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JÕAugust 6, 1997Õ

December 2, 1997

Mr. Robert Williams<

Regional Forester<

Attn: 1570 Appeals<

PO Box 3623<

Portland, OR 97208ñ3623<

36 CFR 215 APPEAL<

Ya Ka Planning Area√

Dear Mr. Williams:<

bvCEIn accordance with 36 CFR 215, I hereby appeal the decision to implement the<

Ya Ka Planning Area√

timber sale, Mt. Hood National Forest.<

Title of Decision Document√

: Ya Ka Planning Area Environmental Assessment.<

Description of Project√

: 715 total acres of timber harvest; over 100 acres of harvest< within riparian reserves.<

Location√

: Hood River Ranger District, Mt. Hood National Forest; T 1S, R 9E,< sections 2, 9ñ11, 14ñ17, 20ñ23, and 29; Hood River County.<

Date Decision Signed√

: June 26, 1997.<

Deciding Officer Name and Title√

: Mt. Hood Forest Supervisor Roberta A. Moltzen.<

I. APPELLANT¿

S INTERESTS<

√¿EWe have a specific interest in this sale. We have previously expressed our< interest in this specific sale, and have standing to appeal this decision according to 36< 215.11 (a)(2).ø<

Our interests will be adversely affected by this timber sale. We use and enjoy< .¿Ethe Mt. Hood National Forest, including the Ya Ka area, for recreational,< educational, aesthetic and other purposes. The value of those activities will be< ;Eirreparably damaged by this timber sale. We have a longñstanding interest in the< sound management of this area, and the right to request agency compliance with< applicable environmental laws.<

II. REQUEST FOR STAY<

""¿EAlthough an automatic stay is in effect for this sale as per 36 CFR 215.10(b), we< 'b¿Eformally request a stay of √

action on this timber sale, including sale preparation,< layout, road planning, any advertising, offering for bids, auctioning, logging, road< construction, or other site preparation by a purchaser pending the final decision on< this appeal.<

f¿E A full stay is essential to prevent unnecessary expenditure of taxpayers¿> t]¿E money and to prevent irreversible environmental damage. Without a stay, the< federal government may waste taxpayer money preparing a sale that may later be< %¿E canceled. Because we intend to pursue our legal challenge to this sale with or< without this stay, offering this timber sale may unnecessarily expose the< government to liability and the purchaser to financial losses.<

III. REQUESTED RELIEF<

1. That the decision to implement this timber sale be withdrawn.<

;¿E 2. Alternatively, that this sale be modified to meet the objections detailed below,< including:<

no entry into Riparian Reserves<

/¿E a delay of the sale until Cñ3 surveys completed and appropriate buffers< established<

a decrease in the amount of canopy removal in all units.<

IV. STATEMENT OF REASONS<

The Sale Violates The Northwest Forest Plan¿

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Northwest Forest Plan”

refers to the Record of Decision and Standards and Guidelines for
Amendments to USFS and BLM Planning Documents Within the Range of the Northern
Spotted Owl,

and Standards and Guidelines for Management of Late-Successional and
Old-Growth Forest Related

Species Within the Range of the Northern Spotted Owl, 1994.

By Entering Riparian Reserves

And Contradicting The Aquatic Conservation Strategy.

The Aquatic Conservation Strategy guidelines are written with both long-

and short-term watershed protection interests. The term used in the

Northwest Forest Plan is “

Maintain AND Restore”

(at p. 11).

maintain”

means to keep in an existing state. The Ya Ka Plan does not do

this. The ARP charts on p. 6 & 7 of the Soil & Water Effects Analysis (attached
as

Exhibit A) graphically illustrate the short-term degradation to be caused by the

implementation of any action alternative. Conversely, the “

no action”

alternative

has no short-term detrimental effects results in greater long-term recovery.

Moreover, even the long-term gains from any action alternative are

questionable. The Soil & Water Effects Analysis relies heavily on the word

potential,”

as in “

potential positive effects.”

This vague and inconclusive

determination does not provide the decision-maker with enough information to

determine exactly what the long-term results of the action alternatives will be. A

decision based on such sketchy data is arbitrary and capricious.

The Sale Violates The Northwest Forest Plan By Failing To Survey For

Survey And Manage

Plant Species.

There have been no surveys conducted for survey and manage plant

species in the Ya Ka area (EA at p. 24). This is not adequate, and it violates the

Northwest Forest Plan. For strategy 2 species, “

surveys must be completed prior

to ground disturbing activities that will be implemented in F.Y. 1999 or later.”

(at p.

5).

Implement”

means “
to accomplish”
it does not mean “
to begin,”
as claimed
by in the “
Responses to EA Comments.”

8% Ground

disturbing activities will undoubtedly take place in the Ya Ka
Planning Area later than October 1, 1998. Therefore, surveys for all strategy 2
species must take place in the Ya Ka area. <

V. CONCLUSION<

For these reasons we request that the decision to implement this sale be
withdrawn, or, alternatively, that the sale modified to meet the issues raised above.<

Sincerely,<

Gregory J. Dyson, and<

John L. Rancher