

HAND DELIVERED

August 13, 2014

Forest Plan Revision Team
Blue Mountains National Forests
P.O. Box 907
Baker City, OR 97814
<http://www.fs.usda.gov/goto/BlueMountainForestPlanRevisionComments>

**RE: Forest Service Notice of Proposed Rulemaking and Request for Comments
Concerning Blue Mountains National Forests Proposed Revised Land
Management Plan and Draft Environmental Impact Statement**

Dear Sir/Madam:

The following comments are submitted to the U.S. Forest Service (USFS) on behalf of the Baker County Board of Commissioners (“the County”) in response to USFS’ published notice of proposed rulemaking and request for comment regarding the Blue Mountains National Forests proposed revised Land Management Plan (RLMP) and accompanying draft Environmental Impact Statement (DEIS) (collectively, “Plan”). See <http://www.fs.usda.gov/detail/wallowa-whitman/landmanagement/planning/?cid=stelprd3792957>. Of the three affected forests, Baker County’s comments focus on proposed changes to the Wallowa-Whitman National Forest (WWNF) plan. WWNF comprises 33 percent of the County’s area; thus its management and use is of great importance to our citizens. The County appreciates the opportunity to provide comments as a government body with special coordination privileges. Below, we have specified areas of the RLMP and DEIS that are not consistent with the Baker County Natural Resources Plan. We respectfully request a response that, consistent with the statute surrounding government-to-government coordination, USFS provide us with a response to each of our concerns, including proposed reconciliation between discrepancies (USFS regulations¹; NFMA²; NEPA³).

Given the scope and number of concerns outlined in our submission, the County urges USFS to abandon this planning effort and instead revert to amending the existing plan, taking

¹ “In the event of conflict with Agency planning objectives, consideration of alternatives for resolution within the context of achieving NFS goals or objectives for the unit would be explored.” 36 CFR § 219 National Forest System Land Management Planning; Response to Comments; Final Rule and Record of Decision; 77 Federal Register 68 (April 9, 2012), p. 21197.

² NFMA: “[T]he Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.”

³ NEPA requires that EISs “shall discuss any inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the [EIS] should describe the extent to which the agency would reconcile its proposed action with the plan or law.”

into account new science⁴. The draft RLMP is flawed for two fundamental reasons: 1) USFS failed to consult with the County Commission, and its Natural Resources Advisory Committee (NRAC), when developing the plan, which would have provided a means for avoiding many potential conflicts; and 2) the science purported to support many of the proposed actions does not reflect current scholarship. The plan revision effort should involve coordination with affected counties so that the civil society and communities associated with the national forests are represented in the plan revision. Planning efforts should also establish a mechanism by which such involvement is ensured to continue. The County notes that the public-comment period that preceded development of the RLMP (in which “purposes and needs” were established) did not include adequate consideration of the local government’s concerns. We would welcome the opportunity for the District Ranger and Forest Supervisor to meet with the County Commission and NRAC to lay out a process whereby the County may actively contribute to and engage in the revision process.

The overall planning effort is flawed not only in the range of alternatives, but in the pre-determined definitional changes and parameters that the RLMP proposes for every one of the alternatives. Although we have provided (in the Standards and Guidelines portion of our comments) amendments to “Alternative E,” this does not imply agreement with the planning effort as a whole. It is only meant to point out some of the tremendous weaknesses of the proposed standards and guidelines. We reiterate that USFS should consult with the County and its NRAC to address the numerous and serious flaws we have identified.

Amongst our concerns with the planning effort is the proposal to address three forests with one plan. Each of these forests represents vast acreages whose variances will be difficult enough to address in individualized plans. The needs of citizens affected by each forest also vary, pointing to the necessity of three separate plans. Other problems with the planning effort include (but are not limited to) the Plan’s impossibly small acreages determined to be “suitable” for productive and recreational uses; its proposed expansions of no-management or limited-management areas; its proposal to expand USFS’ authority over water, beyond its legal jurisdiction; and its desired conditions and objectives, many of which exceed USFS’ authority and conflict with Baker County’s Natural Resources Plan (see Appendix A).

I. Contents:

- a. P. 3 – Overarching Concerns
- b. P. 16 – Standards and Guidelines Comments
- c. P. 45 – Wildlife Concerns
- d. P. 50 – Access Concerns
- e. P. 59 – Timber Concerns
- f. P. 67 – Mining Concerns
- g. P. 70 – Grazing Concerns
- h. P. 82 – Water/Watershed/Riparian Area Concerns

⁴ The County notes that there is no scientific basis for retaining the standards found in the “Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales” (“Eastside Screens”). Eastside Screens should be abandoned in light of more up-to-date science and the fact that their implementation has had deleterious effects on our economy and social structure.

- i. P. 87 – Climate Change Concerns
- j. P. 89 – Special Land Designations Concerns
- k. P. 91 – Appendix A – Baker County Natural Resource Plan
- l. P. 92 - Wallowa County Plan – Grazing Utilization Standards for Late Spring/Summer

II. Introduction

a. Baker County Board of Commissioners

The Baker County Board of Commissioners (Board) is charged with governing the County in the best interest of all citizens, its economic base and the natural environment. The citizens of the County rely on *both* public and private land for natural resources, recreation, and the ability to continue our way of life--especially agriculture and livestock grazing, mining, and timber harvest. The WWNF comprises approximately 33 percent of the County's landmass. Therefore, all decisions on the WWNF will affect Baker County's economy, customs, culture, and enjoyment of the land.

The Board recognizes the importance of private property rights, access rights of way, water rights, multiple uses for all public lands within Baker County, and the quality of the natural resources, and that these uses are critical to the economic stability and wellbeing of our citizens. Our Baker County Natural Resources Plan commits to the below principles. These principles are consistent with federal law and, as such, should be followed by USFS in its development of the WWNF plan revision:

1. Revitalization and maintenance of multiple uses on all public lands in Baker County.
2. Multiple use shall be inclusive rather than exclusive, thereby avoiding pitting one use against the other.
3. All plans should mitigate based on multiple use rather than by a resource-by-resource issue.
4. Maintain flexibility in all plans to allow for extraction of natural resources from public lands and to continue to use existing resources in accordance with all laws.
5. Protect and preserve the following rights of all County's citizens, including:
 - a. Private property interests, such as water rights and access to lands, which have ties to public lands,
 - b. Traditional economic structures in the county that form the base for economic stability,
 - c. Historical custom, culture and values of the local people, and
 - d. Enjoyment of the natural resources of the County.

III. Overarching Concerns with the Plan

- a. Too closely reflects 2012 planning rule
 - i. While USFS states the Plan is based on the 1982 planning rule, it reflects many attributes of the flawed 2012 planning rule (demonstrated below).

We do not believe the 2012 rule, which is currently in litigation, should serve as the basis of this Plan.

- b. The DEIS does not follow USFS' Multiple Use mandate. The concept of “multiple use” management is a mandate imposed on USFS by Congress, codified in agency regulations, and affirmed by the courts. USFS must actively promote the stewardship role delegated to it by Congress in legislation spanning more than a century and consistently upheld by the courts. The Plan fails to adequately do so.
 - i. Page iii of the RLMP states, “Public concern is heightened because the management to approach ecological resilience will determine the ecosystem services the Blue Mountains national forests provide.” The public in Baker County really is concerned. Mismanagement and no management—in violation of USFS’ multiple-use mandate—has left hundreds of thousands of acres in poor health and susceptible to insects and fire. The “management to approach ecological resilience” we see in the Blue Mountain Revision is in fact a blueprint for a future Forest with less access, more wilderness, more wildlife corridors and non-motorized areas, wider “riparian” buffers on ephemeral streams, and less timber management. Like the 2012 planning rule, the Plan places priority on things such as climate change, forest restoration and conservation, wildlife conservation, watershed protection, and other uses that ignore the needs of citizens of Baker County and the American people.
 - ii. This is in violation of the multiple-use statutes: National Forest Management Act (“NFMA”), the Multiple Use Sustained Yield Act (“MUSYA”), the National Environmental Protection Act (“NEPA”) and the Forest and Rangeland Renewable Resources Planning Act of 1974.
 1. The Plan must meet requirements under NFMA, 16 U.S.C. §§ 1600-1614, as well as allow the agency to meet its obligations under the MUSYA, 16 U.S.C. §§ 528-531. NFMA provides that “[i]n developing, maintaining, and revising plans for units of the National Forest System . . . the Secretary shall assure that such plans—(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the [MUSYA], and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish and wilderness. . . .” 16 U.S.C. § 1604(e). The MUSYA provides that “[i]t is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.” Id. § 528. MUSYA, in defining “Multiple use,” states that “the various renewable surface resources of the national forests” are to be “utilized in the combination that will best meet the needs of the American people.” NEPA, as recognized in the DEIS, is “An act to declare a national policy which will encourage productive and enjoyable harmony between humankind and the environment” and to “stimulate the health and welfare of humanity...”

- iii. The Forest Service has failed to meet the goals set out in the Use Book of 1905, which states, *“The timber, water, pasture, mineral, and other resources of the forest reserves are for the use of the people; Forest reserves are for the purpose of preserving a perpetual supply of timber for home industries, preventing destruction of forest cover which regulates the flow of streams, and protecting local residents from unfair competition in the use of forest and range. They are patrolled and protected, at Government expense, for the benefit of the community and the home builder. We know that the welfare of every community is dependent upon a cheap and plentiful supply of timber; that a forest cover is the most efficient means of maintaining a regular stream flow for irrigation and other useful purposes; and that the permanence of the livestock industry depends upon conservative use of the range. The injury to all persons and industries which results from the destruction of forests by fire and careless use is a matter of history in older countries, and has long been the cause of anxiety and loss in the United States. The protection of forest resources still existing is a matter of urgent local and national importance.”* This was true in 1905 and is still true today.
 - iv. Furthermore, as appropriately concluded by the U.S. Court of Appeals for the Seventh Circuit, USFS does not have the discretion to ignore the multiple-use mandate and focus solely on environmental or recreational resources. The court specifically held that “the national forests, unlike national parks, are not wholly dedicated to recreational and environmental values.” *Cronin v. United States Department of Agriculture*, 919 F.2d 439, 444 (7th Cir. 1990).
 - v. The County REQUESTS that, in order to show a balance of multiple uses and truly recognize the “interdependency of social and economic components with national forest management,” the “purpose and needs” on p. I of Vol. I include: “Protect the industries that depend on natural resources on the Forests;” and “Protect local communities, watersheds and multiple users from catastrophic wildfire.”
 - vi. We do not believe that Alternative C should have been included, as it does not represent a multiple-use alternative. Its “protections” (severely reducing access, logging and grazing) are, in actuality, threats to the ecosystem. Paradoxically, the DEIS heralds this alternative at the same time that it recognizes the threat it poses:
 - 1. Vol. 2 p. 36 states, “Based on relative differences between protection scores among alternatives, alternative C provides the greatest degree of protection, lowest risk of management effects to species viability from roads, grazing and timber production, and likely provides the most opportunity for natural processes to restore riparian and aquatic habitats throughout the range of each species. This alternative also poses the greatest risk of impacts from wildfire by allowing unnatural fuel conditions to continue to build in dry forest landscapes, relative to other alternatives” (emphasis added).
- c. Lack of Diversity in Alternatives May Violate NEPA

- i. As illustrated in our review of alternatives, below, the degree of diversity in the alternatives does not appear to meet NEPA’s requirement for a diverse range of alternatives. This is exemplified in the following ways:
 - 1. The fact that a new, expansive definition of “riparian areas” is applied consistently to every alternative.
 - 2. The fact that “desired conditions” are consistent for every alternative.
 - 3. The fact that, in every alternative, timber management levels fail to bring forests to “desired conditions” within 50 years.
- d. USFS should complete forest-specific plans.
 - i. In our experience, agreement on land management is best obtained at the local level, which allows for variation in ecology, community perspective, and desired outcomes. While the Blue Mountains have much in common, there are many important differences. For example, we have found that moist mixed conifer restoration is likely to look very different on the Malheur National Forest than it is on the Wallowa-Whitman National Forest: the moisture gradients, harvest history, vegetation compositions, and collaborative engagement are dissimilar between the two forests, even though they are both part of the Blue Mountains ecosystem. Given these and other differences, attempting to craft three land management plans out of a single environmental impact statement is fraught with peril, and threatens to stall forest restoration across the entire region.
 - ii. We strongly encourage USFS to reconsider revising all three forest plans at the same time with the same process. Instead, we ask USFS to consider a forest-by-forest approach that would allow each associated community to work directly with their local USFS personnel to develop a plan that best meets the needs of those communities.
- e. DEIS socio-economic evaluations and expectations are downplayed.
 - i. USFS’ expectations for social and economic contributions of the WWNF are too low.
 - 1. USFS has standards and guidelines with specific measures for ecological aspects. There are no equivalent standards or guidelines to measure socio-economic vitality. WWNF only “contributes to” economic well-being but is not required to meet any standards.
 - 2. In the “Proposed Monitoring Question” table (p. 310 Vol 3), there are 36 questions dedicated to ecological status and only one dedicated to economics.
 - 3. Under the “Vision” section with regard to “Social and Economic Expectations,” p. 15 RLMP, USFS states: “Public land management inevitably involves conflicting public desires, values, and preferences. The public expects a diversity of uses from National Forest System lands. People frequently disagree about how the national forests should be managed. Interests and opinions are often held strongly, which can lead to a decision-making process characterized by conflict and controversy. This increases the complexity of national forest management.” This is unacceptable for the “vision” of the social and economic

- expectations. The County asserts that language should be added that reestablishes that the laws governing the WWNF require that the forest be used for production to the benefit of the people.
4. In Volume 1 Introduction (p. 2), the document begins by stating the intent is to “provide” biodiversity, clean and cold water, and vegetation for habitat, and to “sustain” ecological processes. However, instead of “providing for” or “sustaining” the social and economic wellbeing of the local communities (via access and productive uses such as mining, grazing and logging), the document states the Plan will merely “contribute to” the aforementioned.
 5. RLMP p. 70-73. All productive uses (Forest Products, Grazing, Special Uses, Mineral and Geological Resources, Water Use) have stipulations in their economic “Desired Conditions” that ecological “desired conditions” also be met. However, in the “Promote Ecological Integrity” section, none of the “desired conditions” for wetland function, special habitats, etc. contain language stating that socio-economic wellbeing of the dependent communities must also be met. Such language should be included in all desired conditions.
- ii. USFS underestimates its ability to contribute to socio-economic health and instead focuses on ecology only.
 1. The Vision portion of the RLMP (p. 66) also states “Many of the factors that contribute to community resiliency are beyond the control of...the Forest Service. This limits the ability to improve community resiliency through the management of the national forests.” USFS denies it has the ability and responsibility to provide for socio-economic viability in our communities.
 2. Even in the “Promote Social Well-Being” portion of the Vision (Part I), the document focuses on scenery, wildlife, “restoration efforts,” old forests, avoiding sedimentation, and minimizing roads. It does not recognize that our logging, mining and ranching families are the fiber of the society USFS refers to in the term “social well-being.” Our economic viability and customs (also not mentioned in the “Cultural Resources” section, p. 59) are inseparable from “social well-being.”
 3. The RLMP section titled “Promote Economic Well-Being” (p. 66) leads with “Facilities and Infrastructure,” then “Land Ownership” (acquisition of land by USFS). The administrative facilities of USFS should not lead the “Economic Well-Being” section. Land acquisition by USFS is an inappropriate second category in a section that should be focusing on the true economic drivers on the WWNF: logging, mining, grazing, and access.
 - iii. Underestimates socio-economic impacts of proposed new regulations on access, timber, mining, grazing (see more in comments on individual resource areas.)

1. Vol I Page 126 states “There would be no adverse effects to human health and no alternative has been determined to disproportionately affect minority or low income populations”. We disagree. Our rural citizens are largely low income (18 percent being below the poverty line, per Vol 1 p. 111), and it is largely a result of inability to access WWNF resources. For example, Baker County’s economy has been devastated by lack of timber harvest. Most of our sawmills are gone. Forest Service actions have definitely adversely affected our county. The RLMP proposes to worsen these effects.
- f. “Unconstrained budget” alternative should have been considered.
 - i. USFS should have included as an alternative the Unconstrained Budget Alternative (Alt. K). A full analysis of Alternative K would be beneficial because it would provide a baseline from which to evaluate all other alternatives. Fully developing Alternative K would provide the most accurate information concerning the costs of undertaking a particular action versus the benefits received from the action.
 - ii. USFS has constrained its alternatives based on potential budgets, but this is not required under the 1982 rule. Currently, USFS is in litigation concerning this issue. USFS should not include budget constraints in its alternative analyses.
 - iii. The DEIS states “It is not realistic or reasonable to ignore expected funding levels... The forest plan does not influence or control the budgets for the national forests...” (Vol I p. 15). The latter part is true--and budgets *may* increase. Also, while USFS may not have influence over congressionally appropriated budgets, it does have influence over activities such as logging on the WWNF, which could easily provide the funding needed for road maintenance, etc. while achieving healthy forest conditions.
 - g. The Plan should not require use of “best available scientific information.”
 - i. Neither NFMA nor NEPA require use of the “best available science.” The Ninth Circuit Court of Appeals (*Lands Council v. McNair*) affirmed that these statutes do not require it. Additionally, case law has established that the agency can make natural resource management decisions based on its discretion in weighing various multiple use objectives. See *Seattle Audubon Society v. Moseley*, 830 F.3d 1401, 1404 (9th Cir. 1996).
 - ii. Although the agency acknowledges (p. 4, RLMP) that “What constitutes best available science might vary over time and across scientific disciplines,” the term “best available science” opens the agency up to endless litigation.
 - iii. The RLMP says “the NEPA document should identify methods used, reference scientific sources relied on, discuss responsible opposing views, and disclose incomplete or unavailable information, scientific uncertainty, and risk...” There will be no way for the agency to defend itself when a special interest group claims that USFS did not “discuss responsible opposing views.” What qualifies as a “responsible opposing view”? That will undoubtedly be a point for legal challenge. Also, “unavailable

information” may well be “available” according to these groups, and they can sue accordingly.

- iv. Finally, sound national forest planning and management that complies with NFMA, the MUSYA, and other applicable laws must reflect more than “western” or European culture academic science and scientist opinion. Native American and other traditional local knowledge, along with other practical expertise, coordination, collaborative consensus reached through the planning process regarding application of science, and other considerations are critical to environmentally, economically, and socially sound forest planning and plan implementation.

h. Document lacks Science-backed Data

- i. The preferred alternative proposes stricter regulations on timber, grazing, mining, and access with no sound scientific basis. In many cases, the restrictions will in fact have a negative effect—not only on the County’s economy, customs and culture, but on the environment. The studies cited are biased against human uses of the resources.
- ii. Council on Environmental Quality (CEQ) regulations require that, when preparing an EIS, the agency shall “identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.” 40 C.F.R. § 1502.24. Many of the guidelines detailed in the DEIS lack this required scientific justification. Therefore, the DEIS does not satisfy the requirements of NEPA.
 - 1. For example, guideline G-115, which establishes maximum utilization standards for livestock grazing within riparian management areas, contains no reference to scientific literature or other sources of authority that might explain how the USFS established the utilization percentages provided in Table A-55. DEIS Vol. 3 at 299. Indeed, the USFS acknowledges that all utilization standards established in the Proposed Plan and DEIS are based on an *assumption* that 40 percent utilization is necessary to achieve the desired conditions for the plan’s ecological goals. DEIS Vol. 1 at 129.
- iii. Much of the “science” used to justify current and desired conditions is based on the Interior Columbia Basin Ecosystem Management Project (ICBEMP), which does not represent the most current or relevant information about the condition of the Blue Mountains forests; violates the multiple-use mandate of USFS; and has been improperly implemented without due process under NEPA.
 - 1. The body of science used for ICBEMP was published in 1996 and in many cases was based on research that is significantly older. While some of these conclusions may still be valid, there is little discussion or application of more contemporary research that has taken place in our ecosystem since 1996, and little explanation why ICBEMP does or does not still represent the forefront of knowledge about the Blue Mountains. Since 1996, many researchers have begun to work extensively across the Blue

Mountains, gathering and publishing information about old growth forests, wildlife needs, aquatic systems, landscape process, and the socioeconomic dynamic. We encourage you to work with Baker County and other local governments to obtain this science and implement it in the plan revision.

2. In a U.S. congressional hearing held on March 10, 1998, representatives stated that ICBEMP was not authorized by Congress. That year, a federal appropriations bill required that any further implementation of ICBEMP be preceded by in-depth reporting to Congress of the expected cost and effects of its implementation, with targeted focus on local socio-economic effects. Ultimately, a final record of decision was never issued on the ICBEMP. Its implementation, or use of its contents, remains premature and inappropriate.
- iv. The majority of forest management studies are decades old and have newer, more relevant alternatives. See “Science is Outdated” Section of Timber Concerns.
- v. The science used in the range portion is unbalanced.
 1. Decisions surrounding bighorn and domestic sheep are being made on the basis of inadequate science, as stated by both Congress and a federal judge.
 2. The science surrounding effects of livestock grazing, generally, is one-sided.
- vi. USFS should not base decisions on climate change. This area of science is far too uncertain to be making damaging decisions such as: Management strategies including “reducing potential increases in stream temperatures through riparian buffers. Reducing the risk of water quality degradation by (1) Decreasing road density (2) closing, realigning or obliterating roads. ... “reducing barriers to species movement (close roads, destroy fences)...” These proposed actions have the potential to devastate our communities, while the matter of “climate change” is uncertain and completely out of USFS’ hands.
- i. USFS did not adequately consider County’s input.
 - i. Baker County appreciates the importance of coordinated management of National Forests across the Blue Mountains but notes that the social and ecological conditions under which management will be addressed are not homogeneous. As management will take place at a much finer scale, (e.g., a watershed or a cluster of adjacent watersheds), Baker County notes that it is imperative that the plan provide sufficient flexibility that local social and ecological conditions will be considered in laying out alternative approaches. Coordination with the County is crucial to this effort.
 - ii. Public lands dominate the landscape in Baker County, with approximately 52% of the land in the County managed by a public agency. Therefore, decisions made by the agencies managing our public lands directly affect Baker County’s residents, custom and culture, economy, and valued way of life. Baker County citizens and elected officials have an in-depth knowledge and vested interest in the land, the economy, and the customs

and culture of the County. In recognition of this, many federal and state acts or mandates require agencies to coordinate their proposals to be consistent with local plans, including our Natural Resource Plan, and policies.

