GIFFORD PINCHOT TASK FORCE

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October 8, 2015

Via email: objections-pnw-regional-office@fs.fed.us

Regional Forester
USDA Forest Service
Attn: 1570 Objections
P.O. Box 3623
Portland, OR 97208

RE: 36 C.F.R. § 218 Objection to the Swift Thin Project Draft Decision Notice and FONSI

Dear Reviewing Officer:

The Gifford Pinchot Task Force (GPTF) files this objection to the Swift Thin Project Draft Decision Notice and Finding of No Significant Impact (Draft DN and FONSI), published on August 24, 2015. The project in located on the Mount St. Helens Ranger District, Gifford Pinchot National Forest, in Skamania County, WA. Gina Owens, Forest Supervisor for the Gifford Pinchot National Forest, is the responsible official. This objection directly relates to GPTF's scoping comments (dated April 14, 2014), our comments on the Draft EA for the Swift Thin Project (dated April 25, 2015), and comments during our in person meeting with the Forest Service on May 28, 2015, and we incorporate by reference those comments herein.

PROJECT DESCRIPTION: Proposed Action

- Commercial thinning of conifers on approximately 3,600 acres within mid-seral forest plantations, including:
    - Standard thinning of approximately 1,900 acres, leaving 90 to 140 trees per acre and a canopy cover of 40-60 percent,
    - Heavy thinning on approximately 1,800 acres, leaving 65 to 100 trees per acre and a canopy cover of 30-40 percent, and
    - Creation of gaps up to 2 acres in size in Late Successional Reserves;
- 193 acres of regeneration cuts within mid-seral forest plantations on Matrix lands;
- 477 acres of thinning in Riparian Reserves (see p. 134-135 of EA; the Draft DN does not specify how increased buffers affect this acreage);
- 17.5 miles of temporary road reconstruction;
- 9 miles of new temporary road construction;
- 1 mile of new system road construction;
- 870 landings; and

- 10 stream crossings on temporary roads.

GPTF recognizes and appreciates the modifications made in the Draft DN, including: 1) the elimination of the southern portion of unit 103787 adjacent to Trapper Creek Wilderness; 2) the shift from a heavy thinning prescription within northern spotted owl (NSO) 0.7 mile home range to standard thinning and eliminating harvest within a 300 meter buffer around historic NSO activity centers; 3) increasing no-cut buffers on perennial and intermittent streams in the lower drainages of Little Creek and Rush Creek to 160 feet to protect anadromous fish; and 4) dropping stand 102918B, which was proposed for regeneration harvest, to protect Malone's and Warty jumping slugs.

The modification reducing heavy thinning to standard thinning in 0.7 mile NSO home range circles sufficiently addresses our concern about the impacts of thinning on spotted owls in this proposal. However, we find it curious that the Draft DN says, "The decision still allows portions of stands to be heavy thinned where the 0.7 mile home range circle divides a unit in half; however, those stands may be changed to standard thin if necessary to make implementation more feasible." The Draft DN provides no details on which or how many units that would apply to, or why that is necessary. We recommend that the Forest Service refrain from prescribing heavy thinning in any of the 0.7 mile NSO home ranges in the final decision. We reserve our right to appeal if the final decision includes heavy thinning within those home ranges.

While the Draft DN modifications reduce some of the concerns raised in GPTF's EA comments, they fail to sufficiently resolve our concerns regarding thinning in Riparian Reserves; the creation of new roads and stream crossings; regeneration harvest to create early seral habitat; and creation of gaps up to 2 acres in size within Late Successional Reserves. In addition, the Forest Service failed to consider a reasonable range of alternatives in its analysis and should have developed either a supplemental environmental assessment or a full EIS. GPTF raised all of these issues in our comments. Please see our specific objections below.

OBJECTIONS RELATED TO THE PROPOSED ACTION

I. The Forest Service failed to consider a reasonable range of alternatives under NEPA.

As mentioned in our EA comments, the Forest Service only considered the no action alternative and the proposed action in its environmental analysis. The Draft DN rationalizes this decision by stating that "[n]o stand-alone alternatives were suggested by the public or agency partners during the scoping period or early planning process, and…the questions and concerns raised during scoping could be addressed by clarifying the design of the proposal and elaborating in the disclosure of effects." Draft DN, p. 9.

