

Kahler Dry Forest Restoration Project
Objection Resolution Meeting
Umatilla National Forest
May 3, 2016, 9:30 to 11:00 am

Introductions

--Regional Office Participants

- Rob MacWhorter, Acting Deputy Regional Forester (Objection Reviewing Officer)
- Debbie Anderson, Regional Objection Review Coordinator
- Heidi Hopkins, Administrative Review Program Specialist
- Lawson Fite, American Forest Resource Council (Objector)
- Karen Coulter, Blue Mountains Biodiversity Project/League of Wilderness Defenders (Objector)

--Umatilla Supervisor's Office Participants

- Gen Masters, Forest Supervisor (Responsible Official)
- David Hatfield, Staff Officer
- John Evans, Environmental Coordinator
- Brian Kelly, Hells Canyon Preservation Council (Objector)
- Tracii Hickman, Forest ESA Coordinator
- Joy Archuleta, Forest Hydrologist
- Jim Archuleta, Forest Soil Scientist

--Heppner Ranger District Office Participants

- Ann Niesen, District Ranger
- Lori Seitz, Zone Roads Manager
- Megan Smith, Zone Silviculturist
- Kristen Marshal, District Fuels Technician
- Randy Scarlett, Zone Wildlife Biologist
- Tim Garber, Zone Sale Administrator
- Brian Spivey, Zone FS Representative & TMA

--Objectors in person at the Malheur Supervisor's Office

- Irene Jerome, American Forest Resource Council

--Objectors on telephone

- Roberta Vandehey

--Others in attendance (non-objectors)

- Rob Klavins, Oregon Wild, Collaborative member
- Lindsey Warness, Boise Cascade, Collaborative member

Meeting Rules- Debbie Anderson

The Objection Reviewing Officer is most interested in listening to the objectors options for resolution, with the intent that there may be follow up meetings with the Responsible Official if there are further areas of resolution that can be explored. The meeting will be facilitated and notes will be kept. Time

limits are 10 minutes per objector, but we will be flexible if needed. At the end of the meeting, there will be a facilitated dialogue with other interested parties and the Objection Reviewing Officer.

Opening Remarks by the Objection Reviewing Officer--Rob MacWhorter

Good morning and thanks for participating and to continue to work with the Forest Service on the Kahler Project on the Umatilla National Forest.

Rob recognized the time and energy that it takes and is grateful for participant's interest and involvement.

In the past, the appeals process occurred after the decision was made – but this was not an interactive process, and proved to be less than helpful.

The Forest Service has refined the objection process and it has worked well – by encouraging discussion with the Decision Maker – or Responsible Official - BEFORE the decision is made. There have been questions about who has permission to speak at these objection resolution meetings.

Rob's position on this is that he will focus solely on a dialogue with the eligible objectors to see if there is opportunity to resolve any of the issues, but wanted to have some dialogue with a couple of the partners that were involved with collaborative effort.

It is important to note that Gen Masters, as the Forest Supervisor on the Umatilla National Forest, is the Decision Maker – not Rob. Rob serves as the Reviewing Official and will facilitate additional discussion to search for resolution.

There may be some of you in the room who have interest in this project and who did not object. To Rob, it's a powerful statement that you did not object – and you may be in support of the project, and a couple of you that have been partners in the collaborative effort will be provided a very short moment at the end of the meeting to provide some additional dialogue.

Many of you have engaged with the District/Forest from the beginning and have helped shape this project. The Ranger and the Forest Supervisor know your interests and are always available to meet with you to further discuss details.

Anyone who has interests or concerns about objection resolution changes or choices is encouraged to meet with Gen Masters, as she will be balancing the ability to meet the purpose and needs with the changes that may ensure this project's success.

To be clear – this is not a hearing. Rob is not here to render judgment or a decision on the merits of this plan, or to dictate arbitrary changes.

Rob's role is to review the plan and hear the objections, and again, to facilitate dialogue about the objections with the eligible objectors and Responsible Official.

Rob is here to listen to the eligible objectors' key concerns and to explore areas where we might be able to resolve those concerns.

Rob will also try to encourage dialogue between the Responsible Official and the eligible objectors. Gen is available to spend time working with you to better understand your concerns, to clarify aspects of the project and how we might respond to your concerns in her final decision.

Rob also encouraged continued dialogue between the Responsible Official and the people who have spent time and energy helping to shape this project.

