



APPEAL BY UMPQUA WATERSHEDS, INC.

(Docket No. IBLA-2018-177)

TO THE INTERIOR BOARD OF LAND APPEALS

OF THE DENIAL OF ITS PROTEST

BY THE ROSEBURG BLM IN ITS DECISION DOCUMENT

FOR THE WOODCHUCK TIMBER SALE

A COMPONENT OF THE DAYS CREEK-SOUTH UMPQUA

ENVIRONMENTAL ASSESSMENT

(DOI-BLM-ORWA-C050-2014-0008-EA)

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

INTRODUCTION

PROTEST POINTS DENIED, MISCHARACTERIZED, IGNORED ETC.

1) Inadequate Purpose and Need Statement: In its purpose and need statements for Woodchuck Timber Sale, the Roseburg BLM failed to affirm its obligation, as mandated by the 1937 O&C Act, to protect watersheds, regulate streamflows and provide for recreation. This unfortunate omission is fact; it is not opinion. In this appeal, UW continues to object to that omission.¹ With that statutory obligation in mind, we quote the following from UW's protest of the Bygone Days Timber Sale, also a portion of the Days Creek-South Umpqua Harvest Plan. (N.B.: The environmental issues involved with the Bygone Days T.S., as discussed in the excerpt below, largely apply, if in varying degrees, to all of the Days Creek-South Umpqua Harvest Plan, including the Woodchuck T.S., as well as to a great deal of the extractive and other actions proposed and undertaken by the Roseburg District and the remaining districts of the BLM, in Western Oregon.)

*In its comments on the Days-Creek-South Umpqua Harvest Plan EA (original version of that EA)², as well as in its appeal to the IBLA of the Semaphore Timber Sale and elsewhere, UW supplied the BLM with well supported primary historical sources, which established that protecting watersheds and regulating their streamflows across all ownerships was implicit in the mind of the principal progenitor of that act, Mr. Walter H. Horning; by reasonable extension, in the mind and intent of the Secretary of the Interior, Harold Ickes; and again by logical extension, in the clear understanding of the Congress which discussed, debated, voted on and passed the act, and in the mind of the President of the United States, Franklin Delano Roosevelt, who signed the act into law. **RBBLM has offered nothing in response to refute this well supported position. Instead, BLM appears to believe that simply by ignoring these statutory mandates, they will go away. They have not. UW protests this non-response. If RBBLM is in possession of primary source historic information refuting that offered by UW, it has not disclosed it. This indicates to us that BLM has none and remains in simple, if unfortunate, denial.***

By any measure, these are not protected watersheds with well regulated streamflows. (Sadly, this becomes more and more apparent as hydrologic conditions in the South Umpqua Basin, the Coquille and other area river systems continue to deteriorate in this drought impacted summer of 2018.) With the above-quoted O&C Act and the referenced primary historical evidence describing the original intent of

¹ Please see UW Comments, Days Creek-South Umpqua Harvest Plan EA, pp. 2-4.

² Ibid., pp. 2 thru 5.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

*that act in mind³, it thus falls among the responsibilities of the BLM to offer strong objection to the Oregon Department of Forestry, concerning the repeated imposition of gross ecological harms on the shared watersheds of this and all analysis areas within the jurisdiction of the RBBLM. **The statutory authority for discharging this mandated responsibility is precisely: 43 U.S.C. § 2601.***

By logical and ethical extension, it is BLM's subsequent responsibility to manage the forestlands it holds in trust for the citizens of the United States of America, in such a way as to help mitigate for the past liquidation of primary old growth and mature forest across all ownerships in the decades preceding adoption of the Northwest Forest Plan; mitigating as well as for the disgraceful environmental conditions too often extant on the intervening private industrial timberlands of the Days-Creek-South Umpqua Analysis Area in general, and the Bygone Days Timber Sale, in particular.”⁴

RBBLM has failed to respond in any way, credible or not, to this factual statutory protest point in its denial of UW's Protest of the Woodchuck T.S. In point of fact, BLM has repeatedly failed to respond to it in any of its NEPA documents relating to the remaining timber sales on this analysis area. **For its part, UW has discovered and declared primary historical evidence regarding the clear and unequivocal intent of the primary author, the Secretary of the Interior, the Congress and the President of the United States at the time the O&C Act was made law, as regards the protection of watersheds, regulation of streamflows and provision for recreation. (This evidence is contained in a study⁵ compiled by one Frank N. Price, at the time in the employ of the BLM.) In response, RBBLM offers nothing but its willingness to ignore its statutory obligations regarding these critical aspects of the Act.** Thus, in part, this appeal.

2) Failure to Acknowledge the Historical Management Context: In its Days Creek-South Umpqua EA, as well as in the Protest Decision Document for the Woodchuck Timber Sale, the BLM failed to acknowledge the historical management context, across all ownerships, of the lands within the Days Creek-South Umpqua EA Analysis Area.⁶ (Please note: as regards the historic management record on

³ Please see UW comments, Days-Creek-South Umpqua EA, pp. 4, 5.

⁴ UW Protest Bygone Days T.S., Pg. 12

⁵ Price, Frank N., 2005, Protecting Watersheds, Regulating Stream Flow, and Providing Recreational Facilities: The Intent of this Language in the O & C Act, Early Interpretation and Historic Context.

⁶ See UW UW comments, Days-Creek-South Umpqua EA, pp. 2 thru 5, under the heading: Historical Context.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

BLM managed holdings of the Roseburg District, referenced in UW's comments on the Days Creek-South Umpqua EA, the BLM web site address has been changed by that agency to:

https://www.blm.gov/or/onlineservices/files/2015_BLM_Facts.pdf To view another year's data, simply change from "2015" to the year desired.) With that disregard noted, UW asks how in the world BLM feels it can make valid statements concerning the current, baseline condition of this analysis area? Furthermore, we ask how the agency can make useful, credible predictions regarding the ecological impacts of its extractive actions going forward? In this regard, the renowned intellect, George Santayana, is quoted as saying, and aptly: ***"Those who cannot remember the past are condemned to repeat it."*** We also think that the well known interchange between little Alice and that soul of feline ambiguity, the infamous Cheshire Cat, aptly, if somewhat humorously, captures the mindset that informs RBBLM's attitude, going forward; BLM having effectively ignored this historic management reality, whereby primary forest was liquidated and converted to Douglas Fir plantations for decades, across all ownerships on this analysis area, as on so many landscapes throughout the Western Oregon "checkerboard:"

"Would you tell me, please, which way I ought to go from here?"
"That depends a good deal on where you want to get to," said the Cat.
"I don't much care where—" said Alice.
"Then it doesn't matter which way you go," said the Cat.
"—so long as I get SOMEWHERE," Alice added as an explanation.
"Oh, you're sure to do that," said the Cat, "if you only walk long enough."⁷

Indeed, RBBLM appears more than willing to walk the same historically uninformed path, indefinitely!

3) Failure to Acknowledge the Current Management Context

In its purpose and need statement, as elsewhere in the Days Creek-South Umpqua EA, the Roseburg BLM failed to acknowledge the current contextual management condition of adjoining and proximate private industrial lands on these watersheds.⁸ Likewise, in its denial of UW's Woodchuck Timber Sale Protest, RBBLM failed to so acknowledge this current contextual condition. The basis and nature of this protest

⁷ Carroll, Lewis, *Alice's Adventures In Wonderland*

⁸ See UW comments, Days-Creek-South Umpqua EA, pp. 2 thru 5

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

point were, we believe, clearly stated by UW as follows:

“Our reading, in the Woodchuck Decision Document's Appendix B, of BLM's responses to the low streamflow issues raised by Umpqua Watersheds in its comments on the Revised Days Creek-South Umpqua Harvest Plan EA, leads us to believe that the agency continues to deny the relevance and to discount the implications of the Perry-Jones 2017 Special Paper to its management proposals; this denial, we allege, being based, in part, upon a myopic overview of the ownership pattern and management of significant portions of these watersheds. That is, BLM persists in assessing the impacts of its extractive proposals on low summer streamflow, as upon other ecological watershed functions, as if it were the only ownership presence on this entire analysis area, and as if the Northwest Forest Plan and other environmental protections were the general management prescription, thereon. BLM appears to have arrived at these conclusions, vis a vis Perry-Jones 2017 and the dire hydrological implications of that study for watershed function, as though the environmentally damaging, widespread extractive activities on adjoining and proximate private industrial timberlands were not present and continuously imposed on those intervening private holdings; as though those clear cut/plantation creation activities did, and do not impose any continuing and significantly harmful impacts upon low summer streamflow or other ecological parameters; and as if that depleted low summer streamflow condition were a suitable baseline from which to measure those impacts, as opposed to measuring from actual historic streamflow data, across all ownerships. For its part, Umpqua Watersheds chooses, by means of this protest (as with its Daydream Timber Sale Protest), to once again, raise its observant voice, simply emulating the voice of the innocent child in the famous tale, who cried out to the adults, watching silently all around it: “The emperor has no clothes!”⁹

UW stands by these statements and will elaborate on certain aspects of them below.