To the contrary, GPTF did suggest alternatives in both the scoping comment period and our comments on the Draft EA. In GPTF's scoping comments, we raised concerns with reconstructing and creating new temporary roads, thinning in Riparian Reserves, and the creation of early seral habitat. It is important to note that the scoping letter for the project was

extremely vague, with no details on: how many miles of roads would be created and where they would be located; how early seral habitat would be created and at what scale; or how many acres of Riparian Reserves would be thinned, at what intensity, or with what size no-cut buffers. As a result, in our scoping comments, we raised our concerns about those issues and asked clarification questions to obtain additional information in the EA. We specifically asked for a reduction in reconstructing and constructing temporary roads in our scoping comments. We also explicitly stated, "We do not support thinning in riparian areas and believe an adequate buffer is needed to protect these important areas from disturbance." Despite those scoping comments, the Forest Service failed to develop alternatives in the EA that reduced the amount of roads created, removed or reduced thinning in Riparian Reserves, increased no-cut riparian buffers, or removed or reduced early seral prescriptions.

Once GPTF obtained more detailed information through the draft EA, we suggested that the Forest Service consider specific alternatives to address the issues mentioned above. While the Forest Service made a few modifications to the proposal in the Draft DN, there is no indication that the alternatives GPTF suggested were adequately considered in analysis of this project. To adequately consider alternatives to the proposed project, the Forest Service "must look at every reasonable alternative within the range dictated by the nature and scope of the proposal." Friends of Southeast's Future v. Morrison, 153 F.3d 1059, 1065 (9th Cir. 1998). An alternative that is consistent with the policy goals of the project and is potentially feasible must be analyzed in depth and not "preliminarily eliminated." Muckleshoot Indian Tribe v. U. S. Forest Serv., 177 F.3d 800, 813–14 (9th Cir. 1999).

II. Creation of early seral habitat for deer and elk is an unreasonable and unjustified purpose and need under NEPA.

The Draft EA describes the following purpose and need for which the overall project is based:

Primary

- Improve the condition of forests relative to their land allocations in the Gifford Pinchot National Forest Land and Resource Management Plan and Northwest Forest Plan. For plantations within the Late Successional Reserve allocation this includes creating conditions that will allow stands to develop the characteristics important in old-growth forests, including multi-layered canopies, large down woody debris, and spatial heterogeneity.
- Restore/improve the condition of special vegetative habitats for the benefit of dependent plants and wildlife.

Secondary

- Improve the production of huckleberries, in matrix, or where opportunity allows.
- Improve conditions for deer and elk forage in summer range, primarily in the Matrix allocation.
- Provide society the benefits of wood products and provide economic benefits to communities and counties.

GPTF specifically takes issue here with the purpose and need for regeneration harvest to create early seral habitat for deer and elk summer forage, as mentioned in both our EA and scoping comments. We believe that particular statement of need is unreasonable, without scientific support, and contradicted by the Forest Service's own analysis. The EA states that the Forest Service reviewed a forestwide analysis of condition classes to determine if early seral forests were deficient in the project area and concluded that they were not. See EA at 6. Yet, the EA dismisses that conclusion and includes regeneration harvest with little data to prove any need for creation of early seral habitat in the Swift project area. Further, the EA fails to consider the amount of early seral summer forage habitat for deer and elk forage on adjacent private and state lands, as well as the additional browse created through other thinning projects in the forest where deer and elk sign is prevalent. Early seral vegetation exists along many streams, rock outcrops, meadows, roadsides, landings, and other disturbed sites throughout the forest. An honest assessment of the early seral shortage must account for the quantity, quality and functionality of all these early seral forest elements.

Instead of creating early seral habitat through regeneration harvest when there is little evidence of need, we suggest that the Forest Service let nature decide where to create early seral via natural processes, such as fire, wind and insect damage. Early seral habitat does not need to be well-distributed everywhere, but can be a shifting mosaic that will adequately take care of species' needs.

We are not convinced that the needs outweigh the risks with conducting extensive regeneration harvest in the project area. We recommend that the Forest Service conduct thinning in those areas in lieu of regeneration harvest, especially in units 102881 and 102879.

III. Thinning in Riparian Reserves without sufficient no-cut buffers violates ACS objectives and may negatively impact water quality standards.

The Aquatic Conservation Strategy (ACS) of the Northwest Forest Plan prohibits thinning in Riparian Reserves unless needed to attain ACS objectives. The Aquatic Conservation Strategy Objectives require that Forest Service-administered lands be managed to "[m]aintain and restore" nine indicators of watershed health, as follows:

1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.
2. Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic and riparian-dependent species.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.
4. Maintain and restore water quality necessary to support healthy riparian,

aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.

5. Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage and transport.
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.
7. Maintain and restore timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species

Northwest Forest Plan at B-10.

The Forest Plan allows agencies to "apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives." See NWFP, C-32. However, it is incumbent upon the Forest Service to demonstrate the scientific need for thinning treatments in Riparian Reserves to benefit aquatic and riparian resources.