Once this meeting is over, Rob expects Gen to continue working with the eligible objectors, the partners and others interested in the project to help all of us better understand the project and how the final decision will help meet the goals and objectives of the Forest.

Objector's highlighted issues and potential points of resolution

Karen Coulter, Blue Mountains Biodiversity Project/League of Wilderness Defenders

- The Kahler project is not consistent with the purpose and need goals as expressed in the Draft Environmental Impact Statement (DEIS). The Kahler project included the following purpose and need statement that constituted the purpose and need for the proposal in the Draft Record of Decision (ROD): "The purpose and need of the Kahler Dry Forest Restoration Project is to restore dry forest conditions and thereby create a resilient, fire adapted landscape by trending the project area towards its HRV in forest structure, tree density, species composition, and associated wildlife and aquatic habitat."
- The DEIS admits that the existing condition forest types are below the historic range of variability (HRV) for abundance. This was caused by similar management to what was proposed by the Kahler project on a landscape scale. The Kahler project area has been altered by past management activities including livestock grazing, timber harvest, road construction, and fire suppression. Large ponderosa pine were historically targeted for harvest. This past heavy logging of large and mature trees also included large grand fir and Douglas-fir. Our survey sheets and photographs from our extensive field-surveying over almost all commercial timber sale units proposed for the Kahler project were sent to the Forest Service as part of our comments and clearly show there is no excess number of large trees. This project would not move the project area toward historic range of variability.
- Based on comparison of tables 4-21, 4-22, and 4-23 (DEIS pg. 144-146), it looks like ponderosa pine is already within the historic range of variability of 50-80% in that it was 58% (Table 4-21) or 55% (Table 4-22) in 2012, pre-implementation of the Kahler project. Likewise the HRV for grand fir is supposed to be 1-10% and is already 5-6% based on Table 4-22 and 4-21, so what's the problem? Douglas-fir is not that much higher than HRV (25-32% compares to 5-20% HRV), and most of that difference would be in small, young trees, not large older trees. There is no good reason to log large trees based on this HRV analysis. The problem is that most or all of these old forest multi-strata stands proposed for conversion to old forest single stratum stands are actually naturally, historically multi-strata stands because they are moister mixed conifer in drainages, at higher elevations, or on north or northeast aspect slopes. See our survey sheets and photos re: evidence of historic mixed conifer conditions and microclimate moisture indicators, and drop all planned conversion of old forest multi-story (OFMS) to old forest single-story (OFSS). So since the Kahler project's purpose and need is dry forest restoration, why is logging planned for moist and cold forest stands at all? This is not consistent with the purpose and need.
- Reducing fuel loading and fire hazard rather than strategically, adjacent to affected communities, negates the distinction between wild lands and urban areas, thus not focusing on the intended WUI interface, where fuel reduction is far more likely to be successful in reducing fire severity effects to structures. Such widespread "fuel" reduction also removes critical forest structure for wildlife, fish, soils, carbon structure, recreational values, and soil nutrient cycling.
- Planned commercial logging removal of large wood structure from RHCAs (Riparian Habitat Conservation Areas) is contrary to watershed, riparian and aquatic habitat restoration purpose and need for the Kahler project. Removing large wood from RHCAs by commercial-

size logging within the RHCAs is contrary to the goals of improvement in large and small wood that helps capture and store sediment and form pools for fish.