- iii. Baker County opposes any USFS action without the County having waived the opportunity to coordinate.
- iv. Vol 3 Page 13 describes county commissioners as “Co-conveners” who helped develop this plan. However, the preferred alternative does not reflect the County’s input.
- v. P. 2 of the RLMP should include local governments as well as tribes in the following: “The revised forest plans will continue to honor American Indian reserved rights through consultation and coordination, and will maintain a government-to-government relationship with federal recognized tribal governments.”
- j. “Alternative A- No Action” is not well defined.
 - i. This basic flaw in the planning document is demonstrated in the Standards and Guidelines portion (Vol 3 p. 256). The S&G designators in the left-hand column (example: WLD-HAB-1 G-1) imply that there is a corresponding standard or guideline that exists in the current plan, unless a proposed Standard/Guide is labeled “New.” However, there are no such corresponding standards or guides that currently exist. The County has been informed by USFS that these designators simply refer to USFS’ interpretation of a conglomeration of existing standards/guides found in the 1990 plan, amendments, and PACFISH/INFISH. Thus, if a commentor were to request “Alternative A – no action” as his preferred alternative, it is essentially left to USFS to define what the commentor meant (unless the commentor specified an existing S/G in the current plan, PACFISH/INFISH or an amendment). This fact was not explained in the document, and will obfuscate the comment process. Such leeway given to the USFS in interpreting comments is unacceptable.
- k. Some of the “Desired conditions” are not consistent with the County plan
 - i. For any of the “desired conditions,” we are concerned that USFS may attempt to achieve them in a manner inconsistent with our plan. To resolve this, each of the desired conditions should include a requirement for coordination with the County. Page 5 of the RLMP states, “Desired conditions ...attempt to paint a picture of what we (the public and Forest Service) desire the forests to look like and/or the goods and services we desire them to provide.” The affected counties should have elevated status above the “public” when determining desired conditions.
 - 1. REQUEST that each of the desired conditions state “Coordination with the affected county or counties will be done to ensure progress is made toward desired conditions in a fashion that is consistent with county land use plans.”
 - ii. We do agree, as stated on p. viii of RLMP (“Comparing Alternatives”) that the “Desired conditions are broad and may only be achievable over long periods of time.”
- l. Maps provided in the DEIS are inadequate in size/detail.

- i. The maps provided were so small in scale that there was no way to use them, even in areas where residents know the ground. This makes substantive public and county input difficult. We believe this is done intentionally, since we have made this very complaint with many USFS documents in the past.
 - ii. The “new and improved” interactive maps would not load on many computers. Where they would load, the layers took up to 15 minutes.
 - iii. No consideration was given to citizens who do not have computers.
 - iv. Good quality maps, showing topographical lines, township range and section, and drainages would have solved the map problem. Forest maps should have been considered.
- m. Wilderness and Other Special Designation Concerns:
 - i. New special designations are not appropriate within Baker County. They lead to concerns with public safety, economic productivity, and recreational enjoyment.
- n. Many proposed “Guidelines” more closely resemble “standards.”
 - i. Many guidelines in Alternative E were so prescriptive that they no deviation from those “guidelines” could be done without violating the spirit of the guideline. Such “guidelines” are better labeled “standard.”
 - ii. USFS seems to differentiate between the words “should” and “shall.” Many of Alt C’s “shall” provisions are simply converted to “should” and listed as a “guideline.” We question whether these two words would be treated differently in court.
- o. Wildfire not adequately addressed:
 - i. The socio-economic impacts of wildfire that will result from any of the alternatives are underestimated/not fully explored in the DEIS. None of the alternatives would bring substantive relief to the catastrophic wildfires Baker County is experiencing.
 - ii. Proposed reductions in fuel-reducing activities such as logging and grazing will worsen catastrophic fire threat.
 - iii. USFS demonstrates its lack of appropriate emphasis on wildfire in Volume 1 “Introduction,” which begins by stating USFS’ intent is to “(1) protect plants and animals (2) address management of fire (3) protect watersheds (4) address climate change and (5) recognize the interdependency of social and economic components.” While plants, animals and watersheds will be “protected,” USFS states fire management, a huge problem on the WWNF, will only be “addressed”. This places it on the same level as discussions on climate change, which will also be “addressed”--even though climate change is beyond the control of USFS. Reducing the threat of wildfire, on the other hand, is very much within the agency’s capability--and responsibility.
 - iv. The “Minimum Impact Suppression Tactics” (MIST) approach is overly restrictive and does not allow all available tools to be used to stop devastating wildfires. We believe that, by proposing to implement MIST in special designation areas as well as riparian areas, USFS puts at risk Baker County citizens’ health, safety and wellbeing.
- p. Wildlife populations should not be a focus.

- i. USFS exceeds its authority and violates Multiple Use statutes by focusing on wildlife populations (see “Wildlife” section for more details). USFS defines “species of concern” too broadly.
 - ii. In addition, USFS attempts to give itself authority to curtail all other uses when “species of concern” are present. This is exemplified by the proposed creation of “wildlife corridors,” which we oppose. Even if we were to accept the premise that species protection takes priority over all other multiple uses, USFS’ “hands-off” approach will be ineffective in “protecting” species. It will, in fact, have results such as catastrophic wildfire, vegetation overgrowth, and loss of private ranchlands important to wildlife.
- q. USFS attempts to exceed its authority and violate Multiple Use statutes in its proposals to regulate water and water uses within the planning area.
- i. USFS exceeds its authority:
 - 1. The State of Oregon is responsible for regulating and allocating water use. USFS’ calling for “Connectivity” between watersheds, for example, is outside the agency’s authority. So is USFS’ focus (p. 24 of RLMP) on “Instream flows, including water yield, timing, frequency, magnitude, and duration of runoff...”
 - 2. P. 73 of RLMP states: “Desired condition: Water is available in sufficient quantity downstream to meet human needs as well as the needs of aquatic species considering the range of possible climate change scenarios.” This should include “recognizing the State’s primacy over the regulation of these waters, as well as existing water rights.”
 - ii. In addition, USFS proposes to take water use away from human use for the “benefit” of wildlife’s only. This is not only a false choice (precluding human use of water does not protect wildlife), but is also in violation of USFS’ Multiple Use mandate.
 - 1. Example: “Key watersheds” cover large area and focus only on wildlife use. Natural ecosystems, including “key watersheds,” must also provide benefits to humans.
 - 2. Removing “human intervention” should not be a goal, as stated in “All Watersheds - Desired Condition” (p. 23 of RLMP): “The watershed-scale processes that control the routing of water, sediment, wood, and organic material operate at levels that result in self-sustaining riparian and aquatic ecosystems that do not require human intervention or restoration.” Increasing productive uses (timber harvesting, mining, grazing), should be included as part of the desired condition.
- r. USFS “Ecological Integrity” Goal Is Not in Keeping with Baker County Plan
- i. USFS’ first goal in the plan (see p. ix, Vol 1) – “to promote ecological integrity” – may not be consistent with the County’s goals. From a lay perspective, the goal as presented is a series of disconnected sentences that use terms and jargon that are nonsensical while at the same time having an authoritative tone. For example, the goal states: “*Ecological integrity is a condition that sustains the wholeness or completeness of ecosystem*”

structure, composition, and function.” And, the definition provided in the Glossary (Volume 3, page 17) states: “*In general, ecological integrity refers to the degree to which all ecological components and their interactions are represented and functioning; the quality of being complete; a sense of wholeness.*” Such language opens the door for legal challenges by “environmental” groups.

- ii. A quick search of definitions of “ecological integrity” provided several that would be more appropriate:
 1. For example, the Washington State Department of Natural Resources defines ecological integrity as: “The structure, composition, and function of an ecosystem operating within the bounds of natural or historic range of variation.”
 2. Parks Canada, on their website, defines ecological integrity as: “...a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes.”
 3. And finally, from the Simon Fraser University website (probably the most appropriate given the interest in achieving a resilient forest): “... the abundance and diversity of organisms at all levels, and the ecological patterns, processes, and structural attributes responsible for that biological diversity and for ecosystem resilience.” (Coast Information Team, 2004).
- iii. Other terms used in the same paragraph - ecological function, ecological structure – are just as ambiguous. The definition of “ecological function” in the glossary refers you to “Ecological Processes”, which is defined as: “*The flow and cycling of energy, materials, and organisms in an ecosystem.*” How does “watershed function, species diversity, productive capacity, disturbance processes, and invasive species”, which are cited as descriptors of the National Forests’ contribution to ecological function, relate to the ecological processes as defined in the glossary? “Ecological structure” is not defined in the glossary.
- s. Indicators of Sustainability Are Misidentified
 - i. In the explanation following Goal 1, it is stated: “*Landscape patterns, special habitats, and snags and down wood are also indicators of sustainability in the Blue Mountains*”. These may be valid descriptors of different elements of ecosystems, but they would never qualify as “indicators of sustainability”. Further, the definition of “sustainability” provided in the Glossary does not relate at all to these metrics.
- t. USFS Goals Are Inconsistent
 - i. The Goals that are listed in the Summary are not repeated in the body of the Plan. However, in the “Purpose and Need” section, different goals are cited, which are stipulated in legislation. These two statements of goals should be reconciled **or** the plan should limit its focus to one set of goals.
- u. “Ecosystem Services” Portion Could Be Improved
 - i. Another term used in the proposed Revision to the Forest Plan is “ecosystem services.” It is defined in the Glossary (Volume 3, page 18) as

“The combined resources and processes of natural ecosystems that provide benefit to humans, including, but not limited to, the production of food and water, the control of climate and disease, cycling of nutrients and crop pollination, spiritual and recreational benefits, and the preservation or maintenance of biodiversity.”

- ii.** A better, more comprehensive list of the services provided by ecosystems is provided in the Millennium Ecosystem Assessment (2005 and 2012). This could be included in a table in the proposed Revisions to the Plan to convey the diversity of these services and clearly link them to the various benefits local residents realize from the Forests.

Baker County Suggestions on Standards and Guidelines (Vol 3 p. 256)

Note: As stated on p. 1 of these comments, Baker County requests that USFS abandon this planning effort and instead revert to amending the existing plan, taking into account new science. In light of our opposition to the current planning effort, we have provided below our comments on the proposed (Alt E) standards and guidelines. We have offered modifications to Alt E to demonstrate some of the changes we would require in this section. We reiterate, however, that even if our suggested standards and guidelines were adopted we would not support this flawed planning effort.

Reference	USFS Preferred Alternative (Alt. E)	BC Preferred Alternative	Comments
p. 257 WLD- HAB-6	Standard Activities that have potential to cause abandonment or destruction of known denning, nesting, or roosting sites of threatened, endangered, or sensitive species shall not be authorized or allowed within 1,200 feet of those sites.	No corresponding alternative	There is no scientific basis for this standard. USFS proposes to deviate from its multiple use mandate by banning any activity with “potential” to cause nest abandonment or destruction for threatened, endangered, or even “sensitive” species. “Sensitive species” are identified at the discretion of the regional forester with a very low bar for qualification, including “predicted” downward trends in population or habitat capability (see more detailed comments on “Sensitive species” in the Wildlife Concerns section of our comments).
p. 259 WLD- HAB-12 S-7	Standard Where mechanical treatment activities occur within dry or cool moist forest habitat, all snags 21 inches d.b.h. and greater and 50 percent of the snags from 12 to 21 inches d.b.h. shall be retained, except for the removal of danger/hazard trees. Snags shall be retained in patches.	Alt E modified: convert to Guideline	Setting these conditions as a “STANDARD” is too prescriptive. Does not allow latitude to consider alternative management options that may be more appropriate in certain conditions. REQUEST the conditions cited in Alternative B be framed as GUIDELINES.
p. 294 MA 4B RMA-4 G-103	Guideline Water drafting sites should be located and managed to minimize adverse effects on stream channel stability, sedimentation, and in-stream flows needed to maintain riparian resources, channel conditions, and fish habitat.	Alt E modified: Guideline “Water drafting sites should be located and managed to minimize adverse effects on stream channel stability, sedimentation, and in-stream flows	USFS must bear in mind that it does not hold federally reserved rights of water use for purposes of maintaining riparian resources, channel conditions, or fish habitat. These are secondary purposes of the agency for which it must apply for water rights. (USFS does hold federally reserved rights to carry out two primary functions: to furnish a continuous

		needed to maintain riparian resources, channel conditions, and fish habitat, <u>so long as such management does not interfere with existing water rights.</u>	supply of timber for the people, and to conserve water flows.)
p. 294 MA 4B RMA- FIRE-1 G-104	Guideline Disturbed areas, such as firelines, drop-points, camps, roads, and trails, should be restored by actions such as scattering slash piles, replacing logs and boulders, scarifying soils, recontouring terrain, and reseeding with native species.	Alt E modified: Guideline Disturbed areas, such as firelines, drop-points, and <u>camps established for firefighting purposes</u> should be restored by actions such as scattering slash piles, replacing logs and boulders, scarifying soils, recontouring terrain, and reseeding with native <u>or desired non-native</u> species.	Camps, roads and trails should not necessarily be “restored” (destroyed), especially if they preexisted firefighting efforts. Roads and trails Desired non-native species may at times be the best choice for reseeding in order to stabilize the area and prevent noxious weed/annual grass invasion.
p. 259 WLD- HAB-13 G-16	Guideline Motor vehicle use within elk winter range should not be authorized or allowed between December 1 and April 30	No corresponding guideline	How is “elk winter range” defined? Elk wander into high-use areas, and this could affect roads in the Valley. Elk are approaching twice their management objectives in several units within the planning area and should not be considered a focus species. Additionally, the new research report “Habitat-nutrition Relations of Elk During Spring through Autumn in the Blue Mountains of Eastern Oregon” by Rachel C. Cook, John G. Cook, Robert Riggs, Larry L. Irwin (2014) identifies summer nutrition as the most critical habitat need, not road issues.
p. 260 WLD- HAB-14 New	Guideline In greater sage-grouse habitat, developing new roads, motor vehicle trails, and artificial water impoundments should be avoided. During the breeding season, seasonal closure of open motor vehicle routes within 2	Alt E modified: Guideline In greater sage-grouse habitat, developing new roads, motor vehicle trails, and artificial water impoundments should be avoided, <u>unless necessary to</u>	The guidelines for WLD-HAB-14-17 cite different distances (2 miles and 3 miles) from leks that different activities can be undertaken. Appears arbitrary without an authority cited. In the absence of credible science Baker County proposes either abandoning these 4 conditions, or adopting Alt E modified.

	miles of known leks (protected activity centers) should be considered.	<u>utilize existing rights.</u> During the breeding season, seasonal closure of open motor vehicle routes within 2 miles of known leks (protected activity centers) should be considered, <u>except for permitted grazing and mining purposes or fuel-reduction activities.</u> <u>Road closures will require approval of affected counties.</u>	WLD-HAB-15-17 should clarify that these limitations have no bearing on lands adjacent private or state lands.
p. 260 WLD- HAB-15 New	Guideline Surface occupancy for mineral or fossil fuel exploration or extraction should not be authorized or allowed within 3 miles of occupied greater sage-grouse leks (protected activity centers).	Alt E modified: Guideline Surface occupancy for mineral or fossil fuel exploration or extraction <u>should be authorized in coordination with affected counties with a goal of avoiding greater sage-grouse leks (protected activity centers) where possible.</u>	
p. 260 WLD- HAB-16 New	Guideline Power lines, communication towers, meteorological towers, and other tall structures should not be constructed within 2 miles of greater sage-grouse leks (protected activity centers).	Alt E modified: Guideline Power lines, communication towers, meteorological towers, and other tall structures should be constructed, <u>after coordinating with affected counties, with a goal of avoiding greater sage-grouse leks (protected activity centers) where possible.</u>	
p. 260	Guideline Construction of	Alt E modified:	

WLD-HAB-17 New	wind turbines should not be authorized or allowed within 2 miles of greater sage-grouse leks (protected activity centers).	Guideline Wind turbines should be authorized, <u>after coordinating with affected counties, with a goal of avoiding greater sage-grouse leks (protected activity centers) where possible.</u>	
p. 260 WLD-HAB-18 G-7	Guideline Bat maternity and roost sites should not be disturbed.	Alt E modified: Bat maternity and roost sites should not be disturbed <u>when practical.</u>	
p. 261 WLD-HAB-19 G-4	Guideline Greater than 50 percent of post-fire source habitat should be retained and should not be salvage logged, except in the wildland urban interface.	Alt E modified: Guideline Coordination with affected counties shall determine where salvage logging occurs.	What is the scientific basis for this guideline? There is need to assess ecological benefits against the lost income from salvage logging. Reduction in the percentage of post-fire areas being retained to 25% to 30% would not make an appreciable difference.
p. 261 WLD-HAB-20 G-4	Standard Salvage logging shall not occur within burned source habitat areas less than 100 acres, except for the removal of danger/hazard trees.	Alt E modified: Guideline Site-specific information and coordination with affected counties shall determine where salvage logging occurs.	The STANDARD is too restrictive. There is no legitimate rationale for imposing this restriction at the scale of 100 acres. Salvage logging could be an ecological and economic benefit if managed carefully.
p. 261 WLD-HAB-21 G-6	Guideline Where salvage logging occurs, all snags 21 inches d.b.h. and greater and 50 percent of the snags from 12 to 21 inches d.b.h. should be retained except for the removal of danger/hazard trees. Snags should be retained in patches.	Alt E modified: Guideline Coordination with affected counties shall determine where salvage logging occurs and to what degree snags are retained.	Setting arbitrary (from an ecological perspective) size limits to salvage logging constrains management options that could have positive benefits ecologically as well as economically. To avoid major insect build-up on fire stressed trees and the resulting increase in mortality in green timber stands, aggressive salvage is needed. Modify WLD-HAB 19-21 guidelines to allow 100% salvage logging after all fires.
p. 261 WLD-HAB-22 New	Guideline Following wildfires greater than 10 acres in greater sage-grouse habitat at high risk of annual grass invasions,	Alt E modified: Guideline Following wildfires greater than 10 acres in greater sage-	We agree with this guideline, and add that non-native grasses sometimes have the best chance of establishing themselves in lieu of cheatgrass. Also, grazing is an effective tool in

	seeding with an appropriate mixture should be accomplished to reduce the probability of cheatgrass establishment.	grouse habitat at high risk of annual grass invasions, seeding with an appropriate mixture, <u>which may include desirable non-native plants</u> , should be accomplished to reduce the probability of cheatgrass. <u>Livestock grazing should be used as a tool to establish desired plant communities.</u>	restoring burned areas. Evidence of such successes is seen in some of the literature. A fire science brief from 2011 indicated that a study of successful seeding treatments found that 83 percent had used non-native species (i.e., grasses and cereal grains) (Evaluating the Effects and Effectiveness of Postfire Seeding Treatments in Western Forests Joint fire science programs. Fire Science brief. Fire Science Brief Issue 147 December 2011 Page 1 www.firescience.gov) There is ample evidence that non-native seeds are and can be successful in reducing the invasion of noxious weeds, in particular the invasive annuals such as medusa head, venenata and cheatgrass. We need to be aggressively moving to block those annuals from spreading. Native seedings are much more expensive with much lower success rates.
p. 262 WLD- HAB-25 G-12	Guideline Where management activities occur within riparian habitat, the quantity, stature, and health of shrubs should not be reduced or degraded.	No corresponding guideline	Existing standards and guides address this issue. According to USFS, riparian areas are in an upward trend in the planning area.
p. 262 WLD- HAB-26 G-14	Guideline Roads and trails should not be constructed within high elevation riparian areas.	No corresponding guideline	Baker County believes enough of our national forests have been placed off-limits to access. We see little difference between the preferred alternative (“should not”) and Alt. C (“shall not”). Alt. C is not a multiple-use alternative and should not be used as a model for the preferred alternative. This is a safety issue as well. Prohibiting road and trail construction in “high elevation riparian areas” (which is not well-defined) is not supported by science and may diminish our ability to reduce fuel loads and fight fire.
p. 263	Guideline Vigor and areal	No corresponding	This is too subjective (seed producing

WLD-HAB-28 G-13	extent of seed producing grasses and forbs should not be reduced.	guideline	grasses and forbs should not be reduced). This could be a desired condition but not a hard and fast guideline.
p. 263 PL-TES-1 New	Standard Livestock grazing shall not be authorized or allowed during the <i>Silene spaldingii</i> active growth period (generally between May 15 and August 30) in pastures that exhibit low departure from the desired condition, unless the grazing management history demonstrates that livestock avoid <i>Silene spaldingii</i> occupied habitat.	No corresponding standard	<p>This is duplicative given the guideline that calls for avoiding ESA plants if possible.</p> <p>This guideline is inappropriate for a plant that grows and thrives following disturbance.</p> <p>Further, “low departure” is not defined. Removing livestock based on this subjective measure is unacceptable.</p> <p>There is no proof backed by research that demonstrates removing grazing during the growing season for <i>Spalding’s</i> catchfly will increase the population of the plant, therefore these standards should not be considered a conservation measure.</p> <p>Entire pastures should not be off-limits to grazing; this could mean thousands of acres unnecessarily closed to grazing.</p> <p>The issue should be addressed at the project level through formal consultation (ESA Section 7). USFS should not presume grazing “guilty until proven innocent.”</p> <p>Additionally, placing timing restrictions (May 15-Aug 30) severely limits the flexibility to responsibly manage the range resource as whole. This time period constitutes 5 out of the 7 months that are the grazing season on most general forest management areas. This is also in direct conflict with pastures that have riparian areas that need special consideration and should be grazed earlier in the season before the weather is hot. It also creates scenario where grazing will be prohibited altogether when <i>Spalding’s</i> catchfly is paired with ESA threatened/endangered fish spawning limitations (steelhead no cattle entry prior to 7/15, and chinook/bull trout</p>

			<p>no entry after 8/15).</p> <p>The single-purpose management approach proposed by this standard is outside USFS’ authority and is not supported by range science. Amongst USFS’ multiple-use mandate is to provide an environment that encourages species diversity. Livestock grazing contributes to that environment.</p>
<p>p. 264 PL-TES-2 New</p>	<p>Standard Livestock grazing shall not be authorized or allowed in pastures occupied by <i>Silene Spaldingii</i> that exhibit moderate or greater departure from desired condition.</p>	<p>No corresponding standard</p>	<p>This standard is unnecessary –see above comment. Departure from desired condition may not be a result of grazing, and it should not be made the automatic scapegoat. Grazing can and should be managed to contribute to, not detract from, desired conditions.</p>
<p>p. 264 PL-TES-3 New</p>	<p>Guideline Domestic livestock grazing should not be authorized or allowed in the fens/bogs sensitive plant habitat groups.</p>	<p>No corresponding standard/guide</p>	<p>This “guideline” is far too restrictive and has the qualities of a standard. There is no way to allow departure from this “guideline” while still meeting its “intent.”</p>
<p>p. 264 PL-TES-4 New</p>	<p>Guideline Maximum forage utilization of key species should not exceed 30 percent in occupied habitat of threatened, endangered, and sensitive plant species, except where an approved conservation strategy, conservation agreement, or recovery plan approves an alternate use level.</p>	<p>No corresponding standard/guide</p>	<p>This is, again, a standard in the name of a guideline. The broad-stroke assumption that 30 percent utilization will benefit these species is non-scientific. See comments on utilization in our “Grazing Concerns” section.</p> <p>Because “sensitive species” is such an overly broad category, this “guideline” has the potential to place the 30% standard on huge areas, thereby greatly harming the grazing industry in the County. (See “Wildlife Concerns” section of our comments for why “species of concern” category should be eliminated.)</p> <p>Requiring an “approved” conservation strategy, agreement or recovery plan for “sensitive species” places a huge burden on the agency and threatens its ability to continue its multiple-use mandate. Litigation could stall plans/agreements for years.</p>

			If this guideline is included, grazing must be allowed to continue during development of such agreements/plans.
p. 264 PL-TES-5 New	Guideline New water developments and salting should not be authorized or allowed within one-quarter mile of occupied habitat of threatened, endangered, or sensitive plant species.	No corresponding standard/guide	To disallow new water developments impinges on water rights and the authority of the State of Oregon to allocate water resources. Placement of salt and water development is an important management tool that should not be restricted. There is no scientific justification for a quarter-mile buffer around species, particularly “sensitive” species that can be designated at-will by a regional forester. Other standards and guidelines are in place to protect ESA species; thus this guideline is duplicative.
p. 265 PL-TES-6 New	Guideline Timber harvest and associated vegetation activities should avoid the occupied habitat of threatened, endangered, and sensitive plant species (minimum 100 foot buffer), unless the silvicultural prescription will benefit the species or its habitat.	Alt E modified: Guideline Timber harvest and associated vegetation activities should avoid the occupied habitat of threatened or endangered species, unless the silvicultural prescription will benefit the species or its habitat.	ESA Formal consultation will address this on a project-specific basis, making this guideline unnecessary. Remove “sensitive species” as this category is too broad and should be eliminated from the document altogether. Remove arbitrary 100-foot buffer. We agree that silvicultural management will often benefit the species and habitat.
p. 265 PL-TES-7 New	Guideline Slash piles and other fuels should be managed to avoid the occupied habitat of threatened, endangered and sensitive plant species (minimum 100 foot buffer).	Alt E modified: Guideline Slash piles and other fuels should be managed to avoid the occupied habitat of threatened and endangered plant species.	ESA Formal consultation will address this on a project-specific basis, making this guideline unnecessary. Guideline should not have prescriptions such as 100 foot buffer. Sensitive plants should be removed; category is too broad.
p. 265 PL-TES-8 New	Guideline Wildlife fire (planned and unplanned) suppression lines should not be constructed within occupied habitat of threatened, endangered, and sensitive species.	No corresponding standard/guide	Catastrophic wildfire is one of the primary threats to many endangered species, as well as to other multiple uses of the forest. Restrictions that limit wildfire prevention or suppression activities should not be implemented.

