLM agrees with Roxy to thin within an experimental tree plantation, remove wildlife fencing and cut trees infected with Armillaria root rot. The BLM previous responded to similar comments regarding harvesting and road construction:

> The Purpose and Need of the Westside Project (p. 14) clearly states that the "need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74)." The appropriate level for this type of analysis will be done on the Western Oregon Plan Revision that would analyze changes to land use and allocation. An alternative not to harvest trees at this time was analyzed under the No Action Alternative. The EA states on pages 35 and 36 for the No Action Alternative that:
>
> Selection of this alternative would not meet the purpose and need of the project (described in Chapter 1) of harvesting timber and implementing the Medford RMP at this time. Consideration of this alternative provides the answer to the question of what it would mean

for the objectives not to be achieved. Selection of this alternative would not constitute a decision to reallocate these lands to non-commodity uses.

Future harvesting in this area would not be precluded and could be analyzed under a subsequent EA.

American Lands Alliance

comment 111: *The Environmental Assessment calls for logging 3,374 acres including many acres of old growth forest in an area that is so critical to the survival of the spotted owl, salmon, and trout species unique only to the pacific Northwest. The regeneration harvest is virtually a clear cut with inadequate retention levels (6-8 trees per acre). The Middle Cow Creek Watershed is also habitat for steelhead, cutthroat, and rainbow trout as well as coho salmon, which will be damaged by over 10 miles of new logging roads to access the proposed logging areas*.

BLM Response: See Response to "1." American Land Alliance's comment that a regeneration harvest is merely a clear cut is unfounded as clearcuts remove all merchantable trees. The interim definition of old growth published in PNW 447 identified the overstory component of at least 6-8 trees over 32" in diameter or 200 years and older. Regeneration harvesting would retain a large tree component as stated in the RMP that "Large conifers reserved would proportionally represent the total range of tree size classes greater than 20 inches in diameter." See response to "9" regarding fish and response to "55" regarding roads.

Pacific Rivers Council

Comment 112: Pacific Rivers Council's key concerns about the Westside Project are:

1. *The project is based on unfounded assumptions regarding the risks and benefits of the proposed riparian thinning treatments.*
2. *There is no basis to find that acknowledged harmful effects to aquatic resources at the 7th field scale are not detectible and harmful at the 6th field scale.*
3. *There is an inadequate basis to find that the harmful effects to aquatic resources at the 7th field scale are permitted under the ESA or the Clean Water Act*
4. *The project does adequately evaluate the increased risk of harm to aquatic ecosystems from management-induced mass wasting.*
5. *The action is not consistent with Watershed Analysis findings, as required by the Northwest Forest Plan.*
6. *We concur in the arguments made by other commenter that his project requires an Environmental Impact Statement.*

Because Pacific Rivers Council is concerned about federal policies over-selling the benefits of fuels treatments across the west, we are in the process of publishing a report entitled "The Watershed Impacts of Forest Treatments to Reduce Fuels and Modify Fire Behavior," (Jonathan Rhodes, 2006, in press). We would like to take the liberty of sharing some of this report's key findings with you here:

BLM Response: Pacific Rivers Council has not identified specific flaws in the Westside Project EA. While the BLM appreciates their willingness to share information, the findings provided by the

Pacific Rivers Council are self-admittedly not published and are therefore not adequately peer-reviewed. Also, the Pacific Rivers Council provides no substantive information below that requires further or revised analysis in the EA.

Comment 113: *The project is based on unfounded assumptions regarding the risks and benefits of the proposed near-stream silvicultural treatments. Overall, there is no basis in the record to find that the ecological benefits of the proposed treatments outweigh the risks. For example, any assumptions about how thinning accelerates development of large trees available for stream recruitment must be documented. See e.g. Roni et al (2002) (finding that while thinning can benefit LWD recruitment where existing trees are small, thinning can also retard LWD recruitment where trees are already large enough to help form pools).*

BLM Response: The EA clearly states that there is a 25' no treatment buffer along streams and from 25 -60' only fuels treatments would occur. As stated on page 21 of the EA:

> The objective of riparian thinning treatments is to create a stand that is on a trajectory to reach a late-successional condition. Many of these units are dominated by smaller diameter stands of Douglas fir and some hardwoods. Most stands are lacking large wood debris, downed logs, and large tree structure. The treatment would reduce competition on the retained trees for light, nutrients, water and growing space. These trees would develop larger canopies, display better vigor and put on diameter growth faster then if left untreated. Canopy gaps would also be created in these zones to promote multiple-layered stands and promote species diversity that is a key element in late-successional habitat.