- Areas that are naturally more densely forested should remain so, such as north and northeast slope aspects, riparian zones, and higher elevations. Drop sale units in these areas and within drainages that have evidence of historic fir dominance or co- dominance or which have moister plant associations or forest types that naturally experience infrequent high severity or mixed severity fire. Drop the 400 acres of OFMS to OFSS logging. OFSS can be created into the future by thinning understory small young trees in dry Ponderosa pine stands. This helps address retaining fir species where they naturally occur, and retaining naturally occurring density, as well as the quality of existing late and old structure (LOS) habitat.
- Concentrate any fuel reduction immediately around affected communities only where really needed, not spread across the greater landscape and into the back country.
- No commercial-size logging or tree removal within RHCA buffers as specified by INFISH buffers for the Category 4 RHCAs.
- The Kahler DEIS failed to demonstrate that the viability of Management Indicator Species (MIS) would be ensured with project implementation. The EIS fails to ensure viability of MIS and how the proposed management threatens their viability.
- Species of concern for protection of viability included the following MIS: American marten; northern goshawk; white-headed woodpecker; pileated woodpecker; Lewis' woodpecker; and redband trout. We are also concerned about failure to ensure viability of sensitive, listed, and candidate for listing species on the Forest, including gray wolf, Canada lynx, California wolverine, and Pacific fisher. To resolve these issues they request the Forest drops all logging on undeveloped land, in suitable goshawk habitat, no logging in areas with large snags to benefit white-headed and Lewis' woodpeckers, no commercial logging in wildlife connectivity corridors, suitable marten habitat, and RHCAs; and no burning of suitable habitat for Pileated woodpecker and American marten.
- Additional Forest Plan violations in the Kahler project include violations of INFISH goals and RMO objectives through logging category 4 RHCAs commercially and timber hauling on roads in RHCAs.
- Other Forest Plan violations include logging degrading Management Areas set aside for other values, such as the Fairview Campground area, the Tamarack Dedicated Old Growth (C1) area, and wildlife connectivity corridors. They are concerned regarding potential violation of snag density requirements under the Forest Plan. They are also concerned that down wood requirements may not be met after implementation of the Kahler project. They are concerned over planned new and "temporary" road building and the re-opening of such extensive mileage of closed roads related to achieving riparian objectives, reducing road density, and impacts to disturbance-sensitive wildlife. Resolution to these issues includes the following: Forest Service needs to not allow commercial logging and other activities contributing sediment into RHCA streams or otherwise contributing to non-attainment of INFISH RMOs, including not commercially logging in category 4 RHCAs and avoiding or mitigating timber haul on roads within RHCAs. The Forest Service needs to drop all planned logging in undeveloped lands and wildlife connectivity corridors. To address our concern re: inconsistency with MA goals, the Forest Service needs to meet these objectives by reducing logging impacts in the Tamarack Dedicated Old Growth C1 management area and not logging the Fairview campground area.

- The Kahler project analysis and Draft Decision Notice fail to avoid contributing to a trend toward potential uplisting of Sensitive, Candidate, and Threatened listed species and to potential loss of these species' viability in the project area. The species we addressed for this objection include gray wolf, and Pacific fisher, Canada lynx, and wolverine.
- They are concerned about the inadequate analysis of the Kahler EIS, the lack of professional integrity used by the Forest Service within the document and the failure of the Forest Service to include scientific controversy.

Rob asked if Karen had any potential points to offer for resolution.

- The Blue Mountain Biodiversity Project/League of Wilderness Defenders request that the following units be dropped:
5,6,11,13,13b,31a,31b,36,36a,38,39,41,42a,42b,42c,46,53, 53b,57,57a,58,63,68b, east half of 68,18a,20a,26a,35,50,52,53,53a,54,55,56,56a,60a, 60b,69a,69b,69c, west half of 71,73,75,77,80,82,83,84,85,86,91,93, and reduce logging in CG1, and any other units located on undeveloped lands or land not previously logged or roaded.

Hells Canyon Preservation Council (HCPC) - Brian Kelly

- HCPC is a non-profit organization based in La Grande, Oregon that represents over 1300 members. HCPC is one of the founding members of the Umatilla Forest Collaborative Group and have thoroughly participated in the collaborative group's review and discussions of the Kahler project for at least 4 years. Through the collaborative process, HCPC has expressed support for certain aspects of the Kahler project and have also expressed concern about and opposition to certain aspects of the Kahler project as it has developed. HCPC appreciate the considerable efforts shown by the Forest Service and members of the collaborative group during the development of the Kahler project.
- HCPC does support dry forest restoration at the right time and the right place and if used appropriately. However, HCPC remains concerned that the extent and intensity of commercial thinning/logging treatments proposed for the Kahler project will have an overall negative impact on wildlife, aquatics, and the overall ecosystem.
- The Final EIS indicates that between skips and gaps in the logging units, the matrix areas will be thinned to a variable density with minimum amounts of residual basal area that will vary according to each unit's plant association. These minimum basal areas will be 25 to 60 square feet/ acre depending on the plant association. These minimum retained basal areas correspond to the minimum stocking levels for the Umatilla National Forest. HCPC has been to the field and feel that the thinning is too aggressive. Brian explained how he uses his thumb to estimate the diameter at breast height (DBH) and when he did this and there were only 2 trees bigger than 13" then the forest is too thin especially for wildlife. Brian asked for clarification on the volume reported in the FEIS was given in cubic feet not board feet. So if the estimate for the project is 48.4 million board feet then that would equal 6.1 thousand board feet per acre which they feel is too high for this forest.
- HCPC remains opposed to the proposed logging within Riparian Habitat Conservation Areas and asks that a resolution point would be for the 510 acres logging in RHCAs to be dropped. HCPC remains concerned that logging of thousands of acres to the minimum stocking levels will negatively affect important habitat for deer and elk. Habitat effectiveness index (HEI) are currently below Forest Plan standards. HCPC is also concerned about the timber marking that has occurred on the project area before a decision has been made. HCPC does appreciate the Forest Plan amendment that were dropped (21" dbh and HEI) but they are concerned with the logging proposed in lands with wilderness characteristics.