<p>p. 265 PL-TES-9 New</p>	<p>Guideline New road construction should be designed to avoid the occupied habitat of threatened, endangered, and sensitive plant species (minimum 25- foot buffer).</p>	<p>Alt E modified: Guideline New road construction should be designed to avoid the occupied habitat of threatened or endangered, plant species except where a road or trail would help prevent or suppress wildfire or where needed to utilize a prior existing right.</p>	<p>ESA Formal consultation will address this on a project-specific basis, making this guideline unnecessary. The 25-foot buffer is without scientific basis. Remove “sensitive species” as this category is too broad and should be eliminated from the document altogether.</p>
<p>p. 266 PL-TES-10 New</p>	<p>Guidance All new trail construction should be designed to avoid the occupied habitat of threatened, endangered, and sensitive plant species (minimum 25-foot buffer).</p>	<p>Alt E modified: Guideline New trail construction should be designed to avoid the occupied habitat of threatened or endangered, plant species except where a road or trail would help prevent or suppress wildfire or where needed to utilize a prior existing right.</p>	<p>ESA Formal consultation will address this on a project-specific basis, making this guideline unnecessary. The 25-foot buffer is without scientific basis. Remove “sensitive species” as this category is too broad and should be eliminated from the document altogether.</p>
<p>p. 266 PL-TES-11 New</p>	<p>Guideline Land exchanges should avoid the disposition of occupied habitat of threatened, endangered, and sensitive plant species.</p>	<p>No corresponding Guideline</p>	<p>Baker County’s private lands are generally better managed than federal lands. The federal government should not limit itself from opportunities to dispose of the lands it currently manages.</p>
<p>p. 266 FIRE-2 S-8</p>	<p>Guideline Minimum Impact Suppression Tactics (MIST) should be utilized in sensitive areas, such as designated wilderness areas, designated wild and scenic river corridors, research natural areas, botanical areas, riparian management areas, cultural and historic sites, developed recreation areas, special use permit areas that have structures, and historic</p>	<p>No corresponding Guideline</p>	<p>MIST is overly restrictive and does not allow all available tools to be used to stop devastating wildfires. We believe that, by implementing MIST in special designation areas as well as riparian areas, USFS would put at risk Baker County citizens’ health, safety and wellbeing.</p>

	and recreational trails. MIST techniques should also be used for post fire restoration activities.		
p. 266 FIRE-3 G-28	Guideline Mechanical fireline should not be constructed in areas with greater than 35 percent slope or on highly erodible soils unless potential adverse effects can be mitigated.	Alt E modified: Guideline Mechanical fireline should not be constructed in areas with greater than 35 percent slope or on highly erodible soils unless potential adverse effects can be mitigated or unless circumstances preclude other means of suppressing unwanted wildfire.	
p. 266 FIRE-4 New	Guideline Greater sage-grouse habitat should be identified in fire management plans and should be given high priority for protection.	Alt E modified: Guideline Greater sage-grouse habitat should be identified in fire management plans and should be given high priority for protection, second to human safety and property.”	While we recognize the intent of preventing an ESA listing of the Sage grouse, we also point out that provisions such as this are short-sighted in that they place all focus on one species. Single-species focus will only serve to create imbalance in forest management, in the long-term.
p. 268 NOX-2 G-29 Changed to Standard	Standard Materials used for construction or restoration projects on National Forest System lands shall be free of invasive species.	Alt E modified: convert to Guideline	This should remain a guideline. While avoiding invasive seeds is good practice, making this a standard will create a legal liability for USFS while doing nothing to improve enforcement of the guideline.
NOX-3 G-36 Changed to Standard	Standard All activities shall be conducted to minimize or prevent the potential spread or establishment of invasive species.	Alt E modified: convert to Guideline	This should remain a guideline. While avoiding invasive seeds is good practice, making this a standard will create a legal liability for USFS while doing nothing to improve enforcement of the guideline.
p. 268 FOR-1 S-11	Standard Clearcutting, shelterwood, and other even-aged regeneration harvest methods shall be used only when an interdisciplinary team/line officer has determined that protection can be assured for resources, such as soil,	No corresponding S/G	Each of these STANDARDS (FOR-1-5) imposes restrictions that could foreclose management options that would contribute to the recovery of historic range of variability and forest resilience. They appear to be arbitrary and provide a back door to prescriptive governance over forest management. FOR-2, in particular is

	watershed, fish, wildlife, recreation, aesthetics, and the regeneration of the timber resource. It shall also be determined as the optimal harvest method.		far too prescriptive. They are not appropriate for our forests, the bulk of which are at high risk of destruction by catastrophic wildfire.
p. 269 FOR-2 S-12	Standard Forest openings created by the application of even-aged regeneration harvest methods shall be limited to a maximum size of 40 acres. Exceptions are permitted on an individual basis after a 60-day public notice period and review by the regional forester. This maximum size opening limitation does not apply to areas harvested after large scale disturbances resulting from wildfire, insects, disease, windthrow, or other catastrophic events.	No corresponding S/G	Their implementation would necessarily drastically reduce the amount of timber harvest in Baker County, resulting in damaging social, economic and environmental effects.
p. 269 FOR-3 S-13	Standard Cut blocks, patches, or strips created by the application of even-aged regeneration harvest methods shall be shaped and blended with the natural terrain.	No corresponding S/G	
p. 269 FOR-4 S-14	Standard Areas that are harvested using even-aged regeneration harvest methods on lands identified as suitable for timber production shall be capable of being adequately restocked within five years of final harvest. Adequately restocked is based on national forest or regional stocking standards.	No corresponding S/G	
p. 270 FOR-5 G-37	Standard Stands shall generally have reached the culmination of mean annual increment of growth as per NFMA sec.6 (m) prior to harvest. This does not preclude the use of thinning or other stand improvement	No corresponding S/G	

	measures or salvage or sanitation harvesting of timber stands that are substantially damaged by fire, windthrow, or other catastrophic events or that are in imminent danger of insect or disease outbreaks. Exceptions: after consideration of multiple uses, include other activities, such as cutting for experimental and research purposes, removing particular species of trees, improving wildlife habitat, range, or recreation resources.		
p. 271 FOR-9 G-41	Guideline Timber harvest should not cause irreversible damage to soil, slope, or other watershed conditions.	No corresponding S/G	This guideline is unnecessary. Timber projects that abide by other standards and guidelines will not do “Irreversible damage” to said resources. This term is subjective in the first instance, and should not be included. The closest Baker County’s forests will come to being “irreversibly damaged” is when they are affected by catastrophic wildfire that sterilizes the soil.
p. 271 FOR-10 G-42	Guideline Timber harvest on lands not suitable for timber production should occur only to meet multiple-use purposes other than timber production.	Alt E modified: Guideline Timber harvest may occur on lands not suitable for timber production in order to meet multiple-use purposes other than timber production.	
p. 272 RNG-2 G-44	Guideline New fences should be designed to accommodate wildlife movement. In greater sage-grouse habitat, fence construction within 1 mile of known leks (protected activity centers) and seasonal high use areas should not be authorized or allowed. Fence construction on the crest of low hills should not be authorized or	Alt. E Modified: Guideline New fences should be designed to accommodate <u>sage grouse movement near leks</u> . In greater sage-grouse habitat, <u>new fence</u> construction within 1 mile of known leks (protected activity centers) and	Designing fences “to accommodate wildlife movement” may be an overly-broad statement if the goal is simply to accommodate sage grouse where they will be flying frequently. Fences are an important aspect of proper grazing management and should be constructed where needed after coordination and consultation with affected permittee(s) and the County.

	allowed unless the fence is marked with anti-strike markers.	seasonal high use areas should not be authorized or allowed <u>unless they contribute to improved grazing management</u> . New fence construction on the crest of low hills should not be authorized or allowed unless the fence is marked with anti-strike markers.	
p. 272 RNG-3 G-45	Guideline All new water developments should provide for small mammal and bird escape.	Alt E modified: Guideline All new water developments should provide for small mammal and bird escape, and should be installed and funded by USFS after consultation with affected permittee.	Ranchers perform important stewardship activities but are not responsible for bearing the cost of accommodating wildlife.
p. 272 RNG-4 G-46	Guideline In areas classified as less than fully capable or suitable, only limited grazing should be authorized or allowed only after the limitations of the site are considered in designing the site-specific allotment management plan.	Alt E modified Guideline In areas classified as unsuitable, only limited grazing should be authorized or allowed only after the limitations of the site are considered in designing the site-specific allotment management plan, and after coordination with the county.	“Less than fully capable or suitable” is too vague.
p. 273 RNG-5	(Table): Guideline for utilization levels. Season-long grazing regimes on areas with low departure from desired condition: 35% utilization allowable. Season-long grazing regimes on areas with moderate or greater	Alt E modified: Guideline Scientifically-sound utilization levels and monitoring techniques should be agreed upon by County and, when possible, the	Ocular measurement is too subjective. Coordination with county and consultation with permittee should determine science-based monitoring method. Low-moderate-greater departure from desired condition is not defined. Coordination with county should

	<p>departure from desired condition: 30%.</p> <p>Management regimes with deferment/rest/rotation that have low departure from desired conditions: 40%. Those with moderate or greater departure from DC: 35%.</p>	<p>permittee.</p> <p>(See Appendix B for suggested utilization levels.)</p>	<p>define this, as well as what the desired conditions are.</p> <p>Utilization levels are too low and are not based on a balanced consideration of range science. These levels will encourage wildfire in many cases and will detract from healthy grass and forbs growth. Furthermore, utilization should not be a number, but rather a range of use to achieve proper use that effectively addresses the needs of the plant community and the season of use it is applied to (i.e., 40-60%). See more in our Grazing Concerns section.</p> <p>The document states repeatedly that there are upward trends in range health. This has been the case even as utilization levels have well exceeded 40%.</p>
<p>p.273 RNG-6 G-47</p>	<p>Guideline Upland shrub utilization should not exceed 40 percent as determined by any science-based method.</p>	<p>Alt E modified: Guideline Scientifically-sound utilization levels and monitoring techniques should be agreed upon by County and, when possible, the permittee. (See Appendix B for suggested utilization levels.)</p>	<p>Utilization level is too low and not based on a balanced consideration of range science. See above comments. This level will encourage wildfire in many cases and will detract from healthy grass and forbs growth.</p> <p>Also, we assume the language “as determined by any science-based method” refers to monitoring methods. Not all methods are created equal. Even proven techniques can fail if they are used on inappropriate sites.</p>
<p>p. 274 RNG-7 New</p>	<p>Guideline Grazing utilization within occupied greater sage-grouse habitats should not exceed 40 percent at any time during the grazing season and will be determined specifically for each greater sage-grouse habitat, i.e., grazing utilization measured as an average of the entire pasture or grazing unit will not be used to determine</p>	<p>No corresponding S/G.</p>	<p>We do not believe that setting a prescriptive utilization level is suitable for a guideline. See above comments on the inappropriateness of applying one utilization number, versus a range, to broad areas.</p> <p>If sage grouse exist in areas currently grazed at levels above 40%, we question the wisdom in reducing those levels. The proposed percentage is presumably drawn from Holechek, whose research took place largely in</p>

	compliance with this guideline.		AZ and NM and is not appropriate. Also, if 40% utilization is reached in a “a” sage-grouse habitat, how may grazing continue on other parts of that pasture without fencing? This aspect of the guideline is not practical.
p. 274 RNG-8 New	Guideline During greater sage-grouse breeding season, livestock turnout and trailing should avoid concentration on known greater sage-grouse leks (protected activity centers).	Alt E modified: Guideline When considering changes to historic turnout or trailing practices, sage grouse leks should be avoided during the breeding season, if possible.	Most trails and turnout areas are historical. If leks have established under those conditions, changing practices should only serve to alter conditions and thus threaten leks. Heavily grazed areas are often optimum lek sites.
p. 274 RNG-9 S-2	Standard Domestic Sheep or goat grazing shall not be authorized or allowed on lands where effective separation from bighorn sheep cannot be reasonably maintained.	No corresponding S/G.	Decisions requiring bighorn sheep (BHS)/domestic sheep separation should not be made by USFS. See our comments on BHS in the Grazing Concerns section.
p. 274 RNG-10 S-3	Standard The use of domestic goats or sheep for manipulation of vegetation (ie noxious weed control, fuels reduction) shall not be authorized or allowed within or adjacent to source habitat for bighorn sheep.	No corresponding S/G.	This is duplicative of the above. Livestock grazing has long been recognized as an effective tool for controlling invasives (Launchbaugh 2007). See above comments for why complete separation is unnecessary. Furthermore, “adjacent to source habitat” is a vague an potentially vast area.
p. 275 RNG-12 New	Standard An effective monitoring program shall be in place to detect presence of bighorn sheep in identified high-risk areas when authorized domestic sheep or goats are present on adjacent or nearby allotments.	No corresponding S/G.	Who will do this monitoring? Funding for monitoring is already inadequate. Will grazing be disallowed if an “effective” monitoring program is not in place? “High-risk” area is not defined. How would sheep being adjacent to high-risk areas be a problem, and what is the meaning of “adjacent to”? We cannot meet these vague standards.
p. 275 RNG-13 New	Guideline Trailing of domestic sheep or goats should not be authorized or allowed within 7 miles of bighorn sheep home ranges.	No corresponding S/G.	There is no scientific basis for this buffer zone, especially for the trailing of sheep, where there won’t be prolonged contact (the most likely to result in disease transfer).
p. 275	Standard	No corresponding	See notes on RNG-12

RNG-14 New	When effective monitoring has not been conducted for bighorn sheep presence, domestic sheep or goat grazing shall not be authorized.	S/G.	
p. 275 RNG-16 New	Standard When permitted sheep are found to be missing, the Forest Service shall be notified within 24 hours.	Alt E modified Guidance When permitted sheep are found to be missing, the Forest Service shall be notified within 24 hours.	While it is reasonable to ask a rancher to report missing sheep within 24 hours, these areas are remote and this may not be possible. This should be recast as guidance.
p. 276 RNG-17 New	Standard Authorized domestic sheep or goats shall be individually marked in a manner that allows immediate identification of ownership at a distance during the grazing season at all times while on NFS lands.	No corresponding S/G.	This is a very unreasonable request. Sheep are required to have a paint brand, registered with the state, in order to be on USFS land. This should be sufficient.
p. 276 RNG-18 New	Standard Implement emergency actions when bighorn sheep presence is detected within 7 miles of active domestic sheep or goat grazing or trailing. Actions to be taken shall ensure separation between bighorn sheep and domestic sheep or goats.	No corresponding S/G.	No scientific basis for this buffer. Making it a standard to “ensure” separation automatically means the sheep industry is doomed.
p. 276 RNG-19 New	Guideline To maintain separation, when bighorn sheep are found within 7 miles of an active domestic sheep and goat allotment, implementation of emergency actions for domestic sheep and goat grazing could include: Reroute (move) domestic sheep or goats to a new routing path that will take them away from the likely bighorn movement; this may involve rerouting within the permitted allotment, movement to a different allotment, or, if	No corresponding S/G.	This is entirely unreasonable. See notes above. This would eliminate the sheep industry on USFS land, as alternative pasture is not likely to be found for thousands of sheep. If this were to be implemented, we would demand that alternative allotments be found for those sheep in a timely manner that does not put undue pressure on producers.

	<p>the situation cannot otherwise be resolved, moving the permitted sheep off of the national forest until the situation can be resolved</p> <p>Inform the appropriate state agency of the bighorn sheep location</p>		
<p>p. 277 KW-1 S-15</p>	<p>Standard There shall be no net increase in the mileage of Forest Roads in any key watershed unless the increase results in a reduction in road-related risk to watershed condition. Priority should be given to roads that pose the greatest relative ecological risks to riparian and aquatic ecosystems.</p>	<p>Alt E modified: Guideline Any increases in the mileage of Forest Roads in any key watershed should not result in substantial road-related risk to watershed condition.</p>	<p>“Priority should be given to roads that pose the greatest relative ...risks...” Does this imply that roads will be decommissioned? No road decommissioning should take place without coordination with the affected county. We suggest removing this sentence.</p>
<p>p. 278 KW-2 S-16</p>	<p>Standard Hydroelectric and other surface water development authorizations shall include requirements for in-stream flows and habitat conditions that maintain or restore native fish and other desired aquatic species populations, riparian dependent resources, favorable channel conditions, and aquatic connectivity.</p>	<p>No corresponding S/G.</p>	<p>USFS asserts that surface water development authorizations “shall include requirements” for in-stream flows, habitat conditions, connectivity, etc.—without giving specifics as to what those “requirements” would be. This is a terribly vague standard that also usurps the State’s authority over water rights.</p> <p>Furthermore, USFS cannot control every variable regarding desired fish populations. No matter the conditions or the design and function of surface water developments, fish may or may not thrive based on a large number of variables outside USFS’ control.</p> <p>Terms such as “favorable channel conditions” are far too subjective to be included in a standard.</p>
<p>p. 278 KW-3 S-17</p>	<p>Standard New hydroelectric facilities and water developments shall not be located in a key watershed unless it can be demonstrated that there are</p>	<p>No corresponding S/G.</p>	<p>The concept of “Key Watersheds” is flawed. Watersheds were not “established” by USFS, nor can USFS declare that fish habitat is the sole “purpose” of a watershed. USFS should be focusing on multiple uses</p>

	minimal risks and/or no adverse effects to the fish and water resources for which the key watershed was established.		that will benefit the human population. This includes both keeping water resources healthy and allowing for new energy sources that will benefit Baker County residents.
Page 279WR-3	Guideline Hydrologic connectivity and sediment delivery from roads and trails should be minimized. This includes roads inside and outside of riparian management areas.	Alt E modified Guideline Hydrologic connectivity and sediment delivery from roads and trails should be analyzed in coordination with the county on a site-specific basis, and addressed where necessary.	This guideline is not acceptable. Not all roads inside riparian corridors are problem roads. Almost none of the roads outside riparian corridors (exception would be in areas of very steep ground) are problem roads. This guideline needs to be rewritten to indicate that hydrologic connectivity should be evaluated on a site specific basis.
P. 279 OF-1 G-59	Guideline Management activities within and outside old forest stands should generally emphasize retaining old trees of desirable species. For most species, old trees are generally considered to be greater than 150 ears in age and may exhibit certain old tree characteristics. However, these old tree characteristics may vary by site and should be further developed on a project-specific basis.	Alt E modified: Guideline Management activities within old forest stands should generally emphasize retaining old trees of desirable species. For most species, old trees are generally considered to be greater than 150 ears in age and may exhibit certain old tree characteristics. However, these old tree characteristics may vary by site and should be further developed on a project-specific basis.	“Within and outside” old forest stands is too broad. On page iii-iv (Vol 1), for Alternatives D-F, the document states there will no longer be designated old forest management areas. This is a good thing. Timber management activities should take place in these areas. However, the document describes a “legacy tree” as a live tree over 21 inches—then states in this guideline that these will be protected. That puts us back where we started. The definition of a legacy tree should be changed to include only trees over 21 inches dbh that are healthy, produce cones and are without disease or dead top.
p. 279 OF-2 New	Guideline New motor vehicle routes should not be constructed within old forest stands.	No corresponding S/G.	“Old forest stands” is a vague term and could conceivably cover very large areas. This guideline could therefore prevent road construction important to the protection of the forest (wildfire suppression and logging) and economic activities, including preexisting rights.
p. 281 MA 1A	Guideline States no tethering of	Alt E modified Guideline	

WIL-5 G-64	animals within 200 feet of lakes.	States no tethering of animals within 50 feet of lakes.	
p. 282 MA 1A WAW- WIL-1 S- 20 (Wildernes within WWNF)	Standard Visitors must obtain and possess an entry permit	No Corresponding S/G	No permits should be required to access wilderness except in the case as happens on wild and scenic rivers where permit fees are used to provide sanitary facilities for rafters and other river users.
p. 282 MA 1A WAW- WIL-2 S- 21	Standard Campfires not authorized within 100 feet of lakes	Alt E modified Standard Campfires not authorized within 50 feet of lakes	
p. 283 MA 1A WAW- WIL-4 S- 23	Standard Grazing of horses shall not be allowed with 200 feet of any lake in the Eagle Cap Wilderness Area	Alt E modified Standard Grazing of horses shall not be allowed with 50 feet of any lake in the Eagle Cap Wilderness Area	
p. 283 MA 1A WAW WIL-7 S- 27	Standard Party size no more than 6 allowed	Alt E modified Standard Party size no more than 12 allowed	Should be the same as #S-26 Party size 12. However, if no permits are required, this becomes irrelevant.
MA 1A WIL- FIRE-1 G- 65	Standard All firelines should be restored	Alt E modified Guideline Firelines should remain open for firewood collection and restoration work	
p. 285 WIL-ST-1 G-71	Guideline Existing and proposed uses that could compromise wilderness eligibility prior to congressional designation should not be authorized.	No corresponding S/G	If <i>existing</i> uses would threaten an area's designation as wilderness, that area obviously should not have qualified as a recommended/study area. On p. 190, Vol. 1, report findings reveal that additional wilderness designation is not necessary within the Blue Mountain national forests.
MA 2A WSR-3 G-	Guideline Must use designated stock	Alt E modified Guideline allow	This is not workable because there are not enough stock facilities thru