Comment 114:

a. *Forest fuel reduction treatments are not universally effective in reducing fire severity, restoring fire regimes, or reducing the ecological effects of higher severity fire. In most forest systems, such treatment benefits are highly unlikely, due to the transience of treatment effects on fuels, combined with the patchy nature of fire and its relatively restricted occurrence annually. The transient effects of treatments on forest fuels (Kauffman et al., 2004; Graham et al., 2004), coupled with the relatively low probability of higher-severity fire, makes it highly unlikely that the treatments can potentially reduce fire severity – largely because it is unlikely that fire will affect treated areas while fuel levels are reduced.*
b. *Mechanized fuel treatment practices can exacerbate fire severity, adding to the collateral damage to watersheds and aquatic resources caused by the treatments (Agee, 2003), as documented by Raymond (2004) in Southwest Oregon*
c. *In many situations, the adverse aquatic impacts of fuel reduction treatments will not be offset by reductions in fire severity and consequent watershed impacts. Fuel treatments have been documented to be ineffective at reducing fire severity under some weather conditions (Martinson et al., 2003; Graham et al., 2003; Romme et al., 2003a). The treatments are almost always ineffective in some prevalent forest types (Veblen, 2003; Schoennagel et al., 2004a; Noss et al., 2006). Although the variability in treatment effectiveness makes it difficult to generalize across all forest types, the overall effectiveness of fuel treatments remain remains largely unsubstantiated by field data, especially at larger scales (e.g., CWWR, 1996; DellaSala and Frost, 2001; Carey and Schumann, 2003; Graham et al., 2004). Many fuel reduction practices are unlikely to reduce fire severity or consequent ecological effects and can, instead, increase fire severity (Raymond, 2004; Agee*

and Skinner, 2005). In some forest types, there are no sound scientific bases for fuel treatments (Baker et al., 2001, Veblen, 2003; Schoennagel et al., 2004a; Noss et al., 2006).

d. *Mechanized fuel treatments cannot be assumed to eliminate high severity fire, nor can it be assumed that untreated areas will burn at high severity, if left untreated. In contrast, there is complete certainty that a single iteration of mechanized fuel treatments cannot persistently reduce fuels and future fire severity (Kauffman et al., 2004; Graham et al., 2004; Agee and Skinner, 2005).*
e. *There are no reliable data indicating that "Best Management Practices" (BMPs) can reduce the adverse effects of significant soil and vegetation disturbance on aquatic resources to ecologically negligible levels, especially within the context of currently pervasive watershed and aquatic degradation (Ziemer and Lisle, 1993; ISG, 1999; Espinosa et al., 1997; Beschta et al., 2004). BMPs are often not implemented to the degree promised in environmental analyses, and where they are implemented the execution may be slipshod and/or ineffective. Activities implemented with somewhat effective BMPs still often contribute to negative cumulative effects. Just as the "divine implementation" of BMPs cannot be justifiably assumed (Espinosa et al., 1997), it cannot be reasonably assumed that mechanized fuel treatments will be applied consistent with the best available information on how to reduce fire severity.*
f. *Road construction, use, and maintenance are inexorably linked to mechanized fuel treatments and are also known to be among the primary sources of aquatic damage on public lands. Similarly, the construction and use of landings, which have impacts similar to roads, are also inextricably intertwined with mechanized fuel treatments.*
g. *The most critical context for assessing the significance of additional watershed and aquatic degradation that will be caused by treatments is that any additional damage is superimposed on watersheds and aquatic systems that are already pervasively degraded biologically and physically. This pandemic and severe aquatic damage has rendered many aquatic species wholly imperiled due to enormous extirpations throughout their historic range. This has resulted in tremendous reductions in the range and abundance of these species and, consequently, severe population fragmentation, which further threatens their persistence (Propst and Stefferud, 1997; Shepard et al., 1997; ISG, 1999; USFS and USBLM, 1997a; USFWS, 1998; Bradford, in press). In particular, roads have been consistently singled out as a primary cause of the reduced range and abundance of many aquatic species, not only in the West, but across the continent (CWWR, 1996; USFS and USBLM, 1997a; Trombulak and Frissell 2000; Kessler et al., 2001; Angermeier et al., 2004). Czech et al. (2000) estimated roads in the U.S. contribute to the endangerment of some 94 aquatic species.*

As a matter of policy, PRC is wary of fuel treatment projects because they have chilling effects on some priority restoration needs, such as the need to reduce the extent and negative impacts of roads, which has been consistently identified in numerous scientific assessments as a vital step to restoration (USFS et al., 1993; Rhodes et al., 1994; Beschta et al., 2004).

BLM Response:

a. The Pacific Rivers Council fails to define characteristics exhibited by "most forest systems" but apparently perceives the local project area as falling into this category nonetheless, with no regard to performing comparisons of the local characteristics to the characteristics of "most forest systems."