Rob asked the forest if they could clarify the average volume removed.

- Brian Spivey from the Heppner Ranger District answered that 3200-3500 board feet/ acre was the average for the first sale and that he thought that was a good estimate for most of the Kahler project.

American Forest Resource Council (AFRC) - Lawson Fite and Irene Jerome

- Irene stated that AFRC is an Oregon nonprofit corporation that represents the forest products industry throughout Oregon, Washington, Idaho, Montana, and California. AFRC represents over 50 forest product businesses and forest landowners. AFRC's mission is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. She stated that they have 4 main objection points.
 - AFRC objects to the use of 2012 Planning Rule to inventory wilderness at a project level. These directives outline a series of steps that the Forest Planners must utilize to evaluate administratively recommended wilderness at the forest plan level. These steps include intensive public involvement that should be happening during the four stages, inventory, evaluation, analysis, and finally recommendation. AFRC objects to this project on the basis that a small portion of these directives, Chapter 71.1, was applied to the Kahler project.
 - Modifications made to Alternative 3, the Preferred Alternative, are substantial in scope and should have been a separate alternative. There were over 1230 acres eliminated from the project and no analysis of effects were given. Reasons why each of these units were dropped were not given.
 - Vegetation treatments do not meet the Purpose and Need. Douglas-fir and grand fir that are 21 inches at dbh and greater should be removed as appropriate. Much of this ecosystem is very dry and artificial "rules" such as leaving all trees 21 inches and greater is not only arbitrary it will not allow the purpose and need of promoting and saving OFSS to be met. The project area has much more vegetation now than historically. AFRC believes that the Forest is not being aggressive enough in their treatments and is creating a potential disaster.
 - Application of the HEI (habitat effectiveness index) does not meet the Purpose and Need and does not use the best available science. Current science shows that elk don't need the cover that was previously thought. ODFW stated that the area supports more elk than historically.
- Lawson then reiterated that the units dropped for elk cover were done so that the Forest could avoid a Forest Plan amendment. The EIS has discussion on how the science for elk cover is changing and cover is not a good indicator of suitable habitat. He stated that he hopes the Forest will relook at the science and the units dropped for elk cover and reevaluate. Lawson also presented a 9th Circuit Court case that says that pre marking timber is not a commitment of resources (copy of court case provided to all). Lawson then reiterated the wilderness objection regarding the 2012 rule was done wrongly at the project level and that the Forest should drop this designation and defer it to Forest Plan revision. Lawson then stated that there are good ecological reasons to log some trees over 21". Not doing so is counterproductive to the purpose and need of the Kahler project. Also the overstocking of vegetation in dropped units creates increased fire risk.

Rob asks if AFRC will restate their points for possible resolution to the 2012 planning rule, the modification to Alternative 3 and the HEI for elk and Irene answered that their resolution points are in their official objection document but quickly said the implementation of alternative 2, return

Forest Plan amendment regarding the 21" trees and the reduction of HEI implemented would resolve their concerns.

