



Olympic Forest Coalition

Autumn 2007

The mission of the Olympic Forest Coalition is to protect and restore forest and aquatic ecosystems on the public lands of the Olympic Peninsula.

OFCO Files Its First Lawsuit Against the U.S. Forest Service

Several months back (soon after the last OFCO Newsletter reached you), OFCO reluctantly filed a lawsuit challenging the 30-million-board-foot Bear Creek Saddle timber sale on Olympic National Forest (ONF), a few miles west of Lake Crescent.

In order to file a valid lawsuit, the plaintiff must first exhaust all available remedies. Accordingly, we submitted extensive comments for the record during the National Environmental Policy Act (NEPA) process. Our concerns were inadequately addressed, so we filed an administrative appeal, and Forest Service staff proposed a meeting for dispute resolution (as required by the agency). Kevin Geraghty, Linda Winter and Bonnie Phillips attended that meeting for OFCO. We asked for an extension in order to negotiate a settlement, but the Forest Service refused to grant it.

Finally, after much discussion, we went to court. Our attorneys for this case are Scott Jerger and Chris Winter, both based in Portland, Oregon. Our case is assigned to Tacoma Federal District Court.

What's the problem? Although there are many elements in the Bear Creek Saddle sale to protest, our major concern is based on threats to aquatic

health, including fish habitat and water quality. Many new logging roads would be constructed, some of which would cross through riparian reserves on the edges of streams. OFCO has worked for years to limit road miles in new timber sales. As part of our effort to win this lawsuit, we hired hydrologist Jon Rhodes to provide expert witness testimony. OFCO

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board member Kevin Geraghty recently accompanied Jon on a field trip to check out the site.

We have made a commitment as an organization to focus on watershed restoration, hence our strong participation in the Washington Watershed Restoration Initiative. Restoration in this context means dealing with the road system. The ONF (and other national forests in Washington state) is already in violation of the Clean Water Act's Memorandum of Agreement with the state's Department of Ecology.

The future for the ONF is more severe and frequent storms—and less snowpack during the winter—adding to the likelihood of more road failures, harm to fish habitat and downstream flooding in human communities.

In general, the Forest Service plays name games with roads. In some cases, the agency will speak of “reconstructing existing road grades,” whether listed in their system or unlisted ghost roads. Sounds benign. And it can be. Often, however, these grades have been unused for so long that the ecological footprint is now barely evident.

Moreover, the Forest Service talks about “temporary” roads as if this is some magic modifier assuring these roads will do no harm. First, a road is a road is a road. Second, it all depends on the definition of temporary. Former OFCO board member Rick Darnell, who did his master's thesis on ONF roads, completed an extensive survey of past timber sales and the status of these so-called temp roads. Many were not adequately decommissioned as promised. A few brought to mind Potemkin villages, in that only the beginning and most publicly visible portion of the road grade had truly been put to bed.

The Forest Service later stated they would include in logging contracts a requirement that the purchaser decommission the road after the conclusion of logging operations. Recently, Forest Service staff told Bonnie and Mike Anderson of The Wilderness Society that the agency that some special funds are no longer available to the agency for decommissioning roads, so the roads would have to remain in place for a number of years. In an upcoming timber sale, Jackson Thinning (see related article, this issue) the

Forest Service states they have up to five years to decommission temp roads. Decommissioning means just about anything from blockage to keep ORVs off the road (frequently unsuccessful), waterbars to help drainage issues, culvert removal, and even full recontouring of the slope.

In the 1990s, the Siuslaw National Forest in Oregon made a name for itself, and rightly so, by the amount of road decommissioning they were accomplishing. But our colleagues who watchdog this forest have told us many of these old grades are now collapsing and damaging watersheds. Their decommissioning was a facade.

OFCO's policy is to work in any way we can to mitigate bad timber sales. We have been able to make a difference, in some small measure, in the past. Now, however, the Forest Service is increasing logging levels threefold beyond that prescribed in the Northwest Forest Plan, and paying insufficient attention to the road miles going into these sales. OFCO will have to be even more vigilant. After all, if our main work is to find funds to “stormproof” watersheds, we can hardly be supportive of adding new roads on ONF.

Lawsuits take time to settle. Stay tuned.



