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10/26/2018

Kameron Sam
Barlow Ranger District
780 Court Street
Dufur, OR 97021

RE: Rocky Project EA comments

Ranger Sam,

Bark's mission is to bring about a transformation of public lands on and around Mt. Hood National Forest into a place where natural processes prevail, where wildlife thrives and where local communities have a social, cultural, and economic investment in its restoration and preservation. Bark has over 25,000 supporters¹ who use the public land lands surrounding Mt. Hood, including the areas proposed for logging in this project, for a wide range of uses including, but not limited to: clean drinking water, hiking, nature study, non-timber forest product collection, spiritual renewal, and recreation. We submit these comments on behalf of our supporters.

Bark is also a member of the Wasco County Collaborative group, which has been engaged in discussing the Rocky Project for the past three years. The Forest Service's commitment to collaboration on this project has been very inconsistent and more than a little frustrating for collaborative group members, and we strongly encourage you to fully incorporate the collaborative group's recommendations for this project as an act of goodwill and trust building.

In addition to the letter sent by the Wasco collaborative group, Bark has concerns and suggestions we ask that the Forest Service address in the final project design and Environmental Assessment.

¹ 1 Supporters in this case is defined as significant donors and petition-signees which Bark has identified as being active users of Mount Hood National Forest.

PROPOSED CHANGES TO PROJECT DESIGN CRITERIA

1) *Please amend PDC to ensure retention of legacy snags and snag creation.*

Because there are significantly less snags (as compared to historic numbers) in the planning area and too few to meet Forest Plan standards, the Wasco Collaborative recommended that the Forest Service “[p]rotect **all** legacy snags where they exist” and “proactively create snags to, at a minimum, meet Forest Plan standards.”

However, the draft Project Design Criteria do not incorporate these recommendations, as they create a large loophole that would allow for felling legacy snags. The PDC state “All snags would be retained **where safety permits**. If snags must be cut for safety reasons they would be left on site.” *Preliminary Environmental Assessment (PEA) at 23* (emphasis added). The Forest Service’s caveat that snags may be felled for safety reasons was re-iterated by the Forest Service in the Wasco County Collaborative meeting, as captured in the notes “The group discussed snag protection, retention, and creation. The Forest Service does not plan to cut snag within the project area **unless there is a safety issue**. Snag protection is a challenge in the Rocky project area because there are not many trees large enough that meet Forest Plan standards.” *Collaborative meeting notes, 10/4/2018*.

While we recognize that the Forest Service needs to protect logger safety, it has options beyond felling danger snags. OSHA Regulations specifically state that if a danger tree [including lodged trees and snags] is not felled or removed, it shall be marked and no work shall be conducted within two tree lengths of the danger tree unless the employer demonstrates that a shorter distance will not create a hazard for an employee. 29 C.F.R. § 1910.266(h)(1)(vi). In short, the Forest Service has the option to buffer danger snags, not cut them.

In order to both meet the Forest Plan standards for snag retention, and to fully incorporate the recommendations of the Wasco Collaborative, please exercise this option and change the Rocky PDC to state “All legacy snags would be retained **by creating adequate safety buffers, as needed**.”

In addition, the Project does not include a specific plan for snag creation, as was requested by the Wasco Collaborative. Unless we missed it, the EA simply says “Where possible, snags should be created to meet Forest Plan standards.” *PEA at 13*. This is insufficient, as it fails to meet Forest Plan standards FW-217 & 218 which require proactive snag creation and fails to incorporate the Wasco Collaborative recommendations.

In the final EA, please include a specific, proactive plan to create snags throughout the Rocky project area.

2) Please replace “should” with “shall” in several PDC.

There are several Project Design Criteria where the less enforceable “should” which should be replaced with the mandatory “shall” in order to ensure both better compliance and protection of the project area. In order to meet the Aquatic Conservation Strategy objectives, the following two Roads PDC should be upgraded to ‘shall’: #7 “Culverts should be removed” and #14 “new temporary roads and landings should be located out of Riparian Reserves.”

In addition, to meet Forest Plan standards for soil productivity, the following Soils PDC should also be changed to ‘shall’: #2 “Ground-based harvest systems should not be used on slopes greater than 30%”, and #5(d) “no rubber tired skidders should be used on skid trails once soils become fully saturated.”

3) Please clarify aspen enhancement PDC.

The current PDC for the Aspen Enhancement portion of the project are a bit unclear, and Bark requests that they are improved for clarity. This issue arose in the Wasco Collaborative conversation about the proposed project: “There was a concern about the use of heavy machinery in the meadow as part of the aspen enhancement activities. The PDC for the treatment will clarify access for equipment, which will be off of the 4811 road.” *Collaborative meeting notes, 10/4/2018.*

Bark re-iterates the request that the Forest Service be very clear about the limits on heavy equipment in the wet meadows. Also, the Aspen specific Aquatic Species & Habitat PDC #1: “Mechanical equipment should be kept a minimum of 30 feet from streambanks,” contradicts with general Aquatic Species & Habitat PDC #9: “Protect or enhance existing dry and wet meadows by not allowing new temporary roads, landings or ground based equipment.”