The BLM agrees with the claim that "Forest fuel reduction treatments are not universally effective…" However, the EA clearly shows the effectiveness of the hazardous fuels reduction treatments in reducing fire behavior *in the local project area*:

> In the long term, after the slash is mitigated, the fire hazard in these stands is decreased because implementation of these treatments results in a Timber Group fuel model 8 or 9. The stands prior to treatment have the potential to far exceed the fire behavior threshold of a 4 foot flame length, while the stands after treatment fall within the threshold with flame lengths of only 1 to 2 feet (Table 3-2) [EA, page 55].

b. The Pacific Rivers Council fails to provide specific evidence found in the Agee or Raymond documents that support their claim that "Mechanized fuel treatment practices can exacerbate fire severity." They also neglect to show any lack of analysis provided by the EA.

c. The Pacific Rivers Council fails to define "some weather conditions" and neglects to analyze how the statement "Fuel treatments have been documented to be ineffective at reducing fire severity under some weather conditions" shows a lack of analysis provided in the EA. The Pacific Rivers Council fails to define "some prevalent forest types" and neglects to analyze how the statement "The treatments are almost always ineffective in some prevalent forest types" shows a lack of analysis provided in the EA.

d. The BLM does not assume *or propose* that a "single iteration of mechanized fuel treatments" will "persistently reduce fuels and future fire severity." As the EA states to the contrary:

> These treatments are considered to have long term effects because once the initial treatment is completed (i.e. the slash is burned or otherwise removed from the site) **the stands are expected to be maintained through subsequent treatments such as underburning**

e. The Pacific Rivers Council fails to provide any specific evidence contrary to: "Best Management Practices" (BMPs) can reduce the adverse effects of significant soil and vegetation disturbance on aquatic resources to ecologically negligible levels…" nor any evidence or support for the comment "…BMPs are often not implemented to the degree promised in environmental analyses, and where they are implemented the execution may be slipshod and/or ineffective." In fact, all of the comments in the above paragraph are reduced to unsubstantiated personal opinion due to the lack of specific evidence provided.

f. The EA proposes no new road construction, road maintenance, or use of landings in association with hazardous fuel treatments, rendering the Pacific River Council's statements that these activities are "inextricably intertwined" completely untrue. It is true that hazardous fuel treatments are associated with *road use*, but the Pacific Rivers Council fails to provide evidence as to how hazardous fuels treatments in relation to road use effect "aquatic damage."

g. The Pacific Rivers Council again fails to connect any of the information in the above paragraph with the analyses in the EA, nor do they provide any evidence that the analyses in the EA are inadequate in any way. In fact, the EA provides "the most critical context" that the Pacific Rivers Council speaks of through thorough cumulative effects analyses.

Comment 115: The proposed mitigations for riparian management impacts, such as the 25 no touch zone, may not be effective given the fact that most riparian areas are already degraded and criss-crossed by roads. Yet this project proposed to create "canopy gaps" within riparian reserves, and that some trees in the no-harvest portion of riparian reserves will be illegally "knocked over during falling and yarding" activities. The proposal also calls for expanding landings into riparian reserves, reducing LSOG canopy closure in and allowing heavy equipment to be operated in both riparian reserves and in wet stream crossings. There is no analysis to demonstrate now these management actions further the goals of the NWFP beyond the contention that they will "create a stand that is on a trajectory to reach a late-successional condition." (EA 21). Simultaneously, the EA states that "thinning would reduce future recruitment of snags and resulting down wood created from snags by removing suppressed or defective trees, and would decrease the future quality of the habitat" for imperiled bird species. Such impacts do not contribute to the attainment of late-successional characteristics or further the goals of the ACS as contemplated by the NWFP.

BLM Response: Pacific Rivers merely quotes the EA's disclosure of impacts, and points to these disclosures as evidence that an EIS is needed. As the Ninth Circuit held in Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005), "simply because a challenger can cherry pick information and data out of the administrative record to support its position does not mean that a project is highly controversial or highly uncertain." Further, the Court held that NEPA does not require the preparation of an EIS any time that a federal agency discloses adverse impacts or acknowledges information favorable to a party that would prefer a different outcome. "NEPA permits a federal agency to disclose such impacts without automatically triggering the 'substantial questions' threshold." KS Wild's comments present many, if not most, of the EA quotes out of context in order to support its view that this project is significant.

As the Ninth Circuit has recently stated and reaffirmed, CEQ regulations do not anticipate the need for an EIS anytime there is *some* uncertainty, but only if the effects of the project are "highly" uncertain. See Envtl. Prot. Info. Ctr. v. U.S. Forest Service, 451 F.3d 1005 (9th Cir. 2006) (citing Native Ecosystems, 428 F.3d at 1240). As presented in the comment above, the EA acknowledges *some* uncertainty, but goes on to state that "For this reason, erosion, and subsequent stream sedimentation, has been done in this analysis using the Medford District RMP guidance which states that projects would be in compliance with the Oregon water quality standards, and ACS objectives under the NFP, where BMPs are implemented to minimize the amount of eroded material, and the transport of that material offsite (RMP, 151)" (EA, p. 96).