73	facilities only for hitching horses	hitching of horses within 50 feet of water areas	out the areas. Must be allowed to hitch horses within 50 feet of water areas
MA 2A WSR-6 G-76	Guideline Timber harvest roads should not be constructed in wild and scenic river corridors.	Alt E modified Guideline Timber harvest roads should not be constructed in wild and scenic river corridors except for purposes of fuel reduction or existing rights.	
p. 287 MA 2A WSR-8 G-78	Guideline The construction of roads and river crossings that are visible from the river corridor should not be allowed	Alt E modified Guideline The construction of roads and river crossings that are visible from the river corridor should not be allowed, <u>unless necessary to satisfy existing rights.</u>	
p. 287 MA 2A WSR-11 S-36	Standard Oil and gas leasing shall not be allowed with 1320 feet of high water mark	Alt E modified Guidance Oil and gas leasing shall be allowed at distances that do not inhibit WSR purposes, on a site-specific basis and in coordination with the County.	
p. 288 MA 2B RNA-1 New	Standard Management activities that modify ecological processes shall not be allowed	No corresponding S/G	Baker County opposes the creation of RNAs, for the very reason that they restrict “management activities that modify ecological processes.” Such activities are necessary for the safety and wellbeing of our residents, as well as their very way of life. Losing activities such as logging, mining and grazing detracts from our economy and our safety, in light of the increased risk of catastrophic wildfire. As stated by the USFS website, “RNAs are protected against human

			activities that directly or indirectly modify their ecological integrity...” (http://www.fs.fed.us/rmrs/research-natural-areas/about/). We disagree with this designation, which is an effective Wilderness designation, but without the deliberation of Congress. The USFS websites states, “It has been especially challenging to secure RNA designations in the most productive forest and rangeland ecosystems where commodity uses have been concentrated.” This is as it should be; the national forests were established by the Organic Administration Act (OAA) of 1897, 16 U.S.C § 475, for two primary purposes: to conserve water flows, and to furnish a continuous supply of timber for the American people. Research in RNAs should be geared toward the achievement of those dual goals. Such has not been the case.
p. 288 MA 2B RNA-2 G-86	Guideline changed to standard Mineral exploration shall minimize impacts to research areas	No corresponding S/G	The County opposes such restrictions; see comment on RNA-1.
p. 288 MA 2B RNA-3 G-87	Guideline changed to standard Removal of common mineral material shall not be allowed	No corresponding S/G	The County opposes such restrictions; see comment on RNA-1.
p. 289 MA 2C Botanical areas MA 2C BOT-3 G-93	Guideline Silvicultural treatments should be allowed only when designed to enhance the special features of botanical areas.	No corresponding S/G	Baker County disagrees with these guidelines, as they all negatively affect our residents’ use and enjoyment of the WWNF. Botanical areas represent another special designation that has the potential to severely restrict Baker County residents’ use, enjoyment, and safety by minimizing uses such as timber management, grazing, and mining.
p. 289 MA 2C BOT-4 G-94	Guideline Firewood collection should not be authorized or allowed within botanical areas.	No corresponding S/G	
p. MA 2C BOT-6	Guideline Removal of common mineral material	No corresponding S/G	

G-96 289	should not be authorized or allowed within botanical areas		
p. 290 MA 2C BOT-7 G-97	Guideline Botanical areas should be managed as avoidance areas for utility corridors.	No corresponding S/G	
p. 291 STA EXP-4 New	Standard Vehicle access shall only be allowed on designated routes, unless necessary to meet research needs or objectives	Alt E modified: Guideline Vehicle access shall only be allowed on designated routes, unless necessary to meet research needs or objectives, fight fire, or satisfy existing rights.	
p. 291 STA EXP-4 New	Standard Starkey EFR shall be closed to public access from fall until spring to protect deer and elk from harassment and stress during winter, with specific dates established periodically as consistent with research objectives.	No corresponding S/G	WWNF deer and elk populations are thriving. No such restrictions are necessary.
p. 291 STA EXP-4 New	Guideline Existing old growth should be retained and additional stands that are the closest to old growth structure should be retained at a rate of 20 percent of the land area.	Alt E modified: Guideline Existing old growth should be retained.	“Stands that are the closets to old growth structure” – this is an impossibly vague guideline that should be deleted.
p. 292 MA 3A/B BACK-1 S-58 (Backcountry nonmotorized and motorized)	Standard Silvicultural treatments shall generally be limited to small diameter material and may take place only for the following reasons: To improve habitat for species with viability concerns, restore terrestrial or aquatic ecosystem composition and structural characteristics, or to maintain existing unique or important wildlife features or plant communities. Appropriate administrative use When cutting, sale, or	No corresponding S/G	The two “backcountry” designations proposed by USFS violate the agency’s multiple-use mandate, as exemplified by this standard. To limit timber management to solely “ecosystem” purposes is blatantly against USFS’ primary purpose of providing a steady supply of timber to the American people. The MA 3A/B designations should be discarded altogether.

	removal of timber is incidental to the implementation of another suitable management activity		
p. 293 MA 3A/B BACK-2 S-59	Standard New road construction shall be limited to that required for designated special uses or required by law to provide access to non-Federal land or valid existing rights.	No corresponding S/G	See comment on MA 3A/B BACK-1 S-58
p. 293 MA 4B RMA-1 G-101 (Riparian Management Areas)	Guideline When riparian management areas are functioning properly, project activities should be designed to maintain those conditions. When riparian management areas are not properly functioning, project activities should be designed to improve those conditions. Project activities in RMAs should not result in long-term degradation to aquatic and riparian conditions at the watershed scale. Limited short term or site-scale effects from activities in RMAs may be acceptable when they support, or do not diminish long-term benefits to aquatic and riparian resources.		USFS proposes to unilaterally turn riparian areas (or, in many cases, non-riparian areas that nonetheless fall under the proposed RMA definition) into non-multiple-use areas. While we understand and agree that properly functioning riparian areas are in the best interest of Baker County residents, we simply observe that none of the standards or guidelines for RMAs make mention of USFS' mandate to provide social and ecological benefits to the people. This oversight must be righted in future planning efforts.
p. 294 MA 4B RMA-2 S-41	Standard Herbicides, insecticides, pesticides and other toxicants, and other chemicals shall be applied only to maintain, protect, or enhance aquatic and riparian resources or to restore native plant communities.	Alt E modified: Guideline Herbicides, insecticides, pesticides and other toxicants, and other chemicals shall be applied only to maintain, protect, or enhance aquatic and riparian resources or to restore native and desired non-native plant communities.	
p. 294	Guideline Water drafting	Guideline Water	Regulating in-stream flows is the

<p>MA 4B RMA-4 G-103</p>	<p>sites should be located and managed to minimize adverse effects on stream channel stability, sedimentation, and in-stream flows needed to maintain riparian resources, channel conditions, and fish habitat.</p>	<p>drafting sites should be located and managed to minimize adverse effects on stream channel stability and sedimentation.</p>	<p>state's responsibility and beyond the authority of USFS.</p>
<p>p. 295 MA 4B RMA- FIRE-1 G-104</p>	<p>Guideline Disturbed areas, such as firelines, drop-points, camps, roads, and trails, should be restored by actions such as scattering slash piles, replacing logs and boulders, scarifying soils, recontouring terrain, and reseeding with native species</p>	<p>Guideline Disturbed areas, such as firelines, drop-points, camps, roads, and trails, should be restored by actions such as scattering slash piles, replacing logs and boulders, scarifying soils, recontouring terrain, and reseeding with native and desired non-native species</p>	
<p>p. 297 MA 4B RMA- FIRE-10 S-45</p>	<p>Standard Minimum Impact Suppression Tactics (NWCG 2006) techniques for wildfire suppression activities shall be used in riparian management areas.</p>	<p>No corresponding S/G.</p>	<p>As noted above, we do not believe use of MIST in RMAs is appropriate.</p>
<p>p. 297 MA 4B RMA- FIRE-11 S- 46</p>	<p>Standard To minimize soil damage when chipping fuels within RMAs, chip bed depth on dry soils shall be limited to 7.5 cm or less (Busse et al. 2005)</p>	<p>Alt E modified: Guideline To minimize soil damage when chipping fuels within RMAs, chip bed depth on dry soils shall be limited to 7.5 cm or less (Busse et al. 2005)</p>	
<p>p. 297 MA 4B RMA- FOR-1 G-112</p>	<p>Guideline Silvicultural treatments should occur on RMAs only as necessary to maintain, restore or enhance conditions that are needed to support aquatic and riparian dependent resources.</p>	<p>No corresponding S/G</p>	<p>See comment on MA 4B RMA-1 G-101</p>
<p>p. 298 MA 4B RMA- FOR-2 S-47</p>	<p>Standard Firewood collection shall not be authorized or allowed in the active floodplain or within primary source areas for</p>	<p>No corresponding S/G</p>	<p>This standard is a demonstration of the DEIS' numerous proposals to implement incomprehensible, unknowable standards that will serve only to incriminate Baker County</p>

	large woody debris. Active floodplain is the area bordering a stream that is inundated by flows at a surface elevation defined by two-times the maximum bankfull depth (ie, bankfull depth measured at thalweg).		residents.
p. 298 MA 4B RMA- RNG-1 S- 48	Standard New livestock handling and/or management facilities shall be located outside RMAs, except for those that inherently must be located in an RMA and those needed for resource protection.	Alt E modified: Guideline New livestock handling and/or management facilities should be located outside RMAs, except for those that inherently must be located in an RMA and those needed for resource protection.	
p. 299 MA 4B RMA- RNG-2 G- 115	Guideline (Table A-55a) Maximum utilization within RMAs for both Woody vegetation and herbaceous vegetation (percent of mean annual vegetative production): 25% within bull trout spawning and rearing reaches. 40% for all other watercourses including anadromous fish reaches. In addition, the minimum residual stubble height (applies at the greenline) for all alternatives is 4-6 inches. The max bank alternation is 20 percent	Alt E modified: Guideline Scientifically-sound utilization levels and monitoring techniques should be agreed upon by County and, when possible, the permittee. (See Appendix B for suggested utilization levels.)	The plan states that riparian areas and rangeland are on an upward trend. If this is the case, why does USFS propose to decrease utilization standards? Utilization: Utilization levels are too low and are not based on a balanced consideration of range science. These levels will encourage wildfire in many cases and will detract from healthy grass and forbs growth. Furthermore, utilization should not be a number, but rather a range of use to achieve proper use that effectively addresses the needs of the plant community and the season of use it is applied to (i.e., 40-60%). See more in our Grazing Concerns section. Bull trout: p. 308 Vol 1 states there are 53 subwatersheds containing bull trout (640,000 acres, 36 percent of forest area). This is a huge area. The 25% utilization level, in most cases, will make it uneconomical for most operators in bull trout “habitat” to turn out at all. There is no scientific basis for this standard.

			<p>Stubble height: While USFS should monitor stubble height for green line, grass and forb height must be determined by species, ecological site, site potential and weather. Many sites have mixed grass species due to many factors and the attribute must be carefully defined prior to any assessment. A bluebunch site may achieve a mature height of 10-12 inches, but some sites with a mixture of grass species achieve a mature height of 7-8 inches. Other sites achieve even less. The same pattern is true for forb species. Further, mixing the different forb species will not accurately assess forb height, rendering the information arbitrary and ineffective at providing an assessment.</p> <p>Stream bank alteration: While bank alteration should be used to monitor conditions, the 20% bank alteration standard has no scientific basis and should not be included in the forest plan.</p>
p. 300 MA 4B RMA-RNG-3 G-116	Guideline During allotment management planning, removing existing livestock handling or management facilities from RMAs should be considered.	No corresponding S/G	Riparian area conditions are currently trending up. This is unnecessary, and will only serve to detract from activities crucial to proper livestock management, and thus range health. Removal of these facilities threatens to add cost and difficulty to producers, which could in turn result in their inability to utilize their grazing rights.
p. 300 MA 4B RMA-RNG-4 G-117	Guideline Livestock trailing, bedding, watering, loading, and other handling in RMAs should be minimized.	No corresponding S/G	RMAs are defined so broadly that this guideline will necessarily eliminate large portions of producers' ranges.
p. 300 MA 4B RMA-RNG-5 G-118	Standard Trampling of federally listed threatened or endangered fish redds by livestock shall be avoided.	No corresponding S/G	This is duplicative and unnecessary. Other S/Gs address the protection of ESA species. Furthermore, making this a standard implies a zero-tolerance policy that will completely preclude livestock access to waterways that <i>may</i> harbor redds.
p. 300	Standard Side-casting	Alt E modified :	Such a requirement could make road

MA 4B RMA-RD-1 S-49	(placement of unconsolidated earthen waste materials resulting from road construction or maintenance) in RMAs shall be avoided.	Guideline Side-casting (placement of unconsolidated earthen waste materials resulting from road construction or maintenance) in RMAs should be avoided when feasible, considering added costs of moving materials, and with the requirement that valid existing rights be satisfied.	construction and maintenance prohibitively expensive. USFS proposes to add costs to this activity at the same time that it cites inadequate budgets to maintain existing roads.
p. 300 MA 4B RMA-RD-2 S-50	Standard Fill material shall not be placed on organic debris in RMAs	Alt E modified : Guideline Fill material should not be placed on organic debris in RMAs when feasible, considering the associated costs. Valid existing rights must be satisfied.	See above comment.
p. 301 MA 4B RMA-RD-3 S-51	Standard Disruption of natural hydrologic flow paths, including diversion of streamflow and interception of surface and subsurface flow shall be minimized or avoided when constructing or reconstructing roads or landings either inside or outside of RMAs.	Alt E modified: Guideline Disruption of natural hydrologic flow paths, including diversion of streamflow and interception of surface and subsurface flow should be minimized when constructing or reconstructing roads or landings in RMAs.	Placing this in the RMA category implies it will apply to RMAs only. Why state “either inside or outside of RMAs”?
p. 301 MA 4B RMA-RD-4 G-120	Guideline Wetlands and unstable areas should be avoided when reconstructing existing roads or constructing new roads and landings. Minimize impacts where avoidance is not practical.	Alt E modified: Guideline Wetlands and unstable areas should be avoided when constructing new roads and landings. Minimize impacts where avoidance is not practical.	If existing roads are in “wetlands or unstable areas,” their reconstruction will necessarily fall in those areas. If those roads needed where they are, measures can be taken to minimize their effects on said areas.
p. 301 MA 4B	Standard New or replaced permanent stream crossings	Alt E modified: Guideline New or	Allowing for flows at least 20 years greater than the 100-year flood event

RMA-RD-5 S-52	shall accommodate flows at least 20 percent greater than the 100-year flood event, including associated bedload and debris.	replaced permanent stream crossings shall accommodate flows such that they can accommodate 100-year flood events.	is excessive and will add unnecessary cost and/or could preclude crossing construction.
p. 301 MA 4B RMA-RD-6 S-53	Standard Where physically feasible, construction or reconstruction of stream crossing shall avoid diversion of streamflow out of the channel and down the road in the event of crossing failure.	Alt E modified Guideline Where physically feasible, construction or reconstruction of stream crossing shall avoid diversion of streamflow out of the channel and down the road in the event of crossing failure.	
p. 301 MA 4B RMA-RD-7 S-54	Standard In fish bearing streams, construction or reconstruction of stream crossing shall provide and maintain passage for all fish species and all life stages of fish.	Alt E modified: Guideline In fish bearing streams, construction or reconstruction of stream crossing should provide and maintain passage for all fish species and all life stages of fish.	
p. 306 MA 4B RMA-HYD-1 S-56	Standard Authorizations for all new and existing special uses, including, but not limited to water diversion or transmission facilities (e.g., pipelines and ditches), energy transmission lines, roads, hydroelectric, and other surface water development proposals, shall result in the reestablishment, restoration, or mitigation of habitat conditions and ecological processes identified as being essential for the maintenance or improvement of habitat conditions for fish, water and other riparian dependent species and resources. These processes include in-stream flow regimes, physical and	No corresponding S/G	The placement of this standard in the “hydropower” section is inappropriate and appears intended to cloak the broad scope of the standard. Authorizations of <i>all new and existing special uses</i> includes almost any conceivable activity on the forest, including existing water rights that are perfected via a special use permit (for maintenance of pipelines and ditches, for example). <i>“...shall result in the reestablishment, restoration, or mitigation of habitat conditions and ecological processes identified as being essential for the maintenance or improvement of habitat conditions for fish, water and other riparian dependent species and resources.”</i> Comment: Who will “identify” the ecological processes that are “essential” for the said purposes?

	<p>biological connectivity, water quality, and integrity and complexity of riparian and aquatic habitat.</p>		<p>This is completely subjective, which makes all activities on RMAs that require special use permits subject litigation. "...essential maintenance or improvement" implies conditions could be good, but improvements COULD be made. The possibility for "improvement" is limitless. Must all new and existing uses result in the "improvement" of habitat conditions?</p> <p><i>"These processes include in-stream flow regimes, physical and biological connectivity, water quality, and integrity and complexity of riparian and aquatic habitat."</i></p> <p>Comment: regulation of these features is not within the authority of USFS. "Integrity and complexity of riparian and aquatic habitat"- this is incomprehensible. It holds no meaning, yet it is cast as part of a standard.</p> <p>The entire standard should be discarded.</p>
<p>p. 306 MA 4B RMA- HYD-2 S- 57</p>	<p>Standard New support facilities shall be located outside of RMAs. Support facilities include any facilities or improvements (eg, workshops, housing, switchyards, staging areas, and transmission lines) not directly integral to the production of hydroelectric power or necessary for the implementation of prescribed protection, mitigation or enhancement measures.</p>	<p>Alt E Modified: Guideline New support facilities not directly integral to the production of hydroelectric power should be located and operated in a manner that does not compromise riparian areas. Riparian areas should be determined on a site-specific basis.</p>	<p>RMAs are defined so broadly as to make the construction of support facilities impossible within a reasonable distance. This may inadvertently prevent efficient hydropower production, or any hydropower production at all. This will certainly be the case if structures such as transmission lines are considered to be "support facilities" not integral to the production of hydropower.</p>

Wildlife Concerns

The interrelationship between wildlife and humans in Baker County has been ongoing for over a hundred and fifty years. Hunting and fishing are significant economic drivers in our economy. They are also woven into the social fabric of our citizens and are a significant part of the culture and custom of Baker County. Our challenge as a County is to preserve and enhance our wildlife resources while maintaining historic and contemporary uses of these resources. Our objectives are to involve local stakeholders in the development of wildlife plans, including for ESA species; to encourage the maintenance and improvement of wildlife habitat on public lands; and to identify acceptable habitat where ESA species can be conserved without substantial conflict to other natural resource users. Any proposed management plan of a listed species will require coordination with the County to ensure that it is consistent with the Natural Resources Plan.

I. Focus on Wildlife Populations is Inappropriate

Wildlife management is the prerogative of the State of Oregon. The DEIS not only proposes to manage wildlife to the degree that usurps the State's jurisdiction; it violates its multiple-use mandate in prioritizing wildlife "protection" over all other uses.

We agree with language on p. 29 of the RLMP, which states that NFMA "requires land and resource management plans to contribute to the diversity of plant and animal communities, based on the suitability and capability of the land area, while meeting overall multiple-use objectives" (emphasis added). We disagree with the statement that "a species-specific approach is warranted" in cases where "ecosystem diversity does not provide the ecological conditions necessary to sustain populations of certain species." This is in direct conflict with the previous statement regarding NFMA requirements. Single-species management is not a wise—or legal—approach to national forest management. Focusing on habitat diversity, rather than focusing on species' populations, provides for a more workable management approach and allows USFS to address those issues over which it has the ability and authority to control.

The states have primary jurisdiction over non-ESA protected wildlife and therefore should be the entity that manages wildlife. Coordination with the states through Memoranda of Understanding (MOUs) should be the primary tool used for coordinating wildlife management with local land managers and stakeholders.

II. Species "Viability" Language Is Inappropriate

The Plan incorrectly includes language that requires USFS to "maintain a viable population of each species of conservation concern" (RLMP p. 113). (Also see Vol 2 p.30 – "Species Viability – Overview"). Nowhere in statute is this "viability" requirement mandated; wildlife management is, again, the responsibility of the states.

In the case of bighorn sheep management (noted in detail in the grazing section), USFS has taken to the extreme the species-viability "mandate" that it has self imposed, threatening the domestic sheep industry due to its sole focus on preserving bighorn sheep. If this zero-tolerance

“viability” policy were to be applied to other species, productive multiple uses such as logging, mining and grazing could potentially be curtailed altogether.

The broad definition of “species of conservation concern” allows for an indefinite number of species to be considered “of concern” by USFS. The definition of “species of concern” (Vol 3, p. 54) includes any species that has been petitioned for listing under the ESA. Any species, regardless of its actual population status, can be petitioned for listing; thus this category could be exceedingly large.

The 2008 Planning Rule (while not adopted) correctly recognized that “NFMA does not mandate viability of species.” See 73 Fed. Reg. at 21472; see also *id.* at 21494. Rather, “species diversity appropriate to the area covered by a plan is NFMA’s goal.” *Id.* at 21472. These findings should be presented in the Plan. Further, the 2008 Planning Rule acknowledged that “viability would place an impractical burden on the [Forest Service].” *Id.* Maintaining species viability was determined to be a technical impossibility because the cause of decline of some species is outside the Forest Service’s control. *Id.*; see also *id.* at 21496. Further, maintaining species viability for all species was determined to be impractical because of the large number of species present on units of the NFS. *Id.* at 21472. The Forest Service determined that focus on viability diverted attention and resources away from an ecosystem approach to land management that, in the Forest Service’s view, “is the most efficient and effective way to manage for the broadest range of species with the limited resources available for the task.” *Id.* The viability provision is dangerous, ineffective, violates states’ rights, and should be removed from the Plan.

III. “Protections” of “Species Of Concern” Are Misplaced, and Category Is Too Broad

The DEIS describes the “protections” USFS proposes for numerous categories of species beyond just ESA species. This is beyond USFS’ authority and creates a scenario where any species could be considered as “of concern.” Meanwhile, most of the “protections” proposed by USFS serve to restrict other uses, including management activities such as timber harvesting and livestock grazing. This not only harms our economy and detracts from our citizens’ social well-being, it threatens the

The RLMP states as a desired condition: “The natural range of habitats for native and desired nonnative fish, wildlife, and native plant species, including threatened and endangered species, species identified as regional forester’s sensitive species, and focal species, is of adequate quality, distribution, and abundance to contribute to maintaining native and desired nonnative species diversity...Management activities improve the conservation status of species identified as being focal species or of local or regional conservation concern” (emphasis added) (RLMP p. 30). Not only are there too many categories of “species of concern,” but the for qualification in these categories is exceedingly low, as described below.

1. Focal Species Similar to Discredited “Management Indicator Species” Concept

The USFS’ use of “focal species” is inappropriate as it very closely resembles the discredited Management Indicator Species (MIS) concept. The theory of monitoring focal species to provide insight into the integrity of ecological systems and the status of other species

has been discredited. The Forest Service has admitted that “[t]he theory of MIS has been discredited since the 1982 rule.” See 76 Fed. Reg. at 8499 Supporting that admission, the Forest Service states:

[e]ssentially, monitoring the population trend of one species should not be extrapolated to form conclusions regarding the status and trends of other species. In addition, population trends for most species are extremely difficult to determine within the 15-year life of a plan, as it may take decades to establish accurate trend data, and data may be needed for a broader area than an individual national forest or grassland. Id.

Because the theory of monitoring focal species has been discredited and does not provide reliable information on the integrity of ecological systems and the status of other species, the theory should not be employed as part of the Plan. Rather than concentrating on species populations, especially those of focal species, the Plan should concentrate on habitat diversity, which is more consistent with USFS’ requirement to provide for “diversity of plant and animal communities.” 16 U.S.C. § 1604(g)(3)(B).

Note the similarities of its definition to MIS definition: *Focal species (Vol 3 p. 23)*: A group of species that serve as an umbrella function in terms of encompassing habitats needs for other species, are sensitive to the changes likely to occur in the area, or otherwise serve as an indicator of ecological sustainability (Lambeck et al. 1997, Noss et al. 2007 and Andelman et al. 2001). *Management Indicator Species (Vol 3 p. 31)*: In the original forest plans, a species selected because its welfare is presumed to be an indicator or other species using the same habitat. A species whose condition can be used to assess the impacts of management actions on a particular area.