We assume that the Forest Service intends to use mechanical equipment in the meadows for the Aspen Enhancement, but that it is simultaneously prohibiting itself from doing so. Bark suggests that the Forest Service focus on hand felling in the meadows, so as to comply with the general Aquatics PDC.

SYSTEM ROADS

The Rocky project area’s open road density is currently 2.7 miles of road per square mile, and currently includes approximately 106 miles of system roads, with 104 miles currently open for public and administrative use. Of these roads, the Proposed Action would include approximately 38 miles of road closures, allowing administrative use only and remaining at a Maintenance Level 2.

In every communication Bark has had with Forest Service employees and the members of the Wasco Collaborative about the Rocky Project, we emphasized the need to include road decommissioning as a part of the project proposal. A key purpose of the Rocky Project is to decrease the risk of high-intensity fire in the project area. As we plainly expressed in scoping comments, this objective is better achieved with road closures and road decommissioning included.

According to the 2003 Mt. Hood National Forest (MHNH) Roads Analysis, the White River watershed contained 628 miles of roads - almost double the number of roads of any other Key Watershed in the Forest. As the Northwest Forest Plan instructs, “the amount of existing system and non-system roads within Key Watersheds should be reduced through decommissioning of roads.” *NFP at B-19*.

Bark has brought up that MHNH's reluctance to follow through with its initial plans for robust road decommissioning through Increment 3 has many adverse impacts to soil, water and wildlife. In the past, many logging roads in the Rocky project area were designed for temporary use, and often they were not well-planned or well-constructed. In Rocky, these roads were placed in floodplains, along steep slopes, and through important wildlife habitat.

Given that the MHNH is considering changes to a number of miles of roads, and given the large geographic scale of this project, Bark has also brought up that this is precisely the type of project where the FS must consider its Travel Analysis Report (TAR) for the Forest, and identify the Minimum Road System (MRS). In scoping comments, Bark referenced this [list of roads “not likely needed”, with the objective maintenance level being “D-decommission”](#).

In the Rocky PA, the FS states that the “proposed changes to Forest System Roads are appropriate and primarily consistent with the TAR moving the road system toward the desired future condition.” *PEA at 40*. However, the roads identified as “not likely needed” by the TAR are not proposed for decommissioning (as their desired future condition) in the PEA: 4800-130; 4811-171; 4812-141; 4820-018; and 4820-025. The FS states that these roads are “needed to remain as part of the Forest’s transportation system for administrative use for fire management resources, as well as for future planning efforts.” *PEA at 16*. Some of these roads appear to be redundant regarding access, and the “not likely needed” table provided appears to be inconsistent with the map provided within the TAR planning documents.

Additionally, some of the roads proposed for *closure* include roads identified to be decommissioned in the Record of Decision for Off-highway Travel Management (2010). The following roads would be returned to the transportation

system as ML2 – administrative use only: 4811-171; 4812-141; and 4820-018. **This is a major departure from both the assumptions made in the TAR, and the OHV plan decision, and should be discussed further in the Final EA.**

If the FS is to put forth a project inconsistent with the recommendations of the TAR, it must make its justification clearer (see below), for the public to understand this departure now and in the future when this area's transportation system is being analyzed again.

To properly identify the minimum road system, the FS must consider whether each road segment the agency decides to maintain on the system is needed to meet certain factors outlined in the agency's own regulation. 36 C.F.R. § 212.5(b)(1). Here, the FS should consider whether each segment of the road system within the project area is needed to:

- Meet resource and other management objectives adopted in the relevant land and resource management plan;
- Meet applicable statutory and regulatory requirements;
- Reflect long-term funding expectations; and
- Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

In assessing specific road segments, the FS should also consider the risks and benefits of each road as analyzed in the TAR, and whether the proposed road management measures are consistent with the recommendations from the travel analysis report. **To the extent that the final decision in this project differs from what is recommended in the TAR, the FS must fully explain and justify that inconsistency.**

MHNF staff have expressed to Bark that while considering road work in proposed project areas, it is appropriate to recommend that the FS consider changes in maintenance levels on roads with *high combined resource risk* along with those recommended by the TAR for decommissioning.

In the Rocky Project Area specifically, Gate Creek has a particularly high ranking of 6th field watersheds with roads near streams. *2003 Roads Analysis at 23*. Because failing roads are such a persistent source of sediment to streams and rivers, this watershed should be the focus of road decommissioning. **Please explain rationale for NOT closing roads which have high combined resource risk, if any are not already identified for closure.**

TEMPORARY ROADS

Approximately 26 miles of temporary road would be built/rebuilt to access stands within the project area. Most of those miles (18.1 miles) would be located on existing, non-system road prisms. About 5.5 miles of the temporary roads would be located on old road alignments that have been converted to OHV trails; and 2.2 miles would be located on decommissioned road alignments. About 0.3 miles of temporary roads would be newly constructed.

