



March 24, 2022

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## **COVER LETTER**

**Re: Notice of Appeal Statement of Reasons and Request for Stay of the Integrated Vegetation Management for Resilient Lands Decision Record**

**EA Number: DOI-BLM-OR-M000-2019-0001-EA**

Greetings,

This document serves as a cover letter for the following Notice of Appeal, Statement of Reasons, and Request for Stay of the Medford District BLM Integrated Vegetation Management for Resilient Lands Decision Record.

Attached as an Exhibit to this Notice of Appeal, Statement of Reasons and Request for stay is a Standing declaration from George Sexton.

Respectfully,  
George Sexton  
Conservation Director  
KS Wild  
PO Box 102  
Ashland, OR 97520

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**RE: NOTICE OF APPEAL STATEMENT OF REASONS AND REQUEST FOR STAY OF THE INTEGRATED VEGETATION MANAGEMENT FOR RESILIENT LANDS DECISION RECORD**

**EA NUMBER: DOI-BLM-OR-M000-2019-0001-EA**

This letter serves a notice of appeal, statement of reasons and request for stay of the Integrated Vegetation Management for Resilient Lands (IVM) Decision Record (DR) on behalf of the Klamath-Siskiyou Wildlands Center (KS Wild), Cascadia Wildlands, the Soda Mountain Wilderness Council and Oregon Wild. In order to comply with appeal regulations, this document is double spaced (other than quotations) and the “statement of reasons” portion of this correspondence is limited to less than 30 pages.

This notice of appeal, statement of reasons and request for stay is timely because it is delivered to your office by certified mail within 30 days of receipt of “the decision” by the lead appellant KS Wild,

pursuant to 43 CFR part 4. The IBLA may confirm service to the Regional Solicitor by using the “track and confirm” feature for certified mail on the US Postal Service’s web site: <http://www.usps.com/>.

Project Description: The IVM DR is intended to facilitate commercial logging that removes late-successional forest habitat within the Late Successional Reserve (LSR) Land Use Allocation (LUA) on the Medford BLM District. The purpose of the IVM DR is to fast-track LSR logging activities by precluding site-specific environmental analysis and dramatically curtailing public participation through the National Environmental Policy Act (NEPA) planning process. Specifically, the IVM DR authorizes up to 4,000-acres of logging a year and up to 17,000-acres of LSR logging over a decade. To facilitate this LSR logging the IVM DR also authorizes 10 miles of new logging road construction per year and 90 miles of new logging road construction over a decade.

Location: The BLM refuses to analyze or disclose the location or site-specific impacts of the logging and road construction activities authorized in the IVM. Instead, BLM planners have written themselves a blank check to downgrade and remove existing late-successional habitat in the Late Successional Reserves by downgrading and removing Northern spotted owl (NSO) foraging habitat on thousands of acres whose exact location on the Medford District remains a mystery to the public, the BLM decision maker, the Regional Solicitor and the Interior Board of Land Appeals (IBLA). The IVM DR does not identify the watersheds, forest stands and communities that will be impacted by the IVM Late Successional Reserve logging activities for the simple reason that the BLM does not know where the forests are in which the logging will occur.

Deciding Official Name and Title: Jennifer Smith, Acting Medford BLM District Manager.

## **1. APPELLANT’S INTEREST**

Appellants submitted timely comments regarding the IVM EA. The issues raised in those comments are incorporated here by reference. As per 43 CFR part 4, and 43 CFR Subpart 2812, Appellants have standing to appeal this decision to the IBLA. Appellants regularly visit and enjoy forests throughout the Medford BLM District.

KS Wild is a 501(c)(3) Oregon non-profit corporation based in Ashland, Oregon, dedicated to the preservation and restoration of biological diversity in the Klamath-Siskiyou region of southwest Oregon and northern California. KS Wild is committed to the ecological and biological integrity of late-successional forests and aquatic ecosystems in the region. KS Wild members and staff use and enjoy the public lands for dispersed recreation, wildland studies, and spiritual renewal. KS Wild members hike, camp, bird watch, identify plants, and otherwise learn from the terrestrial forest ecosystems. They want to see the forest canopy remain intact, hear songbirds, encounter rare plants and animals, enjoy clear healthy streams, and be in the presence of ecologically functional forest ecosystems. KS Wild and its members will be directly harmed by the BLM's Late Successional Reserve timber sale activities.

KS Wild also has an organizational interest in providing its members and the general public with information that the National Environmental Policy Act (NEPA) requires the BLM to compile and disclose in its environmental documents. Members and staff of KS Wild have a right to know the environmental costs and tradeoffs involved in site-specific resource management decisions such as the one to log mature and late successional forest stands via the IVM DR. These interests are adversely impacted by the BLM's failure to comply with NEPA in this instance.

Cascadia Wildlands (CW) is a non-profit, tax-exempt public interest organization based in Eugene, Oregon. The mission of the CW is to educate, organize and agitate for a more compassionate and responsible relationship with the ecosystems of our bioregion. Members and staff of the CW regularly use and enjoy the public lands in the Medford BLM District for a variety of recreational pursuits. They value the aesthetics of intact native forest ecosystems and healthy watersheds. These values would be directly harmed by proposed activities that remove trees and construct roads in Late Successional Reserves managed by the Medford BLM District.

Oregon Wild is an Oregon non-profit corporation headquartered in Portland, with field offices in Eugene, Bend, and Enterprise. Oregon Wild's mission is to protect and restore Oregon's wild lands, wildlife, and waters as an enduring legacy. Oregon Wild's goals are to permanently protect federal forest-lands and protect and restore habitat for native species. Oregon Wild has over 7,000 members, many of whom recreate in the public lands at issue in this appeal. Oregon Wild's members enjoy hiking, nature appreciation, camping, photography, bird watching, wildlife viewing, and other pursuits. The educational, aesthetic, recreational, scientific, and other interests of Oregon Wild and its members in the public lands affected by the challenged actions will be irreparably harmed if defendant proceeds with the actions that are the subject of this appeal.

Soda Mountain Wilderness Council (SMWC) is a 501(c)(3) Oregon non-profit corporation with an office near Ashland, Oregon. SMWC is dedicated to protecting and restoring wildlands and the outstanding biodiversity and important biological connectivity where the botanically significant Siskiyou Mountains join the southern Cascade Range in southwest Oregon and northwest California. SMWC monitors federal public land activities to ensure that management complies with relevant federal laws, including environmental laws. SMWC also proposes designations what would better protect the area. SMWC has a specific interest in the LSR lands managed by the BLM in southwest Oregon. The proposed removal of thousands of acres of late-successional habitat from the LSR land-use allocation in the Medford District as authorized in the IVM DR has regional implications for biodiversity and the ability of late-successional associated species to persist on the landscape. The success and viability of the LSR land use allocation is of the utmost importance to SMWC and its members.