Progress Report: Plan for Jackson Timber Sale Improves

by Jim Scarborough

The U.S. Forest Service has published a 231-page environmental assessment (EA) for the “Jackson Thinning” timber sale between Quilcene and Brinnon. OFCO has been monitoring this controversial proposal since its roll-out in March 2005, at which time it landed with a distinct thud. With the sale’s original iteration including logging on the recreational mecca of Mount Walker and the lovely viewshed slope of Mount Turner above Hood Canal, public condemnation was swift. A Forest Service-sponsored field trip in '05 was attended by 28 skeptical folks made up of local residents, conservation organizations, and government agencies. A short time later, the Forest Service received a petition from 144 individuals opposing the sale, which simultaneously began to attract the interest of a direct action group centered in Olympia.

The public ire directed at the Jackson sale proposal had much to do with its highly visible and visited location along Highway 101, as well as the presence of many neighbors who value the unbroken expanse of green rising above their back doors. The area’s popularity and accessibility has much to do with its designation as “scenic” in Olympic National Forest’s 1990 Land and Resource Management Plan. Also tripping the alarms, however, was Jackson’s focus on logging much older forest than had been seen in any ONF timber sale since the bitterly contested “salvage rider” old-growth logging of the mid-1990s. Extensive swaths of naturally regenerated forest dating from fires in the late 1800s blanket the area, particularly on Mounts Walker and Turner. The latter peak also sports remnant legacy trees over three hundred years of age.

The Forest Service packages each and every timber sale these days in the guise of “accelerating” the development of old-growth conditions. Relying primarily on

Oregon-based research in dryer, warmer forests, the supposition that thinning somehow improves maturing (i.e., greater than 50 years of age) second-growth forests has been hotly debated. But in the case of the Jackson sale, it was clear from the get-go this stated justification was more window dressing than substance. The forest of Mounts Walker and Turner is wholly natural and just a few decades away from achieving genuine old-growth status all on its own. Like generations of trees before, much of this forest has sprung up nicely from a stand-replacement fire, an infrequent but typical

disturbance phenomenon in this unique, maritime-influenced part of the Olympic rain-shadow.

As Teddy Roosevelt once said about another special place:

“Keep this great wonder as it is. You cannot improve it. The ages have been at work on it and man can only mar it.” We believe the winds, rain and sun should continue to have their way on the deep forest cloaking Mount Walker and Mount Turner. The elements there need no help from us.

Consequently, we were mostly pleased to receive the Jackson EA in late August, which eliminates the proposed logging units in Mount Turner’s ample marbled murrelet habitat, and also appears to be backing away from cutting on Mount Walker. Our sense is the local community will simply not allow Walker to be subjected to the chainsaw—a view District Ranger Dean Yoshina appears to share in his introductory letter to the EA, where he states his preference for a “modified” Alternative B, which includes no Walker units.

On the downside, though, Mr. Yoshina desires to keep “Unit 6” near Rocky Brook Falls in the sale. Unit 6 is in a Late Successional Reserve, where the forest is ostensibly managed for the maintenance and/or devel-

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(Continued on next page, Jackson Sale)

(**Jackson Sale**, *continued from page 3*)

opment of old-growth characteristics, with no silvicultural activity permitted in forests more than 80 years of age. Whereas the Forest Service views Unit 6 as younger than this age limit, field visits by OFCO have in fact revealed three age classes of trees intermixed there, two of which are well over 80 years. Given that the Jackson sale's stated purpose and need revolves around moving targeted stands toward older forest conditions (putting aside for a moment the improbability of logging achieving anything of the sort), it makes little sense to retain Unit 6, which already features abundant older-forest attributes. Even without Unit 6, Mr. Yoshina's preferred Alternative B would still log 1,606 acres, which is surely enough to feed the Bush administration's timber beasts for awhile.

As feared, haul road construction still plagues this sale, too—a perennial issue the Forest Service is either unable or unwilling to fully come to grips with in an age of degraded watersheds, depressed salmon stocks, and extraordinary sums of public monies being expended to help an ailing Puget Sound. Five and a half miles of new road construction on both virgin alignments and old, vegetated grades would occur even with Alternative B, which is unacceptable. Much of this would occur in a Late Successional Reserve, where the Northwest Forest Plan makes clear that road construction “generally is not recommended.” Helpfully, though, the Forest Service does include an Alternative C in the Jackson EA that would entail less than a mile of new road construction, but which includes logging on Mount Walker with helicopters (a certain no-go).