4) UW APPEAL OF RBBLM'S RESPONSES TO FOUR SPECIFIC PROTEST POINTS

- a) *“1. Failure to adequately consider the findings of the 2017 Perry and Jones study as it pertains to regeneration harvest (Protest, p. 1, 3-5).”*
“2. You assert that the BLM failed to disclose streamflow data (Protest, p. 4) and stand age of private lands (Protest, pp. 3-5).”
“3. You assert that the BLM did not use a suitable low summer streamflow baseline from which to assess effects, particularly the effects of low summer streamflow, on Oregon Coast coho salmon, Chinook salmon, lamprey and Umpqua chub (Protest, p. 2).”
“4. You assert that the BLM has failed to consider your comments on the REA related to summer low flow (Protest, p. 5).”¹⁰

(N.B.: Since the four protest points listed above, among the five acknowledged by RBBLM as valid, pertain to streamflow, water quality and aquatic species, i.e., riparian matters in general, if you will, UW has chosen to group its responses in this appeal accordingly. That said, and whether RBBLM recognizes

⁹ UW Protest Woodchuck T. S., pp. 1, 2

¹⁰ Woodchuck T.S. Decision Document, page 2

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

other or any of the remaining points of our Woodchuck T.S. Protest as valid or not, we at UW maintain, adamantly, that all of them are singularly valid, indeed.)

In the second paragraph, on page 3 of its denial of UW's protest of the Woodchuck T.S., RBBLM makes the following statement:

“The BLM took the requisite "hard look" at the environmental effects of the alternatives in the REA. The BLM must make a comprehensive consideration of a proposed action, to evaluate different courses of action (take a "hard look" at the environmental consequences).”

The following excerpt is how UW discussed and dismissed RBBLM's claim that it had taken the requisite “hard look” at the overall ecological condition of this analysis area and the effects of that current condition, and of the actual impacts of its extractive actions on that preexisting ecological condition, going forward. (Please note: while this excerpt specifically mentions the chronically depleted low summer flow hydrological condition discovered and disclosed by the Perry-Jones Special Paper, RBBLM's “blind eye,” as it were, in the process also effectively ignores the entire suite of cumulative environmentally degrading impacts of the extractive practices carried at a frenzied pace on the adjoining and proximate private industrial timberlands of this analysis area in general, and of the Woodchuck T.S., in particular.):

“Further, and perhaps more confounding, the Table 1-2, on pp. 23 and 24 of the revised EA, appears to only take BLM lands into consideration. Is BLM saying that the interspersed private timberlands in this analysis area, many clear cut and/or in various early growth stage plantations, have no detectable bearing on the relevance of Perry-Jones to current or projected hydrological conditions on these watersheds? How can that possibly be? Please explain.

As a matter of fact, in its denial of the applicability of Perry and Jones to the Days Creek-South Umpqua EA, BLM does not discuss the hydrological and other impacts of the past massive extraction of primary forest on public and private lands at all. Nor does the agency consider the effects of repeated resource extraction, except in passing, represented by the on-going private land clear cut assault on watershed function, conducted under aegis of the OFPA, on those interspersed private timberlands. Although the Perry-Jones paper strongly supports the conclusion that the past conversion of primary old growth and mature forest is a prime cause of ensuing low summer flows in the treated streams, whose data it examined, excerpts from BLM's Days Creek-South Umpqua EA, such as the following, are about as far as BLM appears to be willing to go in acknowledging the impacts of adjoining and proximate private industrial clear cuts and heavily restocked monoculture plantations to hydrological and riparian functioning on these watersheds, overall, let alone upon the interspersed public forest lands managed, in

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

trust, by the BLM:

- *'Based on past and present practices, it is expected that timber harvest would continue at current rates on private lands. As a result, older harvested areas would reach a point of hydrologic recovery as newer areas are harvested which maintains a constant level of watershed disturbance into the future. No measurable change in hydrologic response would be expected from the proposed action compared to current conditions.'*
- *And: 'Timber harvest on non-Federal land would continue to occur in the analysis area, although BLM is not aware of any specific timber harvest location or schedule, it is assumed that timber harvest would remain consistent with current non-federal harvesting trends.'*
- *And: 'This analysis assumes no hydrologic recovery from past harvest analyzed in the 2008 FEIS, that current level of harvest activity on private lands remains the same, and that all acres proposed for harvest in connection with this project would have less than 30 percent crown cover, post-implementation.'* (added emphasis, UW)
- *And: 'Riparian areas of younger stands on private lands generally lack shade, a condition that is assumed to continue. The lack of shade increases the risk for solar heating which can have a host of potential effects on juvenile fish, including but not limited to thermo-regulation and respiration (reduced levels of dissolved oxygen). Fish would continue to be affected by roads that are not maintained, roads that have inadequate drainage, or roads that are unsurfaced which continue to deliver sediment to streams.'*

Again, while the above statements, made by BLM, seem to indicate that it has noticed the oft-times draconian activities "next door" in the checkerboard, BLM does not appear to acknowledge the deleterious impacts of these conditions on flow or on the overall environmental health of the adjoining and proximate public lands (Please see UW comments on the original Days Creek-South Umpqua Harvest Plan EA, pp. 20, 21.); nor to offer any credible, long or short term data on low summer flows across all ownerships, no less offering a modeled base line of what historic flows were before the mass conversion of primary forest to plantation or other stand initiation condition in this analysis area took place, on forestlands, public and private. Surely, this cannot, for example, be the "hard look" at such a critical, lynchpin issue as low summer flow that NEPA demands, not even close. As a practical matter, this amounts to no look at all."¹¹

UW stands firmly behind the statements made in the above-quoted excerpt of its NEPA comments on the Revised Days-Creek-South Umpqua Harvest Plan EA and thus, however regrettably, files this appeal of the denial by RBBLM of its timely protest of the Woodchuck T.S. Nowhere in the 1,200 odd words of its denial of protest point number "1"¹², as identified by RBBLM, has the agency cogently, honestly or completely answered UW's protest regarding the ownership context around this analysis area in general or Woodchuck in particular, and the ecologically damaging impacts of that context on the public lands it manages here in trust for the people of the United States of America. UW has presented the Roseburg and Coos Bay Districts of the BLM with a representative list of those

¹¹ UW comments on the Revised Days Creek-South Umpqua Harvest Plan EA, pp. 4, 5.