George Sexton is an employee and member of KS Wild. Nick Cady is an employee and member of Cascadia Wildlands. Doug Heiken is employee and member of Oregon Wild. Dave Willis is an employee and member of the SMWC. These individuals are authorized to bring this appeal on behalf of our respective organizations. Mr. Sexton is hereby identified as the "lead appellant." Mr. Sexton is a member of KS Wild, Cascadia Wildlands, Oregon Wild, and SMCW.

The harm to appellants' interests is therefore an "injury in fact," and satisfies IBLA standards for review. Appellants have a long-standing interest in the management of public forestlands in the Medford District, and the right to make BLM comply with resource management plans and federal laws and regulations. Appellants have provided information necessary for the IBLA to conclude that we in fact have standing to appeal this project and would be harmed by the project's implementation. For further information regarding standing and harm, please see the Sexton declaration attached to this Notice of Appeal, Statement of Reasons, and Request for Stay.

## **2. REQUEST FOR STAY**

Appellants request a stay of any preparation, layout, contract award, or any other site preparations by the BLM, pending a final decision on this appeal by the IBLA, pursuant to 43 CFR Part 4. It is our understanding that the Medford District BLM is already laying out and marking the "Penn Butte" and "Late Mungers" commercial timber sales within the LSR LUA. The BLM intends to authorize commercial logging of these two LSR timber sales without a site-specific NEPA analysis process, without an administrative protest process and without an opportunity for substantive public engagement while relying upon the IVM DR to act as a surrogate for environmental analysis and public input. The exact time, date, acreage and volume of these LSR timber sales is preordained and inevitable and can be viewed at: <https://www.blm.gov/sites/blm.gov/files/docs/2021-10/medford-2022saleplan.pdf> The inevitable Determination of NEPA Adequacy (DNA) checklist that the BLM intends to apply to tier these LSR timber sale to the IVM DR will have no impact whatsoever on the acreage, volume or timing of its agenda to remove late-successional forests from the Late Successional Reserve Land Use Allocation.

By issuing a stay the IBLA would retain late-successional forests currently providing late-successional habitat as required by the BLM 2016 Resource Management Plan and the Northern Spotted Owl Recovery Plan. The BLM's intent to remove forest canopy and spotted owl foraging habitat from the LSR land use allocation via IVM implementation threatens to undermine spotted owl conservation and survival on a regional scale. The BLM's proposal to commercially log LSRs with "open seral" logging

prescriptions that permanently remove late-successional forest character is antithetical to the intent of the land use allocation to promote the survival and recovery of late-successional wildlife species and should not occur before the IBLA and federal courts have an opportunity to assess its legality.

The BLM intends to implement a clearcut “open seral” logging regime that will result in lands devoid of late-successional habitat within the Late Successional Reserve Land Use Allocation. On page 19 of the Final Environmental Assessment (FEA) the BLM demonstrates this intent through implementation of an IVM action alternative that “does not have limitations on creating open forest conditions; therefore, [the selected alternative] has the greatest potential increase in the amount of open forest conditions.” Timber companies that purchase BLM IVM timber sales designed to remove late-successional habitat from Late Successional Reserves are likely to experience considerable risk as the late-successional forest removal is subject to legal challenge. A stay will shield both potential timber purchasers and the BLM from harm and risk while the legality of the BLM’s IVM Late Successional Reserve late-successional forest removal agenda is resolved.

### **3. RELATIVE HARMS TO THE PARTIES IF THE STAY WERE GRANTED OR DENIED**

Denial of the requested stay will have real and immediate environmental impacts, yet no cost will be borne by the BLM if the stay is granted. Appellants will be harmed by the impacts of logging on terrestrial and aquatic forest resources. Appellants will be further harmed by the irreversible impacts of road construction and ground-based yarding activities on soil and hydrological resource values. The proposed activities would irrevocably alter the terrestrial and aquatic values of existing late-successional forest stands throughout the Medford BLM District for the duration of appellants’ lifetimes. Especially, implementation of this project during the pandemic has direct and serious implications for impacts to the quality of the human environment, and negative environmental impacts which remain at the forefront of our membership and organizational concerns. Among the relative harms to the parties include, but are not limited to:

- The removal of 2,670 acres of late-successional old-growth Northern spotted owl Foraging habitat from the landscape. See Formal Consultation on the Medford and Roseburg Districts of the Land Management’s Southwest Oregon Dry Forest Resilient Lands Activities, Reference Number 01EOFW00-2021-F-059 (hereafter “BiOp.”) at 77.
- The removal of 6,000 acres of late-successional Northern spotted owl Foraging habitat. BiOp page 77.
- The removal of 500 acres of old-growth-late successional Northern spotted owl Nesting and Roosting habitat from the Late Successional Reserve Land Use Allocation. BiOp page 78.
- The removal of an astounding 19,470 acre of Northern spotted owl Dispersal habitat from the Late Successional Reserve Land Use Allocation. BiOp page 78.
- The downgrading of 4,450 acres of late-successional old-growth Northern spotted owl Nesting and Roosting habitat. BiOp page 78.
- The downgrading of 9.800 acres of late-successional Northern spotted owl Foraging habitat, 4,000 acres of which are located in “high habitat suitability” forest stands within the Late Successional Reserve Land Use Allocation. BiOp page 78.
- The intentional removal of 2,500 acres of Northern spotted owl Foraging habitat located within the Late Successional Reserve Land Use Allocation. BiOp page 81, Table 12.
- The downgrading of late-successional old-growth forest stands located in the Late Successional Reserve Land Use Allocation currently providing “high relative suitability habitat” for Northern spotted owls and other late-successional associated wildlife species. BiOp page 85-86.
- The intentional establishment of mini-clearcuts within late successional forest stands (known as “gap creation”) to increase forest fragmentation such that “where Nesting, Roosting and Foraging habitat is fragmented, the effects to Northern spotted owls may be disproportionately greater than the acreage of removal would indicate.” BiOp page 87.
- Implementing habitat removal across the Medford District, primarily within designated critical habitat within the Late Successional Reserve Land Use Allocation such that implementation of



IVM has been determined by the US Fish and Wildlife Service to “likely to adversely affect” Northern spotted owls. BiOp page 87.