The BLM previously clarified a similar comment regarding snag recruitment in response to comment "58." While there might be a potential of loss of snag recruitment for owls, green tree retention and snag retention guidelines were developed in the NFP for many species and that leaving green tree patches "does not apply to intermediate harvests (thinnings) in even-age young stands because leaving untreated portions of young stands would retard stand development and be detrimental to the objectives of creating late-successional patches" (NFP ROD, p. C-41). The EA also clarifies Pacific River's concerns by stating that:

> If harvesting is deferred, older stand development would additionally contribute greater amounts of standing and downed wood. However, stands would likely be reviewed under future actions for harvesting and would not likely support additional productive owl sites. With no thinning, the trajectory of some stands to grow into better suitable habitat would continue at a slower rate than if stands were thinned.

Comment 116: There is no basis to find that acknowledged harmful effects to aquatic resources at the 7th field scale are not detectible (and harmful) at the 6th field scale.

BLM Response: See response to "9."

Comment 117: There is no basis to find that harmful effects to aquatic resources at the 7th field scale are permitted under the ESA, or the Clean Water Act. In streams listed but lacking a TMDL, the BLM has a legal obligation to ensure that no further degradation of the water quality parameters for which streams are listed occurs due to management actions.

BLM Response: There are no threatened and endangered fish species within the Westside Project Planning Area.

As mentioned on page 22 of the EA regarding TMDL:

> Where treatments occur between 25-60 feet of the stream, angular canopy density would remain close to existing levels to protect stream shading. A 60 foot buffer was found to protect nearly all shade characteristics necessary to maintain or improve stream temperatures (NFP Temperature TMDL Implementation Strategies, US Forest Service and BLM, 2005). Understory trees, which are not providing shade, would be treated within this buffer to reduce fire hazard and to improve the vigor of the remaining overstory trees by increasing available growing space, water, and nutrients.

Comment 118: We were alarmed by the sloppy analysis and logical disconnects embedded in the agency's statements with regard to water quality standards. For example, at page 108 the EA states that sediment increases in Wood Creek are not measurable at the 6th field level, and that "[a]s such, it does not appear that these HUC 7 level effects are currently resulting in a measurable impact to beneficial uses at the HUC 6 level." This statement makes two mistakes: it assumes that water quality standards are only relevant at the 6th field level (which contradicts statements made elsewhere in the EA), and that a detectible numeric sediment measurement is necessarily the same unit that is used to assess protection of beneficial uses. Both assumptions are wrong. See also text at page 98 stating that "[i]n-stream channel scour would be expected to cause increase (sic) sediment and turbidity within some HUC 7 watersheds. However, ODEQ water quality standards are measured at the project level, and it would not be expected that these HUC 7 effects would be measurable at the project level, the larger HUC 6 scale (sic)." (See also page 97 where the EA states that "the effects of in channel erosion would be expected to result in sedimentation that could affect localized beneficial uses," acknowledging that beneficial uses are relevant at the site level). This action should not be approved without a clearer understanding of the scales at which water quality concerns must be addressed.

We suggest that beneficial uses -- such as resident fish, salmonid spawning and rearing, and other aquatic life -- must logically be fully protected at all scales which are ecologically significant to those uses, i.e. all of the scales mentioned.

BLM Response: There are three categories of fisheries management the BLM is obligated to in the Westside project area - Special Status Species, Essential Fish Habitat and general Fisheries Management as required by the RMP. The objectives for these designations include:

> The BLM objective for Special Status Species management is to manage for the conservation of Bureau sensitive species and their habitat so as not to contribute to the need to list and to contribute to the recovery of the species (RMP, p. 51).
>
> The BLM objective for fisheries management is to maintain or enhance the fisheries potential of streams and other waters (RMP, p. 49). Chinook, coho, steelhead, and resident rainbow and cutthroat trout are located within the Westside planning area and fall under the BLM fisheries management.
>
> The BLM objective for Essential Fish Habitat (EFH) management is to identify, conserve, and enhance EFH as directed by the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267).

Fish habitat at all scales including site specific locations, 7th fields and 6th fields in the Westside project area would be maintained and protected. Potential negative effects to fish habitat would be minimized in the Westside project through riparian reserve management buffers, PDFs, BMPs, the RMP, and the Northwest Forest Plan.

Comment 119: The project does not adequately evaluate the increased risk of harm to aquatic ecosystems from management-induced mass wasting.