¹² RBBLM denial of UW's protest of the Woodchuck T.S., pp. 3, 4.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

deleterious environmental impacts of private on public forestlands in various NEPA submissions. As a courtesy to the IBLA, we repeat and expand that list here:

- 1) Increases in winter peak streamflows and chronic, long lasting decreases in summer low streamflows.¹³
- 2) Severe and obvious disruptions to connectivity and biodiversity due to gross removal of canopy cover and subsequent silvicultural simplification.
- 3) Effective negation of carbon sequestration/mitigation contributions¹⁴ by extensive clear cut removal of woody biomass, living and dead, from adjoining and proximate private industrial timberlands.¹⁵
- 4) Airborne drift onto public lands from repeated aerial applications of increasingly toxic suites of herbicides and their ancillary chemicals, as well as in runoff of same from private lands onto public, including contamination of streams on shared ownership landscapes (aka the "Checkerboard").
- 5) Runoff from private onto public lands of aerially applied nitrogen and phosphate fertilizers.
- 6) Wildfire threats to public lands from the novel imposition, upon the shared landscapes of the Days Creek-South Umpqua Harvest Plan Analysis Area, of structurally simple, tightly packed, even aged, monoculture Douglas Fir fiber farm plantations on adjoining and proximate private industrial timberlands within the infamous and most regrettable "checkerboard" arrangement of alternating ownerships.¹⁶
- 7) De facto negation of the conservation/restoration efforts undertaken on public lands by the BLM on behalf of the conservation/restoration of imperiled terrestrial and aquatic species, whether ESA listed or not, flora and fauna, by the environmentally retrograde clear cut extraction practices conducted under aegis of the Oregon Forest Practices Act (OFPA) on private lands adjoining and proximate to the public lands of the Days-Creek-South Umpqua Analysis Area in general, and those of the Woodchuck T.S., in

¹³ Perry TD, Jones JA. Summer streamflow deficits from regenerating Douglas-fir forest in the Pacific Northwest, USA. *Ecohydrology*. 2017;10:e1790. <https://doi.org/10.1002/eco.1790>, Pg. 11

¹⁴ Law, Beverly E. et al., Land Use Strategies to Mitigate Climate Change in Carbon Dense Temperate Forests.

¹⁵ Talberth, J. Phd., Center for a Sustainable Economy, V1.0 12-11-17, Oregon Forest Carbon Policy, Scientific and technical brief to guide legislative intervention

¹⁶ Zald, Harold S. J, and Dunn, Christopher J., Severe Fire Weather and Intensive Forest Management Increase Fire Severity in a Multi-ownership Landscape, 2018

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

particular.

In fact, this ownership context issue has not been addressed at all! RBBLM persists in trying to deflect attention from this overall contextual threat to ecological function on these watersheds by segueing to a description of **its** management actions on these public lands, effectively ignoring the very different, environmentally retrograde extractive activities current on the intervening private industrial timberlands.

Indeed, further in that same second paragraph, again on page 3 of the denial of UW's Woodchuck protest:

“The agency may not rely on incorrect assumptions or data when analyzing effects.” In denying the relevance of Perry-Jones to its extractive activities, or to the general hydrological condition of this analysis area at all, RBBLM persists in claiming that its inclusion of riparian reserves (rr), as part of the green tree retention on regeneration harvests, is a prophylactic against the kind of chronic summer flow depletion discovered and disclosed in Perry-Jones. Here is how RBBLM responded to UW on this very issue in its Decision Document for the Woodchuck T.S.:

UW: *“... riparian zone vegetation does not control the overall streamflow response.”*

BLM Response: *“The retention of riparian buffers has been found to preserve stream-aquifer interactions. Although examination of this influence is limited to one study, (Bond et al. 2002) conducted at the HJ Andrews Experimental Forest in western Oregon, the zone of vegetation influence on summer base flow was estimated to be between 13 to 20 feet wide. As stated on (p. 22) of the REA, the BLM designed the project to exclude all harvest within 50 feet of intermittent non-fish bearing streams and 120 feet of all other streams.”¹⁷*

In the first place, it is highly ironic for RBBLM to accord relevance to a study, by citing it in the paragraph above, when that study is based on data acquired from the H.J. Andrews Experimental Forest, itself representing one half of the source data underpinning Perry-Jones! What, Bond et al 2002 is relevant, but Perry-Jones 2017 is not? Seriously? Secondly, as if that were not enough, RBBLM has misrepresented one of the principal factors of Bond et al. Clearly, it is not correct to use Bond et al (2002) as evidence that riparian buffers protect against low summer streamflows. On the contrary, the

¹⁷ Decision Document, Woodchuck Timber Sale, page B-1

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

Bond et al (2002) paper showed how low flows were responding to evapotranspiration (i.e., water consumption) by trees in the riparian zone!

Furthermore, RBBLM also persists in citing the Moore and Wondzel 2005 study in support of this “riparian reserve as a prophylactic against depleted summer flows” position. This contention was effectively dismissed by Mr. Steve Wondzell, as described below, in UW's discussion of the Summer Low Forum, held on April 4, 2018, at Lab 20 of the Pacific Northwest Research Station, in Corvallis, Oregon. Yes, the Woodchuck Decision Document was released before this forum took place. However, UW pointed out this misapplication of the conclusion of Moore and Wondzell, vis a vis riparian reserves, to RBBLM in UW's comments on the Revised Days Creek-South Umpqua Harvest Plan EA (dated 7/3/17), well before the decision document authorizing the Woodchuck Timber Sale was signed (9/25/17) and the sale advertised. UW stated the issue thus:

“Contrary to what is claimed for that study on pg. 22 of the EA, thus: “Studies summarized by Moore and Wondzell (2005) indicate that low flows are more sensitive to transpiration from riparian vegetation than from vegetation in the rest of the catchment,” Moore and Wondzell (2005) did not state that riparian vegetation alone, or even principally, affects ET, merely that riparian vegetation appears to have important effects on ET. (Interestingly, the studies that Moore and Wondzell (2005) cite in support of this assertion were from Eucalyptus watersheds in Australia, forests that are quite a bit farther from Coyote Creek than those in this analysis area.) For the record, Perry and Jones (2017) includes examples of patch-cut watersheds as well as clearcut watersheds (in Coyote Creek and the Andrews Forest), all of which experienced low summer flow deficits, even though these watersheds had very diverse riparian zones, indicating that riparian zone vegetation does not control the overall streamflow response.”¹⁸

Confirming this refutation, as the RBBLM is well aware, an esteemed scientific panel composed of acknowledged experts, whose expertise is on the cutting edge of this and related streamflow issues, was assembled at the Corvallis Forestry Sciences Lab, on April 4, 2018.¹⁹ **N.B.: the Bureau of Land**

Management was one of the sponsors of this forum, whose stated object was a presentation of the

¹⁸ UW Comments, Revised Days Creek-South Umpqua Harvest Plan EA, page 4

¹⁹ Summer Low Flows in Western Oregon: Processes, Trends, Uncertainties, and Forest Management, April 4, 2018 at the Corvallis Forestry Sciences Lab, Room 20, Corvallis Oregon, Organized by the USFS Pacific Northwest Research Station, **the Bureau of Land Management**, Weyerhaeuser Company, and National Council for Stream and Air Improvement.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

latest scientific findings regarding the issue of chronically depleted low summer flows as they relate to forest management etc. Hydrologists from the Roseburg Coos Bay and Medford BLM Districts, as well as from the regional BLM office, were in attendance at the forum (as were representatives of UW and other members of the Conservation Community). The ability of riparian reserves to mitigate against depleted summer streamflows, as part of the prescribed green tree retention on regens, was an issue raised more than once by district and regional BLM personnel present in the room. In no uncertain terms, this “riparian defense,” if you will, was more than once refuted by panelist, Mr. Steve Wondzell, Research Ecologist, USFS PNWRS; Wondzell himself being one half of that very Moore and Wondzell 2005 Study, cited by RBBLM on page 22 of its own Revised Days Creek-South Umpqua EA.