- Implementation of logging activities across the District, primarily within the Late Successional Reserve Land Use Allocation in which invasive Barred Owl encroachment is decimating Northern spotted owl populations despite the fact that the agency acknowledges that “[i]t is likely that the proposed action will exacerbate the competitive interaction of the species.” BiOp page 99.
- Continued removal of forest stands providing Northern spotted owl dispersal habitat from the Gold Hill/Rogue River watershed despite acknowledgement that such logging “could compromise dispersal function at the landscape scale.” BiOp page 100.
- Focusing commercial logging activities that will remove and downgrade late-successional habitat within Late Successional Reserve Land Use Allocation that is intended to provide Northern spotted owl habitat such that “many activities in the proposed action are likely to result in adverse effects to spotted owls.” BiOp page 102.
- Intentionally logging, fragmenting, removing and downgrading thousands of acres of existing late-successional forest stands throughout the Late Successional Reserve Land Use Allocation despite acknowledging that “large contiguous blocks of late-successional habitat are important for Northern spotted owl and Marbled Murrelet conservation.” BiOp page 106.
- Targeting existing Northern spotted owl habitat located within the Late Successional Reserve Land Use Allocation such that the agency anticipates adverse impacts for “demographic support” of the imperiled species that the Land Use Allocation is intended to protect. BiOp page 107.
- Intentionally removing 1,500 acres of USFWS designated critical habitat that is currently providing Northern spotted owl foraging habitat within the Late Successional Reserve Land Use Allocation. BiOp Table 14.
- Intentionally downgrading 2,500 acres of USFWS designate critical habitat that is currently providing Northern spotted owl dispersal habitat in the Late Successional Reserve Land Use Allocation. BiOp Table 14.

- Targeting Northern spotted owl critical habitat to such a degree that the IVM project is “likely to adversely affect” habitat deemed critical for Northern spotted owl survival and recovery. BiOp page 113.
- Removing 700 acres of Marbled Murrelet nesting habitat located within the Late Successional Reserve Land Use Allocation that is intended and designed to retain, rather than remove, late-successional habitat for imperiled late-successional associated wildlife species. BiOp page 120.
- Removing Marbled Murrelet nesting habitat from the Harvest Land Base (HLB) while willfully refusing to survey the old-growth forests to determine Murrelet occupancy such that occupied nesting habitat is likely to be logged resulting in the “take” (death) of Murrelets. BiOp page 120.
- Intentionally removing old-growth late-successional forests stands designated by the USFWS as “critical” to Marbled Murrelet survival and recovery.
- Removing and downgrading late-successional habitat from Late Successional Reserves in a project area that contains over half of the extremely imperiled remaining Coastal Martens in existence (201 out of 371 total individuals.) BiOp page 128.

No harm would be borne by the government if the stay were granted. The BLM regularly conducts the types of logging and road construction activities that are contemplated in the IVM DR. Indeed, the Medford District BLM has signed numerous timber sale Decision Records authorizing timber sales and road construction activities in the Late Successional Reserve Land Use Allocation. A stay on the IVM DR will not affect or impact the District’s ability to conduct those activities in any way. However, under the status quo, prior to issuing a DR for individual LSR timber sales the BLM would need to: (1) conduct a site-specific NEPA analysis and (2) accept and respond to public comments concerning its logging LSR logging proposals. These are the very steps that BLM timber planners seek to avoid through establishment of the programmatic IVM LSR logging project. An injunction of the IVM DR would maintain the existing status quo and allow for a meaningful public site-specific planning NEPA process before decisions are rendered by the agency to remove late-successional forests from Late Successional Reserves.

A federal court may enjoin the BLM from implementing the IVM DR based on the substantive violations of federal environmental laws, as has occurred numerous times over the past several decades when the Medford BLM District cuts corners to facilitate its old-growth logging agenda. Our organizations have previously participated in dozens of successful legal actions to enjoin illegal BLM actions such as those prescribed in the IVM DR. While the Medford BLM rarely acknowledges the agency's pattern and practice of law-breaking, federal courts routinely and frequently enjoin the illegal environmental harms proposed by the Medford BLM District. A stay would shield the BLM and the public from illegal harm to irreplaceable late successional forests located in the Late Successional Reserve Land Use Allocation that the BLM seeks to convert into "open seral" stump-fields.

As there are no timber sales yet authorized by the IVM DR DNA process, no monetary costs to the government would result from issuance of a stay.

The BLM cannot articulate a pressing need to proceed with the IVM DR *prior* to the IBLA or the federal judiciary having an opportunity to rule on the merits of its legality. The BLM may allege a need to rush fuel reduction and fire prevention activities that are wholly independent of its subjective desire to curtail the public NEPA process in order to speed the removal of fire-resilient old-growth trees from the Late Successional Reserve network. Indeed, the Medford BLM currently has a backlog of non-commercial fuels projects with signed decision documents that the agency has simply elected not to implement in favor of focusing its attention on meeting artificial timber targets that it has established for itself. Further, the agency has proven that it can and does implement commercial LSR timber sales utilizing the normal NEPA planning process without eliminating site-specific NEPA analysis which the IVM DR seeks to evade. The BLM cannot point to a compelling reason why a stay should not be issued while the IBLA and the federal court system adjudicate the dubious legality of its decision to remove late-successional forests and Northern spotted owl critical habitat from the very reserve system that the agency created in its resource management plan for the purpose of retaining late-successional forests and Northern spotted owl populations.

Our organizations do not oppose all forest management projects. What we object to are illegal, controversial timber sales that increase fire hazard while failing to protect large trees where they still exist,

and the large-scale downgrade and removal of critical habitat for the Northern spotted owl while ignoring and evading the requirements of NEPA, ESA, and FLPMA. Through this appeal we only seek to prevent the removal and downgrade of late-successional forests located in the Late Successional Reserves that were established by the BLM's 2016 Resource Management Plan. We do not seek to enjoy the non-commercial aspects of the IVM DR. However, we will note that the primary purpose of the IVM DR is to hasten the removal of late-successional forests from the LSRs while evading site-specific NEPA analysis and truncating the ability of the public to meaningfully engage in public land management planning. The BLM's push for less transparency, less analysis, and less public involvement stands in stark contrast to the direction of timber planners that we engage with in the Forest Service and the Oregon Department of Forestry. While most Americans are recognizing the need for collaboration and thoughtful approaches to fire management and carbon sequestration, the Medford District BLM is again trying to cut corners and become even more insular from the public in its drive to remove Northern spotted owl habitat from the Late Successional Reserve Land Use Allocation. Such an approach is counterproductive and doomed to failure.

