

APPENDIX C

PUBLIC SCOPING SUMMARY



Reply Refer To: 1950-3 (FS)/ 1793 (BLM)

Date: February 10, 2003

Subject: Content Analysis and Identification of Significant Issues
Aquatic Conservation Strategy SEIS

To: Lisa Freedman
Director, Resource Planning and Monitoring

The Aquatic Conservation Strategy (ACS) Supplemental Environmental Impact Statement (SEIS) interdisciplinary team has completed reviewing and analyzing responses to the scoping efforts. As instructed in the Project Initiation Memorandum, I am submitting the results of our content analysis for your review.

More than 400 letters, faxes, and e-mails (collectively referred to as scoping comments) were received from a wide variety of parties including environmental organizations, industry associations, local governments, individuals, and two Inter-tribal fish commissions. Scoping comments covered a wide array of interests.

I directed my team to identify both significant and non-significant issues during the content analysis process. The following is a discussion of the comments received and how they were analyzed. Every comment was read and considered, even though not every comment is mentioned here.

Significant Issues

We considered significant issues to be those that could lead to: (1) alternative development, (2) modification of an alternative, (3) development of mitigation measures, or, (4) identification of elements that need to be tracked throughout the analysis process.

a. Alternative development or modification

Many commenters suggested the ACS is not “broken” and does not need to be fixed. They expressed concern that proposed changes to the ACS could modify the intent of the watershed analysis as it relates to the planning process. Some commenters thought the replacement language was confusing and should be changed. Several commenters were concerned that there was inadequate information to support the purpose and need statement.

The Proposed Action was modified to respond to these comments. The role of watershed analysis was emphasized. The replacement language was clarified and expanded to cover ambiguities identified in the comments. The Purpose and Need was reinforced with additional information.

Some commenters suggested that references to ACS objectives should be removed from the standards and guidelines to acknowledge that projects should not be expected to achieve all ACS objectives at all scales. Language was added to the Proposed Action to clarify that references to ACS objectives in the standards and guidelines are not intended to imply that decision makers are required to demonstrate that all projects achieve all ACS objectives at all scales.

Numerous other alternatives to the proposed action were suggested. Many of these alternatives were outside the scope of the proposed action, did not respond to the purpose and need for action, or were infeasible to implement. Many of these alternatives will be addressed in the Alternatives Considered but Eliminated discussion in the Draft SEIS. Suggestions such as eliminating the Northwest Forest Plan in its entirety and creating new categorical exclusions were not considered at all.

Some comments indicated that the SEIS should consider options such as passive, pulsed, and continuous restoration and cited the Five Rivers Landscape Management Project on the Waldport Ranger District of the Siuslaw National Forest. These options were not considered further because one of the identified needs of the Five Rivers project is “to learn from a variety of strategies for achieving late-successional forest conditions and aquatic conservation.” The Five Rivers project includes a study of passive, pulsed, and continuous restoration pathways. The study is just beginning and no monitoring results are available. In addition, the team determined it would not be practical to consider these restoration options at the Northwest Forest Plan scale because of the widely varying condition of lands in the area. Line officers at the individual administrative units can choose to consider these restoration options based on site-specific conditions.

Several commenters suggested that environmental consequences of the proposed wording change to the ACS needed to be combined with other reasonably foreseeable actions in a single EIS. These other actions included: (1) the Survey and Manage Supplemental EIS; (2) proposed changes to 36 CFR 219, the Forest Service planning rule; (3) proposed changes to 36 CFR 215, the Forest Service appeal rule; (4) proposed changes in categorical exclusions for both the Forest Service and BLM; (5) the Forest Service Region 6 Invasive Plants EIS; and, (6) the EIS for considering management alternatives for Port-Orford-Cedar. These activities cover a wide range of geographic areas that make attempting to describe reasonable alternatives impractical.

Comments related to whether these changes have been included in proposed legislation were determined to be outside the scope of the proposed action. The agencies have the authority to make changes to the Northwest Forest Plan without relying on legislative processes.

Additional alternatives that were considered, but eliminated include: (1) No cutting or removal of trees older than 80 years, (2) suggestions to exempt ski resorts from the ACS standards and guidelines; (3) suggestions for additional ACS mitigation measures ; (4) suggestions to change the role of watershed analysis, (5) suggestions to streamline procedures for planning restoration activities ; (5) suggestions to establish specific

requirements for cumulative watershed impact analysis; and, (6) suggestions to add a 10-year time frame for achieving ACS objectives..

b. Mitigation measures

The interdisciplinary team did not develop any mitigation measures based on public or internal agency comment.

c. Track throughout process

The interdisciplinary team did not identify any significant issues that need to be tracked throughout the process.