2. “Sensitive Species” Category Is Overly Broad

Throughout the document, protections for “sensitive species” are proposed. The category is far too broad and at the sole discretion of the regional forester, leaving too much room for arbitrary “listings” of species. The glossary (Vol 3 p. 51) defines “Sensitive species” as: “Plant or animal species identified by a regional forester for which population viability is a concern either: 1) because of significant current or predicted downwards trends in population numbers or density; or 2) because of significant current or predicted downward trends in habitat capability that would reduce a species’ existing distribution. Those species that have appeared in the Federal Register as proposed for classification or are under consideration for official listing as endangered or threatened species, that are on an official state list, or that are recognized by the regional forest as needing special management to prevent placement on federal or state lists.”

Thus, a species could be listed as “sensitive” at the sole discretion of the regional forester based on subjective “predicted” trends in population or habitat. By this definition, any species could be listed. The “sensitive species” category should be eliminated, and the focus should instead be placed on fostering resilient habitats.

3. Threatened and Endangered Species Protected by ESA Consultation

The DEIS focuses considerable attention on treatment of ESA species and is overly prescriptive for a programmatic document. The DEIS should instead include broad statements

that projects within the planning area will comply with ESA requirements. ESA Section 7 consultation is required for every federal action; therefore every project within the planning area will necessarily be analyzed for ESA compliance.

IV. Wildlife Corridors Inappropriate

The inclusion of “wildlife corridors” exemplifies the DEIS’ implication that multiple uses by humans are in conflict with the preservation of wildlife habitat. The DEIS states “Areas where most types of active management are generally not suitable will provide varying amounts of wildlife habitat connectivity” (Vol. 1 p. 15). We can assure you that lack of active management does not necessarily coincide with wildlife habitat. Quite the opposite, in fact: wildlife are abundant on our private and state forests that are well-managed. Our county’s long heritage of hunting and fishing, logging, mining and grazing alongside wildlife is indication enough that “wildlife corridors” are unnecessary.

The Forest Service states their desire for management strategies to increase the adaptive capacity of terrestrial ecosystems in the face of climate change. Enhancing landscape connectivity is one method that is mentioned. The document states that by closing roads in the corridors, the adaptive capacity of terrestrial ecosystems will be enhanced. Animals currently move from one part of the North Fork John Day Wilderness to the next without problems. There is no justification for the corridors to connect the two parts of the wilderness. In fact, court cases since the Wilderness Act was passed have decided, without exception, that there can be no buffers around the wilderness areas.

V. Management Restrictions Will Harm Species and Multiple Uses

1. Effects of Reducing Logging

Reducing logging via the proposed standards and guidelines below will only worsen the wildfire threat to wildlife and reduce forage opportunities due to canopy cover and overcrowding.

2. Effects of Reducing Grazing

Ranching on both public and private land “has been found to support biodiversity that is of conservation concern” (Knight, 2007). In the West, where productive, private lands are interspersed with large areas of arid, less desirable public lands, biodiversity of species depends greatly on ranchland. According to Rick Knight, a biology professor at Colorado State University, ranching on both public and private land “has been found to support biodiversity that is of conservation concern” because it “encompasses large amounts of land with low human densities, and because it alters native vegetation in modest ways.”⁵ Knight also noted that other uses – such as outdoor recreation and residential use – are not as conducive to the support of threatened or endangered species. Areas with flourishing and diverse plant and wildlife populations are often found in their present state because of, and not despite, the practice of

⁵ “Ranchers as a Keystone Species in a West that Works.” Richard L. Knight. *Rangelands* Oct. 2007.

grazing (NRCS, 2004). Wild birds, animals and rodents seek out and thrive in the shelter provided by natural ranch features, like diverse plant cover and windbreaks, as opposed to row-to-row crops or bare landscapes. Large animals such as elk and deer are known to thrive in areas where cattle graze.⁶ Grazing improves wildlife habitat by increasing the quality and accessibility of grasses and forbs (Neel 1980, Derner et al.1994, Evans 1996). See more benefits of grazing in the “Grazing Concerns” section of these comments.

VII. Monitoring Timeframe Is Unrealistic

Page 113 of the RLMP (Table 29, 3) states “Status of select set of the ecological conditions required under §219.9 to contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern.” The “Proposed Monitoring Question” is, “What is the condition and trend in habitats for aquatic focal species (steelhead, spring Chinook salmon, bull trout, and redband trout)?” The timeframes given are Annual, 5 year.

Comment: These timelines are inappropriate. Monitoring protocols need to be understood by the authors. Trend cannot be determined on an annual or even 5-year basis.

⁶ Texas A&M University-Kingsville (2005). *Cattle Management to Enhance Wildlife Habitat in South Texas*. Wildlife Management Bulletin of the Caesar Kleberg Wildlife Research Institute, Management Bulletin No. 6, 2005.

Access Concerns

Importance of Access to Baker County

All roads in the forest were built for a purpose and those purposes still exist. The roads represent a very significant investment as well as a necessary route for commerce. Roads also serve as a necessary firebreak and a means for rapid response to fires before they become conflagrations. Roads are crucial to the health and safety of our citizens. The roads provide much needed access for mining and private land forest management interests such as water and grazing rights and access to lands that have ties to public lands.

The forest lands must be managed with timber and thinning activities and the only way this can be done is with the use of our current (and possibly enhanced) roads systems. These roads give us the opportunity for jobs in Baker County. Keeping access open for the timber, mining and grazing industries will keep our towns and county economically sound for generations to come.

Additionally, our County's landscape is a recreational haven for residents and visitors alike. Families who live in Baker County, often times for generations, perceive recreation as a "right to enjoy" the surroundings of home. In a nutshell, *"it's why we live here."* Recreation is also the a critical economic drawing point for the County, attracting visitors who come to view wildlife, fish, hunt, ski, snowmobile, hike, camp and generally enjoy the beauty of Baker County. Tourism is one of the largest economic drivers in Baker County- in fact, only agriculture generates more dollars for this County. Direct travel spending is estimated to be over \$45 million per year, per Dean Runyan Associates for 2006. Tourism accounts for approximately 630 jobs throughout the County.

For these reasons, the road system needs to remain intact. If an environmental reason exists for modifying a road, local input needs to be obtained and a mutually beneficial solution coordinated.

County's Access Requirements

Road closures on and affecting access to public lands in Baker County require an appropriate County and public review processes, noticing, appeal periods, and a genuine good faith effort to incorporate the suggestions and concerns put forth by the public. In order to protect Baker County citizens' rights and recreational interests and access to and on public lands, road closure proposals on public lands within Baker County, as well as the creation of Wilderness or Wilderness Study Areas that would be managed as wilderness areas, National Monuments, "Wild and Scenic", or any other labels that would no longer allow unrestricted use of public lands within Baker County, shall be coordinated with Baker County and the provisions and goals set forth in this Natural Resources Plan.

We have a goal of minimizing actions that diminish the quantity or quality of outdoor recreational experiences available to visitors. Enhancing trail systems for OHV use is part of that goal. Also, ensuring adequate access for those with limited mobility is

important, as these individuals constitute a large segment of both the tourist and local populations in Baker County.

USFS Has Mised Baker County Residents

Baker County residents have been told at every meeting that the EIS does not close roads. Page 63 states, “While the Forest Plan would not change designations of roads and trails for motor vehicle use, it would provide direction for future planning”. Page 63 states, “*The number of acres suitable for motor vehicle use and the desired future condition for road density in those areas will influence the future transportation system*”. Page 63 states, “*An area determined to be unsuitable for motor vehicle use is expected to have no future road or motor vehicle trail construction*”.

This need not be the case. Page v11” states that the “Desired conditions are broad and may only be achievable over long periods of time”. Baker County agrees with this approach. We believe that with proper Forest management, coordinated with Baker County and the County Resource Management Plan, access and recreation opportunities can be improved, access for the citizens can be maintained and rural communities can survive and even grow.

DEIS Downplays Socio-Economic Importance of Access

In Volume 1 Introduction, the document begins by stating the intent of the EIS. Last on the scale of importance, is recognizing the interdependency of social and economic components. The Forest Plan should protect our custom and culture, which is strongly based in access and use of the National Forests, in the same manner it protects the environment. Access and recreation on National Forest system lands is critically important to the citizens of Baker County and the surrounding areas. Activities such as camping, hunting, fishing, wood cutting, gathering of mushrooms and berries are not possible without roaded access.

Page 181 Goal 1: Promote Ecological Integrity “*This goal and the desired conditions are interrelated with the social and economic components of sustainability*”. Designating areas unsuitable for access, since this will greatly diminish the economic component of sustainability of the recreation activities within the National Forest. The “good will” the Forest is striving for will not happen.

Goal 2 talks about “...natural resources related work, including ... recreation”. Most of the recreational activities that take place on the National Forest involve the local citizens. It is mostly during hunting season that people come to the forest from other areas. Our citizens are not wealthy, they do not vacation in the Bahamas, rather they use the national forests. Page 85 states, there is a “potential for FS actions to disproportionately affect minority and low-income populations (Executive Order 12898)”. Closing roaded access to the National Forest will cause this effect. Motorized access is vital to the use of the forests.

DEIS Proposes Actions That Require Site-Specific Analysis

Because the USFS strongly suggests in several places throughout the Proposed Plan and DEIS that it intends to take certain action under the Plan, it should include additional site-specific evaluations of the environmental impacts of these plans or move those actions.

For example, one of the objectives listed in the Proposed Plan would require that “[w]here open motor vehicle route density exceeds desired conditions, implement route closures and/or decommissioning or consider designating routes for other uses.” Proposed Plan at 107. The Forest Plan also establishes as one of its guidelines (OF-2) that “[n]ew motor vehicle routes should not be constructed within old forest stands.” Proposed Plan at 129.

Statements in the DEIS often include a great deal of specificity regarding what actions would be undertaken by the USFS if the Proposed Plan is implemented. For example, implementation of Alternative E would involve “replacing undersized culverts, out-sloping roads, hardening surfaces to reduce erosion, occasionally relocating or decommissioning roads to address the roads with a focus on watersheds with threatened and/or endangered aquatic fish species.” DEIS Vol. 1 at 37.

Additionally, the USFS states that, with the exception of the no-action alternative, “[a]ll alternatives . . . propose management direction that would result in the closure or decommissioning of open motor vehicle routes in order to meet desired conditions.” *Id.* at 80.

The Proposed Plan goes too far in its plans to close roads within the Blue Mountains Forest. It should do no more than lay out the desired conditions and identify issues of concern and a number of possible ways to mitigate those concerns.

“Preferred” Alternative Limits Access

Baker County is opposed to Alternative E management areas featuring backcountry non-motorized (228,100 acres) and additional motorized (425,200 acres) and connective wildlife corridors (28,100), along with additional wilderness proposals.

Volume 1 Chapter I, on page 8, states that one of the Decision Criteria is “*Minimizing conflicts between revised forest plans and travel management decision and contributing to economic and social needs of people, cultures and communities*”. However, it does not appear that the EIS accomplishes this. Page 10, under Issues-Access states, “*It will provide direction for future planning or motor vehicle routes and areas. The forest plan designates areas where the dominant uses are non-motorized*”. Baker County reminds the Forest Service that wilderness areas, such as Monument Rock, are rarely used. More non-motorized areas are not needed.

Page iii Issue 6, states, “*Public concern is heightened because the management to approach ecological resilience will determine the ecosystem services the Blue Mountains national forests provide*”. The public in Baker County really is concerned. The “*management to approach ecological resilience*” we see in the Blue Mountain Revision

means a blueprint for a future Forest with less access, more wilderness, more wildlife corridors and non-motorized areas, wider “riparian” buffers on ephemeral streams.

Wildlife Corridors Are Restrictive and Unnecessary

Page 15 under Wildlife Habitat Connectivity, states, “*Alternatives E and F also have minor acreages identified for management connections of wildlife habitat*”. Baker County does not consider 28,100 acres as a “minor acreage”. Page 222 MA3C (wildlife corridors) states that both summer and winter vehicle use is restricted to designated routes. Baker County does not agree that these corridors are necessary. Page 305 states, “*the population of Rocky Mountain elk is expected to remain stable during the life of the plan for any of the alternatives*”. Elk are an indicator species. With or without corridors, wildlife will be unaffected.

On page 37, the document also talks about the corridors. Under Issues: Alternative E “*designates a small amount of wildlife corridor (MA 3C) linking high quality unroaded wildlife habitats which would allow the “suitable use” of motor vehicle use in summer and winter on designated routes*”. The document does not define “suitable use”, which is a concern. The corridor between the two portions of the North Fork John Day Wilderness is not necessary. The roads in this area are used by miners, local residents looking for wood or recreating on the forest. Animals can move from one portion of the existing wilderness to the other, without giving them their own corridor. This corridor idea is without merit. The animals have riparian areas for use as movement corridors. Page 231 Chart shows 362,500 acres locked up in the riparian stream buffers. Page 12 states, “*riparian and aquatic habitat conditions are currently trending upward at the scale of the plan area following 15 plus-years of management under the 1990 Forest Plan*”.

Volume 1 Chapter 3 on page 59 begins an extensive discussion of roads and access. The EIS indicates that the Forest Service wants management strategies that will increase the adaptive capacity of terrestrial ecosystems in the face of climate change. Enhancing landscape connectivity is one method that is mentioned. The document states that by closing roads in the corridors, the adaptive capacity of terrestrial ecosystems will be enhanced. Restricting access to 1 mile of road per section, is proposed for these areas. The corridors are not needed by wildlife, and corridors represent just one more buffer around the wilderness, which court cases have consistently affirmed is not legal under the Wilderness Act. Alternative E management areas feature, in addition to connective wildlife corridors, backcountry non-motorized (228,100 acres) additional motorized (425,200 acres) and additional wilderness proposals.

RS2477 Roads

Baker County is asserting the County’s right to roads granted to the counties under RS2477. Page 15 under RS2477 states, “*This includes rights of way under RS2477 that have been adjudicated through the Federal Court system or otherwise formally established*”. The EIS states that the only means of obtaining the existence is through a judgment under Quiet Title, however the law does not require this action. Once the

County asserts its right to a road under RS2477, no further action is needed, unless the Forest Service wishes to pursue other actions.

Hydrologically Connected Roads

Volume 1 Chapter 2 on page 36, under Alternative E, states that the desired condition is to reduce hydrologic connectivity as opposed to using road density, so that roads contributing the most sediment to the aquatic and riparian system will be addressed, (focusing on ESA streams). At first look, this approach appears to have merit. However, further in the document it is disclosed that the term “*hydrologically connected*” means road segments within 300 feet of a waterway. “*Research has shown that effective vegetated filter strips need to be at least 200 to 300 feet wide to effectively capture sediment mobilized by overland flow from outside the riparian management area*”. (Rieman et al, 2001) This study took into account geology and slope, which is not discussed in the EIS.

There is nothing magic about 300 feet; Page 264 states, “*Effects of roads to watersheds function can be reduced by considering location, design, and management to disperse road runoff (Furniss et al 1991)*. Also, page 264 states, “*Haupt and Kidd (1995) suggested that 30-foot wide riparian buffers were sufficient to prevent road related sediment delivery to streams*”. In contrast Ketcheson and Megahan (1996) suggested that 330 feet buffers may be insufficient to prevent sediment delivery to streams depending on the geology (extreme cases such as steep slopes, soil composition and lack of vegetation).

The answer lies in between these two studies. Determination of where roads are hydrologically connected should be made on a case by case basis, instead of what is described on page 264, “*Riparian roads, as used in this analysis, are approximated by miles of road within 300 feet of any stream channel*”. Page 264 clearly states that sediment input into water ways is dependent upon topography and the natural conditions of the site. Rarely, if ever, would a road 200-300 feet from a waterway cause adverse impacts on water quality.

“*Any stream channel*”, means even an ephemeral channel. Page 306 Roads, states, “*There are 10,600 miles of existing roads and an average road density of 3.2 miles per sq mile An estimated 4,226 miles of hydrologically connected roads occur*”, and these will be proposed for closing under the EIS.. Page 8 states, “*The FS has a long history of science-based decision making*”. The 300 foot criteria for hydrologically connected roads is not based on science.

Page 314 states, “*Road decommissioning would have a similar positive effect ...with two main differences (1) existing studies appear to consistently show that a high % of road-related sediment is produced by a relatively small % of the road network... and it has been shown that road decommissioning will not have as much influence on improving watershed condition as would focusing on the roads that have the greatest effect*”. Page 315 states, “*Road decommissioning is more expensive, per mile, than treating hydrologically connected roads, with a cost factor that may be as high as 10 or more, making it likely that an emphasis on road decommissioning would result in a slower rate*

of improvement". Again, Alternative E should not take a blanket approach to close all roads within 300 feet of waterways. Instead, roads should be evaluated on a site specific basis and those roads causing problems should be treated so they no longer are a risk to water quality.

Page 37 states that open road density would change from a standard/guideline to a desired condition, which is good, because the document states that desired future conditions will be achieved over the long term. However, the document is confusing, in that on page 36, Volume I Chapter 1, the document states that instead of using road density, the Forest Service will use hydrological connectivity to decide which roads to close in general habitat. Page 37 states, "*Alternative E takes a different approach by moving away from road densities in general forest (MA4A) and instead focusing on the roads that are causing the biggest problems*". The problem is, the Forest Service is proposing under Alternative E to not only close all the roads within 300 feet of waterways, but will also close good rocky high and dry roads to reach specified road densities in specific areas. Page 243 "Approximately 80 percent of road-related sediment is coming from approximately 20 percent of the roads". It is clearly evident that only a small percentage of roads cause most of the damage. Improving these few roads will solve the problem of road related sediment into into waterway, without closing hundreds of miles of road.

Road Density Should Be Flexible

Page 80 states, "*Proposed open route densities for all alternatives are meant to be an upper limit. It is not the intent to increase open road densities to that upper limit...rather in area that currently have open road densities above the level proposed by desired conditions, it is expected that open routes would be closed..*" Baker County recommends flexibility here. Areas with higher than desired road densities located adjacent to areas such as wilderness or roaded back country, should be cut some slack. Wildlife can use the areas adjacent to the areas with higher road densities if they are looking for solitude.

County Opposes Backcountry Designation

Baker County is opposed to the designation of non-motorized backcountry. Page 198 states, "*Non-wilderness uses adjacent to wilderness may have a negative effect on the quality of wilderness recreation experience*", and the Forest Service intends to restrict uses adjacent to the Wilderness that might impact a person's "wilderness experience". Court cases over the years have determined that the Forest Service may not establish buffers around the wilderness areas, however, that is exactly what they are trying to do. This is nothing more than designating wilderness without going to Congress. These nonmotorized backcountry areas are more buffers around the existing wildernesses, and this is not legal. Non-motorized back country should be eliminated from Alternative E.

On page 3, the document states that "Both summer and winter vehicle use would be considered unsuitable in non-motorize areas (MA3B)". While Baker County does not agree that any nonmotorized backcountry is needed, this explanation in the document is flawed. The text should read 3A, not 3B.

Page 37 states that open road density in MA 3C (motorized backcountry) would be no greater than 1 mile/section. The Forest Service knows this is an impossible desired condition. It takes more than a mile of road to cross one section, due to topography. The existing motorized backcountry areas should not have further road closures. Page 221 describes MA3A (backcountry motorized) access stating it “*may be restricted seasonally, by route designation or by area restrictions*”. This is a change from the 1990 Forest Plan where there were no restrictions on road use in back country. There are opportunities for recreation, wood cutting and resource development in these areas, but if there can only be one mile of road, it will be difficult, if not impossible to do much of anything. Page 75 discusses that “*cross-country motor vehicle travel is unsuitable in any area in any alternative*” (this should read any action alternative). Also, this is not consistent with page 81, Alternative E which designates one existing off-road vehicle area as open to cross country motorized travel.

Elk Habitat Does Not Require Low Road Density

Page 37 states that open road density would be no greater than 1.5 miles/section in winter elk habitat. Baker County is opposed to this low density, because it simply is not needed. Winter elk habitat is snowed in during the winter months when elk are vulnerable, and vehicles do not bother them. The other part of this equation, is that the elk do not even use a lot of designated habitat. They come down to the haystacks or winter at the elk feeding stations along the Elkhorns (their populations are flourishing, it should be added). Each time the Blue Mountain Plan is revised, more areas are designated as closed to motorized vehicles. Baker County envisions that next go-round, elk winter range will be designated as some sort of non-motorized area.

Road Decommissioning More Expensive than Maintenance

Page 48 Alternative A indicates 444 miles of road are currently maintained. Under Alternative E, only 359 miles of road will be maintained due to budget shortfalls projected to be about \$200,000. Page 63 “cost of maintaining the transportation system and the desire to reduce motor vehicle route density (and therefore access). Page 68 states, “*The cost of road maintenance and the budget trend make it likely that future road closures will be necessary*”. Page 80 states, “*If maintenance funding decreases, roads determined to be unsafe and of low priority for maintenance would likely have to be closed*”. Baker County wonders where the money would come from to close all these roads if budgets were cut. It would appear that the money might be better spent maintaining roads for the public to use. Page 276 states, “*Alternative E includes desired conditions for road density in watersheds with anadromous fish and bull trout*”. This is nonsense. As long as roads are not adversely affecting water quality, the number of road in a watershed is irrelevant.

Closing Roads Will Increase Impacts on Remaining Roads

Page 68 states, “*Much of the deferred maintenance will fall on maintenance level 1 and 2 roads, which represent 93% of the road network*”... *Wildlife soil water quality and spread of noxious weeds are negatively affected by the degree and public use of the transportation system*”. Page 263 states, “*erosion has been found to increase with the*

amount of traffic (Reid and Dunne 1984. These are very interesting statements in the EIS. The complaint is that a lot of traffic on a few roads is bad for the environment, however, the entire EIS is focused on closing roads, which forces everyone to travel on the same few roads. This really makes little sense.

Reclassifying Roads to Justify Unnecessary Closure

Page 73 states, *“It is assumed that open motor vehicle route density desired conditions would be met by reclassifying maintenance level 2 roads to maintenance level 1 (custodial care) roads through individual project planning”*. This is a very sneaky approach. By reclassifying good roads as maintenance level 1, these roads are closed by definition. Page 67 states, *“It is important to understand that some roads require annual maintenance while other roads, due to stability of the roadbed, are rarely maintained”*. Reclassifying and closing perfectly good roads that are used by the public is not the answer. There is no science behind this strategy and it hurts the people of Baker County.

Additional Trail Systems Needed

Page 65 states, *“The Blue Mountain national forests trail system has remained relatively the same for the past 20 years”*. Page 66 states that currently, *“There are relatively limited opportunities for motor vehicle use on system trails”*. It seems that there is a need for additional trail systems and this direction should be a part of Alternative E.

Winter Travel Excessively Regulated

Page 78 states, *“There would be no desired conditions standards or guidelines for over the snow travel. This will be determined by site specific project decisions”*. However, the EIS does have direction for winter recreation. Page 259 WLD-HAB-13 G16 *“Motor vehicle use within elk winter range should not be authorized or allowed between Dec 1 and April 30”*. Page 202 Alternative E: Wildlife corridors (MA3C) will have all cross country snowmobile traffic prohibited. Page 199 Recreation states, *“Winter recreation, such as cross country skiing and snowmobiling, can stress wintering animals during deep snow periods....”* Page 199 states, *“Over the snow trails provide some animals with access to areas they usually cannot use during the winter..”*

Page 391 *“winter recreation has significant tourism effects for the communities of the Blue Mountains”*. Page 391 states, *“Snowmobiling is a controversial topic. with parties interested in maintaining or expanding snowmobiling, and other parties seeking to restrict or eliminate it”*. In Baker County, snowmobiling is not controversial at all. The winters are long here, and snowmobiling is a fun and exciting winter activity. Areas such as Anthony Lakes provide sledding and skiing opportunities, leaving the trails available for snowmobiles. The Poker Runs bring in much needed revenue to businesses during the slow winter months.