The unwillingness of the Medford District BLM to meaningfully engage stakeholders to produce a collaborative and predictable timber sale program does not create a "need" to expedite the removal of late-successional forest from Late Successional Reserves. The desire of some in the BLM to log large-diameter fire-resilient trees that provide critical habitat for a threatened species and to construct new logging roads in salmon-bearing watersheds prior to substantive review by the IBLA or the federal court system does not qualify as a "need" no matter how intense and deeply felt the agency's desire to remove late-successional forests from the LSR LUA may be.

#### **4. LIKELIHOOD OF SUCCESS ON THE MERITS AND STATEMENT OF REASONS**

We ask the IBLA to consider the following information when making a determination regarding our request for stay of this project. The following Statement of Reasons is double spaced and limited to less than 30 pages. The appeal merits are as follows:

### **The IVM is Not an “All Lands” Approach to Reducing Fire Hazard and an EIS is needed.**

At page 36 of the FEA the BLM indicates that an “integrated risk-sharing, or ‘all-lands’ approach is necessary to achieve goals of the National Cohesive Wildland Fire Management Strategy...particularly in the checkerboard pattern of ownership common to southwest Oregon.” Yet the IVM is primarily designed for a specific purpose—namely to accelerate canopy removal in native forest stands within the Late Successional Reserve (LSR) land use allocation. Indeed, while the BLM proposes logging LSR stands down to 30% canopy (such that they cease to function as Northern spotted owl foraging or dispersal habitat) the agency also intends to conduct widespread regeneration logging throughout the Harvest Land Base (HLB) that results in the establishment of dense fiber plantations. The BLM’s own environmental analysis indicates this will increase fire hazard for decades. Please note that commercial treatments in the HLB are explicitly absent from the IVM proposal because the BLM is unconcerned about the resulting increase in fire hazard from regeneration logging in the HLB despite it being located “in the checkerboard pattern of ownership common to southwest Oregon.” Hence, the BLM’s IVM LSR logging agenda is in no way an “all-lands” approach to management of fire hazard.

It is only in the reserve land use allocations that the agency exhibits an alleged concern for the development of disturbance resilient lands. The type of gap creation logging proposed in the IVM and the regeneration logging common to BLM projects in the HLB is in fact a “disturbance” in that it removes larger fire-resilient trees which are replaced by less-resilient early seral forest stands. Further, it is incontrovertible that IVM is not an “all lands” approach because the private industrial timber companies that comprise much of the checkerboard land ownership practice clearcut rotation forestry that is not at all designed or intended to achieve the goals of the National Cohesive Wildland Fire Management Strategy. While industry clearcuts the private portions of the checkerboard and the BLM “regenerates” the HLB portion of the checkerboard, the BLM now targets its own reserves for gap creation (up to 4 acres) and canopy reduction (to 30%) in order to allegedly implement a hypothetical “all lands” approach to forest resiliency that simply does not exist on either public or private lands.

Our organizations have repeatedly asked the IVM project planners to acknowledge and incorporate the 2018 findings of Zald and Dunn (Severe fire weather and intensive forest management increase fire severity in a multi-ownership landscape.) **This peer reviewed study is included as an exhibit to our appeal and request for stay.** The study indicates that “[e]stimates of pre-fire biomass were not an important predictor of fire severity.” Further, their peer-reviewed “findings suggest intensive plantation forestry characterized by young forests and spatially homogenized fuels, rather than pre-fire were significant drivers of wildfire severity.” The BLM’s decision to conduct group selection clearcutting of up to 4 acres in size on up to 25% of mature forest stands within LSRs will exacerbate the drivers of wildfire severity discussed in the referenced literature.

Because the IVM proposes to essentially manage BLM LSRs as HLB (through logging prescriptions that clearcut 20-25% of mature forest stands while logging the rest of the stand down to 30% canopy) the BLM must conduct a Plan Amendment documenting the effects of managing the LSR Land Use Allocation as HLB in an Environmental Impact Statement (EIS).

### **The BLM’s Northern Spotted Owl Habitat Modeling is Flawed**

Much of the NSO habitat modeling in the FEA rests upon flawed assumptions. As established in our 2019 IVM comments, there is an acknowledged and longstanding history of overharvest within Medford BLM logging units such that post-logging canopy cover is often lower than modeled by the agency. Additionally, as established in our 2019 comments, there is also often significant post-logging windthrow and other stand damage that is not accounted for by BLM habitat modeling. Further, the BLM’s contention that it may utilize forest stand averaging to log large trees, remove canopy and create gaps within Nesting Roosting (NR) and Recovery Action (RA) 32 Habitat is disingenuous. The fact that NR habitat structure may still exist somewhere else within a forest stand in no way changes the reality that when the BLM removes canopy and creates gaps (clearcuts) within NR habitat, it in fact removes habitat in those stands.

Please note that the Relative Habitat Suitability (RHS) model relied upon in the FEA does not completely reflect actual NSO occupancy locations, the location of critical habitat, the geographic competitive competition from Barred Owls, or the “large block habitat” LSR assumptions contained in the 2016 BLM RMP.

As acknowledged on page 268 of the FEA the “recent best available information continues to support the theory that barred owl competition may be the most pressing threat [to NSO survival and recovery].” Page 269 of the FEA indicates that the BLM is aware of “concern that timber harvest and other silvicultural activities may directly or indirectly affect the interaction between barred owls and spotted owls and increase the competitive advantage for barred owls.” Yet the BLM arbitrarily refuses to analyze “in detail” the impacts of its preference for “open seral” habitat in Late Successional Reserves on barred owl encroachment and competition.

The BLM contention in the FEA that the 2016 RMP (and the NSO Recovery Plan, and the BiOp for the RMP) allow BLM logging proponents to manage nearly 100,000 acres of Late Successional Reserves for something called “open seral conditions” is simply wrong. *See* FEA at 47. LSRs are intended and designed to provide forested habitat rather than non-forested openings. *See, e.g.*, RMP at 22, 70. Additionally, there is no such thing as “open seral conditions.” “Seral” describes a forest age class. “Open” describes a canopy or basal condition. Presumably BLM IVM timber planners are using the novel phrase “open seral conditions” to describe logged openings (gaps/clearcuts) in the LSRs that are largely free from overstory trees. The RMP and its supporting documents do not allow for or encourage the conversion of NSO suitable forested habitat into “open seral conditions” within the LSR LUA.

The BLM has failed to provide meaningful site-specific analysis of how, where, when and why it intends to downgrade and remove NSO LSR habitat that has been deemed “critical” for the recovery and survival of the owl by the USFWS.

The BLM’s stated intent throughout the FEA to clearcut up to 25% of LSR forest stands via gap creation logging undermines the habitat assumptions of the 2016 RMP, its Biological Opinion and the NSO

Recovery Plan. It is also a significant action necessitating an EIS. Further, the BLM must conduct site-specific NEPA to disclose the impacts of clearcutting 25% of LSR forest stands.