BLM Response: See response to 115. There is no road building on steep slopes as stated on page 99 of the EA "the .49 miles of permanent road is along a ridge and should have very little hydrologic impact."

Comment 120: Action is not consistent with Watershed Analysis findings, as intended by the Northwest Forest Plan.

BLM Response: The Westside project is not a restoration project. See response to "14" and in Appendix 3 of the EA (p. 196) which stated that:

> As stated on page 10 of the EA "The *Middle Cow Creek Watershed Analysis* is incorporated by reference. Watershed analysis is an analytical process and not a decision-making process as provided in the Record of Decision for the Northwest Forest Plan (p. B-20)." The Middle Cow Watershed Analysis was considered in the Westside Project analysis. The Purpose and Need section cites the WA that "[t]he Middle Cow Creek Watershed Analysis (WA, p. 35) estimated that 58% of northern GFMA lands within this area are mature and older stands. Approximately 39% of the older stands are over 200 years of age. Individual stands currently have an all aged structure developed as a result of past disturbances such as natural fire or partial cut harvesting. The desired landscape on NGFMA lands within the

> Westside Planning Area is a mosaic of even-aged stands between 0 and 100 years old, distributed relatively evenly within the watershed, with each age class in approximately even proportions (WA, p. 66)."

comment 121: But in the Westside EA, the BLM ignores its own Watershed Analysis. The EA acknowledges that roads are the largest source of chronic sediment in the watershed and that existing road density between 3.9-5.1mi/mi already far exceeds NMFS' 2 mi/mi^2 road density criteria for "not properly functioning." (EA at 136). The watershed analysis recommendations support actions which "allow the watershed to recover," not logging, road and landing construction and hauling that increase sedimentation in an already sediment-impaired watersheds. To the contrary, the WA states that, "An aggressive effort should be made to reduce open road densities in the watershed through decommissioning, barricading and gating." (WA at 67).

BLM Response: BLM responded to this similar comment in "55" and "58." As stated in the EA:

> While the Purpose and Need for the Westside Project states that this project was not being developed as a restoration project to reduce road densities, open road density was considered in the harvest transportation system. After harvest is completed decommissioning 0.74 miles of existing roads would have a net decrease of .25 miles under the Proposed Action [EA p. 173]
>
> Most of the roads within the Westside Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads [EA p. 173].

Cascadia Wildlands Project (CWP) and on behalf of ONRC, Siskiyou Project, Umpqua Watersheds and the Klamath-Siskiyou Wildlands Center.

Comment 122: Unfortunately, the Westside Project and countless other reckless logging jobs proposed by the Glendale Resource Area will continue to polarize communities in Oregon. From an ecological/forest health standpoint, this is one of the worst timber sales I have reviewed in years, and unless you do a drastic about-face before a decision is made, this project will end up in the courtroom and you will continue to fuel public distrust of the BLM. The project calls for 1,515 acres of regeneration harvest (clearcuts with token leave trees) and overstory removal (finish clearcutting an areas remaining older trees) of mature and old-growth forest; 1,176 total acres of removal (238), down grading (381) and degrading (557) of Critical Habitat for northern spotted owls.

BLM Response: See BLM response to "1"

Comment 123: NEPA requires and EIS: You determined that "alternative 2 (proposed action) is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 (EA p. 5). You also state that the 4,362 acres of BLM forest at issue "does not have international, national, region-wide or state-wide importance" (EA p. 5).

To make this blanket statement proves the BLM is way out of touch with the American public, those of us who live in the region and those in the world that have recognized the importance of protecting remaining older forests in the Pacific Northwest.

BLM Response: See response to "2" and in "4": BLM does not believe that there is any true "social consensus" regarding the BLM's management of timbered lands in Oregon. If there is indeed any "social consensus," it is found in the Congressional directive of the O&C Act to produce a sustainable supply of timber from these lands. Until Congress provides different direction, BLM will continue to follow present management direction. Further, mere public opposition does not somehow preclude a FONSI and trigger the need for yet another EIS. See Cold Mt. v. Garber, 375 F.3d 884, 893 (9th Cir. 2004). Again, BLM's disagreement with Cascadia's comments does not mean that BLM "ignored" those comments, or did not consider them; in fact, BLM exhaustively considered all of the scoping comments received for this project.

Comment 124: *Also it is unclear what your threshold is to compel an EIS. Why would this project, which is much grander in scope and recklessness than the Kelsey-Whisky project, not require and EIS like Kelsey did? By doing this, you are sending mixed messages to your constituencies about what constitutes significant impacts and also creating contradicting policies that muddy the NEPA process.*

BLM Response: See response to "3."