BLM Roads Discussion Irrelevant

Under cumulative effects, on page 81, the EIS talks about the *“cumulative effect of reduced motor vehicle access on Bureau of Land Management lands..”* This is untrue. Most roads on public land were constructed before 1976, when FLMPA repealed

RS2477. These are county roads and will not be closed. BLM has not produced a TMP restricting travel that Baker County is aware of.

Mining Rights Must Be Protected

Volume 2 Chapter 3 page 198 Road and Trails states, “*No new road construction is anticipated for any of the alternatives.* Mining access would be the exception, and this should be stated.

Conclusion

In conclusion, it is evident that as is stated on page 80, “*Implementation of all alternatives, would affect access over time. In every alternative, open motor vehicle route density would exceed desired conditions, which makes it likely that site-specific project level decisions would result in road closure or decommissioning as the FS attempts to achieve or move toward the desired condition*”.

Page 180, under Goals and Desired Conditions states, “*The goals and desired conditions for the action alternatives were developed collaboratively*”. Baker County cannot help but wonder who collaborated with the Forest Service on designating areas unsuitable for motorized travel. It certainly was not the citizens of Baker County.

The blueprint for future access, revealed with the Blue Mountain Revision, is clear. Page 69, states there are currently 1,315,750 acres (75% of the Forest) which is suitable for motor vehicle use. Over the long term, the plan is to see all roads within 300 feet of streams closed, all high and dry roads that exceed the desired densities closed, leaving a few roads open for access, with accelerated resource impacts by funneling all vehicles onto a few roads.

Page 32 describes multiple use management as, “*The management philosophy articulated by the Multiple-Use Sustained Yield Act of 1960. This law provides that the renewable resources of the national forests are to be managed in the combination that best meets the needs of the American people. It further stipulates that the FS is to make judicious use of the land for some or all of these resources and related services over areas large enough to ensure that sufficient latitude exists to subsequently adjust management in conformity with changing needs and conditions*”. Page 81 states that “*people are a part of the ecosystem and are essential to the vitality and resiliency of the ecosystem. They are the stewards, producers, distributors and users whose actions and activities shape Forest Service policy and management*”.

If this is true, then Baker County proposes that Alternative E be modified to accommodate the people who use the National Forests. Let our citizens’ needs shape Forest Service policy and management. Let there be a balance between protection of the resources and the needs of the people. Page 387 states, “*Where motor vehicle use is deemed suitable, it is because that recreation activity does not interfere with the purpose for which the area was designated*”. Thus, designations of new wilderness, non-motorized back country, and wildlife corridors should not be included in Alternative E. If not designated, then these areas will again be deemed suitable for motorized access.

Timber Concerns

Importance of Timber to County

Agriculture and forest production are the predominant land uses in Baker County. According to Baker County Assessor's records, there are approximately 146,386 irrigated acres and 1,129,662 non-irrigated acres that are, or could be, used for agricultural production. Of those acres, 377 irrigated acres and 399,097 non-irrigated acres are on public land.⁷ There are an additional 673,681 acres of timber, 628,681 acres of which are on public land.

Forest products have historically been a mainstay of Baker County's economy, and they continue to play an important but changing role. The value of timber sales in the County fluctuates from year to year with the market, and the role that forest products play and the type of forest products sold have changed over the past 25 years in Baker County, as is the case across the Pacific Northwest. Between 1986-2008, timber harvest peaked at a high of 97,197,000 board feet in 1988, and had a low of 11,726,000 board feet in 2007. Baker County is similar to the statewide trend, where the majority of timber harvested is now coming from private land, whereas in the past the vast majority used to be from public land. The change is shown in the difference between peak harvest at 83,803,000 board feet in 1987, and the smallest harvest in 2005 of 213,600 board feet.

As the railroad made transport possible, Baker County's first sawmill opened in 1889. As major changes swept the industry, Baker County's last lumber mill closed in 1996, but there are still several wood products mills in operation.

County's Timber Management Requirements

Sound science and common sense support the premise of active forest management on the public forested lands in Baker County. Forest management practices on public land shall include a stable timber-harvesting program which is essential to maintain healthy forest ecosystems and to provide employment and economic security to individuals and businesses in Baker County. Investment in equipment and technology cannot be made without a stable program.

A management policy of no action or arms-length management is unacceptable, irresponsible, and potentially disastrous. What is needed is a cooperative, hands-on, proactive approach to forest management that uses timber harvesting as a tool to accomplish overall forest health and to ensure a healthy and vibrant forest for current and future generations.

Forest management shall follow the mandates of the 1897 Organic Act and adhere to the Multiple-Use/Sustained Yield Act of 1960 as well as the later acts: National Forest Management Act; National Environmental Policy Act; and the Endangered Species Act.

The BC Natural Resource Plan requires that Federal non-wilderness timberlands be managed for sustained timber production to promote forest health and to protect and maintain sustained economic returns. It also requires coordination with Baker County so that, when forest-fire and pest-caused tree stand mortality occurs, trees may be harvested before additional loss of economic value occurs.

Status of Timber's Economic Contributions

Timber harvest is very important to the residents of Baker County and to the economy of this area. Page 17 of the glossary defines economic well being as "A condition that enables people to work, provide income for their families, and generates economic wealth to local communities, the region and the nation". Because of USFS' treatment of forest management, such is not the case now. The Forest Plan should protect our custom and culture and our livelihoods in the same manner it claims to "protect" the environment.

USFS does not recognize its role in the diminished socio-economic health of our County due to severe reductions in timber harvesting and resulting mill closures, and other social and economic losses. We agree with the DEIS' statement that "With historically high unemployment rates and many small communities poorly positioned to attract new industries providing family wage jobs, logging and wood processing jobs are essential to maintaining and improving social and economic conditions" (Vol 1 p. 5). We wish the DEIS reflected that reality by encouraging a real timber industry.

The DEIS downplays the effects that logging reductions have had on the County. Vol 1 p. 111 states, "Many people in the timber industry are adapting their skills and infrastructure to support a restoration-based economy." This is a misstatement. A few logging companies have bid on these stewardship projects, but it cannot be said that many people have done this. It is difficult to comply with all the requirements, and usually the projects are broken into small uneconomical units so everyone gets a little piece of the action. This is not a real job by any means.

Volume 1, page ii, Issue 2, under the heading, Economic and Social state, "one concern is the issue of maintaining the infrastructure in local communities (e.g. mills, roads, equipment, and skilled labor force). For Baker County, this statement is a joke. All our mills have been closed, our Forest roads have been closed, clearly evident in areas such as Bald Angel and South Fork watershed, and our communities are struggling.

Vol. Page ix, "Goal 2 states, National forests contribute to community resilience by providing jobs, ecosystem services, scenery, and recreational opportunities". Goal 2 appears to be mere platitudes, these word sound good, but have nothing to do with reality. The town of Unity is a good example. This town is surrounded by National Forest system lands. There used to be a saw mill, a shake mill and a pole mill. Now there are no mills, and there are no timber sales. Today, there are no jobs on the National Forest. The Ranger Station has long been closed. Nowhere do we see in the Blue Mountain Revision a statement admitting this past mismanagement of the Forest. This is an important disclosure for this document.

According to Boise Cascade Company, none of the alternatives in the DEIS will fully meet the needs of the local communities. The preferred alternative will slightly increase the outputs of the local national forests, but it will not allow the local mills to function at capacity. Boise Cascade will still be importing wood from outside of our region in order to maintain their current capacity (where only their plywood mill is functioning at 100% capacity, and the others are functioning at 73% and below). According to Boise Cascade, securing a sustainable supply of wood from the local forests that would actually meet their needs (about 100 million board feet from each forest) would allow them to add an additional 100-150 jobs to our mills in Umatilla and Union County. This is of importance to Baker County, as would be the logging and related jobs provided by increased timber production. Mills could reenter Baker County if our forests were properly managed.

Vol. I Page ix, Goal 2 talks about “...natural resources related work, including restoration, ranching and recreation”. The importance of the timber industry should be added. Timber production is not done for “restoration’s” sake alone.

Status of Timberland in Planning Area

Over-mature, overstocked, stagnant conifer forests cover much of the public land in the County. Within the WWNF are many stands of over-mature and stagnant trees that are stressed and subject to insects, disease and fire. Varying tree stands may have a different rotation age, stocking density, species diversity, access availability, or environmental and economic viability. However, all public lands provide products that may be suitable for harvest.

The RLMP recognizes the overstocked nature of the forest: “Based on forest inventory and the forest vegetation simulator fire/fuels modeling, 40 to 60 percent of the dry upland forest now has the potential for high severity fire as a result of the abundance of multi-storied stands with high stocking levels.” (RLMP, p. 34). “Recent plan modeling of the potential mortality from disturbances from insects and disease indicates that approximately 30 percent of the forest stands in the Blue Mountains have the potential to have more than 25 percent of their total volume killed in the next 10 years.” (RLMP, p. 35)

All Alternatives Fail to Make Adequate Progress Toward Desired Conditions

None of the alternatives offers a sufficiently aggressive timber management program in order to meet desired conditions. Vol 2 Page 163 states, “None of the alternatives would achieve the desired conditions for stand densities at year 50. Under all of the alternatives, the percent of the landscape in open forest would remain above the desired condition range at year 50 due to mortality from wildfire, insects, and disease exceeding growth rates. With little active management occurring in the cold upland forest potential vegetation group under all of the alternatives which would alter structural stages, species composition, and stand densities mortality from insects, disease and wildfire would be expected to continue to result in stand-replacing events consistent with the historic disturbance regime.

Fails to Meet Productive Capacity Goals

(RLMP p. 32): “Gross growth was estimated to be 1.7 billion board feet per year. Mortality was estimated to be 774 million board feet per year. Net growth for eastern Oregon was estimated at 791 million board feet of timber. High net growth rates can contribute to problems with overstocking and increased fire hazard. The current removal rate for timber volume in the Blue Mountains is far less than net growth.”

Comment: The Allowable Sale Quantity (ASQ) in alternative D (most aggressive presented) is 236 million board feet per year (Page169 RLMP). That removal rate is less than 30% of the net growth per year. Again, the pace and scale of restoration is in reverse. Long-term sustained yield is not being approached (Page170 – RLMP).

The ASQ presented for the preferred alternate (E) is less than 20% of the annual net growth. Increased pace and scale of restoration in reverse. Long-term sustained yield is not being approached (Page170 – RLMP)

Fails to Meet Scenic Stability Goals

(RLMP p. 51): “**Existing Condition:** In many areas the long-term stability of scenery resources is at risk of large scale impacts due to conditions exacerbated by past wildfire suppression and harvest practices. The resultant conditions of homogenous, overly dense forests of nonfire-resistant species heavily laden with fuels put scenery resources at risk from uncharacteristically large, stand-replacing wildfires and insects and disease disturbances.”

Comment: To reduce the risk of losing long-term stability of scenery resources, a much more aggressive approach is needed than is shown in these alternatives or documents.

Fails to Meet Fire Condition Class Goals

This is exemplified by each alternative’s projected failure to meet desired fire regime condition classes over time. The desired conditions are: for “landscapes that exhibit a moderate or high degree of departure (Condition Class II or III), the degree of departure is decreased to low or moderate (Condition Class I or II.) After 20 years, the best projected progress toward this desired condition is offered by Alternative D—and it only achieves 38 percent of the goal. Alternative E would make less than one-third of the progress desired, with all forests continuing as “moderately departed.”

All forest lands should be managed similarly to wildland-urban interface lands: (RLMP p. 63): “Vegetation treatments within the wildland-urban interface areas are based on wildfire protection objectives, which may over-ride ecological desired conditions. Vegetative structure would result in fire intensity that allows for safe and effective suppression actions within wildland-urban interface areas. In general, vegetation density would be more open, with lighter fuel loadings, in comparison to areas outside wildland-urban interface. Fire risk within wildland- urban interface areas would be managed so as not to limit the ability to use fire for resource restoration in areas adjacent to wildland-urban interface areas.”

Alt. E's Proposal to Use Prescribed Fire Will Be Unsuccessful

USFS states that Alt. E will have almost the same beneficial ecological effect as Alt. D--which proposes more acres of mechanically treated forests—due to the use of prescribed fire in Alt. E. Alt. E proposes to treat the same amount of acres as Alt. D, except half of those acres will be via prescribed fire instead of mechanical treatment. Currently, due to conditions, USFS has a surplus of acreage that is slated for prescribed fire treatment. Proposing to treat additional acres with prescribed fire will only exacerbate the backlog and lead to even less work getting done on the forest.

USFS Science is Outdated/Inaccurate

The discussion of lack of large trees on the Forest has never been substantiated scientifically.

A quick assessment of References cited (Volume 3, pp 63-147), provides a metric for assessing how current and relevant the science cited is in the proposed revisions to the Forest Plan. Of the approximately 1250 references cited only 17 were published in 2012 or 2013; 10% were published in the last five years; and 35% in the past 10 years. Nearly two-thirds of all citations are more than 10 years old. A substantial number of the publications cited were not from peer-reviewed publications; many are to government documents.

The science referenced appears to be outdated and does not provide the most current scholarly understanding and/or guidance to address the management needs in the Forest Plan. A specific example of the gap between current science is how the word “resilience” is used throughout the proposed revisions to the Forest Plan. Resilience is defined on page 13 (but is not included in the Glossary) as:

“... the ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organization, and the capacity to adapt to stress and change (FSM 2020 interim directive).” (Emphasis added)

The Resilience Alliance (2010. Assessing resilience in social-ecological systems: Workbook for practitioners. Version 2.0) defines resilience as:

“The capacity of a system to absorb disturbances and reorganize while undergoing change so as to retain essentially the same function, structure, identity, and feedbacks.”

The Alliance goes on to point out in the workbook that:

“Natural resource management issues are not just ecological or social issues, but have multiple integrated elements. These systems, in which cultural, political, social, economic, ecological, technological, and other components interact, are referred to as social-ecological systems. Social–ecological systems emphasize the ‘humans-in-nature’ perspective in which ecosystems are integrated with human

society.”

The Goals of the Forest Plan that are cited in the Summary (p ix) address “... cultural, political, social, economic, ecological, technological, and other components [that] interact ...”. Thus, in current resilience-thinking, the Plan should view the Blue Mountain Forests as **social-ecological systems**, and provide adequate attention to the role societies across the Blue Mountains play in the management of these forests. Management without considering the whole integrated social-ecological system will simply not achieve the resilience that is sought.

To provide a means for examining the state of resilience within the social-ecological system, the IUCN Commission on Ecosystem Management Thematic Group on Resilience examines 11 attributes that play a role in fostering resilience in complex systems such as Forests (Basic Resilience Assessment: A Practitioners Guideline For Learning About Resilience.... In prep). Of the 11 attributes, seven link resilience to the forest management alternatives that are described in the Proposed Revisions and provide a basis to monitor the state of resilience in the forests:

- **Diversity** – maintaining diversity across the social and ecological components of the system, e.g., institutional engagements, governance, business models as well as species, habitats, and spacial distributions.
- **Ecological variability** – fostering different ecologies within an area, such as grasslands within and around forested areas.
- **Modularity** – maintaining a system of firebreaks; a patchwork of timber stands at different stages of maturity.
- **Tight Feedbacks** – this is reflected in an ability to monitor and act on changes in ecosystem health in a timely manner.
- **Social Capital** – In the context of the Forest Plan Revision, acknowledging the important role the forest Collaboratives play in the Umatilla, Malheur and Wallowa-Whitman National Forests in developing and implementing site-specific management actions, and promoting Coordination Agreements with County governments will contribute to increased resilience.
- **Innovation** – The Plan should express willingness to try new management ideas, experiments in adaptive management; consider means for fostering local knowledge and locally developed rules to be used for system management as an alternative to centralized command and control management. To create blends of traditional and modern management practice.
- **System reserves** – Setting aside “no harvest areas” provide sources of seeds for regeneration in managed areas and an ability to assess the impacts of different treatments on forest health/resilience.

The eight papers that address resilience that are cited were published between 1973 and 2007. Four citations deal with the theory behind resilience in social-ecological systems and the practice of management for resilience; four report on resilience in the context of studies about Redband Trout. None address resilience in the context of forest management.

Hindrances to Forest Management

“Unsuitable” Acres

USFS proposes to harvest less than 3% of acres “suitable” for timber production on all three forests (1.8% on WWNF.) Meanwhile, the plan states that “The potential for fires with uncharacteristically severe effects exist on approximately 60% of the three national forests.” Plan does not treat enough acres to increase forest resiliency to wildfire. Under the most aggressive alternative (D), 52% of the WWNF is vulnerable to catastrophic wildfire.

Riparian Management Areas

Currently, riparian areas may be managed based on site-specific analysis. Logging may take place within 25 feet of streams. This DEIS offers no such flexibility. Furthermore, it proposes to drastically increase riparian zones by changing the buffer to 100 feet on seasonally flowing streams and small wetlands, whether or not the streams are fish bearing.

Legacy Trees/ Old Forest

On page iii-iv (Vol 1), for Alternatives D-F, the document states there will no longer be designated old forest management areas. This is a good thing. Timber management activities should take place in these areas. However, the document describes a “legacy tree” as a live tree over 21 inches—then states in guideline OF-1 (Vol 3 p. 279) that these will be protected. That puts us back where we started. The definition of a legacy tree should be changed to include only trees over 21 inches dbh that are healthy, produce cones and are without disease or dead top.

Page 12 (Vol 1), under Old Forest, states that the Forest Service shall determine how much old forest the Blue Mountains national forests should have in the future. The EIS needs to explain just how the Forest Service will do this. If stands of timber that are ready for harvest can be subjectively eliminated from a sale, this is not acceptable. This definition must be based on science and must be consistent throughout the forest. Determination of old forest should involve county coordination.

Page 161 states, “*Within the WAW 32% of all upland forest potential vegetation groups (cold moist and dry) are currently in old forest structural stages.*” This is a huge percentage of our forests and would unnecessarily reduce timber harvests. Insects, disease, and fire will devastate these stands.

Page 256 (Vol 3) WLD-HAB-2 G-2 states “The extent of existing late old structure stands within the moist and cold old forest types that are 300 acres or larger should not be reduced or fragmented”. Alternative E should include management of these timber stands.

Wildlife “Protections”

Volume 2 p. 267 states that “Trees with nest cavities and large snags are also provided protection.” Other measures say after a fire, if you do log keep the snag classes. These restrictions are arbitrary, and could cause safety concerns for loggers.

WLD-HAB-19 G 4 states, “*Greater than 50% of post fire source habitat should be retained and should not be salvage logged, except in the urban interface*”. This is a waste of timber. It will quickly rot and will fall, making the area unusable for wildlife.

WLD-HAB-20 G 5 states there will be no logging in areas less than 100 acres after a fire. There is no basis for this decision.

Threats to Access

Logging cannot happen without roads. (See Access Concerns)

Recommendations

Recognizing the importance of local timber-related businesses in Baker County, we strongly support management alternatives that increase supplies of wood products that will be predictable and available on a steady basis. Baker County has lost all commercial-scale sawmill and logging infrastructure, as have most communities in Northeast Oregon. This loss has had a negative effect on the net values of the forest products to private timberland owners as well as government timber. We therefore feel that the number-one goal of the Forest Plan should be to ensure that the existing forest industry infrastructure be maintained at least at current levels **and** provide incentives to foster development of new forest-related industry. Any further degradation of the industry will have a negative effect on the ability of the National Forest and the private timberland owners to conduct forest management.

Professional foresters in Baker County contend that when timberland owners lose value related to their forest lands, they lose interest in managing that land and in many occasions the best value of the land is to sell it into subdivided parcels. When this occurs we not only lose the ability to manage the forests but we also lose valuable wildlife habitat. Therefore, what happens on the national forest also affects the private forests. from the areas to be managed, such as: proposed designated roadless areas, wilderness study areas, stream buffers, and wildlife corridors. As these designations effectively remove forest from management, they should be kept to a minimum and only designated with the County’s approval. Professionalism in forest management is not limited to employees of the US Forest Service. Non-government foresters are aware of the best science to manage our forests in a manner that improves forest resilience and health, while providing a sustained flow of commercial forest products. It is essential if private landowners are to maintain and sustain the benefits they derive from their resource.

Mining Concerns

Importance of Mining to Baker County

Mining is an important resource in Baker County. According to the Northwest Mining Association, the State of Oregon is home to over 300 medium to large-scale mining operations. Approximately 20 operations in Baker County are large enough that they are administered by the Oregon Department of Geology and Mineral Industries (DOGAMI). Currently, there are over 1,200 mining claims filed in Baker County on USFS and Bureau of Land Management (BLM) managed lands, and these claims are owned by both local and out of area miners. In addition, there are many patented mining properties and other lands that are mineral in character where small-scale mining takes place.

Baker County is one of the most mineralized counties in Oregon. Mineral production has provided an important contribution to the economy of not only Baker County but also the State. All lands not lawfully withdrawn from mineral exploration and/or development must remain available for such use. The mining industry makes up an important part of the property tax base of Baker County and the payrolls and expenditures for equipment, materials and supplies are important to the economic stability of the county. Mining is one of the historical uses of the federally managed lands within Baker County and predates the establishment of the Forest Service and the Bureau of Land Management and maintenance of such use is statutorily compatible with multiple use principles.

Ashgrove Cement is Baker County's largest mining employer, employing 120 people. In addition, there are 10-20 medium scale mines, and an additional 20 large-scale mines, providing family wage jobs, and producing gold, rock, sand, gravel, building stone and perlite. Jobs in the Oregon mining industry are high paying- 21% higher than the average wage in the state. Mining creates new wealth, which expands when resources are processed and manufactured into useful products. Indirect jobs created by mining range between 3:1 and 6:1. In 2010, about 200 small-scale mines will be producing gold in Baker County. If each of the small mines only recovered ½ ounce of gold per day, that value of \$100,000 per day would provide purchasing power for fuel, oil, tires, parts, equipment, labor and materials. The total business impact will be significant, if through coordination, Baker County is able to work with the USFS and BLM, and these agencies approve the 100 or more mining Plans of Operation that have been backlogged for so many years.

County's Requirements for Minerals Management

It is the policy of Baker County, Oregon that all exploration, development and mining on lands in the county with mineral or energy potential shall be governed by scrupulous adherence to all laws which pertain to mining and energy development and production, beginning with the Congressional Act of July 26, 1866.

We also require that the directions and policies of the Land Management Agencies do not interfere with citizens' rights of access, property and occupation while

prospecting and developing mineral and energy resources. The Congressional Act of July 26, 1866 and the General Mining Law of 1872 granted all American Citizens the right to go into the public domain to prospect for and develop minerals located there. Every mining law or act enacted since then has contained a “savings clause” that guarantees that the originally granted rights have never been rescinded. We recognize that mineral development can occur concurrently or sequentially with other resources uses. We require that all project planning address the need for maintaining mineral and energy related access in mineralized areas. It is also our policy to encourage value-added mineral and energy industries.

DEIS Threatens and/or Discounts Existing Rights

Lack of References to Mining Laws

Vol 1, Page 16 lists applicable laws governing forest management. The General Mining Law and the National Minerals Policy Act are left out; they should be included.

