



To: Michael Korn
From: Rocky McVay, Executive Director *Rocky McVay*
Re: AOCC Comments, Horse Prairie Fire Recovery Plan EA
Date: August 9, 2018

AOCC actively participated in the Horse Prairie Fire Project by attending the field trip and providing formal scoping comments to BLM. Our comment letter was one of only four BLM received in scoping. We expressed concerns of County elected officials with regard to post-fire salvage on O&C timberlands for the 7,630 acres of BLM lands that burned. BLM largely disregarded our comments and our requests for certain information to be included in the Environmental Assessment (EA).

Only 5% Salvaged --- The EA states that “BLM began to explore the possibility of proposing timber salvage activities of marketable timber located **throughout** the BLM - administered lands affected by the fire.” (Emphasis added). In scoping it was stated that economic recovery of burned timber would only occur on 540 acres, about 8 percent of the burned area. The EA now reports only 385 acres or about 5 percent of the burned area will be harvested. There is no explanation in the EA for this 29 percent reduction in harvest area from scoping to the EA. AOCC's scoping comment letter specifically asked for information on any reductions in harvest due to the NSO "no take" policy but this was not provided in the EA.

Lack of Context – Fire Severity and BLM Actions --- The EA does not provide basic context information regarding the overall extent to which the fire impacted O&C timber lands, nor does the EA contain and direct statements by BLM regarding its decisions to salvage or not salvage in response to those impacted areas. One can infer that given 95 percent of the burned area will not have economic recovery harvest of dead and dying timber, the BLM has decided not to salvage. But, that decision is never explicitly stated nor is there any explanation why it was decided.

The potential fire behavior analysis states that within the BLM lands in the fire there were:

- 1,209 acres of high severity – 14% of the burned area.
- 2,586 acres of moderate severity – 30% of the burned area.
- 4,720 acres of low severity – 55% of the burned area.

The proposed treatments are:

- 145 acres salvage harvest in stands with high tree mortality – 2% of the burned area.
- 146 acres of regeneration harvest - mixed levels of mortality – 2% of the burned area.
- 94 acres of commercial thinning – mixed levels of mortality – 1% of the burned area.

Economics Not Addressed --- AOCC asked for the EA to disclose the economic value of timber affected by the fire. The BLM ignored that request. The BLM policy not to salvage after fire has its origins as a “recommendation” in the NSO recovery plan and has never been subjected to an economic analysis to illustrate the associated costs and benefits. With the proposed treatment of just 385 acres (5 percent) of the burned area producing 10 million board feet of timber, the economic impact of the BLM decision not to conduct post fire salvage on 95 percent of the area is obviously substantial and significant. The EA does not disclose these basic facts on the economic opportunities that were forgone with the decision to not salvage on 95 percent of the burned area.

Reserves Not Treated --- The applicable RMP permits treatments in the Late-Successional Reserves (LSRs) for commercial thinning to reduce stand susceptibility to disturbances such as a fire (SWO ROD/RMP, p. 72) and to treat fuels to improve, enhance, or maintain landscape and ecosystem resilience (SWO ROD/RMP, p. 74). BLM did not quantify the RMP land allocations, including the amount of LSRs in the burned area. Worse, the EA did not reveal (other than some shaded fuel breaks) why there are no treatments proposed for the burned areas in the LSRs, even though the RMP allows some harvest treatments within LSRs. The EA does state no treatments are proposed for the riparian reserves, but it does not state why.

Planning Was Not Timely --- While the adjacent private forest lands have already had salvage completed and are now likely replanted, BLM did not complete the EA until late July rather than spring as stated during scoping. The BLM EA process and time for offering the sale will take over a year to complete. The affected timber, especially the smaller diameter timber, has already started to deteriorate, affecting value. This lack of timely action does not meet the Purpose and Need to “minimize loss and deterioration of damaged trees,” and one season has been lost to reforest the area. This adversely affects revenue generated from the sale for both the Counties and the federal government.