Comment 125: *The BLM rightly discusses the need for hazardous fuel treatments, which are "designed to reduce the existing fire hazard posed by dense younger stands and older stands with dense understories… These treatments reduce the amount of surface and ladder fuels present, thereby reducing the existing fire hazard" (EA p. 54). But why then would the BLM, after recognizing the fire hazard past clearcutting has created, continue to plan regeneration harvesting of older, fire-resistant forests? This is backwards thinking, and seemingly arbitrary and capricious and against the law.*

BLM Response: In regard to fire hazard, the BLM has thoroughly this subject on pages 45-62 of the EA and under responses to comment in "5," "6," and "7" and concluded that "the action may result in the long term cumulative effect of a **decrease** in fire hazard on approximately 3,740 acres under either Action Alternative (page 62)."

As stated in the Purpose and Need section of the EA and responded to in "94":

> The BLM has a statutory obligation under FLPMA which directs that "[t]he Secretary shall manage the public lands . . . in accordance with the land use plans developed by him under section 202 of this Act when they are available . . ." The Medford District's Record of Decision and Resource Management Plan (ROD/RMP, June 1995) guides and directs management on BLM lands.
>
> One of the primary objectives identified in the RMP is implementing the O & C Lands Act which requires the Secretary of the Interior to manage O&C lands for permanent forest production in accord with sustained yield principles (ROD/RMP, p.17).

For sustained yield the Medford ROD/RMP assumed an average annual harvest of 1,140 acres of regeneration harvest and overstory removal the first decade (ROD/RMP, p. 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified regeneration and overstory removal as the primary method of harvest on NGFMA lands (RMP, p 187). Commercial thinning is not a sustainable method of harvest but produces timber and is appropriate where stands are overstocked and to assure high levels of volume productivity.

The need for harvest treatments in the Westside Planning Area is to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74).

The Middle Cow Creek Watershed Analysis (WA, p. 35) estimated that 58% of NGFMA lands within this area are mature and older stands. Approximately 39% of the older stands are over 200 years of age. Individual stands currently have an all aged structure developed as a result of past disturbances such as natural fire or partial cut harvesting. The desired landscape on NGFMA lands within the Westside Planning Area is a mosaic of even-aged stands between 0 and 100 years old, distributed relatively evenly within the watershed, with each age class in approximately even proportions (WA, p. 66).

Comment 126: Central to an EA or EIS is an analysis of alternatives to the proposed action. NEPA regulations direct that EAs follow the same guidelines as environmental impact statements regarding alternatives. 40 C.F.R. § 1508.9(b). These guidelines direct the agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E).

BLM Response: See response to "2," "33," and "59." The National Environmental Policy Act directs federal agencies to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources (Oregon Natural Desert Ass'n v. Singleton, 47 F.Supp.2d 1182, 1194 (D.Or. 1998). Parties claiming a NEPA violation involving failure to consider a reasonable alternative must offer a specific, detailed counterproposal that has a chance of success. In the Morongo Band of Mission Indians v. Federal Aviation Admin., parties claiming a NEPA violation involving failure to consider a reasonable alternative must offer a specific, detailed counterproposal that has a chance of success. Also in other cases it was determined that an agency does not have to consider alternatives that are not feasible, Headwaters, Inc., 914 F.2d at 1180-1181 and an agency does not have to consider alternatives that would not accomplish the purpose of the proposed project, City of Angoon v. Hodel 803 F.2d 1016, 1021 (9th Cir 1986).

Comment 127: The Westside Project is very troublesome for northern spotted owls. The EA documents 13 known historic sites in the planning area and states "lack of consistent nesting and low reproduction are indicators of low-quality nesting conditions in the planning area. The generally poor quality of nesting habitat is also identified in the Middle Cow Creek WA in which it

is noted that sites in the center of the watershed, where the planning area occurs, has had less stable and less productive sites than in the eastern and western portions of Middle Cow Creek" (EA p. 65-65). Why then would the BLM proceed with planning 1515 acres of regeneration harvest (clearcut with leave trees) in suitable northern spotted owl habitat?