Non-significant Issues

We considered non-significant issues to be those that: (a) have already been decided by law, regulation, or policy; (b) were previously analyzed in the Northwest Forest Plan or other analysis documents; or, (c) are opinions or conjectural statements.

a. Law, regulation, or policy

Commenters asked that the no-action alternative be comprehensively compared to the action alternative. This issue was determined to be non-significant because comparing alternatives is already required by regulation.

Some commenters stated that amending the ACS would reduce protection for salmon and runs counter to applicable federal laws such as the National Forest Management Act (NFMA) and the Endangered Species Act (ESA). This issue was determined to be non-significant because the agencies will continue to comply with applicable federal laws. The Proposed Action would retain all components of the ACS.

b. Previously analyzed

Commenters suggested that there is a need for long-term, large-scale monitoring of activities to assess ACS objectives. The recent Aquatic Riparian Effectiveness Monitoring Plan is designed to assess the ACS objectives over time. This concern was identified as a non-significant issue and was not tracked further because the Northwest Forest Plan already analyzed the need for long-term and large-scale monitoring efforts.

Some comments suggested that there is simply no way that the agencies can clearcut mature forest and still “maintain” watershed conditions. The Northwest Forest Plan Final SEIS analyzed a range of alternatives that allowed timber harvest to varying degrees. There is no identified need to revisit decisions made in the Northwest Forest Plan Record of Decision relative to timber harvests.

Several commenters were concerned that clarifying language in the ACS would undermine the entire Northwest Forest Plan. This issue was determined to be non-significant because clarifying language in the ACS would not alter any land allocation nor would it alter any standard and guideline. All components of the ACS are retained.

c. Opinions

Many comments were conjectural or were opinion. These comments were not considered further. Here are a few examples of comments that are opinions.

“The ACS does not have to be amended. The solution is to drop or modify timber sales and other activities that harm salmon, then resolve to protect the best habitat that remains, and embrace forest and watershed restoration.”

“The agencies want to implement destructive management practices.”

“Weakening the Aquatic Conservation Strategy will only breed more conflict and controversy.”

“The cumulative impacts of natural disturbances such as the Biscuit Fire, in addition to the short-term impacts associated with the huge backlog of restoration needs leaves no room for non-restorative commodity timber sales.”

Other opinion-type comments seemed to be based on misinformation or a misunderstanding about the proposed action. One commenter was concerned that the agencies were proposing to eliminate public comments on individual timber sales, while another commenter thought the agencies were proposing to eliminate watershed analysis. Comments such as these were not considered further because the agencies are not proposing to eliminate public comment processes or the requirement to complete watershed analysis.

Other Issues

We also considered other issues that did not fit as significant or non-significant but that could be resolved by some means.

Some comments suggested that the agencies should provide a fax number and e-mail address for submitting comments. Others would like to have a telephone number to directly contact someone with questions. These issues can be resolved by including contact information in the Draft SEIS, in letters notifying the public of comment opportunities, and/or on the ACS SEIS website.

A couple of commenters suggested that the SEIS needed to include definitions of specific terms (short term, landscape scale) and their meaning as used in this analysis. These issues can be resolved by including a glossary in the SEIS or by providing parenthetical definitions in the text where the term is used.

One commenter noted that the web page was difficult to find and could not be located through standard search engines. This comment can be resolved by providing more prominent links to ACS information from the Region 6 web page or identifying a specific web address in the contact section of the SEIS and in letters to the public.

Several commenters were concerned that there was inadequate information to support the purpose and need statement. The purpose and need section has been revised to address these concerns.

Preliminary Issues

The Project Initiation Memorandum identified four preliminary issues that should be assessed in the SEIS. After completing the analysis of public comments, the interdisciplinary team reviewed the preliminary issues and determined the SEIS should address three of the four.

- a. New scientific or other information that has been developed since 1994.

Several scoping letters discussed new information and changed circumstances since 1994. Most of the discussion related to new information focused on anadromous fish species and listings under the Endangered Species Act. The interdisciplinary team is considering new scientific and other information. This information will be included as part of the affected environment and environmental consequences discussions contained in Chapter 3&4.

b. Findings from two types of monitoring and whether monitoring has identified a need for modification of the ACS standards and guidelines.

The interdisciplinary team reviewed information developed from recent monitoring efforts. Implementation monitoring for the last 3 years indicates that there is a high level of compliance with standards and guidelines for timber sales. None of the findings noted in the reports warranted recommending major corrective actions or operational shifts. The Aquatic Riparian Effectiveness Monitoring Plan is still in its infancy and did not provide any information that warranted recommending changes. Based on the information contained in the Northwest Forest Plan Monitoring Program Reports, there is no identified need for modifications to the ACS standards and guidelines other than the proposed language clarification included in the proposed action.

