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August 2, 2019

Dear Heather Whitman and Elizabeth Burghard,

Please accept these comments, from Umpqua Watersheds, Inc., on the proposed IVM-RL EA **(DOI-BLM-ORWA-M000-2020-0001-EA)**. UW is a 501 C3 non-profit conservation, restoration, education organization, with offices in Roseburg, Oregon.

Introduction

UW does not endorse the over-broad license that the IVM-RL EA Scoping Proposal would appear to grant Roseburg and Medford BLM, to conduct widespread, potentially harmful extractive, activities on all LUAs, including in reserves and other conservation oriented designations, on the two districts. Given the background of the appointments to head the Interior Department by the current administration; given the stated positions of the current acting head of Interior, UW believes it has reasonable cause to fear the worst from such programmatic EAs, as this. UW believes it has every reason to seriously consider the possibility of a possible "restoration" bait and switch, with "getting the cut out" via an end run around NEPA and other environmental constraints being an ulterior motive. By and large, we do not impute these motives to agency personnel at the district level, but are cognizant of

the political pressures brought to bear upon them and their management decisions now and in the past and therefore remain wary of what might be seen as a backdoor attempt to weaken and ultimately obviate NEPA, the ESA etc. UW does not wish to see the BLM forced, even incrementally, backwards toward the days when extraction called most of the shots. Not today, when conservation of remaining in tact natural function, and true restoration of same to our priceless watersheds is more important than ever.

Historic and Current Management Contexts

Unquestionably, and in large part, due to the past¹ myopic adherence of the agency to a distorted version of the well worn Sustained² Yield extractive paradigm, on the public forestlands it manages in trust for all of the people of the United States of America, there currently exist many stands, including reserves, where primary old growth and mature forest was "slicked off" and left in an ecologically degraded condition. This short sighted and often politically driven liquidation of the concentrated sylvan wealth of centuries was carried out with a vengeance across all ownerships, for decades. That is an indisputable fact.

Meanwhile, an even more environmentally egregious version of the Sustained Yield management paradigm continues to be imposed upon the private industrial timberlands of the infamous and most unfortunate "checkerboard" of alternating ownerships, wherein so many of the public lands managed by the Medford and Roseburg Districts are sited. This is likewise an indisputable fact. The ecological fallout from this clear cut, herbicide, intensively roaded, monoculture fiber farm management model, as conducted under aegis of the environmentally retrograde Oregon Forest Practices Act (OFPA), on lands adjacent and/or proximate to the public lands of the two BLM Districts, is unquestionably imposed upon those public forestlands and, unquestionably, further, and continuously, degrades them. And, it is critical to note, these environmental harms are **CUMULATIVE**³ to any devolving from extractive and other management activities on the intervening public lands of the two districts, and visa versa.

Other than alluding to the need for "restoration" on the public lands under consideration therein, we see no mention, let alone an acknowledgment, of the above-mentioned vast and persistent liquidation of primary forest and its subsequent conversion, in many instances, to monoculture Douglas Fir plantations, across all ownerships. Yes, it is implied by the stated need for "restoration," but neither is it discovered nor is it disclosed in the Scoping Document, even in the aggregate or by passing reference. Likewise, the current environmentally barbaric management model, evident to any citizen blest with decent eye sight and of reasonable intelligence, is not once alluded to.

As UW has insisted over and over again to the Coos Bay and Roseburg BLM Districts, the 1937 O&C Act mandates that watersheds be protected and streamflows regulated. And nowhere does the act limit such a regulation to the public lands of the O&C, but rather to watersheds, period. Here is how the language of that law reads: *"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as*

1 i.e., in the decades preceding adoption of the Northwest Forest Plan Amendment

2 Sustained yes, although hardly sustainable

3 **CUMULATIVE** in the literal sense that 1+1=2, 2+2=4, 3+3=6 etc.

*timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, **protecting watersheds, regulating stream flow**, and contributing to the economic stability of local communities and industries, **and providing recreational facilities**: Provided, That nothing herein shall be construed to interfere with the use and development of power sites as may be authorized by law."*⁴
(emphasis, UW)