### **Violating the 2016 RMP and the Federal Land Management Policy Act (FLPMA)**

As stated throughout the FEA, the BLM does not intend to abide by the RMP direction to avoid preclusion of NSO Nesting and Roosting (NR) habitat for more than two decades following stand treatments. The agency's preference for removing the forest canopy of mature forest stands in LSRs such that they cannot provide habitat for late-successional associated species does not trump the agency's duty to abide by the standards and guidelines of the 2016 RMP. The proposal to remove canopy and large trees from LSRs to such an extent that the establishment of NR habitat is precluded for more than two decades due to the lack of canopy and basal area violates FLPMA.

On page 266 of the FEA the BLM demonstrates its awareness that the 2016 RMP management objectives for the LSR LUA "are defined and limited to developing, maintaining or promoting nesting-roosting or foraging habitat of the northern spotted owl and marbled murrelet..." Yet the agency nevertheless signed a March 2022 DR for the IVM project that will result in the downgrading and removal of foraging habitat and the significant and long-term delay of NR habitat characteristics in the LSR LUA.

### **Significant Impacts to Recreation**

The BLM's position that it need not analyze the impacts of its extensive IVM LSR logging program on recreation "in detail" (or cumulatively or at the site scale) is mistaken. That the Medford BLM is unable or unwilling to include recreation in its arbitrary purpose and need statement for the IVM LSR logging project in no way relieves the agency of its NEPA duty to analyze and disclose the impacts of the proposed LSR forest canopy removal on recreational uses of BLM lands.

### **Failure to Analyze Significant Issues "In Detail" and Inappropriate Tiering**



The BLM failed to take NEPA's required "hard look" at significant impacts beyond IVM's effects to recreation. Additionally, the BLM has inappropriately tiered to the RMP analysis, while also avoiding any site-specific analysis for these issues. As detailed in Appendix 10 of the FEA the agency elected to not provide site-specific of cumulative data-driven information regarding a host of significant impacts. The unanalyzed significant impacts of thousands of acres of logging were not analyzed in detail concerning hydrology and water quality, peak flows, fish, botanical resources, special status species, climate, cultural resources, elements of fire hazard, visual resources, wildlands, Wild and Scenic rivers, windthrow, soils and soil productivity, quality of life for BLM neighbors, road maintenance, barred owl encroachment, gray wolves, Pacific fisher, Bureau Sensitive Species, spotted owl prey species, migratory birds, marbled murrelets, Northern spotted owls, Siskiyou Mountain Salamanders, and Great Gray Owls.

#### **Failure to Analyze Yarding and Road Construction**

The FEA did not provide a site-specific or cumulative analysis regarding yarding and road construction activities in the LSR LUA.

Page 12 of the FEA indicates that the preferred alternative would facilitate significant new logging road construction (temporary and permanent). The FEA continues that even though road building is allowed, there will not be a "net increase in permanent road density." The BLM's recognition that an increase of permanent road density is noteworthy does not constitute the "hard look" that NEPA requires. Construction of *any new road* (temporary or permanent) causes significant impacts to the biotic integrity in terrestrial and hydrological ecosystems. Roads cause disruption to animal behavior, the physical and chemical environment, and destroy habitat adjacent and beneath the road. Organisms are destroyed from the initial road construction and continue to feel the effects long after construction is finished.

Similarly, FEA pages 91 – 92 fails to analyze effects from the numerous types of yarding that could occur. Indeed, the FEA provides no site-specific information or quantifiable data whatsoever concerning logging road construction, landing establishment and yarding in the LSR LUA. Without knowing where

exactly roads and yarding corridors will be constructed, it is impossible to document the site-level and cumulative effects from BLM logging activities.

### **No Site-Specific Information is Provided Regarding Forest Stands Older than 80 Years**

There is a great deal of heterogeneity in the mature forest stands across the 684,185-acre IVM treatment area. As stated on page 1 of the Finding of No Significant Impact (FONSI) the IVM “EA does not analyze specific, discreetly identified projects...” Hence *in the BLM’s proposed programmatic approach to NEPA, the public and the decision maker will never be provided with a site-specific analysis of the effects of logging disparate varieties of mature forests located on hundreds of thousands of acres.* The contention on page 2 of the IVM FONSI that “the EA documented the site-level analysis of effects, both beneficial and adverse, to the environment” is clearly incorrect.” Without knowing where roads will be constructed, where timber sale units will be located, what the current stand conditions are, or which wildlife or plants are present in a particular forest stand, it is impossible to document the site-level analysis of effects from BLM logging activities.

### **The Finding of No Significant Impact (FONSI) is Arbitrary**

The BLM is incorrect in asserting that thousands of acres of commercial logging of large-diameter fire-resilient trees throughout the LSR LUA for a period of at least a decade does not involve significant impacts. The IVM involves significant impacts to forest canopy, late-successional habitat, Humboldt marten, Coho salmon, Northern spotted owls and Marbled Murrelets.

The FONSI is incorrect in its conclusion that downgrading and removing designated critical habitat for listed species located in the LSRs does not significant impact ecological critical areas.

The FONSI is incorrect in its conclusion that the removal of endangered species habitat from Late Successional Reserves does not involve highly controversial scientific and technical matters. The FONSI simply dismisses or ignores peer-reviewed scientific controversy regarding the effects of the extensive LSR logging program that were submitted by the public to the BLM’s IVM project administrative record.

The potential “take” of 15 Humboldt martens via the BLM’s LSR logging activities clearly entails unknown and unique risks. Less than 400 individuals of this species remain on the planet. Noted biologists contend that the loss of *any* martens is significant from a genetic standpoint. The BLM’s intent to harm, take and kill the species within a land use allocation supposedly dedicated to and relied upon for conservation of late-successional associated species involves substantial unique and unknown risks.

The entire point of the forthcoming programmatic IVM DR is to set a precedent for future actions—indeed that is the sole purpose of this planning effort. The BLM already has authority to conduct LSR treatments *after* conducting site-specific NEPA analysis and accepting public comments. The only reason to sign the IVM DR is to establish an alleged “conditions based” programmatic NEPA document that can be tiered to in forthcoming DNAs. The BLM has been quite clear about this. The sole point of the IVM DR is to establish a precedent for future actions that will be implemented via DNAs. To our knowledge, the Medford BLM has yet to conduct a DNA where the proposed action did not conform with the prior NEPA analysis. It is a meaningless procedure to hasten preordained logging targets.