At the forum, in response to the repeated raising of riparian reserves in this capacity by BLM hydrologists, Wondzell just as repeatedly refuted BLM's contentions, in the process elaborating on these refutations verbally and by means of projected diagrams. His statements were clear and definitive and left little to no room for misinterpretation. Since the BLM, by its repeated citations of his published research, appears to have accorded expert status to Mr. Wondzell, UW feels free to do the same. According to Wondzell, an agreed upon expert, riparian reserves, as part of regeneration extraction, do not and cannot mitigate against persistent depleted summer flows beyond the short term. When the very limited volume of subsurface water extant below such a reserve is depleted, which must occur relatively rapidly in the kind of dry summertime so typical of the Mediterranean type climate prevalent in the Pacific Northwest, any contribution to flow will be negligible. Ironically, and as discussed on page 12 of this appeal, another study, Jones & Post (2004), indicates that, in the longer term, riparian reserves, as the retained trees within them continue to grow and evapotranspire, may function as a further drain on summer flow. Therefore, UW having offered formal protest of BLM's obstinate and unsupported contention that they can, that protest point denied, finds it necessary to forward the issue to the IBLA for its careful consideration.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

And, repeated here for the record, it is important to note that Moore and Wondzell (2005) **did not state that riparian vegetation alone, or even principally, affects evapotranspiration (ET), merely that riparian vegetation appears to have important effects on ET.**²⁰ In fact, in the Description paragraph for that study, one reads the following: *“Low flows appear to be more sensitive to transpiration from vegetation in the riparian zone than in the rest of the catchment”*. Repeated for emphasis: “Low flows appear to be more sensitive to transpiration from vegetation in the riparian zone than in the rest of the catchment.” Again, Wondzell's response to BLM personnel's offering of such riparian reserves, as included in BLM's regen. proposals, as proof against summer streamflow depletion, indicated to those present at the low flow forum that, indeed, **such reserves are not the controlling or even a significant mitigating factor vis a vis such depleted flow.** The Roseburg District hydrologist present must have clearly heard and was well qualified to have understood Wondzell's statements. Considering the implicit regard in which UW holds the RBBLM's science professionals, we have the temerity to assume this hydrologist conveyed Wondzell's position accurately to the South River Field Office. Continuing to assume this informative relationship, we can only, and regrettably, assume that RBBLM, and/or regional or national BLM supervision, have chosen to disregard it, and proceed as though it were not the scientifically decisive information this forum was constituted to disclose. Thus, UW finds BLM's continued use of this thoroughly debunked and specious “low flow defense” to be unworthy of a NEPA response and to be disrespectful of the processes involved. UW takes great umbrage at that disregard and the subsequent obstinate and disingenuous attitude toward the public trust it seems to imply.

Certainly and quite obviously, generous riparian reserves (RR's) provide shading, filtering of aerially applied herbicides that may drift up or down as the case may be, and of sediments and fertilizers that may

²⁰ Please see UW Appeal of the Semaphore Timber Sale, a portion of Roseburg BLM's Olalla-Camas Regeneration EA, Pg. 23.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

wash down, from activities associated with the intervening private clear cuts. RR's provide down wood, connectivity for aquatic and terrestrial species benefits etc. and are quite necessary to any high-functioning watershed subject to clear cuts, regens or large canopy openings, howsoever they may be configured or euphemistically labeled. **(It is no exaggeration to note once again, that such adequate riparian protections are either completely absent or of limited effective width, length or extent on the vast private industrial timberlands adjacent or proximate to Woodchuck in particular, as on so very much of the Days Creek-South Umpqua Analysis Area, in general.)** Riparian Reserves are not however, as such a highly qualified and recognized (by RBBLM) authority on the subject as Mr. Wondzell has informed us, in no uncertain terms, proof against chronically depleted summer low flows.

Another seminal study, Jones & Post (2004),²¹ offers corroborating empirical evidence that not only do riparian reserves, included in green tree retention on regeneration extraction (aka clear cuts), not act as a prophylactic against an eventual and chronic depleted summer low flow condition but may actually exacerbate that condition. In a paired stream example included in Jones & Post, one of the treated stream catchments (Hubbard Brook) was left with a riparian buffer, a green tree reserve not included on the other treated watersheds. In this case, the watershed with the riparian buffer developed the largest summer streamflow deficits some three to four decades post-extraction.

Logically, this makes perfect sense, because if, post regen., trees are retained along a stream, they are obviously exposed to more light. Evapotranspiration is thus increased and thereby more water is consumed, thus precipitating and/or aggravating a depleted chronic summer low flow condition.

Therefore, it follows that riparian buffers are reasonably likely to aggravate summer streamflow deficits

²¹ Jones, J. A., and D. A. Post (2004), Seasonal and successional streamflow response to forest cutting and regrowth in the northwest and eastern United States, pp. 8 & 14, Water Resour. Res., 40, W05203, doi:10.1029/2003WR002952.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

over the long term rather than preventing or mitigating them as claimed; this effect combining with the increased long term evapotranspiration of the heavily restocked stands above the reserve.

Again, the low flow forum referenced above took place subsequent to the issuance of the Woodchuck T.S. Decision Document. We concede that. However, we include mention of it in this appeal to corroborate the credible and well supported information previously offered to RBBLM, which they chose to ignore. Further proof of this shameful obstinacy may found on page B-1 of the Decision Document for the Bygone Days T.S. (6/18/18), itself yet one more portion of the same Days Creek-South Umpqua Harvest Plan as Woodchuck. UW has the temerity to state that, in our opinion, such a response by the BLM in a formal NEPA document only serves to undermine the intended purposes of that Act; to cheapen it, if you will, and to help transform it into a pro-forma “dog and pony show.” For shame!

The following statement made in the final paragraph of RBBLM's rejoinder to protest point #1, that:

“My review of the REA, FONSI, DD, and project record indicates the BLM has taken the requisite “hard look” at the findings presented in the 2017 Perry and Jones study.”

is, for all practical purposes, belied by effectively ignoring this ownership/management context, as well as the aforementioned historical management context across all ownerships on this analysis area. **Simply saying the requisite hard look has been taken is not the same as actually taking it.** Thus, again, the apparent necessity of filing this appeal. We elaborate on this contradiction, below.

Historic Management and Ownership Contexts Repeated for Apparent Necessary Emphasis

And yet again, we are forced to state that BLM appears to have arrived at these conclusions, vis a vis Perry-Jones 2017 and the dire hydrological implications of that study for hydrologic function, as though there were not a well documented history of the liquidation of primary old growth/mature forest to plantation, across all ownerships, on this landscape in the decades preceding adoption of the Northwest Forest Plan Amendment; and as though the environmentally damaging, widespread extractive activities

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

on adjoining and proximate private industrial timberlands were not present and continuously imposed, and regularly reimposed, on those intervening private holdings down to this very day; as though those short rotation, “financial forestry,” clear cut/plantation creation and ancillary activities did, and do not impose any chronic and significantly harmful impacts upon low summer streamflow and other critical ecological parameters across all ownerships; and as if that existing and chronically depleted low summer streamflow condition (so strongly inferred by the conclusions of the Perry-Jones Study and the USFS paired streamflow data from which those conclusions are derived) were a suitable baseline from which to measure those impacts, as opposed to measuring from actual historic streamflow data, again, across all ownerships. As with all of its previous comments and protests (as well as in the Semaphore T.S. appeal to the IBLA) UW has protested this persistent, and effectively obfuscating, RBBLM “tunnel vision.” Herewith, we appeal the denial of our protest.

For its part, Umpqua Watersheds chooses, by means of this appeal, to raise its observant voice, simply emulating the voice of the innocent child in the famous tale, who cried out to the bystanders watching silently all around it: **“The emperor has no clothes!”** That is: RBBLM insists that it has taken the requisite “hard look” at the intervening private industrial timberlands. Yes, so it says. **However, the agency does not disclose any hard data relating stand age on that intervening private, apparently preferring off hand generalized references; not even offering estimates derived from such instruments as Lidar, Landsat etc. That such actual stand age data, as claimed by BLM, is considered proprietary by the timber industry is no excuse for not at least providing such credible estimates to NEPA participants. To omit this data, absolutely essential to accurate and credible decision making by the agency, and subsequent meaningful review of such decisions, particularly the low summer streamflow issue, by concerned NEPA participants, is not at all indicative of the aforementioned “hard look.” UW has more than once protested that repeated omission and thus, in part, this appeal.**

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

Again, for emphasis: flowing from the above-mentioned “tunnel vision,” and as carefully demonstrated by UW in its aforementioned comments, **BLM is attempting to use the presently degraded low summer flow, chronic in our estimation, as the base line from which to gauge the impact of its management proposals.** Such a chronically depleted baseline cannot, does not, and must not be allowed to be used in this way. By not referring NEPA participants to actual, accurate historic low streamflow data (or credible modeling, where such data is unavailable); historic data with which to credibly compare current low summer streamflow data, BLM is, in effect, attempting to “pull the wool” over participants' eyes.