BLM Response: See response to "9" and "124." The EA further stated on page 66 that:

> The harvest of 1,515 acres of late-successional suitable owl habitat through RH, GS, OR, and SW treatments would result in a loss of nesting habitat available for alternate nesting sites, reduced prey availability for adults and young, and loss of habitat available for dispersing owls. However, these stands would provide woodrat habitat for 5-10 years (Carey et. al. 1999) for foraging owls along the edges of regeneration harvested units and would develop into dispersal habitat in approximately 30 years.
>
> The Fish and Wildlife Service will analyze incidental take of northern spotted owls by considering the removal, downgrading, or degradation of all suitable and dispersal habitat acres at the Cow Upper Section 7 Watershed level.
>
> Harvesting late-successional stands would reduce the viability of owl sites on matrix lands as anticipated in the NFP (USDA/USDI. 1994a 3&4-241). The effects of loss, degradation and disturbance of habitat due to harvesting, fire, and road construction, manifested in the spotted owl population decline rate, are not greater than was analyzed in the RMP (USDA/USDI 1994, p. 4-78) and NFP (USDA/USDI 1994a, pp. 3&4 -211-234)

Comment 128: The 9th Circuit's ruling in Gifford Pinchot Task Force v. USFWS stated that avoiding jeopardy is not enough, and that critical habitat is intended for recovery. The BLM plans to liquidate, downgrade or degrade 1,176 total acres of Critical Habitat for northern spotted owls.

BLM response: See response to "76."

Comment 129: It is highly possibly that fishers use the forests within the planning area, as these mature and old-growth forests provide ideal habitat for the species. The proposed alternative would remove or downgrade approximately 3,082 acres of potential fisher habitat (EA p. 77) and the EA fails to disclose what this logging proposal would do to southern Oregon populations of fishers let alone document what the current baseline population levels of the species which is necessary to when considering impacts to the species.

BLM Response: See response to "67." Cascadia neglects to acknowledge wildlife biologist's assessment that "There are no known sightings in the Glendale Resource Area. The nearest known sightings, from three incidental visual observations (Kerwin, pers.comm.), are approximately 6 km southwest… Approximately seventy remote camera surveys were conducted to protocol (Zielinski and Kucera 1995) in 2002-2005 in the Glendale Resource Area, with no fisher detections. Field surveys and incidental road observations from BLM personnel have also failed to detect this species in the Middle Cow Creek watershed or in any of the other 5th field watersheds within the Glendale Resource Area…Based on nearby surveys and the fragmented landscape, the likelihood of fishers using the Planning Area is low " (p. 78).

Comment 130: As documented in the EA, currently, Windy Creek HUC 6 sub watershed has 28% in open condition with about 36% of that within the TSZ (EA p. 88). These percentages exceed the threshold outlined for "further analysis" required. The EA discloses that a further analysis was done but mentions nothing of the further analysis. Because this wasn't disclosed, there is no way to conclude what the ramification of logging in the TSZ will do to peak flows and erosion. One assumes it will lead to peak flow enhancements leading to degradation of Essential Fish Habitat downstream. Without this information, it is also unclear how this project meets the objectives laid out by the Aquatic Conservation Strategy.

BLM Response: As stated on page 87, the 25% open space is a trigger point for analysis, not a threshold. Page 88 is found in the Affected Environment section of Soils, Water Quality, and Fisheries. Further analysis was done on pages on page 91 -148, including Essential Fish Habitat. See response to "60."

Comment 131: Maybe I missed it, but I don't see anywhere in the EA where snag levels were addressed. I was unable to find any disclosure addressing snags, impacts to snags or cumulative effects of this project on snag habitat.

BLM Response: See response to "67" and "90."

Comment 132: Why then do you propose further fragmenting the watershed with 1,515 acres of regeneration logging and continuing this trend that you have observed? This project has serious potential to harm the Oregon Coast coho, which NMFS ruled were not warranted for listing under the ESA on January 17, 2006. We believe this decision to delist the coho was not based in science, but rather politics, and believe a relisting under the ESA is not far off.

BLM Response: See response to "124." As you mention, NMFS ruled on whether to list Oregon coast coho salmon. It is outside the scope of the Westside EA to analyze NMFS' decision.

Comment 133: The BLM should have surveyed for red tree voles as this species was illegally removed from the Survey and Manage Program in 2003. There was never any environmental analysis performed to compel this arbitrary decision. This issue is currently in front of the 9th Circuit Court of Appeals.

BLM Response: See responses to "14" and "27."

Comment 134: We would not want to see genuine forest health projects get caught up in litigation. As always, I'm always interested in going out into the field to look at projects we see eye to eye on and ideally advance forward and generate dialog in the process. Please don't hesitate to contact me if you have any questions.

BLM Response: Cascadia was invited to the public meeting for Westside but did not attend. Cascadia has been invited to public meetings and field trips in the past. James Johnston, from Cascadia, was invited and attended three field trips in regard to the Five Rogues Timber Sale, including a Congressional site visit.

KS Wild's Addendum to Westside Timber Sale Comments of 7/24/06. This Addendum was received 16 days after the 30 day Westside comment period ended.

Comment 135: In the Westside EA the Medford District BLM failed to consider the cumulative impacts of the Screen Pass timber sale as planned in the Can Can NEPA planning process by the Roseburg District BLM.