Medford BLM timber planners do not consider the remaining old-growth forests of southern Oregon to be of scientific or cultural significance, but most Americans do.

The BLM acknowledges the complexities of land, forest, fire, watershed and wildlife management in the BLM and private land ownership checkerboard. Yet it refuses to admit that habitat removal across BLM and private forests in the region have and are resulting in significant impacts to wildlife, watersheds, recreation and fire behavior. One small example is that the IVM FEA simply ignores the practice of right-of-way logging road construction through Late Successional Reserves to lower the operational costs of logging intermingled private and county timberlands throughout the project area.

By any objective standard, the proposed treatment of 684,185 acres and the logging of 17,000 acres of Late Successional Reserves involves significant environmental impacts. Yet the BLM’s Finding of No Significant Impact was preordained and inevitable. It is a mere pro-forma exercise to backfill and justify an agenda that the agency is already committed to. In the many decade history of the Medford District BLM

there is not a single instance of the agency writing an EA and then voluntarily acknowledging that its actions will in fact result in significant environmental impacts such that an EIS must be prepared. However, a number of times the public has prevailed in challenging the BLM's pro-forma FONSI in federal court. Please note that marking and layout of the Penn Butte and Late Mungers LSR timber sales that will be tiered to the IVM EA was underway well before the FONSI was issued or the DR was signed.

Similarly, the selection of Alternative C was preordained and inevitable. There is no public comment, scientific literature or environmental impact that could have altered the agency's march towards selection of Alternative C. The NEPA process for the Medford District BLM is essentially a sham in which ID Teams are instructed and paid to produce analysis that will support the achievement of artificial timber targets that the BLM has established for itself. Lastly, the forthcoming DNA determinations are also preordained and inevitable. In its zeal to log late-successional forests located in Late Successional Reserves the BLM will always conclude that its logging agenda can somehow be squeezed into the IVM box. Hence the agency is committed to logging without site-specific analysis, meaningful public input, collaborative partnerships, or meaningful protections for at-risk species and forests located in reserves land use allocations.

While the USFWS acknowledges that the IVM DR is designed to facilitate late-successional habitat removal that is "likely to adversely affect" ESA listed species and their (critical) habitat, the BLM FONSI inevitably concludes that the IVM project will not significantly harm listed at-risk species. Our organizations look forward to challenging this baseless contention.

### **Long Term Spotted Owl Habitat Removal from Late Successional Reserves**

As stated on page 180 of the FEA, the BLM's intent to implement "Ecosystem Resilience Open" logging prescriptions throughout existing NSO habitat in the LSR ensures that "treatment acres would not be expected to provide suitable NR or F habitat for many years post-treatment." The proposal to remove NSO habitat in the reserves for "many years" violates the 2016 RMP and is a long-term significant environmental impact that necessitates completion of an EIS as opposed to an EA. Additionally, the removal of NSO dispersal habitat throughout the LSRs is a significant action that undermines the

assumptions contained in the 2016 RMP (and its Biological Opinion) regarding the purpose and management of the LSR LUA.

Please additionally note that page 60 of the FEA appears to acknowledge that it is unlikely that Northern spotted owl foraging and dispersal habitat in the LSRs that the BLM intends to log will achieve the canopy cover and basal area characteristics necessary to provide nesting/roosting habitat within the timeframe required by the 2016 RMP.

### **Humboldt (Pacific) Marten**

The IVM FONSI hints at the fact that the BLM is aware of significant scientific controversy concerning the effects of its ambitious logging program on Humboldt (Pacific) Marten habitat and populations.

Page 67 of the FEA indicates that “[e]ffects to the marten habitat from all of proposed actions ... would include removal of protective cover, denning and resting structures, potential impacts to dispersal, and disturbance impacts, especially when occurring in mesic habitat.” Yet the FEA is unable to quantify these significant impacts due to a complete lack of site-specific information or data and due to the scientific controversy and uncertainty of the effects to the species. What is certain is that the BLM LSR logging program will remove and harm the late-successional forest structure that late-successional associated species rely upon for habitat within a land use allocation that is supposed to provide that habitat for those species.

Page 59 of the initial EA acknowledged that small diameter thinning, understory burning and thinning “would simplify stands” in particular the brush and understory which would “cause Marten to avoid those areas.” Rather than avoiding this significant impact to an ESA-listed species, the BLM simply altered the language in the FEA to conclude that “thinning would temporarily simplify stands immediately post-treatment, particularly, the brush and understory, which would cause marten to avoid those areas (Slauson et al, 2018) until the dense shrub layer regrow [sic] (five to 20 years.” Note that the BLM provides a citation regarding marten avoidance of the simplified habitat but not for its assertion that “shrubs layer

regow [sic] (five to 20 years.)” This is what is colloquially known as “back-filling” when one changes one’s analysis to achieve a desired outcome as opposed to changing the substantive action to avoid an acknowledged significant harm to at-risk wildlife. No one is contending that the impacts of thinning on the understory are permanent. Rather, every objective observer will acknowledge that the impacts are significant and necessitate completion of a site-specific EIS.

The BLM needs to provide both population and habitat data upon which to base its conclusions and assumptions. This the BLM refuses to do. Additionally, the BLM needs to conduct site-specific analysis of the impacts of its project on this species and its habitat. Please note that throughout much of the rest of the FEA the BLM reaches the exact opposite conclusion and contends that its widespread LSR logging program will aid stand complexity and structure as opposed to resulting in “simplified stands.” Which is it? The agency cannot have it both ways.

### **Pacific Fisher**

The BLM’s refusal to analyze “in detail” the IVM logging of the LSR LUA on Pacific Fisher habitat and populations is arbitrary and capricious. Please note that in its Pacific Fisher ESA listing decision the USFWS relied repeatedly and explicitly upon the existence of the LSR LUA to provide “large block” late-successional (rather than open seral) habitat. Rather than retain the “late successional” habitat for which the LSRs were established the BLM intends to conduct LSR canopy removal such that there “may be a loss of [Pacific Fisher] individuals from the proposed action due to the removal of denning and foraging habitat within fisher home ranges and the potential to remove unknown active dens during harvest activities.” (EA page 252). Yet the BLM refuses to analyze “in detail” the impacts of its LSR logging agenda on the species.

### **Neotropical Migratory Birds**

The BLM’s refusal to analyze the impacts of its commercial and non-commercial LSR treatments on neotropical migratory birds is arbitrary and capricious. The BLM is mistaken in contending that the 684,185-acre treatment area is insignificant to migratory birds at the regional scale.