Rightly or wrongly, it is inferred by UW that such a mistaken analysis position implies a willingness, by the BLM, to maintain this depleted low summer streamflow condition and, thereby, wittingly or not, to prevent the recovery of aquatic species, whether formally listed under the ESA (e.g., Oregon Coastal Coho), or unofficially threatened or endangered because of their being greatly reduced from historic numbers (e.g., South Umpqua Spring Chinook, Chub, Lamprey, etc.). Further, it serves to convey to the concerned public the unwanted impression that the BLM is in accord with this degraded condition and with the depletion, in both quantity and quality, of water resources available to the denizens of these watersheds, including human beings, in the immediate vicinity and downstream. **Offhand reference to overall watershed condition is no substitute for a well researched, clearly disclosed comparison of current with historic low summer flows on these waterways, as with others on the heavily logged watersheds within the Roseburg District.** Lacking such a credible comparison, there is no valid way for a concerned NEPA process participant to reliably assess the environmental impact a particular management proposal may impose, or not, upon a given watershed, such as that of the Woodchuck Timber Sale; or upon an entire analysis area, such as that encompassed by the Revised Days Creek-South Umpqua Harvest Plan EA.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

In UW's considered opinion, it is mere speculation by the BLM to maintain that when the proposed actions of the Woodchuck Timber Sale are accomplished, the percentage of stands in the **15 to 50** or so year age cohort on these watersheds will be well below the threshold of measurable low flow effects cited by Perry-Jones (depleted summer flows that may persist well beyond 50 years), when BLM fails to disclose stand age data [**or, at the very least, credible estimates of same based upon Lidar, Landsat, aerial photography (e.g., ODF's FERNs web site) or other method available to the BLM**] on the proximate and adjoining private industrial forestlands in this analysis area. We have made this salient point before. Regrettably, BLM persists in ignoring the absolute relevance of a disclosure of actual stand conditions, or a credible estimate of same, across all ownerships, thus preventing an accurate assessment of the true, and often cumulative, impacts of its management proposals on streamflow, as well as on other critical ecological parameters.

UW notes that, in general, the RBBLM again segues from the claim that it has satisfied the requisite “hard look” at the entire landscape here (when, as demonstrated above and elsewhere in this appeal, it has clearly not done so) and resumes its oft-implied contention that, effectively, it is the only ownership managing these watersheds. (**N.B.”This has been a critical point of protest for the reasons previously stated by UW in its timely comments on the Revised Days Creek-South Umpqua EA. Having been repeatedly ignored, it is now a critical component of this appeal.**) Therein, UW framed its position on this issue in those EA comments, thus:

*“From this, in effect, the BLM appears to characterize, and to accept, the potential impacts of this revised Days-Creek-South Umpqua management proposal as being **adverse change from present condition**. That is, BLM seems to hold that projected departures, if any, from that presently impaired low summer flow condition are the only metric by which the potential environmental impacts of BLM's management actions are, and will be, assessed. However, Perry-Jones and simple, logical, common sense, as well as environmental integrity, indicate to the objective observer that the true impact of certain of BLM's proposed management actions on this watershed (e.g., the creation of still more relatively large openings on the public lands it manages, these openings in addition to existing and future large clear cuts/plantations on adjoining and proximate private forestlands in the analysis area) amounts to **the***

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

worsening and/or perpetuation of the present highly degraded, flow-depleted condition. (Which, it stands to reason, might very well be a large part of why small-stream-reliant, cold water dependent species like coho salmon, although ESA listed, and the object of numerous riparian restoration efforts, are failing to recover to a truly reliable and sustainable degree; and why warm water species, such as bass, continue to colonize the South Umpqua, the Coquille and other area rivers.)”²²

UW stands by these statements and protests their apparent and repeated disregard by the Roseburg

District of the BLM. By not disclosing stand age data, or reasonable estimates, on the private timberlands adjoining and proximate to those of the Woodchuck Timber Sale, as on the entire Days Creek-South Umpqua Analysis Area, RBBLM tacitly admits that its metric for measuring the impact of its management actions on streamflow, particularly upon low summer flows, is that very “...***adverse change from present condition***” and remains the “...***worsening and/or perpetuation of the present highly degraded, flow-depleted condition.***” cited by UW in its comments on the revised EA, excerpted above.

Where is the historic stream flow data with which to compare the current conditions cited by UW in its protest of the Woodchuck Timber Sale, also part of the Revised Days Creek-South Umpqua EA?

“All available information was utilized at the time of the EA analysis. As described on (p. 8) of the 2016 Roseburg District Annual Program Summary & Monitoring Report, stream flow and water temperature are monitored with 18 stream gauges which are located at six monitoring sites. The information provided by these monitoring sites did not present changes, or new information that may result in significant impacts not previously considered.”²³?

Does this statement imply to a participant in the NEPA process that no historic stream flow data is available for this analysis area? Has BLM engaged in the data search requisite to justify such a position? If such a search for historic data was successful, where is this actual hard data, and the impacts inferred from that data, disclosed? **What has BLM got to refute UW's contention, inferred from the actual existing hard data undergirding Perry-Jones 2017, that BLM's metric for measuring the impact of its extractive activities on the Woodchuck Timber Sale, just as on the other timber sales, which are also portions of the Days Creek-South Umpqua Harvest Plan, is not simply a departure from the “...***presently degraded, flow-depleted condition.***”?** Where is that historic low streamflow data, or

²² UW Comments, Revised Days Creek-South Umpqua EA, pg. 6.

²³ Please see Woodchuck Timber Sale Decision Document, pg. B-2.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

credible modeling of same, with which to compare current flow gage readings? Without it, BLM's contentions here amount to little more than poorly supported opinions, or validations of the aforementioned existing chronically depleted low summer flow condition.

We refer back to the 18 gages at six sites, BLM mentions above: *“The information provided by these monitoring sites did not present changes, or new information that may result in significant impacts not previously considered.”* Where then is the historical low streamflow data that has been compared with the current data from these 18 gages that encourages BLM to claim *“...did not present changes, or new information...”*? **With the Woodchuck T.S., just as with the Daydream, Daily Bread and Bygone Days Timber Sales etc. we ask yet again: changes from what; information that is new compared to what?**

The fact that BLM, in citing Moore and Wondzell (2005), claims relevance for data, and conclusions from such data, derived, in part, from studies conducted at great distance from this analysis area (in Australia), while dismissing the relevance of the data Perry-Jones derived from the South Umpqua Experimental Forest, only some twenty-five to thirty miles up river from the Woodchuck Timber Sale area, defies both logic and common sense.

Repeated yet again for apparently needed emphasis, it is UW's surmise, based upon the hard data supporting the Perry-Jones 2017 Special Paper, that the heavily logged watersheds of the Days-Creek-South Umpqua Analysis Area, including the Woodchuck Timber Sale Area²⁴, as well as other watersheds on the Roseburg District, where primary forest has been similarly converted to Douglas Fir plantations on a vast scale, currently suffer from a chronically depleted low summer flow condition. Therefore, we have protested the imposition of additional large canopy openings, regardless of configuration, onto these watersheds, at this time. Extractive proposals by the BLM need to be reexamined in light of this low flow

²⁴ See Pg. 6 of this protest and the aerial photo on page 19 of same.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

condition. If BLM believes, based on hard data, that such a condition does not currently obtain on these watersheds, across all ownerships, then let BLM demonstrate that purported fact. Perhaps an Environmental Impact Statement supported by USFWS and NMFS consultation, based, in part, upon USGS and Oregon Department of Water Resources, USFS and BLM's own current data, as compared to credible historic low flow data or valid modeling, would suffice to do so? UW made a similar suggestion in its comments on the Revised Days Creek-South Umpqua Harvest Plan EA.²⁵ **(That timely suggestion, made well before the Woodchuck Timber Sale was publicly offered, appears to have been ignored; thus, in part, this appeal.**²⁶) Until such time, managerial probity and the wider public interest suggest that low summer flow impacts upon these watersheds and their denizens, wild life and human life, ought to be assumed to be adverse, until proven, by means of hard data and/or scientifically credible modeling, to be otherwise. For the BLM to arrive at its hydrological and other environmental conclusions based upon questionable assumptions, might well be seen as irresponsible; to persist in acting from such a scientifically problematic basis may well be judged cavalier.