BLM Response: KS Wild is correct that the Westside EA did not disclose the potential cumulative impacts of log hauling from the Screen Pass Timber Sale (Roseburg District) through the Westside Planning Area. The Westside interdisciplinary team evaluated the cumulative effects of the Screen Pass Timber Sale and determined the effects are within those analyzed under the Westside EA. The analysis of potential effects of Screen Pass hauling is found in the Revised Westside Project EA.

Comment 136: The proposed action for the Westside timber sale calls for logging to within one mile of unit 2, and 2.5 miles of unit 1 of Screen Pass timber sale. The Westside sale is in the same South Umpqua Watershed and Cow Creek watershed. The 1.3 mile site buffer (home range) of the Canyon Pass NSO pair includes both Screen Pass units 2 and 3 (46 acres), as well and Westside units in section 2 and 3, R5w T32s.

BLM Response: The Westside Planning Area is entirely within the Middle Cow Creek Watershed. There is no "buffer" described in the NFP or Medford RMP described as a protection measure for northern spotted owls. Based on available radio-telemetry data (Thomas *et al.* 1990), the Service estimated median annual home range size for the spotted owl by province throughout the range of the spotted owl. Because the actual configuration of the home range is rarely known, the estimated home range of a spotted owl pair is represented by a circle centered upon a spotted owl activity center, with an area approximating the provincial median annual home range. Removal of suitable habitat within the home range of owls in matrix lands is analyzed in the NFP (USDA/USDI. 1994a 3&4-241).

Consultation with USFWS on effects to spotted owls is based on the amount of suitable acres at a Section 7 watershed level, available to spotted owl sites as recognized at the time of implementation of the NFP in 1994.

Comment 137: The Westside EA, Middle Cow EA and Screen Pass decision should have disclosed and analyzed these cumulative impacts.

BLM Response: See BLM response to “17” and “135.”

KS Wild’s Second Addendum to Westside Timber Sale Comments of 7/24/06. This Addendum was received 25 days after the 30 day Westside comment period ended.

Comment 138: *We hereby submit the following two documents to the Westside Administrative Record prior to your issuance of a Decision Record/Finding of No Significant Impact (DR/FONSI) for EA OR-118-05-021:*

1. *Rhodes, J.J. 1995. A Comparison and Evaluation of Existing Land Management Plans Affecting Spawning and Rearing Habitat of Snake River Basin Salmon Species Listed Under the Endangered Species Act. CRITFC Tech. Rept. 95-4, Portland, OR.*

2. *Espinosa, F.A., Rhodes, J.J., and McCullough, D. A. 1997. The failure of existing plans to protect salmon habitat on the Clearwater National Forest in Idaho. J. Env. Management 49: 205-230.*

Please note that while both publications address the habitat needs of salmon in the Columbia River Basin, the documents are relevant to the Westside Planning Area because they speak to the hydrological significant environmental impacts of actions proposed in the Westside, Boney Skull, Middle Cow, and Screen Pass timber sales. The Westside EA is deficient in not fully acknowledging the potentially significant impacts of timber harvest and road work on key hydrological functions and aquatic resource conditions, including those set as objectives in the Aquatic Conservation Strategy of the Northwest Forest Plan, such as stream channel substrate, water temperature, sediment dynamics, channel morphology (including bank stability), streamflow conditions, and water quality.

The BLM must consider the scientific information presented in these two studies prior to issuing a DR/FONSI for the Westside EA. These documents provide critical information that calls into question the BLM's conclusion that the Westside, Boney Skull, Middle Cow, and Screen Pass timber sales will not have a significant environmental impact on the aquatic (and terrestrial) resources in the planning area.

BLM Response: KS Wild presents merely a disagreement of opinion; it failed to provide any specific information to show why this project's effects, even where recognized as potentially negative, would rise to a level of significance triggering a need for yet another EIS (Native Ecosystems Council v. U.S. Forest Service, 428 F.3d 1233, 1240 (9th Cir. 2005)) nor has KS Wild presented any information that would suggest any flaws in BLM's selected methodology for analyzing such effects. KS Wild has not provided specific information that would either modify the analysis or make factual corrections to the analysis.

KS Wild's Third Addendum to Westside Timber Sale Comments of 7/24/06. This Addendum was received 28 days after the 30 day Westside comment period ended.

Comment 139: We hereby submit the following document to the Westside Administrative Record prior to your issuance of a Decision Record/Finding of No Significant Impact (DR/FONSI) for EA OR-118-05-021:

1. Our comments of August 4, 2006 regarding the Middle Cow timber sale.
These comments may help the agency address the significant cumulative impacts of the Westside and Middle Cow timber sales.

BLM Response: Responses to comments regarding the Middle Cow LSR Project have been reviewed and responses will be considered and included under the Final Decision Documentation for the Middle Cow Creek LSR Project.