Vol 2, Page 441 states, “A determination that resource values exceed the known mineral value could result in a recommendation to withdraw an area from mineral entry”. In order to meet the requirements of the Baker County NRP, no areas should be recommended for withdrawal without coordination with the County. Mineral extraction can and should take place alongside other multiple uses, thereby attaining the “resource values” mentioned above without excluding mining.

Failure to Recognize Legal Protections of Mining

Vol 1, Page 190 states, “Commercial use in wilderness is controlled by special use permits and the operation plans that are required under special use permits”. There is a need to add that mining can take place under plans of operation.

Vol. 1 Page 205 states, “Grazing would be allowed as a permitted activity. Mining would be allowed to continue unless the area is withdrawn from mineral activity”. This is not correct, valid existing rights will continue even after land withdrawal.

Vol 1, Page 209 states, “Prospecting for new claims within wilderness has largely ended.” This statement is incorrect.

Access

Given the DEIS’ emphasis on road decommissioning, disallowing new roads, and not maintaining existing roads, we are concerned about the effects on mineral rights.

Vol 1 Page 240 states, “Little, if any, future road construction is likely for any of the alternatives. Alternatives B, C, E and F include objectives for decommissioning roads, although at low levels...No road construction on soils are expected for any of the alternatives.” The document should acknowledge valid existing rights and mining, which may require new roads.

Water Quality Inaccuracies

Page 317 Vol 1 states that at Ashgrove, “*mercury laden residue enters the river*”. This statement should be removed. It is not true.

Wildlife

The DEIS assumes mining will be incompatible with other uses, such as wildlife habitat. Vol 2, Page 199 states “Mining is not always compatible with wildlife”. Page 199 Some mining activities use or produce toxic material.” This ignores the benefits that mining can produce, such as keeping fish spawning habitat churned and soft.

Socio-Economic Impacts Are Underestimated

Vol 1, Page 88 discusses economic and employment contributions of recreation, timber production, and forage production, but not mining. This is an oversight.

Vol 1, Page 107 indicates there is 1 mining job in the WWNF. We who live here know this is not correct.

Vol 1, page 94 states that “mineral production affects very few people and businesses.” This is incorrect. Not only are minerals crucial to every person in the country, but miners in Baker County spend money for fuel, food and other supplies to support their mining operations. Even for small mining operations, fuel bills are usually in the hundreds of dollars each month they are in the field. Ash Grove Cement is one of the major employers in Baker County, not to mention the aggregate industry.

On table 54 page 107 of your proposed plan you indicate there is only 1 mining job. There are a lot of miners out there that would probably disagree with your narrow interpretation of mining.

Vol 3 Page 236, locatable minerals are excluded from the “suitability” matrix. Why?

Vol 3, p. 252, where Goods and Services are addressed, locatable minerals should be added. The Objective should be to approve Plans of Operation within one year of submittal.

Grazing Concerns

Importance of Grazing in Baker County

Livestock production has customarily been and continues to be a significant contributor to the economic stability of Baker County. With over \$40 million in annual sales, livestock production totals 63% of all agricultural sales in Baker County. Livestock producers who graze on public land have been issued grazing permits based on ownership of private land. The ownership of private land involved in livestock production that is adjacent to public land gave that producer the right to obtain a grazing permit on those public lands. This right was defined in the Taylor Grazing Act of 1934. In Baker County, many livestock producers rely on these grazing permits through the U.S. Forest Service.

In 2009, the Whitman Ranger District of the Wallowa Whitman National Forest had 51 designated cattle allotments that total 749,946 acres. The carrying capacity of these allotments equals 31,810 AUMs (Animal Unit Months). The seasons of use vary on these allotments, but most extend from June 1-September 30, although some begin as early as April 15 and some end as late as October 31.⁸ The preservation of these permits will continue to be an important factor in sustainable livestock production in Baker County.

Baker County Requirements for Grazing

We require preservation and protection of livestock production and practices, a significant part of our heritage and contributor to our economic base. We call for management on USFS land that uses livestock grazing to improve the range conditions for livestock and wildlife. We promote grazing as a primary tool to create healthy forests and to prevent the spread of wildfires. We require managing rangelands to maximize production. Noxious weeds will be controlled through grazing, herbicide applications and other measures on all lands in Baker County. Sagebrush and juniper control will be allowed and encouraged with herbicide applications, mechanical treatment or fire. Grazing decisions will be based on sound science as supported by proper monitoring, reporting and data analysis. Grazing decisions to conserve an endangered species will be made only if grazing can be proven to be detrimental to the species on that allotment. Grazing decisions after a wildfire will be based on sound science on an individual allotment basis.

Grazing's Treatment in DEIS

Throughout the DEIS, grazing is treated as an overall negative. Nothing could be farther from the truth. Language in the "Vision" portion (p. 16 of the RLMP) exemplifies the bias against grazing. It says grazing "the potential to impact the condition" of resources. It also mentions the perceived conflict between domestic and bighorn sheep. However, aside from grazing supporting "traditional lifestyles and local economies," this section says nothing of the positive effects of grazing on the environment. Language

⁸ Range Management Specialist, Whitman District, Wallowa Whitman National Forest 11/17/2009

should be added: “Livestock grazing is crucial to reducing the severity and frequency of unwanted wildfire. Well-managed grazing promotes healthy soils, root systems, forage growth, and wildlife diversity. It can and should be used as a tool to control invasive species, and to promote range health, generally.”

Grazing’s Environmental Importance

We believe the research included in the document was one-sided. When conflicting scientific information exists, the agencies may only rely upon a particular scientific conclusion after having considered and addressed contrary conclusions. *See Hughes River Watershed Conservancy v. Glickman*, 81 F.3d 437 (4th Cir. 1996), appeal after remand, 165 F.3d 283 (4th Cir. 1999) (upholding an agency decision to rely on the conclusions of a scientific study after considering and responding to contrary findings of a similar study); *Roanoke River Basin Ass’n v. Hudson*, 940 F.2d 58, 64 (4th Cir. 1991) (stating that an agency is required to address specific concerns and explain why it found them unpersuasive).

The USFS does not explain its reasons for finding such contrary scientific opinions unpersuasive. Indeed, it did not even acknowledge that contrary opinions exist. Therefore, the USFS has not fully satisfied NEPA requirements concerning the environmental impacts of the Proposed Plan. Below are references to several studies that should have been considered. It is not a comprehensive literature review, but is meant to give examples of the one-sided nature of the studies USFS chose to include.

- a. The western ecosystem evolved with large-herbivore grazing, and losing public lands grazing would severely damage ecological balance (Burkhardt, 1995).
- b. Ranching on both public and private land “has been found to support biodiversity that is of conservation concern” (Knight, 2007). In the West, where productive, private lands are interspersed with large areas of arid, less desirable public lands, biodiversity of species depends greatly on ranchland. According to Rick Knight, a biology professor at Colorado State University, ranching on both public and private land “has been found to support biodiversity that is of conservation concern” because it “encompasses large amounts of land with low human densities, and because it alters native vegetation in modest ways.”⁹ Knight also noted that other uses – such as outdoor recreation and residential use – are not as conducive to the support of threatened or endangered species.
 - a. Vol 2 p 197 states, “Domestic livestock grazing directly competes with wildlife for the use of available forage. Grazing results in plant defoliation, mechanical changes to soil and plant material, and nutrient redistribution (Belsky and Blumenthal 1997). These and other factors also influence successional trends.”
 - b. This publication was refuted by Borman, MM 2005, Forest stand dynamics and livestock grazing in historical context. Conservation

⁹ “Ranchers as a Keystone Species in a West that Works.” Richard L. Knight. *Rangelands* Oct. 2007.

Biology. Belsky describes all the bad effects of grazing and ignores the changes in management over past 100 yrs. Borman describes that overgrazing a century ago did what Belsky reports, but those effects are not true in proper grazing of current times.

- c. The document often refers to grazing as having negative effects on riparian areas. However, in another publication by Borman et. al., it was found that “grazing can often be compatible with improving deteriorated riparian conditions and with maintaining those functioning properly.” Borman, M.M., Massingill, C.R. and Elmore, E.W. 1999. Riparian area responses to changes in management. *Rangelands*, 21(3): 3-7.
- d. Areas with flourishing and diverse plant and wildlife populations are often found in their present state because of, and not despite, the practice of grazing (NRCS, 2004). Wild birds, animals and rodents seek out and thrive in the shelter provided by natural ranch features, like diverse plant cover and windbreaks, as opposed to row-to-row crops or bare landscapes. Large animals such as elk and deer are known to thrive in areas where cattle graze.¹⁰
- e. Grazing improves wildlife habitat by increasing the quality and accessibility of grasses and forbs (Neel 1980, Derner et al.1994, Evans 1996).
- f. Grazing stimulates plant and root growth and allows sunlight to get through to the growth points. Hoof movements soften the hardened earth so that seeds can germinate and grow and water can penetrate (Savory, 2010). Well-managed grazing encourages healthy root systems and robust forage growth.
- g. For those concerned by carbon emissions, livestock grazing is a contributor to carbon sequestration: well-managed grazing’s impacts on soil and plant composition can create a “carbon sink” effect (Derner et al., 2002).
- h. Improving range science and management practices are bettering the condition of the range (CAST, 1996).
- i. Ranchers are often first responders to wildfire, and grazing greatly reduces the risk of catastrophic wildfire (Davies, 2010).
- j. Grazing can be used to control invasive weeds (Olson and Lacey 1994, Walker et al.1994). Other research suggests that livestock grazing helps prevent invasion by non-native grasses, which threaten plant biodiversity on the land.¹¹ Ranchers’ brush control also benefits wildlife, helping more grass to take root and decreasing the spread of cheatgrass, a highly flammable invasive weed. A study in the *Journal of Rangeland Management* concluded that “from an ecological standpoint we can argue that if we remove the grazing infrastructure from public rangelands, we would see some adverse

¹⁰ Texas A&M University-Kingsville (2005). *Cattle Management to Enhance Wildlife Habitat in South Texas*. Wildlife Management Bulletin of the Caesar Kleberg Wildlife Research Institute, Management Bulletin No. 6, 2005.

¹¹ Ranching as a Conservation Strategy: Can Old Ranchers Save the New West? Mark W. Brunson and Lynn Huntsinger. *Rangeland Ecology Management* 61:127-147 March 2008.

consequences. We'd see less variety and too much ground cover, for example, as well as more cheatgrass and the potential for more range fires.”¹²

- k. Ranchers' water improvements provide habitat where none existed before (Marty, 2006). The improvements ranchers make to water sources – building, maintaining and protecting reservoirs and stock ponds, for example – can improve and, in some cases, create, wildlife habitats.¹³
- l. Grazing makes productive use of a renewable, otherwise unusable resource—grasses and shrubs out on the range—turning them into a high quality source of protein and fiber for a growing population. This is particularly significant given the fact that thousands of acres of open space are lost in the United States each day (USDA Forest Service, 2006).
- m. Losing grazing on public lands would likely force many privately-held ranch lands to be converted to other uses, such as intensive farming and development. Furthermore, as a stipulation of their federal permits, many ranchers provide public access across their private land, and keep the boundaries free of fences. A study by Mark W. Brunson and Lynn Huntsinger published in the journal *Rangeland Ecology Management* explained that “Saving ranches has become a focus not only of rural traditionalists and livestock producers but also of conservationists, who prefer ranching as a land use over exurban subdivisions.”¹⁴ Page 157 of the DEIS acknowledges “The open space offered by National Forest System lands becomes increasingly important especially as private lands are developed for home sites. This is applicable to Baker County. P 331 Vol 2 also acknowledges: The pressure for development of this land into smaller and smaller parcels will continue to reduce the quality and availability of big game winter habitat.
- n. Many ranchers across the West are purposefully implementing grazing practices to improve habitat and help prevent the addition of species such as the Greater Sage-grouse (GSG) to the Endangered Species List. (According to the Natural Resources Conservation Service, ranchers have, among other efforts, invested approximately \$70 million in GSG conservation efforts and instituted improved grazing systems on over 2 million acres over that past three years, which is expected to increase GSG populations by 8 to 10 percent.¹⁵)

¹² “Vegetation Change after 65 Years of Grazing and Grazing Exclusion.” Barry Perryman. *Journal of Rangeland Management* Dec. 2004.

¹³ <http://cesantaclara.ucdavis.edu/files/33367.pdf>

¹⁴ Ranching as a Conservation Strategy: Can Old Ranchers Save the New West? Mark W. Brunson and Lynn Huntsinger. *Rangeland Ecology Management* 61:127-147 March 2008.

¹⁵ Natural Resources Conservation Service, USDA (2013). *Sage Grouse Initiative: Tracking Success*. Report. http://static.sagegrouseinitiative.com/sites/default/files/sgi-tracking_success-final_low_res-020613.pdf

USFS Did Not Consider Economic Implications of Reducing AUMs

The USFS has not sufficiently addressed the economic impacts of its Proposed Plan. Under the NFMA, The USFS is required to promulgate regulations “under the principles of the Multiple-Use Sustained-Yield Act of 1960, that set out the process for the development and revision of [] land management plans.” 16 USC § 1604(g). These regulations must include “specifying guidelines for land management plans . . . which insure consideration of the economic and environmental aspects of various systems of renewable resource management.” *Id.* at §1604(g)(3)(A).

USFS regulations developed pursuant to the NFMA require land management plans to account for “[s]ocial, cultural, and economic conditions relevant to the area influenced by the plan,” as well as the “[m]ultiple uses that contribute to local, regional, and national economies in a sustainable manner.” 36 C.F.R. § 219.8(b)(1), (3). The Proposed Plan does not truly account for economic and social impact to local communities it will affect.

The United State Supreme Court has emphasized that NEPA “[does] not require agencies to elevate environmental concerns over other appropriate considerations.” *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983); *See Stryckers' Bay Neighborhood Council v. Karlen*, 444 U.S. 223, 227 (1980). Additionally, the Second Circuit has found that environmental considerations are not the only factors to be considered when conducting a NEPA analysis, stating that “the Act mandates no particular substantive outcomes.” *City of New York v. U.S. Dep't of Transp.*, 715 F.2d 732, 748 (2d Cir. 1983).

Many of the land use restrictions that would be put in place by the Proposed Plan would impose significant restrictions and loss of forage for the livestock industry. For example, the Proposed Plan would result in significant changes to the number of acres classified as riparian habitat conservation areas and riparian management areas. DEIS Vol. 1 at 309. Increasing the size of these areas restricts the ability to utilize them for livestock purposes. The USFS should prepare a more extensive analysis of the economic and social effect of its proposed land uses.

Many of the land use restrictions that would be put in place by the Proposed Plan would impose significant restrictions and loss of forage for the livestock industry. For example, the Proposed Plan would result in significant changes to the number of acres classified as riparian habitat conservation areas and riparian management areas. DEIS Vol. 1 at 309. Increasing the size of these areas restricts the ability to utilize them for livestock purposes. The USFS should prepare a more extensive analysis of the economic and social effect of its proposed land uses.

Under the preferred alternative (Alternative E), allowable utilization of available forage on suitable grasslands would be reduced from 50 – 55 percent to 35 – 45 percent. DEIS Vol. 1 at 149. The USFS asserts that “[t]his would be a modest change with a limited effect since utilization in the uplands does not exceed 35 to 40 percent in most active allotments.” *Id.* The DEIS does not document or state which allotments it

believes fall into this category or what the economic effect of this reduction would be in those areas.

If these restrictions go into effect, lands suitable for grazing would be severely reduced. The USFS has not addressed how these restrictions related to areas occupied by bull trout will impact the economic and social well-being of the communities that rely on lands for grazing purposes.

As another example, the USFS notes that “[t]he effect of [a larger elk population] could increase the grazing pressure on forage and browse plants, especially when the increased wild ungulate population is added to permitted livestock.” DEIS Vol. 1 at 156. The result of this will likely be “and a slow decline in permitted livestock (or in the case of some of the alternatives, a rapid and significant decrease in permitted livestock).” *Id.* However, the DEIS does not indicate how this possible rapid decline in permitted livestock will affect livestock operations in terms of lost productivity, the local communities, or their social structure.

AUM reductions can have devastating ranch-level effects (See Torell et al, Ranch-Level Economic Impacts of Altering Grazing Policies on Federal Land to Protect the Greater Sage-Grouse, 2014). USFS is required by law to do a thorough review of such effects, as well as an analysis of the “multiplier effect” that will result from lost AUMs in local communities and beyond.

Utilization Concerns

Vol 3 p. 319 states, “It is assumed in this document that, in general, utilization of 40 percent or less of the forage on the landscape would result in proper management...” This “assumption” is seriously flawed. At current grazing levels, which are currently as high as 60 percent, USFS admits in this very document that rangelands are generally trending upwards. The new guidelines presented on pages 273 and 299 of Vol 3 propose a more one-size-fits all set of standards than what exists today. They propose to eliminate the varying levels of grazing management (intensive, extensive, stewardship), and also eliminate the “forested,” “grasslands,” and “shrublands” identifications, all of which get different treatment under existing guidelines. Thus, the new guidelines are less adaptable to variations in rangelands and in preferred management regimes. The preferred alternative proposes utilization levels of 40% (max) across the board--up to 10% lower than existing levels on riparian areas, and up to 20% lower than existing levels on upland areas. Not only that, Alt E proposes a 4-6 inch stubble height on riparian management areas, and a 20% maximum “bank alteration” level.

The document states repeatedly that there are upward trends in range health in the planning area. This has been the case even as utilization levels have well exceeded 40% on both riparian and upland areas.

The DEIS’ utilization levels are not based on a balanced consideration of range science. The proposed levels are generally too low and will encourage wildfire in many cases. They will also detract from healthy grass and forbs growth. Furthermore,

utilization should not be a number, but rather a range of use to achieve proper use that effectively addresses the needs of the plant community and the season of use it is applied to (i.e., 40-60%). Focusing on a single number is impractical, as grazing use is measured on average use not a specific number. A Single number goal merely invites conflict and argument (litigation). The same applies to stubble height. If the existing plant community identified is not capable of 4-6 inches of growth in the absence of grazing, how would stubble height be measured and also grazing use?

Utilization and stubble height should guide management, not be objectives in themselves. J. Wayne Burkhardt wrote in *Rangelands* 19(3), June 1997:

As interest and concern about the environment and public lands has markedly increased in recent years, there has been an increasing effort to manage livestock grazing on the basis of utilization standards or limits.

This deceptively simple concept has become popular with environmental reformers opposed to public land grazing and with agency administrators caught up in the political crossfire of land use reform. Grazing use levels or “proper use factors” have long been part of the “tools” used by rangeland managers. Recently though, the tendency has been to base grazing management decisions solely on achieving predetermined use levels at “key sites” on pastures or allotments. This approach may provide simple and efficient “grazing administration” but it does not result in effective grazing management.

Burkhardt ends this article by stating:

The across-the-board application of conservative use standards to public land grazing is poor resource management and poor public policy. It puts the public land grazing permittee in an impossible position, reduces management agencies to policing operations and gives the radical environmentalists a wonderful tool to beat up the agencies and the ranchers. It is poor public policy that puts renewable resources off limits to the production of food and fiber and shifts that production to non-renewable resource based technology.

Bill Krueger wrote in *Stubble Height and Utilization Measurements: Uses and Misuses*, May 1998, “The most prominent area of agreement was that utilization is a land management tool, not a land management objective”.

In another part of the paper he states: “Another concern about the accuracy and use of utilization data is that often the personnel using the methods are inadequately trained.”

Stubble height comes into the conversation, as stubble heights are based on height weight curves and set on desired percent utilization. A University of Idaho study on stubble height is states: “Clary and Leininger (2000) proposed a 10 cm (4 in) residual stubble height as a “starting point for improved riparian grazing management.” However, they acknowledged that in some instances, 7 cm (2.75 in) may provide adequate riparian protection and in others 15 to 20 cm (6 to 8 in) may be required to limit streambank trampling or to reduce willow browsing. The criteria could vary depending upon local environmental variables, condition and trend of the stream, species composition on the greenline and the season, frequency and duration of livestock use. Thus, stubble height criteria not only can but should be adjusted through adaptive management, based on riparian conditions and trend (*see Process for Adaptive Management*).

McLean, A. & S. Wikeem in a JRM paper titled: “Influence of season and intensity of defoliation on bluebunch wheatgrass survival and vigor in southern British Columbia”. (*Journal of Range Management*, 28 (1), 21-26.), they showed that with Bluebunch wheatgrass the most damage occurring with spring defoliation to a stubble height of 5 cm. Spring defoliation leaving 10-15 cm showed less damage. Fall defoliation to a stubble height of 5 cm and season-long grazing to a height of 20 cm showed no damage. Indicating that not all grazing intensities have the same effect and that basing utilization limits based on what fish was in the stream makes no sense.

Bluebunch wheatgrass is generally the most sensitive species to grazing intensity, therefore looking at these numbers even Bluebunch wheatgrass can be grazed at 10 cm successfully in most instances. Rotational grazing as a possible management tool needs a place in this forest plan.

Different papers by Richards and Caldwell (1985) and Busso et al (1990) point out “Synchronous tiller development increases the susceptibility of bunchgrasses to a greater loss of active shoot meristems when grazed after internode elongation. This also contributes to wide variations in grazing tolerance with the progression of phenological plan development. For example, the grazing sensitive bluebunch wheatgrass is quite tolerant of defoliation in the early spring when culmless, because active intercalary and apical meristems are located at or below ground level. However, defoliation tolerance decreases rapidly following internode elongation.

As such, utilization standards and stubble heights should not be defined as standards or guidelines in the forest plan. The forest plan should lay out the desired conditions and then identify topics or issues of concern and possibly ways to mitigate it.

USFS should review and include in future decision-making the following materials:

J. Wayne Burkhardt. Grazing Utilization Limits: An Ineffective Management Tool. *Rangelands* 19(3), June 1997.

Heitschmidt, R. et al. 1998. Stubble Height and Utilization Measurements: Uses and Misuses. Bulletin WCC-40, USDA Agricultural Research Service, Ft. Keogh Livestock and Range Research Laboratory, Miles City, MT 59301.

University of Idaho Stubble Height Study Report. By: University of Idaho Stubble Height Review Team. July 2004.

Borman, M.M., Massingill, C.R. and Elmore, E.W. 1999. Riparian area responses to changes in management. *Rangelands*, 21(3): 3-7.

Pieper, R.D. (1994). Ecological implications of livestock grazing. in: M. Vavra, W.A. Laycock, & R.D. Pieper (Eds.), *Ecological implications of livestock herbivory in the West* (pp. 177-211). Society for Range Management. **

McLean, A. & S. Wikeem. (1985). Influence of season and intensity of defoliation on bluebunch wheatgrass survival and vigor in southern British Columbia. *Journal of Range Management*, 28 (1), 21-26. ***

“Desired Condition” May Exclude Non-native Desired Species

USFS’ “desired condition” for ranges could put a great portion of WWNF grazing areas into “moderate or greater departure from desired condition,” category--thereby putting in place lower utilization standards. The following, from Vol 1 p. 130, could be interpreted in a way that puts areas with non-native (but desirable) grass species, which are now in “satisfactory” condition, in “unsatisfactory” condition purely because of the type of species:

The desired conditions are defined by layers of management direction. A desired condition is identified where HRV objectives with the Public LURs definitions of satisfactory condition (i.e., fair range forage condition with an upward trend or better) are met by attaining a mid-seral ecological status with an upward trend or higher condition based on the PNC... (emphasis added).