OFCO will be submitting formal comments to the Forest Service on the Jackson sale and encourages you to do the same. We would be willing to accept a “hybrid” sale design, joining Alternative B's elimination of the Mount Walker units (and minus the “modified” B's Unit 6) with Alternative C's scaling back of harmful road construction. Please send your comments at the earliest opportunity to Forest Supervisor Dale Hom, c/o Yewah Lau, Hood Canal Ranger District, P.O. Box 280, Quilcene, WA 98376, or by email to: comments-pacificnorthwest-olympic-hoodcanal@fs.fed.us.

Labbe Returns to Board as OFCO and Wild Fish Conservancy Forge Alliance

by Bonnie Phillips

It happened magically! Marcy Golde of our board and head of our State Forest Program called Kurt Beardslee, Executive Director of Wild Fish Conservancy (formerly Washington Trout) to see if any staff might be willing to help us technically in our efforts. Kurt was enthusiastic and said he'd like to form an affiliation and dedicate one staff member to be on our Board of Directors and help us.

We asked for Ted Labbe, who was an OFCO board member when he worked for the Port Gamble S'Klallam tribe. After a year's travel, Ted has moved to Olympia to work for the Wild Fish Conservancy. Ted's skills are sorely needed. He is a fisheries biologist with great understanding of federal, state and private forestland issues. In his volunteer efforts, he will be part of our team assessing the Dosewallips draft EIS and will also be part of our state forest team. We couldn't be more pleased.

Washington Watershed Restoration Initiative Moves Forward

The Washington Watershed Restoration Initiative coalition (WWRI) has finalized a campaign plan, with various groups assigned specific tasks.

Our major effort right now is to get some money in the Senate Interior Appropriations budget to match the \$65 million that the House has already passed, thanks to Congressman Norm Dicks.

Realizing that this will have to be a national issue, we have been working with environmental organizations in a number of Western states (including Idaho, Montana, Arizona and California) that have asked their Senators' support.

Senator Maria Cantwell has been of great help. She
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STATE FORESTS

Keeping Tabs on the OESF: OFCO Team Monitors DNR Approach to Streambanks, Timber Sales

by Marcy Golde

RIPARIAN PROTECTION

The DNR is reinterpreting the size of the riparian buffers on streams in the Olympic Experimental State Forest. OFCO's state lands team has been devoting significant study to the actual protection provided. We have developed a database of all clearcut and other harvests from July 2004 to the present. On clearcuts, the total buffers average only two-thirds of those anticipated in the Habitat Conservation Plan (HCP), and the interior buffers next to the streams are less than one-third of HCP standards. Mike Haggerty, one of our excellent contractors, analyzed several completed clearcut sales to see how the actual buffers compared with the HCP expectations. His findings compared well with the findings from the OFCO database. The buffers were closer to the HCP numbers on steep and unstable ground, and narrowest on flatter, more stable ground. These narrow buffers, however, do not adequately address such issues as recruitment of down wood, shade and temperature, micro-climate, and nutrient sources.

We presented this information to the USFWS and NOAA Fisheries, the two federal agencies known collectively as "the Services." As the signers of the HCP contract with Washington DNR, they are responsible for oversight of the HCP. We also pre-

sented the same information to DNR. The Services replied making three important points:

- "Our interpretation of the HCP is that WDNR is meeting the HCP for riparian conservation."
- "There is no indication that OESF riparian management has resulted in an increase on the amount or extent of take of ESA-listed species described in our Opinions."
- "Our understanding of the potential effects of forestry activities has become more complete and detailed since 1997, with the most recent record in the two Biological Opinions prepared by our agencies for the Washington State Forest Practices HCP, signed June 2006."

REVIEW OF TIMBER SALES

OFCO has reviewed and commented on numerous timber sales in the last two years. We also had one field trip a year ago with DNR staff. None of our expressed concerns has led to changes in any of the sales.

The quality of information provided, however, has improved. The timber sale reviews have included valuable information for OFCO's database and its ever expanding insights into DNR's management of the OESF over time and space.

(Watershed, continued from preceding page)

is currently in the process of getting signatures from Senators to support this effort.

The final outcome will happen in "conferencing," when subgroups of House and Senate Interior Appropriations Committees meet to reconcile budgetary differences in the two bills.

We are also supporting a Watershed Conference to be held in March 2008 in Tacoma. OFCO is on the steering committee and Pacific Rivers Council is the lead group.

We continue to get positive press. State Department of Ecology Director Jay Manning has written an op-ed piece for *The Seattle Times* on the importance of this issue. You can read this by going to: http://seattletimes.nwsources.com/html/opinion/2003881567_jaymanning13.html. —BP



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