As mentioned in our EA comments, there is enough science questioning the practice of riparian thinning that we request the precautionary principle be applied when deciding when, where, and how intense to prescribe a thinning prescription in Riparian Reserves.

We provided many scientific studies in our EA comments to justify the need for increased riparian buffers to maintain sufficient dead down wood, snag recruitment, and other key habitat features, and protect water quality. Since we submitted those comments, additional arguments have been made for riparian buffers of at least 90-100 feet on <u>both</u> fish-bearing and non-fish bearing streams by NOAA Fisheries. See Phil Roni, NOAA Fisheries Testimony before the OR Department of Forestry, June 3, 2015; Timothy Beechie letter to OR Board of Forestry, July 21, 2015.

In arguing that the science supports 90-100 foot buffers on both fish-bearing and non-fish bearing streams, Roni states,

> [N]on-fish bearing streams provide important sources of wood, sediment, nutrients and gravels to fish-bearing streams and are drivers of productivity of downstream fish habitat and a watershed. The stream network is similar to your circulatory system. It would be a mistake to only protect your arteries and ignore your capillaries or assume that anything injected into your arterioles or capillaries would have no effect on your body or wouldn't be transmitted to your major arteries. It is similar with non-fish bearing streams and fish bearing streams. They are interconnected and interdependent and protecting both non-fish bearing and fish bearing streams is important.
>
> Phil Roni, NOAA Fisheries Testimony before the OR Department of Forestry, June 3, 2015.

Beechie also states, "a long history of research on the influences of forested riparian buffers on stream habitats and Pacific salmon species suggests that forested buffer widths necessary to protect wood recruitment and stream shading functions in the Pacific Northwest will likely exceed 90 feet." Timothy Beechie letter to OR Board of Forestry, July 21, 2015.

In addition, insufficient buffers may impair water quality in 303(d) listed water bodies in the project area, in violation of the Clean Water Act. The Clean Water Act does not permit de minimus degradation of water quality, especially on streams that are already impaired. 33 U.S.C. § 1323(a)(2)(C).

The Lewis River is listed as a Category 5, 303(d) water body due to high temperature above Curly Creek and Big Creek and below Cussed Hollow Creek. Similarly, Siouxon Creek is listed as a Category 5, 303(d) water body due to high temperature below West Creek. All of these reaches are in the project area, where timber harvest is being proposed. In addition, the Wind River is listed as Category 4a impaired water body due to high temperature. See Wind River Watershed Temperature Total Maximum Daily Load, March 2002.

While we appreciate the modification in the Draft DN increasing no-cut buffers on perennial and intermittent streams in the lower drainages of Little Creek and Rush Creek to 160 feet to protect anadromous fish, we do not believe that the no-cut buffers on the other riparian designations of 30 and 60 feet are sufficient to meet ACS objectives or water quality standards. We are not clear why 160 foot buffers were not also applied to proposed units adjacent to Chinook Creek, a fish-bearing stream. We would like to see them applied there, as well. In addition, as we mentioned in our comments, we would like to see no-cut buffers of at least 130 feet for fish-bearing streams (both standard and heavy thinning prescriptions) and 100 feet on all other waterbodies.

IV. Construction and reconstruction of roads, landings, and stream crossings in Riparian Reserves retards ACS objectives.

Despite our EA comments, the Forest Service failed to substantially reduce the amount of new or reconstructed temporary roads, stream crossings, and landings in Riparian Reserves. There is ample documentation of the negative effects of roads, landings, and stream crossings on

watershed health. The EA acknowledges, "Activities involving roads landings have the greatest potential to deliver sediment over an extended period…" and notes that road maintenance and construction would occur on just over 100 miles of existing Forest Service Road and 31 miles of temporary roads would be built or rebuilt, along with 870 landings.

Further, as noted in our EA comments, the Lower Lewis Watershed is highly fragmented. Road densities and stream crossings in the lower Swift project area are particulary high. For example, the Drift Creek subwatershed, where a number of timber sale units are located, has a road density of 4.23mi/mi^2 and 222 stream crossings. Lower Lewis River Watershed Analysis at III-51. There are similar fragmentation issues in the Middle Lewis Watershed. For example, the Sidewalls Curly/Rush subwatershed has high fragmentation, with only 3.1 miles of stream and 10 stream crossings. Middle Lewis River Watershed Analysis, p. 55.