The above indicates that “mid-seral ecological status” should be attained to meet “desired conditions.” What the layman may not know is that “mid-seral” status applies only to native grasses. Many past restoration efforts have rightly involved seeding of non-natives. This “desired condition” is unacceptable.

Endangered Species “Protections”

All the above is before taking into account endangered species “protections” (which are more likely to result in wildfire and overgrown forests than in “protection”). Examples:

- Utilization in ESA species habitat, generally, is 30%. Since an endangered species can inhabit a small portion of a very large pasture, that could well mean 30% on thousands of acres that have no endangered species habitat.
- Utilization in bull trout habitat would be just 25% max. If the anadromous fish and bull trout restrictions proposed here are put in place, grazing on the three national forests will be reduced by over half. Thus, while USFS claims that Alt E will have the same number of acres “suitable for grazing,” this cannot be true.
- From May 15 to Aug 30, grazing in any pasture with *silene spaldingii* would be generally prohibited altogether. Again, in the absence of fences, this could effectively mean no grazing on thousands of acres where *silene spaldingii* are nowhere in sight.

The above does not even account for the thousands of acres that will be lost to grazing due to bighorn sheep (BHS) restrictions (see BHS section below).

Effects of Other Proposed Plan Components on Grazing

Lack of Fuels Management

Every alternative would restrict timber management to where harvest levels were even lower than the current, inadequate levels. Lack of timber management increases fire threat, which can put ranchers out of business or force them off their ranges for years at a time. Heavy canopy cover also reduces forage (understory) growth.

RLMP p. 15, “Vision,” states that conditions including “increasing vegetative density” may “put the ecosystem at high risk of uncharacteristically large and severe fires...” USFS should recognize in this section that management decisions to reduce grazing and logging have contributed to this problem.

Lack of Access

The proposed reduction in road densities (including nonmotorized backcountry and general lower road density across the board) poses a threat to ranchers’ access, and increases the likelihood that wildfire will get out of control.

Economic Effects Underestimated

Vision (RLMP p. 71) “Grazing...contributes to local ranching operation sustainability and local community growth while maintaining or achieving ecological desired conditions” (emphasis added. Grazing’s economic contributions are given less importance than ecological “desired conditions.” Either add that “local ranching operation sustainability and local community growth must be maintained or achieved,” or take out the reference to ecological desired conditions.

While on p. 113, Vol x, the DEIS states “*The amount of cattle grazing... would be generally the same for Alternative A,B,D,E and F,*” this is not born out in the document. In fact, Vol. 2 p. 34 states it outright: The degree to which alternatives would result in watershed and riparian improvements through reduced livestock grazing in both riparian areas and uplands, and active restoration of roads and upland vegetation, will likely benefit aquatic species...” Furthermore, Table 57 (DEIS Vol. 1 at 113) displays the permitted AUMs under each proposed alternative. It shows that all alternatives would result in a reduction in total AUMs. Even under Alternative A—the “no action” alternative—there would be a reduction in total AUMs for cattle and sheep of 13,923 AUMs for the WWNF. Such discrepancies should not exist in the planning documents of major agency action like the planning of national forest management. Nor should there be a reduction in total AUMs in the “no action” alternative.

Bighorn Concerns

Domestic sheep and bighorns have co-existed in many of the same areas for decades without any apparent problems; or that the most common respiratory diseases in bighorn can’t be tied to a single, identifiable pathogen in domestic sheep; or that there are bighorn die-offs in areas far removed from any domestic sheep. And never mind what will happen when sheep are removed from the landscape—from increased wildfire threat to decreased open space provided by private ranches.

Bighorn management should be a state issue. Science surrounding disease transfer is inconclusive. (p. 16 RLMP)

Such decisions are based on the concept of “species viability,” which is found in USFS regulations, but nowhere in USFS’ authorizing statutes. “Viability” is an undefined term that provides too many opportunities for draconian decisions such as the proposed BHS-related standards found here.

Several national and state livestock associations are currently litigating USFS for its use of what industry has called “spurious” science and modeling. The industry groups charged that USFS failed to provide adequate science relating to disease transmission between bighorn sheep and domestic sheep, as well as an accurate risk-assessment model. For example, USFS assumes that domestic-bighorn interaction will result in disease transmission 100 percent of the time. This assumption is based on a study where researchers took cultures from known-infected domestic sheep and placed them directly in the trachea of bighorn—obviously not reflective of a real-life scenario on the range.

The arbitrary buffer zones put in place or proposed by USFS in various areas, ranging from 7 to 9 miles, is not explained or supported by science.

In 2009, a federal judge directed USFS not to use the model that is driving its BHS/domestic policy, declaring that the agency had violated FACA with their proceedings. In 2012, when it was apparent that USFS was continuing to make decisions based on their model, Congress stepped in. Congressional appropriators put a yearlong hold on any domestic sheep removals from the Payette and directed USFS to work with USDA’s Agricultural Research Service disease experts to come up with a more solid scientific basis for their bighorn decisions.

BHS die-offs are caused by many factors, yet USFS puts sole focus on domestic/BHS interaction. Yet, BHS herds that haven’t had contact with domestic sheep for 30 years have been having pneumonia outbreaks and die-offs. Other wildlife as well as some BHS themselves are carriers of the pathogens causing die-offs in non-resistant BHS. Stressors such as depredation are thought to play a large role. In short, the approach of zero-tolerance for domestic/BHS interaction is in violation of USFS’ multiple-use mandate and should be abandoned.

It should be noted that the pathogens responsible for the BHS die-offs are endemic—meaning they aren’t going away. The state of OR should be concerned with finding BHS that are survivors, and promoting their reproduction.

Sage grouse Concerns

The County does not believe that livestock grazing and sage-grouse conservation are mutually exclusive. To the contrary, a robust grazing program actually ensures the health of sage-grouse habitat. Nevertheless, the proposed revisions appear to put sage-grouse conservation on a higher footing than livestock grazing and forage production, which would be a violation of the multiple-use statutes governing USFS.

The County urges USFS to recognize its responsibility to support existing grazing levels and increase the productivity of the range in conjunction with seeking to conserve

sage-grouse habitat and populations. The DEIS spends an inordinate portion of the analysis on grazing in comparison to primary threats to the birds' survival in Oregon (predation, wildfire, habitat fragmentation). Unlike some land management activities, grazing is most often beneficial to sage-grouse habitat. Nevertheless, the "preferred" alternative focuses on reductions to and restraints on livestock grazing that could have debilitating effects on permittees' ability to keep their operations running (and thus continue providing benefits to sage grouse). This alternative actually jeopardizes habitat by increasing wildfire risks (increased fuel loads and continuity of fine fuels), which U.S. Fish and Wildlife (FWS) identified as a primary threat. Reducing forage productivity and availability on USFS land could also result in additional habitat loss on private land, as well as increasing urbanization. The negative effects on sage-grouse populations resulting from restricting grazing outweigh any potential benefits. USFS proposed amendments would undercut a balanced grazing program in favor of overly restrictive management standards.

Water/Watershed/Riparian Area Concerns

Baker County's watersheds provide water for urban and rural families and are essential for healthy and sustainable agriculture, livestock, industry, fish and wildlife. These watersheds provide recreation opportunities for residents and tourists, serve cultural needs, and provide habitat for native plants, wildlife, and fisheries. The health of the County's watersheds directly affects the current and future availability and quality of the water resources and water-dependent natural resources in the County, and the ability of watersheds to adapt to climate variability (i.e., periods of drought, periods of high rainfall, rain-on-snow events).

Baker County supports the development and pursuit of watershed improvement goals, objectives, programs and projects by County, State, and Federal Agencies and the many corporations and private landowners/managers in the County (Appendix I). The County supports these objectives because of the benefits residents of Baker County and of the State of Oregon receive from good watershed management. Further, the County supports the objectives of the Oregon Plan for Salmon and Watersheds as they apply to Baker County and landowner-sponsored projects funded by the Oregon Watershed Enhancement Board that help implement that plan in Baker County.

1. Maintain site-appropriate ground and canopy cover in grasslands, shrublands and forestlands, including wetlands and riparian areas, to: a) dissipate rainfall energy and promote infiltration of rainfall and snowmelt; and b) minimize erosion, sedimentation and runoff that exceeds natural levels.
2. Improve natural water storage capacity of degraded watersheds by improving ground cover of uplands, rehabilitating gullied slopes, and reconnecting entrenched perennial, intermittent and ephemeral stream channels with their floodplains.

Water rights in Baker County date back to the early 1860's. The dates on priorities (filing dates) trace the mining ventures and settlement of farms in the Baker Valley, with the better alluvial soils, and non-intermittent stream flows holding the oldest water rights. Oregon water law is based on two legal principles – appurtenance to the land, and first-in-time, first-in-use priority. Baker County policy is to protect the legal concept that water is appurtenant to the land, and to not allow any diminution of water quantity in water rights.

USFS Attempts to Exceed Its Authority over Water

The USFS must stay within the bounds of its own management jurisdiction. The agency holds federally reserved rights to fulfill its two primary purposes: to furnish a continuous supply of timber for the people, and to conserve water flows. In order to fulfill secondary purposes such as wildlife protection and instream flows, USFS is required to apply for water rights in accordance with the procedures of the Oregon water code.

USFS' calling for "Connectivity" between watersheds, for example, is outside the agency's authority. So is USFS' focus (p. 24 of RLMP) on "Instream flows, including water yield, timing, frequency, magnitude, and duration runoff..."

A standard for riparian management areas in Alt. E (Vol 3 p. 306 – RMA-HYD-1 S-56) states: "Authorizations for all new and existing special uses, including, but not limited to water diversion or transmission facilities (e.g., pipelines and ditches), energy transmission lines, roads, hydroelectric, and other surface water development proposals, shall result in the reestablishment, restoration, or mitigation of habitat conditions and ecological processes identified as being essential for the maintenance or improvement of habitat conditions for fish, water and other riparian dependent species and resources. These processes include in-stream flow regimes, physical and biological connectivity, water quality, and integrity and complexity of riparian and aquatic habitat" (emphasis added).

The proposal to regulate—via denial of special use permits—in-stream flows, physical and biological connectivity, water quality, and "integrity and complexity of riparian and aquatic habitat" is far beyond USFS' authority.

On page 2, the EIS states the Forest Service will "provide clean and cold water." There is no way USFS can commit to providing cold water in south-facing flashy watersheds such as the North Fork Burnt River. These streams come out fast in the spring, then there are low flows during the hot summer months. These waters were never naturally cold, and no matter what the Forest Service says, these waters will remain warm.

USFS Inappropriately Focuses on Wildlife, Discourages Human Use and Management

USFS proposes to violate Multiple Use statutes in its proposals to regulate water and water uses within the planning area. It would take water use away from human use and focus on wildlife "benefit" only.

- Example 1: "Key watersheds" cover large area and focus only on wildlife use. "The role of key watersheds is to serve as habitat refugia for existing populations and to provide sources of individuals that are able to colonize new habitats as conditions improve. The management emphasis in all key watersheds is to protect existing populations and their habitats while incurring the lowest level of risk to those populations..." (RLMP p. 22)
- Example 2: "**Desired Condition:** Networks of watersheds with good habitat and functionally intact ecosystems contribute to and enhance conservation and recovery of specific threatened or endangered fish species and provide high water quality and quantity. The networks contribute to short-term conservation and long-term recovery at the major population group, core area, or other appropriate population scale." Increasing production of timber, minerals, and forage for livestock should be included as desired conditions.

- Removing “human intervention” should not be a goal, as stated in “All Watersheds – Desired Condition” (p. 23 of RLMP): “The watershed-scale processes that control the routing of water, sediment, wood, and organic material operate at levels that result in self-sustaining riparian and aquatic ecosystems that do not require human intervention or restoration.” Productive uses (timber, mining, grazing) should be included as part of the desired condition.
 - RLMP p. 23 states: “The alteration or removal of vegetation or ground cover by activities such as fire, timber harvest, the use of mechanized equipment, livestock grazing, and the construction of roads alters hydrologic pathways in ways that can result in increased hillslope and stream channel erosion rates.” This statement is true for wildfire, but not true for managed timber harvest, use of most roads, and grazing. “Alteration or removal of vegetation” can be a positive for “hydrologic function”--not just a negative. In fact, it is necessary to prevent catastrophic wildfire.

Riparian Management Areas

RMA's constitute 29 percent of the general forest area for the three forests. These areas should be governed by adaptive management, instead of by the restrictive regulations put forth in the preferred alternative. As addressed below, riparian areas are defined too broadly; pose a threat to multiple uses; and pose a threat to the resources.

1. RMA's Are Defined Too Broadly

Riparian management areas “include traditional riparian corridors, wetlands, intermittent headwater streams, and other areas where proper ecological function is critical to maintenance of the streams’ water, sediment, woody debris and nutrient delivery system”. Page 231 Chart shows 362,500 acres locked up in the riparian stream buffers. This chart should show the acres for alternative A (without the 100 foot buffers on ephemeral streams.)

We question USFS’ excessive buffer widths, which appear to be dictated by the Region’s *Aquatic and Riparian Conservation Strategy* (ARCS). ARCS adopted the buffer widths originally imposed by PACFISH/INFISH, which were intended to be interim measures until better science was available. They were based largely on conditions farther west, which are much wetter. This, combined with the fact that they were made very wide as a “precautionary” measure in the absence of adequate scientific data, makes them inappropriate for use in this plan revision.

Page 309 of “RMA widths and extent are similar to RHCAs except that a width of **100 feet** would apply to all seasonally flowing streams and small wetlands, whether or not the streams are fish bearing.” Vol I Page 31 indicates a buffer width of 100 feet on dry streams would apply throughout the entire plan area in the preferred alternative. There is no science behind the increase in buffer from 50 feet to 100 feet along ephemeral streams. Ephemeral streams are not riparian, nor do they flow water that needs to be cooled. They have no riparian vegetation, and

have narrow floodplains. The additional 50 feet of buffer is not necessary, and would put off-limits a huge area now available for timber harvest. Under the current 1990 forest plan riparian areas are in good shape. There is no rationale for increasing the buffer along ephemeral drainages, which are actually non-riparian, by an additional 50 feet. Oregon's private timber lands are in excellent shape, despite the narrower buffers. Decreasing the area available for harvest is not justified.

Volume 1 Chapter 3 states on page 273, *“Both agencies recognize that stream shade provided by riparian vegetation has the most widespread achievable effect on reducing stream temperatures”*. The Forest Service is not correct that stream shade can reduce stream temperatures. Stream shade can only function to maintain the water temperature.

2. **Riparian Areas Not In Need of Additional Regulation** In Volume 1 page 25, the DEIs indicates that the 1990 Forest Plan RHCA buffers have resulted in healthy, functioning riparian areas throughout Baker and Grant Counties. Page 309, states “RMA widths and extent are similar to RHCAs in the 1990 Forest Plan, and riparian areas have been on an upward trend since the 1990 Forest Plan and the INFISH and PACFISH amendments.” No changes in stream buffers are evidently needed.

Vol 2 Page 12 “riparian and aquatic habitat conditions are currently trending upward at the scale of the plan area following 15 plus-years of management under the 1990 Forest Plan”.

Monitoring Problems

On Page 110/111 of the RLMP, USFS proposes a monitoring plan framework for the action alternatives. Among the problems with this section:

1. “Status of selected watershed conditions” will be considered in the monitoring plan. However, DEQ does not regularly remove streams from the 303d list without someone initiating the process after many years of monitoring and then the process could take years. This is not a valid monitoring protocol.
2. USFS attempts to determine trends in 3-5 years on matters such as watershed condition; riparian vegetation condition; invasive species; and aquatic habitat. No trends will be detectable in a 3-5 year timeframe.

Other Concerns

Page 271 states, “sediment is a natural function in lower gradient streams.” The DEIS should reflect the fact that sediment is also a natural function of south facing high gradient streams.

Page 27 lists hydrologic unit code: 4th-code HUC a sub basin 450,000 acres; 5th-code HUC a sub basin 40,000-250,000; 6th-code HUC a sub basin 10,000-40,000 acres. Where do 250,000-450,000 fall?

Vol 3 Page 12 defines “Channel” as “the deepest part of a stream...” This is not how the term is used in the rest of the document.

Vol 3 Page 182-183: hydrologic function should be “within the natural range of variability.” Does USFS know what this is? If so, they should disclose to the County.

Climate Change Concerns

Climate change is an inevitable constant. It is also very unpredictable. We are very concerned about relying on the idea of climate change when promulgating rules that may affect management for years to come. The climate changes on natural cycles – warming, cooling, lengths of seasons etc. – and will continue fluctuating in the future. We strongly recommend the USFS develop a plan that allows local land managers the flexibility to make decisions based on the current conditions on the ground and in collaboration with state/local authorities, livestock permittees, and other vested stakeholders. We encourage the USFS to utilize the parameters of the National Environmental Policy Act (NEPA) process already in place that allow for categorical exclusions and streamlined local environmental assessments in case of changing conditions.

USFS Attempts to Predict the Unpredictable

On page 16 of the RLMP, USFS states, “Average temperatures in the Pacific Northwest have increased by about 1 degree Celsius (1.8 degrees Fahrenheit) since 1900, and the rate of warming during the last 50 years is nearly twice the rate of the previous 100 years (ISAB 2007). The rate of warming is expected to increase in the 21st century. Mean annual temperatures are expected to rise by 0.3 degrees Celsius (0.5 degrees Fahrenheit) per decade through 2050 in response to continued increases in atmospheric greenhouse gases (Mote et al. 2008).”

The United Nation’s climate change chief, Rajendra Pachauri, has acknowledged a 17-year pause in global temperature rises, confirmed recently by Britain’s Met Office. Even if temperatures had increased, “climate change” is far too unpredictable to be the basis of forest planning decisions. Plans should simply employ adaptive management to accommodate changes in climate. For example, plans should allow for future new water storage facilities in the event that increased rains and decreased snowpack make water retention necessary.

USFS Attempts to Control the Uncontrollable

USFS describes “control of climate” as one of the forests’ “ecosystem services.” Controlling the climate is most certainly outside the capacity of USFS, even when considering all national forests combined. (Volume 3, page 18: “The combined resources and processes of natural ecosystems that provide benefit to humans, including, but not limited to, the production of food and water, the control of climate and disease, cycling of nutrients and crop pollination, spiritual and recreational benefits, and the preservation or maintenance of biodiversity.”

USFS Proposes Damaging Decisions Based on Climate Change

Vol I Page 60: Management strategies include “reducing potential increases in stream temperatures through riparian buffers. Reducing the risk of water quality degradation by (1) Decreasing road density (2) closing, realigning or obliterating roads.

Vol I Page 59 states: “Management strategies to increase the adaptive capacity of terrestrial ecosystems in the face of climate change include: conserving species (whatever the climate does, this is not USFS’ role, but the role of the state).”

Vol I Page 61 proposes “reducing barriers to species movement (close roads, destroy fences)...decreasing road density”

Recommendation in the Event of Climate Change

If USFS’ predictions of climate warming and increased precipitation is true, then this will exacerbate the already overstocked dense timber stands with the potential of more catastrophic wildfires. Even more aggressive timber management would be necessary. This is not mentioned in the DEIS. In fact, the above proposals to destroy roads and “protect” species will only serve to diminish timber management.

Special Land Designations Concerns

Page iii Issue 6, states, “Public concern is heightened because the management to approach ecological resilience will determine the ecosystem services the Blue Mountains national forests provide”. The public in Baker County really is concerned. Mismanagement and no management have left hundreds of thousands of acres in poor health and susceptible to insects and fire. The “management to approach ecological resilience” we see in the Blue Mountain Revision means a blueprint for a future Forest with less access, more wilderness, more wildlife corridors and non-motorized areas, wider “riparian” buffers on ephemeral streams, less timber management.

For the WWNF alone, the preferred alternative (E) proposes 20,300 acres of recommended wilderness areas; 104,500 acres of “backcountry” non-motorized use acres and 145,500 additional “backcountry” motorized use acres; 6,500 acres as “wildlife corridors;” over 52,900 acres of Wild and Scenic Rivers (existing and proposed); 8,000 in Research Natural Areas; and 362,500 acres locked up in Riparian management areas.

Socio-Economic Effects of Special Designations

Wilderness areas and similar designations (nonmotorized backcountry; wildlife corridors; Wild and Scenic; research natural areas) are lousy neighbors, shedding disease, insect infestations and wildfires onto neighboring private and public land. The designated areas that we now have are currently underutilized. With more designations, we would lose even more use of the Natural Resources needed to create jobs and recreational opportunities. We would lose the revenue that derives from these resources, which is desperately needed by Baker County’s economy.

Research shows that the economic benefits that may result from special land designations usually does not outweigh the harm. According to research by Utah State University, Wilderness designations are “significantly associated with lower per capita income, lower total payroll, and lower total tax receipts in counties” (Steed, 2011). The research found that wilderness impacts both households and counties. Average household income within Wilderness Counties was estimated to be \$1,446.06 less than Non-Wilderness Counties. Total payroll in Wilderness Counties was also estimated to be \$37,500 less than in Non-Wilderness Counties. County Tax Receipts in Wilderness Counties was estimated to be \$92,910 dollars less than in Non-Wilderness Counties (*id.*).

The Forest Revision Plan should protect the customs and culture of the area it is affecting. The customs and cultures of hunting, fishing, camping, wood gathering, collection of mountain berries and mushrooms is what our National Forest has been used for over the past 150 years. Designating more wilderness will detract from those customs and our culture.

For these reasons, wilderness areas and all such lands designated backcountry, Research natural areas, or wild and scenic rivers, where wise management of the resources are disallowed or discouraged are not desirable.

Citations

Steed, B. et al. 2011. *The Economic Costs of Wilderness*. Issue Brief. Jon M. Huntsman School of Business, Utah State University.

**Appendix A:
Baker County Natural Resource Plan**

(See Attachment)

Appendix B

Wallowa County plan – Utilization Standards for Late Spring/Summer

Allowable Use of Available Forage in Riparian Areas				
Range Resource Management Level	Grass and Grasslike species		Shrubs	
	Satisfactory Condition	Unsatisfactory Condition	Satisfactory Condition	Unsatisfactory Condition
Livestock use managed within current grazing capacity by riding, herding, and salting. Cost effective improvements only to maintain stewardship of range	40	0-30	30	0-25
Livestock managed to achieve full utilization of allocated forage. Management system designed to obtain distribution and maintain plant vigor include fencing and water developments	45	0-35	40	0-30
Livestock managed to optimize forage production and utilization. Cost-effectiveness culture practices improving forage supply forage use and livestock distribution may be combined with fencing and water development to implement complex grazing systems.	50	0-40	50	0-35

Allowable Use of Available Forage in Upland Areas						
Range Resource Management Level	Forest		Grassland		Shrubs	
	Satisfactory Condition	Unsatisfactory Condition	Satisfactory Condition	Unsatisfactory Condition	Satisfactory Condition	Unsatisfactory Condition
Livestock use managed within current grazing capacity by riding, herding, and salting. Cost effective improvements only to maintain stewardship of range	40	0-30	50	0-30	40	0-25
Livestock managed to achieve full utilization of allocated forage. Management system designed to obtain distribution and maintain plant vigor include fencing and water developments	45	0-35	55	0-35	45	0-30
Livestock managed to optimize forage production and utilization. Cost-effectiveness culture practices improving forage supply forage use and livestock distribution may be combined with fencing and water development to implement complex grazing systems.	50	0-40	60	0-40	50	0-35