### **Siskiyou Mountain Salamanders (SMS)**

The USFWS ESA-listing decision regarding SMS assumes that the BLM LSR LUA will be managed for late-successional habitat characteristics. The IVM authorizes the extensive removal of late-successional habitat characteristics from the LSR LUA. The BLM refusal to analyze the impacts of its LSR logging program on SMS is arbitrary and capricious.

### **Late Mungers LSR Timber Sale**

We are interested in and concerned with the Late Mungers timber sale, which we understand to be currently in planning and tiered to the IVM DR. A preliminary draft map shows that this is a very extensive project of commercial logging, in addition to fuel reduction, and includes 300' fire breaks along ridges.

Our first concern is that the Late Mungers timber sale layout work has been going on for nearly a year and pre-dates release of the IVM FEA and DR. The BLM has (again) put the cart before the horse. The IVM FEA and DR cannot and did not influence or impact the Late Mungers LSR timber sale because marking and layout of the timber sale was already well under way prior to issuance of the FEA and DR.

Second, we are concerned with the focus on commercial logging. While we are not *per se* opposed to all commercial logging, the commercial aspects of the activity need to be incidental to the primary purposes of land management in the LSR. Otherwise, there is significant risk that economic incentives will function to undermine project goals, and even worse, that resilience goals will be abused as a smokescreen to rationalize old growth logging in otherwise protected areas.

Third, the Late Mungers timber sale illustrates some of the ways and reasons why this programmatic EA approach is inappropriate here. The timber sale itself is a discreet and site-specific effort that lends itself well to planning, commenting and analysis. It could be accomplished through traditional NEPA planning. Better yet, the BLM could finally engage in collaborative planning with communities and stakeholders. That the Late Mungers timber sale was largely planned prior to issuance of the IVM DR and

FEA clearly illustrates both the practical irrelevance of the IVM FEA to actual on-the-ground decisions, as well as showing advantages to planning that discloses the site-specific impacts of distinct projects.

### **Failure to Meet the Alleged Project Purpose**

The BLM contends that the “purpose” of the IVM project is to develop disturbance- resilient lands. Our organizations and nearly all stakeholders and communities support that purpose. Unfortunately, precluding meaningful and site-specific public input and analysis will not aid the goal of developing disturbance resilient lands. Logging, habitat removal and downgrading via gap creation clearcutting, widespread canopy removal and subsequent increased blowdown are in fact, by any definition, “disturbance.” **On many acres the BLM will increase, rather than decrease, disturbance of the very late-successional habitat that the LSR LUA is intended to provide.** Indeed, the terms “downgrade and remove” describe the act of disturbing existing functional late successional forest habitat (in LSRs, RRs and critical habitat) to meet artificial LSR logging acreage targets contained in the 2016 RMP. Further, the BLM frustrates the alleged objective to develop disturbance resilient lands by excluding the HLB from its so-called “all lands approach.” The BLM’s intent to increase and emphasize regeneration harvesting in the HLB that will increase fire hazard while precluding public input and site-specific analysis for widespread LSR logging that will downgrade and remove existing late-successional habitat is self-defeating and arbitrary and capricious.

Please additionally note that within the Late Successional Reserve Land Use Allocation the Medford District BLM regularly and routinely authorizes logging associated with Right of Way (ROW) road construction by private timber companies. This disturbance is neither acknowledged nor analyzed in the IVM FEA and DR.

### **Fire Hazard**

The IVM proposal and DR simply ignores the significant, certain and cumulative impact of the BLM’s HLB regeneration logging program which is known and acknowledged to increase fire hazard and



result in plantation forestry stands across the District that are less resistant to fire disturbance. The BLM's references to the Rogue Basin Strategy fail to acknowledge that at no place does that strategy advocate for regeneration logging and plantation establishment as is routinely proposed in BLM HLB lands intermingled with the LSR lands where the agency now seeks to remove existing late-successional forest stands. Hence the contention that the BLM is interested in an "all lands" approach is simply inaccurate. As depicted on Table 12 of the FEA, the vast majority of "all lands" in the checkerboard include private industrial timber lands that like the HLB are managed exclusively to maximize fiber production. Were the BLM, stakeholders and communities to come together to develop a true "all lands" approach to fire hazard it would likely involve consideration of the cessation of logging practices conducted by the BLM and the timber industry that are known to increase fire hazard and decrease forest resiliency.

### **The EA fails to Adequately Describe Action Alternatives**

At page 107 the FEA states that "[n]o treatment would occur within NSO nesting-roosting (NR) Late-closed seral stands in *high RHS*" these are existing NR stands and in landscape locations that support persistence (USDI FWS 2011).

The FEA fails to indicate how many acres of "high RHS" exist in the planning area or where they are located on the landscape. Furthermore, the FEA fails to provide a description of the methodology to identify high RHS lands that would be excluded from treatment as required by NEPA. The BLM decision maker cannot issue an informed DR regarding the strategy for the protection of "high RHS" lands that are not identified or quantified in the FEA.

### **Summary of Legal Problems with the IVM FEA, DR and FONSI**

1. The FONSI is arbitrary and capricious and an EIS is required because the effects of the IVM project are significant. For example, there is substantial controversy and uncertainty that surrounds the assumptions and impacts of the IVM project; mainly that logging all of these LSR acres is useful, actually moves towards the purported purpose and need, and whether or not it aligns with the purpose of the reserve

allocations in the RMP. Additionally, there will be substantial negative effects to threatened and endangered species, many of these impacts are unknown or not understood because surveys have not yet been conducted for numerous different species. It is unclear from the EA how the BLM will actually respond to positive survey results. Not only does this mean the BLM failed to take a hard look at these effects prior to authorizing logging in these areas, but it also means the BLM preemptively decided that the impacts of logging imperiled species habitat is not significant. Further, the IVM analysis fails to take a hard look at the environmental baseline and at an adequate range of alternatives. All of these issues, and others referenced above, weigh in favor of the BLM conducting a thorough Environmental Impact Statement if it is going to tier off this document for the next decade.

2. The DR and FONSI violate the RMP in various ways, including but not limited to not meeting the standards regarding protection, maintenance and development of spotted owl habitat in LSRs, protective standards and survey standards for marbled murrelets, protective standards for a number of other protected species included bureau sensitive species, and standards regarding the need for site-specific analysis of existing old growth areas and the effects of proposed treatments on fuels and fire hazard and risk.