In addition, the Lower Lewis River Watershed Analysis states:

> Road densities within a subbasin that exceed 3.0 miles per square mile of area are viewed as "red flags" and indicate where road-related problems are most likely to occur….Riparian reserve aquatic habitat is adversely affected by each instance where a road crosses a stream. The flow of fish, LWD, and sediment can be interrupted, i.e. the habitat becomes fragmented. The degree of this fragmentation/impact can be gauged (and sub-basins can be compared) by the number of road/stream crossings per mile of stream length.
>
> Lower Lewis River Watershed Analysis at III-48.

Considering the high road densities in these fragmented watersheds, it is unclear how building 9 miles of new temporary roads, reconstructing 17.5 miles of existing temporary roads, and building 870 landings and 10 stream crossings in Riparian Reserves will result in attainment of ACS objectives.

To avoid violation of ACS objectives, we suggest that the Forest Service remove stream crossings from the proposal, or drop units with stream crossings if other access routes are available. We also request that new temporary roads and landings be eliminated or significantly minimized, especially where those roads could have harmful aquatic impacts.

In addition, both the Lower Lewis River Watershed Analysis and Middle Lewis River Watershed Analysis rated road decommissioning as a high priority. See Lower Lewis River Watershed Analysis at 4; Middle Lewis River Watershed Analysis, Executive Summary. The Lower Lewis River Watershed Analysis rated silvicultural treatment as a moderate priority and the Middle Lewis River Watershed Analysis did not rate it at all. Yet, this project has dedicated extensive resources to prioritizing silvicultural treatment with no decommissioning. See Lower Lewis River Watershed Analysis at 4. In response to our comments, the Forest Service said that decommissioning is being considered in the Upper Lewis Roads Pilot Project. However, it is difficult to analyze how that affects this proposal since it is being done through a separate NEPA process, which has been delayed. Further, it is our understanding that the pilot only includes a

portion of the Swift project area and fails to include problematic or blown out roads like Road 57, which is being partially reconstructed for timber harvest of units 103271 and 103272, and could have major water quality impacts to West Creek. We would like to see a more balanced approach regarding prioritizing road decommissioning in this project area and would like to see our specific recommendations in the EA comments considered in the final decision.

V. Creation of 2-acre gaps in LSR runs contrary to Regional Office Guidelines and LSR objectives under the Northwest Forest Plan.

While the Task Force is supportive of using variable density thinning with small gaps to create diversity in this project area (with the caveats mentioned in our EA comments), creating 2-acre gaps in LSR is inconsistent with the 1997 Gifford Pinchot National Forest LSR Assessment. According to the REO review of the Gifford Pinchot National Forest LSR Assessment:

> In Chapter 5.2, Commercial Thinning, under the heading "Treatments Description," reference is made to the portion of the REO memo (Criteria to Exempt Specific Silvicultural Activities in Late-Successional Reserves and Managed Late-Successional Areas dated July 9, 1996) that describes criteria for leaving small openings and heavily thinned patches to increase diversity (viz., Treatment Standard #4). This standard was amended by REO memo (dated September 30, 1996) to modify the size and extent of the patches. REO assumes that this amendment will be incorporated into the treatment criteria for commercial thinnings within this LSR.
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> REO review of the Gifford Pinchot National Forest LSR Assessment, November 18, 1997 (emphasis added).

Per regional office instruction in the September 30, 1996 REO memo, the LSR Assessment limits gaps to 1/4 acre in size to encourage the initiation of structural diversity. As such, we would like to see gaps minimized in LSR to no more than 1/4 acre.

RELIEF REQUESTED

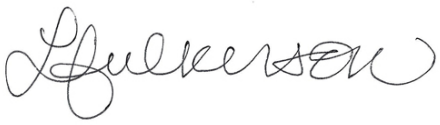
We request that the Forest Service issue a new decision that:

- Increases no-cut Riparian Reserve widths to at least 130 feet for fish-bearing streams for both standard and heavy thinning prescriptions and 100 feet for all other waterbodies;
- Eliminates or substantially reduces regeneration harvest, and possibly substitutes a thinning treatment, especially in units 102881 and 102879;
- Eliminates stream crossings and relocates landings outside of Riparian Reserves;
- Reduces the amount of temporary roads, particularly in Riparian Reserves, and decommissions (or closes and stabilizes, as appropriate) project area roads that are currently failing and posing serious risks to water quality and wildlife;
- Keeps “gaps” within LSR to no more than 1/4 acre and situated away from: important habitat features (e.g. snags and clumps of large wood), streams at recommended buffer widths, and wildlife corridors.

GPTF requests a meeting with the Forest Service to discuss potential resolution of the issues

raised in this objection.

Respectfully,



Laurele Fulkerson
Policy Director