The FS often states that rebuilding roads has no significant impact because the roads at one time existed on the landscape. Although in different stages of recovery, every single road segment has recovered some degree of hydrologic function, and with this project could lose the benefit from years of the recovery.

Bark brought up several concerns about temporary roadbuilding in our scoping comments. The literature recognizes that, across the landscape, roads typically produce significant impact particularly where they are unsurfaced, open and used during the rainy season, cross streams at culverts that may be undersized, where they are close to fish bearing streams, or where they are located on steep unstable slopes. These are just a few of the potential impacts that roads can have, in addition to concerns often raised in our comments regarding the correlation between roadbuilding and future fire ignitions.

According to the PEA, “most of the temporary roads would be rehabilitated after they are no longer needed, so that net road density would not increase.” Bark requests that **all** temporary roads that are not currently open OHV trails be water barred, have culverts removed, de-compacted, and roughened as needed with the jaws of a loader or excavator. Also, debris, such as rootwads, slash, logs or boulders, should be placed near the entrance and along the first portion of the road. As noted above, please change the PDC to require that culverts **SHALL** (PEA says “should”) be removed and cross-drain ditches or water bars shall be installed as needed.

As recommended by the Wasco Collaborative group and stated in the PEA, these activities should occur **before** the unit is released. Specifically:

- To restrict access to temporary roads and skid trails built or rebuilt for this project when operations are not occurring (including between the normal operating seasons if work in sale unit in question is not complete in one season), please consider the following recommendations:

- Between operating seasons and at the conclusion of the contract, include seasonal erosion control measures such as waterbar placement, and diversion ditch creation;
- Between operating seasons and at the conclusion of the contract, include piling slash on the first few hundred feet of temporary road or skid trail, and placing boulders at the entrance to units from main road;
- Incorporate skips to help obstruct unauthorized OHV use in thinned units. Leave a thick, “vegetated screen” along roads in areas where OHV use is expected based on past and current use. If there are areas within the units in question that would benefit ecologically from skips (such as seeps or other riparian areas), do not remove these in exchange for the vegetated screens, but look to achieve both the visual and ecological goals of the skips in these units;
- Provide adequate Sale Administration staffing for workload, so that coverage is available when the assigned Sale Administrator is not working;
- Require the Sale Administrator to discuss all requirements with contractor at pre-work meeting, review all pre-work discussions with contract representatives on site, and reemphasize as unit completion is eminent;
- Require inspection by Sale Administrator before contractor’s equipment is moved offsite;
- Require implementation and effectiveness monitoring of PDCs by both Sale Administrator and other specialists, including during the harvest activities; and
- After project implementation and before conclusion of the contract, fully implement and monitor effectiveness of the aforementioned activities in order to impede further damage from unauthorized motorized access to units after thinning has taken place.

Bark recognizes that oftentimes the intent of PDCs in EAs do not translate into sale contracts. In general, the intent of this PDC should be clearly communicated by the ID Team to the Sale Administrator and contractors to allow flexibility in achieving said intent, and to avoid misinterpretation. We then recommend closely monitoring progress on this work by the sale administrator to ensure that all landings and temporary roads are rehabilitated before the winter snows make this work impractical.

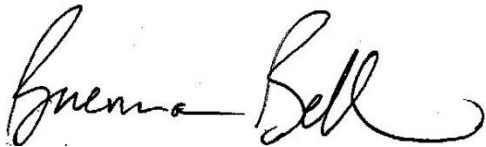
The FS stated that the 26 miles of proposed temporary roadbuilding is probably a high estimate, and that depending on the specific activities pursued to achieve the Purpose and Need at each stand, some areas may not require any additional

road access. **We encourage you to pursue activities that require as little road construction as possible.** Bark believes that any final decision should mitigate impacts to the environment, including potential increased fire risks, by limiting construction of new roads, and reconstruction of already decommissioned roads. As we have already stated, the science is very clear, fire danger is higher in areas with existing roads and it increases dramatically with construction of new roads.

CONCLUSION

Bark has made several suggestions for improving the Rocky project, and requests that the Forest Service meaningfully incorporate these suggestions and assesses their ecological benefit to create a project that better achieves the Purpose & Need for the Rocky project area. We anticipate a thorough review of these comments and look forward to the necessary changes made to both the forthcoming decision and the project itself.

Thank you,

A handwritten signature in black ink that reads "Brenna Bell". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Brenna Bell
Staff Attorney & Policy Coordinator

A handwritten signature in blue ink that reads "Michael Krochta". The signature is in a cursive style, with the first name being more prominent.

Michael Krochta
Forest Watch Coordinator