Below is an aerial photo²⁷ of the Woodchuck Timber Sale Area. (Woodchuck on lower, left.)



²⁵ Please see UW comments on the Revised Days Creek-South Umpqua Harvest Plan EA.

²⁶ Ibid., pp. 6, 7.

²⁷ <https://ferns.odf.oregon.gov/E-Notification/noap/search#>

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

Water Quality

On page B-6 of the Clean Water Act Compliance section of the Bygone Days Decision

Document, RBBLM makes the following statement: “*No proof of non-compliance was cited by the commenter.*” On the contrary, in its comments on the Days Creek-South Umpqua EA, **pages 6 to 12**, UW offered repeated proofs of such non-compliance; proofs derived from sources such as the National Marine Fisheries Service and the Oregon Department of Environmental Quality.

Three of these are excerpted here:

“1) Continued poor watershed health was a basis of the June 20, 2011 National Marine Fisheries Service (NMFS) decision to retain the “threatened” status of the Oregon coast (OC) coho. NMFS concluded that the combined Oregon Department of Fish and Wildlife/NMFS analysis of freshwater habitat trends for the Oregon coast found little evidence for an overall improving trend in freshwater habitat conditions since the mid-1990s, and evidence of negative trends in some strata. It is UW's unfortunate, if inescapable, conclusion that the primary habitat in the South Umpqua Basin is the actual water flowing (or not, as the case may be) in that river and its tributaries. If this watery habitat is unable to support well restored and viable runs of Coho Salmon etc., how then does BLM feel justified in making the assertions it does, and which we have quoted above?”

2) NMFS also concluded that “relying on active restoration to mitigate for the effects of ongoing land management that degrades OC coho salmon habitat is not feasible” and that “the legacy of past forest management practices combined with lowland agriculture and urban development has resulted in a situation in which the areas of highest habitat capacity...are now severely degraded.” Needless to say, this conclusion by NMFS certainly seems to cast in doubt the assumption BLM has made above this, concerning private land extractive practices meeting the parameters of the laws it cites therein.”

“4) The South Umpqua River and many of its tributaries, including some named as being within the analysis area that includes this proposal, are cited by the Oregon DEQ as being 303 (d) listed¹³, under the Clean Water Act. The South Umpqua itself, from its mouth, up to and beyond its confluence with Days and Coffee Creeks is listed for temperature, bacteria, dissolved oxygen, ph, algae, et al. Days Creek, from its mouth to its headwaters, is limited for temperature. Coffee Creek is also listed for temperature, likewise from its mouth to its headwaters. From his participation in the Coquille Basin TDML citizen advisory committee in 2014, '15, UW's Conservation Chair is fully aware that all of these parameters and limitations are often precipitated by, and are always directly, and adversely, influenced by, low summer flows.”²⁸

²⁸ UW comments Days-Creek-South Umpqua Harvest Plan EA, Pg. 6

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

(In addition, we recall to BLM and the IBLA's attention UW's EA comments citing the shameful Oregon DEQ 303d listing of the South Umpqua River and so many of its tributaries, including some within this analysis area, as being out of compliance with Clean Water Act standards.²⁹

It is evident to UW that RBBLM has deliberately or negligently, whichever the case may be, chosen to ignore these comments and the critical issues they effectively highlighted. We have protested that disregard; protest denied, we now appeal.

On page B-6 of the same Clean Water Act Compliance section of the Woodchuck T.S. Decision Document, RBBLM makes this telling statement: “*Streams currently thermally impaired, principally due to reduction and removal of tree canopy on privately managed forest and agricultural lands, are likely to remain so (REA, p. 20).*” By reasonable extension, such thermally impaired streams are very likely in a chronically depleted summer flow condition as well, given the paired stream data acquired over decades by the USFS from sites not many miles upstream from Woodchuck.

BLM makes further off hand reference to the environmentally degraded condition of the intervening private industrial timberlands under the Water Quality heading on page B-14 of its Woodchuck T.S. Decision Document, in this “call and response” example:

'...damaging hydrological impacts to water quality/quantity attributable to the clear cut extractive practices conducted on private industrial timberlands under aegis of the OFPA, UW takes exception to the lack of consideration and analysis by the BLM of how these harms impact the public lands'

²⁹ Please see UW comments on the initial Days Creek-South Umpqua Harvest Plan EA, Pg. 7, Sec. #4.

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

'BLM Response: The BLM considered land management practices on privately managed industrial lands (REA, pp. 129,115-116). For the purposes of analyzing cumulative effects, BLM assumed that late-seral forests on private land have been converted to early-seral conditions and will continue to be managed for timber production on 40 to 65 year rotations, and furthermore assumed that industrial harvesting will follow the Oregon Forest Practices Act (REA, pp. 53-54). BLM activities would not have a discernible effect of water quality or quantity because of the application of PDFs and BMPs (REA, p. 129).''"

In this response to UW's EA comment, RBBLM acknowledges that the very condition, which was singled out in Perry-Jones, exists on the vast private industrial timber holdings in this analysis area; i.e., the mass and likely total conversion of primary old growth and mature forest to even aged, monoculture Douglas Fir plantations, which will, for the foreseeable future, remain well into that very stand age class identified by Perry-Jones as the catalyst for chronic depleted summer flows. Again, in the above response, BLM tacitly acknowledges that this conversion of primary to plantation on the adjoining and proximate industrial lands is, for all practical purposes, total. RBBLM then offers, by way of easy reassurance, that "all is well" because it employs PDFs and BMPs on the public forestlands under its jurisdiction. **This might be a valid argument were it offered in that magical landscape "Behind the Lookingglass," the wonderland visited by the venerable Alice and referenced on page 3 of this appeal. Here in the real world of landscapes scarred with numerous large clear cuts and young monoculture plantations, it is nothing if not specious!**

Thus, having somewhat acknowledged, if in a very limited, generalized and off hand way, the deplorable ecological conditions persistent on the adjacent and proximate private industrial timberlands, BLM then, as is usual in its NEPA submissions relating to the strongly inferred and chronic depleted summer flow condition so well discovered and disclosed in the Perry-Jones 2017 Special Paper, as well as with other cumulative ecological impacts segues, without

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

blushing, directly to how aquatically “wonderful,” or at least how “not worsened” natural function will be on these same degraded watersheds, when BLM's management proposals for Woodchuck are implemented. We ask: “Have you no shame?” UW has protested this blatant sleight of hand attempt to confuse NEPA participants regarding the actual and likely future aquatic and hydrological conditions on these watersheds. They are not protected; their streamflows are not responsibly regulated and, as a direct consequence, all life dependent upon well functioning watersheds thereon is negatively and chronically impacted. In short, as with so many other watersheds within the regrettable and most unfortunate “checkerboard” of alternating ownerships, the landscape, which includes the Woodchuck T.S. is, in more than one respect,³⁰ a managerial and ecological disgrace! Thus, to a significant degree, the necessity of submitting this appeal to the IBLA.

UW APPEAL OF RBBLM'S RESPONSES TO ONE SPECIFIC PROTEST POINT

“5. Failure to analyze cumulative impacts on red tree voles (RTVs), northern spotted owls (NSOs), and climate change (Protest, pp. 1-2, 6-7)”³¹

RBBLM makes the following statement on page 7 of its denial of UW's protest of the Woodchuck T.S.: *“The BLM has properly provided for consideration of nonfederal lands. With respect to the management of private timberlands, the BLM described the amount of private land within the analysis area in the current conditions of each watershed and as a whole for the analysis area (REA, p. 1, 6, 53-54). The BLM estimated the current condition on private lands based on the current and past practices being used by private industrial landowners (REA, pp. 10, 22, 53-54, 112, 120, 121, 140, Appendix D, 247).”*

Let us examine these REA references, one by one, to help us determine their worth.