Scoping letters contained discussions related to monitoring. Most of the comments focused on the need to continue monitoring efforts. One commenter wanted to know how the results of monitoring influenced the proposed action. As noted above, monitoring results did not influence the proposed action nor has it identified a need for additional amendments.

c. The effect that replacement language will have on the environment.

Chapter 3&4 of the Draft SEIS will disclose the environmental consequences of the replacement language.

d. Effects disclosures as required by law and policy.

Chapter 3&4 of the Draft SEIS will disclose the environmental consequences of the alternatives on Threatened, Endangered, and Sensitive Species; cultural resources; and wetlands, as well as other required disclosures.

/s/ JOYCE CASEY
Team Leader
Interagency ACS SEIS Team

Reply Refer To: 1900 (FS)/ (BLM) (OR-934)

Date: Dec. 13, 2002

As a party with an interest in the Northwest Forest Plan, please be advised that we are seeking your input on the following amendments to selected portions of the Aquatic Conservation Strategy (ACS). Our intent is to clarify the wording in the Northwest Forest Plan (NWFP) Record of Decision (ROD) through a Supplemental Environmental Impact Statement (SEIS) to better convey the intent of the scientists who originally framed the ACS.

As background, please recall that the Secretaries of Agriculture and Interior signed the ROD for the Northwest Forest Plan on April 13, 1994. That Decision amended all Forest Plans (FS) and Bureau of Land Management (BLM) Resource Management Plans (RMP's) within the range of the Northern Spotted Owl (i.e. Western Oregon, Washington, and Northern California).

This proposal would amend this 1994 Record of Decision. A detailed description of the proposed changes follows for your consideration and comment:

The Proposed Action

The U.S.D.A. Forest Service (FS) and the U.S.D.I. Bureau of Land Management (BLM) are proposing editorial changes to selected portions of the Aquatic Conservation Strategy of the NWFP to clarify guidance intended to protect and restore watersheds. A decision to implement this proposal would result in amendments to all the Forest Plans and Resource Management Plans within the range of the Northern Spotted Owl. The proposed changes are as follows:

Change 1 -- Replace paragraph 2, page B-10, Attachment A of the 1994 ROD with the following:

“Since achievement of landscape-scale objectives cannot be meaningfully evaluated on a site-specific, project-by-project basis, the Standards and Guidelines of Sections C and D are designed to be the way that consistency with the ACS objectives is ensured at the site scale. The standards and guidelines specified in Sections C and D ensure that projects will “meet” or “not prevent attainment of” the Aquatic

Conservation Strategy objectives, while acknowledging that short-term, site-level impacts may occur. To ensure achievement of the ACS, the decision maker—in the course of project planning—must find that proposed management activities are consistent with the ACS by applying the following:

- a) To be consistent with the ACS objectives, activities must be designed in accordance with the Standards and Guidelines in Section C of the 1994 ROD. The site-specific analysis of proposed activities must consider the relevant information in any applicable watershed analysis.*
- b) The administrative record for activities must explain and document this finding of ACS consistency. As appropriate, this documentation should discuss modifications applied to the action as needed to ensure consistency with Standards and Guidelines. The record should also discuss how any information or recommendations in the applicable watershed analysis were considered.*

In summary, the four components of the Aquatic Conservation Strategy (riparian reserves, key watersheds, watershed analysis, and watershed restoration), in combination with application of pertinent Standards and Guidelines, are expected to move federal land management toward maintaining and restoring ecosystem health at watershed and landscape scales. This goal is further articulated in the following Aquatic Conservation Strategy Objectives:”

Change 2 – The following changes would be made to Attachment A of the 1994 ROD:

Paragraph 1, page i, Outline: The entire paragraph would be deleted.

Paragraph 3, page A-6: The entire paragraph would be deleted.

Paragraph 1, page C-1: The entire paragraph would be deleted.

Why Are These Changes Being Proposed?

A key element of the NWFP is the Aquatic Conservation Strategy (ACS), a science-based framework to guide the restoration and protection of Pacific Northwest watersheds. To understand the rationale behind what we are proposing, it is critical to understand the difference between the **Components**, **Objectives**, and **Standards and Guidelines** portions of the ACS. Portions of the 1994 NWFP Record of Decision are attached for your reference, and a complete copy of the 1994 ROD and attachments may be reviewed at the website (<http://www.reo.gov/>) or requested in hardcopy from the address below. The following provides a brief summary for your convenience:

Components and Objectives:

The ACS is comprised of four ***Components*** (riparian reserves, watershed analysis, key watersheds, and watershed restoration) and nine ***Objectives*** that are intended to provide for ecosystem health at the landscape scale. The NWFP Record of Decision requires that National Forest System lands and Bureau of Land Management lands be managed to achieve these ***Objectives***.