3. The FEA fails to take a hard look at various significant issues including the loss of 15 marten in the context of the larger marten population, the failure to identify the effects that the loss of such large amounts of spotted owl habitat will have on a population that is already on the brink of extirpation or extinction, the significant direct, indirect and cumulative effects of the proposed action along with the existing HLB regeneration logging program which increases fire hazard and risk, the impacts of yarding and road construction on existing road density and associated effects, the direct, indirect and cumulative effects on aquatic systems, and assumptions that underlie species management. As an example, the EA and its underlying biological assessment assumes that the thinning that would be purported good for spotted owls would be good for murrelets. A cursory understanding of murrelets completely undermines this assumption. We would direct the BLM to the latest murrelet status review<sup>1</sup> which states that thinning harms

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<sup>1</sup> [draft-nwfp-mamu-25-yr-monitoring-report.pdf \(fs.fed.us\)](https://www.fs.fed.us/nw/p16_nwfp_mamu_25_yr_monitoring_report.pdf)

and results in take of murrelets because it creates opening that attract corvids that predate murrelet nests. This is the one of the primary, commonly recognized ways in which logging negatively impacts murrelets and murrelet habitat. The BLM's assumption that thinning and creating openings will be good for murrelets is wrong because that logging will introduce corvids. This renders the habitat unsuitable for nesting. This is just one example of a way in which the details are being overlooked in this abbreviated FEA.

4. The FEA inappropriately tiers to the RMP FEIS while also deferring to non-NEPA DNAs for site specific analysis, resulting in a gap in analysis for many issues, including but not limited to fire risk, loss of owl habitat, and aquatic impacts.

## **5. CONCLUSION**

While the BLM is willing to develop action alternatives that address some of the public concerns and values expressed during project planning, it is evidently unwilling or unable to incorporate those public concerns and values into final decisions and project implementation. Meaningful public input requires more than simply developing action alternatives that the agency has no intention of implementing while using NEPA to justify pre-ordained actions and outcomes. Outside of the BLM, throughout southwest Oregon and northwest California numerous forest collaboratives with wide representation are working together for forest resiliency and community safety. The BLM's IVM decision to meet arbitrary logging targets by further reducing public involvement and environmental analysis while removing late-successional forests from Late Successional Reserves is out of step with what is demanded of the agency in this moment. It is unfortunate that the BLM has conveniently written itself a management plan in which the agency directs itself to produce timber while ignoring the public. The BLM's decision to decrease public involvement and site-specific analysis while removing late-successional forests located in supposed "reserve" land use allocations will not result in more resilient landscapes, safer communities, or better BLM decisions.

I hereby certify that service has been provided to the deciding BLM officer, the Board of Appeals, and the Regional Solicitor via certified hard copy mail delivered by the US Postal Service (certification numbers available on the first page of this document) as per 43 CFR §§ 4.410c and 4.413.

I further certify that I am a full-time employee and member of the Klamath Siskiyou Wildlands Center, a member of Cascadia Wildlands, Soda Mountain Wilderness Council and Oregon Wild and that I am authorized and qualified to represent appellants in this matter.

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March 24, 2022

I, GEORGE SEXTON, declare as follows:

1. I am the Conservation Director for the Klamath-Siskiyou Wildlands Center (KS Wild). I am also a financial supporter and member of KS Wild. KS Wild is a registered non-profit corporation in Oregon, and I serve as a full-time employee.
2. KS Wild has approximately 5,500 members and 10,000 active supporters. Our members and supporters are interested in and support KS Wild's work to protect the forests of the Klamath-Siskiyou bioregion for their botanical, recreational, scientific, aquatic, and aesthetic resources.
3. I am a member of Oregon Wild, the Soda Mountain Wilderness Council and Cascadia Wildlands. I regularly submit comments on behalf of these organizations to the BLM on federal land management proposals such as the so-called "Integrated Vegetation Management" (IVM) planning effort on the Medford BLM District. Our organizations submitted scoping comments regarding the IVM logging project on July 29, 2018. We submitted comments regarding chapters 1 and 2 of the Draft IVM Environmental Assessment on November 18, 2019. We submitted additional comments concerning the IVM EA on October 16, 2020.
4. I often hike, camp, photograph and explore the native mature forests located in the Late Successional Reserve (LSR) Land Use Allocation (LUA) in the Medford BLM District. I rely upon these forests both personally and professionally to provide late-successional forest habitat (as opposed to "open seral" clearcuts) due to lack of late-successional forest character throughout much of the BLM Harvest Land Base and the checkerboard of private industrial timber lands. Indeed, if late-successional forests and species are to

continue to exist in the region they will likely be located in the Late Successional Reserve Land Use Allocation.

5. I have definite plans to spend considerable time in the future using and enjoying native forests on public lands located in the IVM project area. I have a particular interest in forest stands consist of native late-successional forests currently providing Northern spotted owl habitat in the LSR LUA. I have a personal and professional interest in retaining and viewing Northern spotted owls and forests that provide their habitat. I hope to see a Northern spotted owl in the old-growth forests slated for logging IVM project area.
6. I intend to continue to spend as much time as possible in Northern spotted owl habitat for both personal and professional reasons, including recreation and professional study.
7. I have visited and continue to visit LSR forests to appreciation the natural beauty and native biodiversity that are unique to old-growth forest ecosystems. The proposed logging on BLM-managed Late Successional Reserves in IVM project will “remove” late-successional forest character currently providing late-successional Northern spotted owl foraging habitat and replace it with “open seral” conditions that lack forest canopy cover and basal area. For that reason, the US Fish and Wildlife Service determined that implementation of the IVM project is “likely to adversely affect” Northern spotted owls, their habitat and their designated critical habitat.
8. I value late-successional forest composition and character that provides intact forest canopies that will be greatly reduced or removed in the IVM logging units that are designed to remove late-successional habitat within the Late Successional Reserve LUA. In particular I value late-successional forest stands due to their rarity throughout the region in comparison to historic conditions. The presence of intact old-growth forest canopy that

provides wildlife habitat to late-successional associated wildlife species in the LSR LUA is of the utmost importance to KS Wild and myself.

9. The professional and personal experiences that I find in these late-successional forest stands are not replicable elsewhere. Most late-successional forests on private lands in the southern Oregon have already been converted into second-growth tree farms. The remaining late-successional forests in the BLM Harvest Land Base are subject to logging and forest canopy removal to meet artificial timber targets that the BLM has established for itself. Now, through the IVM project, the Medford District BLM also intends to remove existing late-successional forests comprising Northern spotted owl foraging habitat from the Late Successional Reserve land use allocation. Increasingly the remaining fragmented late successional forests are being lost to wildfire as climate change lengthens and intensifies fire seasons. The late successional ecosystems targeted for removal from the LSR LUA by the IVM Decision Record are irreplaceable in my lifetime, and their retention is at the core of my professional and personal interest.
10. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 24, 2022.

Respectfully submitted,



George Sexton  
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