REA, pages 53-54: *“**Private Land Management** Throughout this analysis the BLM assumes that late-seral forest stands on private land have been converted to early-seral conditions and large industrial owners will continue to manage primarily for timber production on a rotation of 40 to 65 years. **The BLM assumes intensive timber management on private lands will include the use of herbicides to control competing vegetation, resulting in highly simplified vegetative communities.** The actual timing of any private lands timber harvest is dependent on many factors, including valuations based on supply/demand and ownership. **It is assumed that industrial harvesting will follow the Oregon Forest Practices Act and other such requirements, and stands will remain in early- and mid-seral stages**”*

³⁰ Please see UW Comments, Days Creek-South Umpqua Harvest Plan EA, Pp. 20, 21.

³¹ Woodchuck T.S. Decision Document, page 2

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

across the landscape.”(added emphasis, UW)

First of all, the large industrial owners referenced above, are more likely these days to be clear cutting on a **40 year rotation**, some even sooner! Compared to the NWFP, FLPMA and other strictures (**ostensibly**) governing management practices on federal forestlands, the Oregon Forest Practices Act (OFPA) is nothing, if not environmentally retrograde. Riparian Reserves on lands under aegis of the OFPA, although recently somewhat improved on a limited class of some fish bearing streams, still compare poorly with those required on BLM and USFS holdings. In many, many instances, perennial but non-fish bearing streams enjoy no retention buffers whatsoever on the adjoining and proximate clear cut/fiber farmed private lands, while protection of important intermittent headwater streams is completely outside the purview of the Oregon Department of Forestry and most private industrial timber operators and owners. To assert, as RBBLM appears to do, that hydrologic function will be adequate, and aquatic parameters satisfied because of what does or does not occur on the public lands of the REA, while the clear cut/monoculture, aerial herbicide, fiber farm plantation, forty year rotation paradigm proceeds apace on the intervening private industrial lands is ludicrous. UW finds that such an inferred claim, appearing in a NEPA document is, effectively speaking, an insult; very nearly a shameless affront to we citizen-volunteers, who regularly contribute our time and energy, in good faith, to this environmentally critical advisory process.

REA, page 112: *“Project design features (Section 2.4) and Best Management Practices (BMPs) would be implemented to prevent exceedance of the TMDL. Consistency with the Aquatic Conservation Strategy (ACS) helps prevent degradation and promote ecological health in the analysis area. See Appendix F for more information.”*

Here again, RBBLM having previously noted various current conditions on the watersheds of this analysis area, saying it has looked closely at the private lands, where the BMPs etc., implemented on public lands, are for the most part nonexistent on that adjoining and proximate private land, and where the ACS portion of the NWFP has little to no purchase or power. We are further assured in the excerpt above

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

that: “*Consistency with the Aquatic Conservation Strategy (ACS) helps prevent degradation and promote ecological health in the analysis area.*” **On those vast private industrial acres, there is no consistency with the ACS. As a practical matter, there is no ACS!** This is yet another example in a long list of RBBLM legerdemain regarding actual ecological conditions on this analysis area, and only serves, in our estimation, to make a further mockery of the NEPA process.

REA pages 120, 121: “*However, fish and aquatic habitats would continue to be indirectly affected by existing watershed conditions which are typified by relatively homogeneous, even age stands and riparian areas, closed or nearly closed canopies within stands, as well as simple in-stream conditions on federal and private lands. Riparian areas of younger stands on private lands generally lack shade, a condition that is assumed to continue. The lack of shade increases the risk for solar heating which can have a host of potential effects on juvenile fish, including but not limited to thermo-regulation and respiration (reduced levels of dissolved oxygen). Fish would continue to be affected by roads that are not maintained, roads that have inadequate drainage, or roads that are unsurfaced which continue to deliver sediment to streams.*” (emphasis added, UW)

And: “*Oregon Coast steelhead and Pacific lamprey share similar habitat elements with Oregon Coast coho salmon such as clean, cool water, complex in-stream habitat, and spawning gravel largely free of fine sediment; therefore the potential effects from the proposed actions would mirror those described above (Oregon Coast Coho Salmon and Critical Habitat, and Essential Fish Habitat).*”(emphasis, UW)

The same sleight of hand is at work here. Furthermore, while these two excerpts refer specifically to aquatic species, there is absolutely no reason that anyone of even temperament and average intelligence would not be able to assume that similar environmentally deleterious influences would apply to other ecological parameters on this analysis area generally, as on Woodchuck in particular. An ESA listed terrestrial species, such as the Northern Spotted Owl, receives the same habitat consideration on the adjacent and proximate private industrial lands here as aquatic species: effectively, none. These are not protected watersheds servicing regulated streamflows. They are, in many ecological respects, whether aquatic or terrestrial, in short, by any measure, an environmental disgrace!

Regarding the habitat condition on these watersheds, landscape-wide, across all ownerships, the BLM claims to have “*...adequately considered the condition of adjoining lands in the baseline analysis from which to describe cumulative effects.*”³² **Considered? Perhaps. Adjusted its proposed extractive**

³² Woodchuck Protest Denial Document, page 7

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

management activities in light of that claimed consideration? In UW's studied opinion: hardly!

Follows is how UW stated its concerns regarding the Red Tree Vole (RTV), NSO and, by implication

(referenced in valid protest point #5 of its protest denial document, by RBBLM) climate change in its

NEPA Protest of the Woodchuck T.S. (referred to by RBBLM no page 7 of its Woodchuck Protest Denial)

“Over the years, we have visited, closely observed and enjoyed portions of the area of the Days Creek-South Umpqua Analysis Area generally, and that of the Woodchuck Timber Sale in particular. In the company of former Roseburg District Director, Mr. Jay Carlson, and other district personnel, as well as such sylvan luminaries as Drs. Jerry Franklin, Norm Johnson and Richard Waring. We have visited Unit #1 of the Woodchuck Timber Sale. We are aware that active RTV nest trees were located at the end of that unit's Spur Road #2. On a very recent visit to this very site, we saw that a number of these RTV marked trees were now listed, on posted tags, as unoccupied.

This development (i.e., occupied/unoccupied) was not discussed in the decision document. Rather, the BLM has thrown the “RTV ball,” so to speak, to the USFWS and the USFS. These agencies have declared the RTVs at issue here to be, in a word, expendable. Much as with the BLM's repeated statements concerning the beleaguered and declining Northern Spotted Owl (in whose prey base the RTV resides), and the impacts of carbon release from this, and other BLM extractive proposals, on climate change, this amounts to “death by a thousand cuts,” so to speak. That is, taken together, all of the harmful impacts of these repeated proposals on RTV, NSO, GHG/Climate Change constitute palpable cumulative impacts. They need to be treated as such at the level of each individual project, each management proposal and subsequent action a contributor to these wildlife and general environmental conditions. In our view, such an overall “cumulative purview” satisfies both the letter and the spirit of NEPA etc.

BLM, the USFWS and the USFS are all well aware, or they should be, that the clear cut/monoculture fiber farm/herbicide management paradigm on the vast privately owned industrial timberlands in this analysis area have, in the past, and most likely will, in future, give short shrift to existential concerns for any wildlife, or for the natural systems that are their habitats, let alone for listed species and species of concern. The stark differences between the environmental rules of the Northwest Forest Plan, NEPA, FLPMA etc. and those of the Oregon Forest Practices Act, as currently and widely implemented on the private industrial timberlands of Western Oregon, upon those of the Days Creek-South Umpqua Analysis Area in general, and proximate to the Woodchuck Timber Sale units, in particular, are proof enough of this assertion. It is UW's studied view that the BLM and other federal agencies need to keep this contextual management condition well in mind and manage the public forestlands they are responsible for accordingly. That they do not appear to do so; that in this case the BLM, in particular, does not appear to do so, is a point of protest for UW.