To the best of UW's knowledge, these "environmental" mandates have not been removed by Congressional action. From obvious necessity, they were granted full force, in 1937, and given a prominent place in the first paragraph of the Act, immediately following the vaunted sustained yield mandate. **N.B.: there is a comma placed between "... permanent source of timber supply..." and "protecting watersheds, regulating stream flow," not an either/or, the well established and well known rules of grammar thereby indicating a list of desired outcomes and not a choice between desired outcomes.** Perhaps the agency folk, past and present, who administered around this issue and sometimes try to continue to; or the Federal Court judges, who adjudicated this issue in the past, were not overly familiar with, or had forgotten, those rules of grammar, and consequently misinterpreted the original intent of the author(s) of the Act; and of the Congress that passed the Act and the President, who signed the Act into law? **Nevertheless, that critical language remains very much in the Act and, at a minimum, must be acknowledged, whether or not the BLM chooses to fulfill its statutory⁵ obligation to act upon them.**

Thus UW "tiers" to the Act, just as BLM does. Considering ourselves as well able to read and comprehend plain English, even that version of the English Language extant in 1937, as any other citizen or functionary, we insist that these mandates be fully stated and credibly implemented in all agency management proposals, particularly regarding purported restoration actions. It is bad enough when extractive proposals in the harvest land base, such as regens., serve to add cumulatively to the unquestionable ecological harms devolving from the "OFPA context" of the checkerboard. It is doubly damaging and even duplicitous when they are proposed for reserves and other conservation oriented land use allocations.

UW has the temerity to raise these critical historic and current contextual management considerations, in part, because of our concern with the undefined description, in the Scoping Document, of the "restoration" practices that document proposes. For example, in the Activities Table, appearing on page 2, we read of proposed "*selection harvest, and legacy tree culturing*," to be conducted on some 14,000 acres/yr of the Medford and on some 1,000 acres/yr of the Roseburg District's South River Field Office. Can UW be faulted if it were to worry that such selective extraction and/or culturing were to include old growth and mature stems, in numbers?

Indeed, we saw this kind of egregious proposal from the Medford District, on the Picket West T.S., which, in the guise of "restoration," included extraction of significant numbers of older trees (i.e., on stands of 150-240 yrs.) and an ecologically undesirable opening of the forest canopy (i.e., to as low as 30% closure). To our perhaps jaundiced eye, this kind of non-restoration amounts to a misinterpretation of rehabilitation. Some might say it was a timber grab, pure and simple, one that

4 Public—No. 405--75th Congress] [Chapter 876--1st Session] [H. R. 7618] AN ACT

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degrades terrestrial and aquatic habitats, and we cannot, and will not, endorse it or anything resembling it. When undertaken, at this late date in the continued precipitous decline of the NSO et al. and in the face of the onrushing Climate Change Catastrophe, such activity is highly irresponsible. Yes, there may exist limited safety and operational necessities to fall larger, older trees, but the operative word here is, and must be, "limited." There is no justifiable ecological reason ever to liquidate older trees.

While not specifically listed in the scoping document, nonetheless we fear that regeneration, in its various euphemistic iterations, overshadows its intent. To severely degrade NRF habitat, and by implication, to diminish already degraded summer flows by encouraging regeneration extraction, or even too heavy commercial thinning, and subsequent heavy restocking, especially with Douglas Fir, is both retrograde and counterproductive.

In Conclusion

UW is neither reassured nor would it be mollified by selection harvests and tree culturing treatments similar to those proposed on Picket West. With such concern well, and justifiably, in mind, we cannot endorse a programmatic diminution of the NEPA process. After all, NEPA is the principle portal through which concerned citizens and non-profit conservation entities engage with and attempt to guide management actions on our public lands. The citizenry had little to no effective influence on extractive practices on BLM and USFS forestlands in the decades preceding adoption of the NWFP and a determined application of NEPA. It is clear that one result was the destruction of habitat critical to wildlife on a vast scale along with the subsequent diminution and listing of benchmark species, as well as the degrading of watersheds for many human purposes, other than the short sighted goal of converting primary forest to ready cash, as was done, with abandon, for decades.

Currently, the public enjoys very limited ability to actually influence the clear cut, aerial herbicide, forest road, monoculture fiber farm management model on the vast intervening private industrial timberlands on the O&C, particularly when the BLM, USFS, USFWS, NMFS etc. persistently decline to speak up to the Oregon Board of Forestry concerning the above-discussed suite of harmful environmental impacts visited upon those public lands by the several environmentally degrading management practices condoned by the OFPA, in the "checkerboard" of alternating ownerships. If the current NEPA process, such as it is, causes the agency to pause and carefully consider its proposed actions, and to carefully reconsider them following the input those proposed actions elicit from concerned citizens and organizations, UW does not see that as harmful. The watersheds of Western Oregon, as elsewhere, have seen much too much of what happens when extraction proceeds apace and environmental constraints are brushed aside in favor of financial and political expediency.

Sincerely,

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