Roberta Vandehey

- Roberta stated that she is a land owner on the west side of the Kahler project as well as the west side of the Wheeler Point fire that occurred in 1996 and completed burned up her property. Roberta stated that Boise Cascade started the fire and she spent more than 1 million dollars restoring her property. She stated that the area west of 100 Road has not been restored, no trees or shrubs were planted and creeks are now dry.
- She requests that there be no logging to the north and west of her property.
- She stated that everything BMBP said applies to the areas around her. Units 4b, 1, 2, 3, 3a, 3b, 4a, 7a, 5a (if it exists) and any other areas where the wheeler point fire hit be dropped for logging. The creeks in the Wheeler Point fire area – Wheeler Creek and Alder Creek are all dried up for the first time in 50 years. These creeks had redband trout and beaver in them. The only creeks running are in units 1, 2, 3, 3a, 3b, and 4b. The headwaters of the only remaining stream runs through her property and has fish in it. If logging occurs in these areas these fish will be gone.
- She also stated her concerns about logging near her fence line. Her property is an animal sanctuary and the hunter know this and try to poach off her land. There are no law enforcement officers that could provide her protection.
- She asked the roads 050, 068, and 063 be closed and gated and that she have access to them to enter her property. She asks that units 5a and 7a be left alone and would provide the only seed source in the Wheeler Point fire area.
- She asked that no new roads be built in units 1, 2, 3, 3a, 4,4a, and 4b. She asks that the Forest restore the Wheeler Point fire area but also acknowledged that the Forest did not get any money from Boise Cascade, who started the fire to help rehabilitate the area. She then reiterated that she did not want the west end of the Wheeler Point fire logged at all.

Rob asked her about the headwaters of the stream on her property and if she had water rights and what the water was used for. Roberta answered the only use of the water was for the fish.

Facilitated dialogue

Debbie then asked for the non objectors to share their thoughts or concerns with the group.

- Rob Klavins from Oregon Wild (OW) began by stating that his group invested a lot of time and energy on this project but couldn't be involved as much as they had wished due to turnover within their group. He noted that OW's lack of objection does not mean that they agree with the project. Rob mentioned he still has questions about the objection process. OW still has issues with the project and most likely would have objected. Their biggest concern is the activity within the undeveloped areas. The land the Forest began to identify as possible land with wilderness characteristics should be carefully considered for any kind of action, they should not be sacrificed to logging. OW appreciates the time and opportunity to speak.
- Lindsey Warness, Boise Cascade - Boise Cascade (BC) appreciates the opportunity to speak without filing an objection. BC understands the Forest has to balance many diverse concerns. BC worked for nearly 5 years with the collaborative and still did not reach a consensus. BC spent a lot of time in the project area. They are in agreement that there are some 21" trees that should be allowed to be removed. BC also held discussions with the Forest hydrologist and soil specialist who designed a model to measure the sediment that might occur in RHCAs if logging occurs. The model showed that the logging could occur. Lindsey also mentioned she is on the

2012 Planning Rule Federal Advisory Committee Act (FACA) committee. She noted that there is a great deal of public involvement in the process and that it has 4 parts. By only using the first step in the process the Forest is implying that these areas fit wilderness criteria.

Rob asked if anyone had questions for the speakers.

Gen and Ann had no questions.

- Gen thanks all for taking the time to go through this process. She stated that she gained a better understanding of everyone's issues and possible resolution points. This is a complex project with a lot of diverse perspectives. She will try to find a suitable balance. She was glad to be able to give the non-objectors a chance to speak and is looking forward to the feedback about this.

Karen asked to be able to speak one final time and Rob agreed to give all one last chance to speak.

- Karen appreciated the concerns expressed by AFRC about the collaborative process and the huge amount of time the process consumes. She feels that the process was not working and that groups were violating their own missions to try to collaborate. Karen stated that undeveloped lands need to be analyzed as possible areas with wilderness characteristics and not logged before they are fully analyzed. She also stated that there were not enough undeveloped lands to protect keystone species including gray wolf, Pacific fisher, Canadian lynx, and wolverine. She appreciated the Forest dropping the Forest Plan amendments and stated that if they were reinstated that BMBP/LOWD would challenge the project. Karen also mentioned that she is gone from May 9-16 and won't be available to discuss resolution.
- HCPC stated they did not have a lot to add, they felt very strongly about the Forest Plan amendments and would strongly encourage the Forest to not add them back in.
- Irene stated she would like to talk to her group to discuss potential resolution points. AFRC tries to support projects with a strong collaborative. She appreciated having the non-objectors participate. Lawson stated that AFRC support the restoration goals and encourages the forest to look closely at the HEI elk units dropped because of the science.
- Roberta stated that she was concerned for her personal safety because of hunters in the area. They try to block road 050 that gives her access to her property. Units 3b and 4b, if logged, would create an even more dangerous situation for her.

Rob thanked everyone for their passion for this project and encouraged Gen and Ann to continue discussions with all parties to find common ground.

Debbie Anderson ended the meeting by stating that the date for a written response to the objectors is due on June 6, 2016.

The meeting ended at 11:05 am.