The Northwest Forest Plan and its survey and manage ancillary mandates, court decisions etc. require the BLM to discover, disclose and protect RTV nest sites accordingly. With the above-mentioned accumulation of harmful impacts in mind, UW protests this cavalier management of known RTV nest sites. At this late date, given current conditions across all ownerships on these watersheds, no part of the natural world, its creatures and habitats, which still exist on public lands should be considered to be expendable.”³³

³³ UW Protest Woodchuck T.S., page 6

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

In this appeal of the Woodchuck T. S., UW stands firmly behind the points of view expressed in the excerpt of its Woodchuck T.S. Protest, above. Indeed, given the palpable impacts of onrushing anthropocentrically caused climate change, their implications are dire indeed, increasingly so!

Regarding carbon release/sequestration as well as the potential deleterious impacts to those functions on public lands and elsewhere, as well as to aquatic parameters, here is what RBBLM says:

“The BLM analyzed climate change effects by estimating the amount of carbon released or stored under the alternatives (REA, p. 142). The BLM cumulative effects analysis included consideration of PCGP, among other projects (REA, p. 53-56, 147). The BLM concluded that re-sequestration of all carbon directly released would occur in approximately 18 years for Alternative B and that the total carbon balance 50 years post-harvest would be 394,902 and 534,908 tonnes less than under Alternative A (REA, p. 147).³⁴”

This statement is followed by this disclaimer from the above-mentioned REA, page 142:

“The direct release of carbon would be too small to lead to a detectable change in global carbon storage, and existing climate models do not have sufficient precision to reflect the effects on climate from such a small fractional change in global carbon storage.”

Thus, yet again, we see the RBBLM shamelessly segueing from the wider landscape consideration so necessary for a realistic and useful judgment to be made regarding the wisdom and efficacy of its extractive proposals, to the very much narrower and entirely unrepresentative consideration only of what will happen and what will result from its actions on the public forestlands of the Woodchuck T.S., as on the remainder of the REA.

Clearly, the RBBLM has adopted an overview similar to what the BLM has regularly taken regarding the chronically depleted summer low flow condition, so strongly inferred by the USFS paired streamflow data that undergirds the Perry-Jones Study. That is, only the carbon release/sequestration parameters of the public lands in this analysis area appear to have been considered by BLM, in the REA and in the various timber sale proposals therein, including Woodchuck. There is no accounting disclosed, therein, for the vast release of carbon into the atmosphere by extractive activities conducted on the intervening private

³⁴ Woodchuck Protest Denial Document, page 8

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portions of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

industrial lands, under aegis of the OFPA.

UW offers the following excerpt from the publication, Oregon Forest Carbon Policy, V1.0 12-11-17, prepared by Mr. John Talberth, PhD., President and Senior Economist with the Center for Sustainable Economy, in Portland, Oregon:

“Timber harvesting is the single largest source of greenhouse gas emissions in Oregon taking into account (1) stored carbon removed from site and lost in the wood products manufacturing process and subsequent decay of final products; (2) the lost sequestration capacity of clearcut lands and logging roads, and; (3) emissions associated with decay of logging debris.”³⁵ We strongly recommend Talberth's full paper to BLM's attention.

Pressing the issue still further, a study³⁶ released in January of 2018 had this to say on page one, under the heading **Significance**: *“Regional quantification of feasibility and effectiveness of forest strategies to mitigate climate change should integrate observations and mechanistic ecosystem process models with future climate, CO₂, disturbances from fire, and management. Here, we demonstrate this approach in a high biomass region, and found that reforestation, afforestation, **lengthened harvest cycles on private lands, and restricting harvest on public lands increased net ecosystem carbon balance by 56% by 2100, with the latter two actions contributing the most.** Forest sector emissions tracked with our life cycle assessment model decreased by 17%, partially meeting emissions reduction goals. Harvest residue bioenergy use did not reduce short-term emissions. Cobenefits include increased water availability and biodiversity of forest species. Our improved analysis framework can be used in other temperate regions.”*(added emphasis, UW)

On the other hand, this is what we hear on the subject from the BLM on page B-7 of the Woodchuck T.S. Decision Document: *“**BLM Response: “As described on (p. 139) of the EA, forests fix and store carbon through photosynthesis, and release carbon through respiration and decay. However, a recent USGS memorandum (USDI/USGS 2008), concluded that it is currently beyond the scope of existing science to identify a specific source of greenhouse gas emissions or sequestration and designate it as the cause of specific climate impacts at a specific location. Even though a causal link between this project and specific climate change cannot be assigned, the BLM has quantified the estimated total carbon sequestration in both trees and other vegetation types on BLM managed lands in western Oregon (EA, p. 140). A quantitative analysis is provided on (pp. 141-143) of the EA.”***(added emphasis, UW)

The sound empirical data and the conclusions derived from that data in the study quoted page 30 of this appeal, render the subsequent statement below it, made by RBBLM on page B-7 of the Woodchuck T.S.

³⁵ Oregon Forest Carbon Policy, V1.0 12-11-17, Pg. 2 <http://news.streetroots.org/sites/default/files/Oregon%20Forest%20Carbon%20Policy%20Technical%20Brief%201.0.pdf>

³⁶ Land Use Strategies to Mitigate Climate Change In Carbon Dense Temperate Forests, Law, Beverly E. et al., Dept. of Ecosystems and Society, Oregon State University, Corvallis, OR; Dept. of Forest, Range, and Fire Sciences, University of Idaho, Moscow, Id. And EcoSpatial Services LL.C., Flagstaff, AZ

Re: Docket No. IBLA-2018-177 Appeal to the IBLA, by Umpqua Watersheds, Inc. (UW), of the denial, by the Roseburg District of the BLM, of UW's Protest of the Woodchuck Timber Sale, a portion of the Days Creek-South Umpqua Environmental Assessment (**DOI-BLM-ORWA-C050-2014-0008-EA**).

Decision Document and quoted immediately above, obfuscating, essentially useless and arguably cynical.

When such an almost universally acknowledged and existential threat as that represented by rapidly accelerating, anthropocentrically caused climate change is upon us and the world we inhabit, for the BLM to hide behind the worn excuse that, in effect, “Oh, this little bit won't hurt.” would be laughable were it not so very disappointing and dispiriting. And, as with the entire suite of ecological harms imposed on these watersheds in general, as well as upon the involved public lands in this “checkerboard” of alternating ownerships managed by the BLM, by the barbaric extractive practices conducted on the intervening private industrial timberlands under aegis of the environmentally retrograde Oregon Forest Practices Act, the carbon release and related impacts resultant from that private land extractive model are effectively ignored. Clearly, at this late date, the onrushing impacts of anthropocentrically influenced climate change have assumed existential proportions. A full and complete consideration of carbon release/sequestration, across all ownerships, is necessary in order to satisfy the requirement that BLM take a “hard look” at such a clearly critical issue, as well as to satisfy the managerial responsibility to the wider public interest and trust inherent in the BLM's assigned functions. To say (or to imply) that only the BLM administered lands on the Days Creek-South Umpqua Analysis Area, in general, or the Woodchuck Timber Sale area, in particular, have the capacity either to sequester or release carbon into the atmospheric carbon pool and to thereby influence climate change strikes UW as highly improbable, if not impossible. UW has protested the continued omission of such data on other sales on this REA, as derived from across all ownerships and the failure of the BLM to mitigate, in so far as possible, for the vast private land carbon release on the public lands it manages, in trust, for all of the people of the United States of America. Thus, UW appeals to the IBLA the failure of the BLM to conduct its management activities in full consideration of the threat represented by climate change, and in light of the valid conclusions so well supported by such scientific work, as the Law et al. Study cited above.

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Sincerely,

Joseph Patrick Quinn
Volunteer Conservation Chair,
Umpqua Watersheds, Inc.

CC: Mike Korn
South River Field Manager,
Roseburg District BLM,
777 NW Garden Valley Blvd.
Roseburg, Or, 97471

Scott Timber
P.O Box 1088
Roseburg, OR, 97470

Rocky McVay
Association of O&C Counties
P.O Box 2327
Harbor, OR, 97415

Jacob Childers
BLM—Oregon State Office
1220 S.W. 3rd Ave.
Portland, OR, 97204

Brian Perron
Regional Solicitor, PNR,
U.S. Department of the Interior
805 S.W. Broadway, Suite 600
Portland, OR, 97205