Standards and Guidelines:

Appendices C and D of the NWFP Record of Decision provide specific ***Standards and Guidelines*** that provide further direction intended to ensure achievement of the ACS Objectives. These provide specific project design guidance to ensure that watersheds and aquatic species are protected.

The Problem:

Confusion has arisen within the agencies and with the public regarding the intent and application of the ACS; largely caused by lack of understanding of project-level versus larger-scale effects from Forest management activities. We believe that the source of this misunderstanding is a lack of clarity in the wording of the original Record of Decision, largely focused on a statement in Appendix B:

“The intent is to ensure that a decision maker must find that the proposed management activity is consistent with the Aquatic Conservation Strategy Objectives [emphasis added].” (Appendix B-10, second paragraph)

The problem that has arisen is that ACS ***Objectives*** were not intended to be applied or assessed for projects at the site-specific scale. They represent processes or conditions that operate or are relevant only when viewed at broader scales of time and space (for example, watersheds and subwatersheds). Projects, even restoration activities, frequently involve some type of short term ground disturbance; and so decision makers are frequently faced with the dilemma of not complying with the Objectives and the direction in Appendix B-10 under the currently policy.

An Example:

A District proposes to replace an existing culvert with a bridge to facilitate fish passage. Although the bridge clearly would provide habitat improvement needed for aquatic species, and would achieve part of the watershed restoration ***Component*** of the Aquatic Conservation Strategy, it would also create temporary and long-term site-specific effects that would appear to violate several ACS ***Objectives*** (e.g. ***Objectives*** for “...sediment regime...(due to temporary ground disturbance), “...distribution, diversity, and complexity of watershed and landscape features...” (due to the construction of abutments and long-term existence of a bridge and approach roads, etc.). The project would not comply with the Appendix B-10 guidance noted above.

The Proposed Action is intended to eliminate this confusion by making editorial changes that we believe better convey the scientific guidance provided by the original ACS authors, and the decision intended by the Responsible Officials. ***It does so by changing the wording in the noted Appendices to clearly direct that site-specific projects must be assessed against, and must comply with, the Standards and Guidelines – not the Objectives.*** The FS, BLM, NOAA Fisheries and the U.S. Fish and Wildlife Service; as well as the scientists who originally developed the ACS have agreed that site-specific projects meeting the Standards and Guidelines in Appendices C and D are, by definition, consistent with the ACS.

Monitoring the Effectiveness of the Aquatic Conservation Strategy:

The Proposed Action suggests editorial changes to direct that projects comply with the ***Standards and Guidelines*** of the ACS. As we propose this change, we believe it is also important to understand the mechanisms by which the landscape-level ***Objectives*** and effectiveness of the ACS will be monitored to ensure that watershed health and restoration is accomplished per the NWFP Decision.

We are assessing the implementation and effectiveness of the ACS through the Interagency Regional Monitoring Program that was established in the ROD and has been in place for the Northwest Forest Plan since 1996 (please refer to the Program website: <http://www.reo.gov/monitoring/>). This effort conducts large-scale monitoring on federally managed lands in western Washington, Oregon, and northwestern California and represents the combined monitoring efforts of eight agencies and partnerships with State agencies and academic institutions. Over a five-year period, a representative sample of watersheds is being sampled in the NWFP area and the findings incorporated into a comprehensive report.

Other ongoing efforts to assess watershed health include the Aquatic Riparian Effectiveness Monitoring Plan (AREMP), which was approved in March 2001, and various on-going research projects that seek to determine if the science used to develop the ACS continues to be valid over time.

What Decision is Being Made and Who are the Decision Makers?

The Secretaries of Agriculture and the Interior will decide:

- Whether to amend the Aquatic Conservation Strategy portions of the Northwest Forest Plan as proposed above,
- To make other types of clarifying amendments that would meet the same need,
- Or to take no action at this time.

Who Would Be Affected By This Proposal?

This Proposal would amend the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl through a Supplemental Environmental Impact Statement (SEIS) and Record of Decision (ROD). All lands currently being managed under the Northwest Forest Plan would be affected.

How Can I Comment?

At this time, we are in the Public Involvement, or “Scoping”, phase of this SEIS. Through this document and the Notice of Intent in the Federal Register (published Nov. 25, 2002), we are informing you of our proposal and actively seeking your comment and input.

Please submit your comments by January 13, 2002 to the following address:

**Comments, SEIS for Aquatic Conservation Strategy
P.O. Box 2965
Portland, OR 97208**

As always, we appreciate your continuing interest in the management of our public lands and the protection of our watersheds. If you have questions regarding the proposal or the process, please contact our web address at: <http://www.reo.gov/acs>.

Sincerely,

Linda Goodman
ACTING REGIONAL FORESTER

Elaine M. Brong
STATE DIRECTOR