Continued Fire Risk --- As noted in the EA, since 1968 41 fires have been reported within the fire perimeter including the 24,000 acre Douglas Complex in 2013, and a 200 acre fire in 1990. After early seral brush conditions develop under the standing dead forest the likely reoccurrence of fire is increased and future fires will only be more severe in this and the surrounding area. Spending BLM budget dollars on shaded fuel breaks seems to resign itself to this repeated risk rather than reducing that risk by removal of the vast amounts of dead material from the site and returning it to green forest conditions. Implementing the shaded fuel breaks at some future date without salvage treatment of the surrounding areas will not likely be an economical sale. BLM stated on the field trip they may perform the shaded fuel break treatments under a steward contract. AOCC opposes the use of stewardship contracting because the Counties do not receive receipts from the harvested timber on stewardship contracts. BLM policy of no salvage in reserves has implications regarding fire risk and public safety not only today, but in the future. The public recreational opportunities will be diminished in the burned area due to the hazardous conditions the BLM is maintaining after the fire. Yet, the EA states these activities will continue as if they are not impacted.

BLM Administered O&C/PD Lands --- AOCC has repeatedly asked the BLM to specifically quantify the amount of O&C and PD lands in the scoping and EA documents. This was not done and we remain uncertain of the acreage of each category of land affected by the fire and affected by the decisions of the BLM to salvage and not salvage.

Coordination --- In the consultation and coordination section of the EA, AOCC was not included in the list of organizations to be notified on the completion of the EA despite our active involvement in this project.

O&C Act Requirements --- In the EA the BLM makes certain unusual assertions regarding the O&C Act. At page 1 of section 1.2 in the EA, is the following:

“The O&C Lands Act requires the Secretary of the Interior to manage O&C lands 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 (SWO ROD/RMP, p. 5)”. Not all site-specific projects, such as this proposed action, implement actions to contribute to all aspects of the O&C Lands Act, so full compliance of the O&C Act must be assessed at a larger scale. The BLM measures its performance under the O&C Act not project-by-project, but in whether BLM’s practice of sustained yield forestry is achieving the myriad purposes of the Act across the O&C lands as a whole. It is only through the dominant use of timber production and the Act’s directive that BLM “sell, cut, and remove” timber on a sustained yield basis, that BLM even has authority to **strive** toward achieving the Act’s purposes. While the Act’s broad purposes present objectives BLM **strives** to achieve through its management of the O&C lands as a whole, these purposes or objectives are not discrete, mandatory conditions or duties, and the performance of which are not measured at the site-specific, individual timber sale scale.” (Emphasis in original.)

AOCC agrees that the expected secondary outcomes of sustained yield management across the entire O&C land base (protecting watersheds, regulating stream flows, providing recreational facilities, etc.) are not "not discrete, mandatory conditions or duties. . . ." that must be achieved on every parcel and every project. However, there **are** some specific, mandatory duties stated in the O&C Act that the BLM is obligated to undertake everywhere across the landscape. These duties relate to timber production, which the courts have repeatedly held (and the BLM has conceded) is the "dominant" use for the O&C lands." The O&C Act mandates that all lands “classified as timberlands . . . *shall* be managed . . . for permanent forest production, and the timber thereon *shall* be sold, cut, and removed in conformity with the principal of sustained yield . . .” 43 U.S.C. § 2601 (emphasis added). The BLM policy behind the Horse Prairie project fails to comply with these mandatory duties to use sustained yield practices on all timberlands. Allowing 95 percent of a 7,630 acre burn in valuable timberlands to go untreated, without salvage, to rot without economic recovery, and to contribute to the risk and severity of future fires in the region, is contrary to the requirements of the O&C Act. "Striving" to comply somewhere else, on some other project, is a poor and inadequate justification for the failure to comply with the O&C Act on this project.

Summary --- The EA failed to provide basic context regarding the degree of the impacts to the O&C timberlands from the Horse Prairie Fire and failed to provide direct statements on why BLM decided not to conduct salvage on 95 percent of the burned area. AOCC in good faith invested substantial time in this project but the BLM largely disregarded our input on the management of these O&C timberlands. AOCC not only represents the interests of the Counties within the Association but also the communities that rely on management of the BLM lands for jobs, infrastructure, and services.

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