

APPENDIX E – RESPONSE TO COMMENTS ON THE DEIS

This appendix contains the comments received during the 45-day notice and comment period for the Hoffman-Sailor West Draft Environmental Impact Statement, along with the Forest Service response to those comments. The complete text of the comment letter is included and is in the order it appeared in the letter with responses interspersed throughout. Comments from other federal and state agencies are also included. Refer to this document, Chapter 2, Section 2.1 for a summary of the comments received on the DEIS. All comments for this project are filed in the project record file in the Correspondence (In) folder.

Comment ID 85. Lac du Flambeau Band of Lake Superior Chippewa Indians, Kelly S Jackson, Tribal Historic Preservation Officer

In response to your letter dated January 27, 2003, the Lac du Flambeau Band of Lake Superior Chippewa Indians would like to express concerns with any impacts to historic properties located within the project area of potential effect for Hoffman-Sailor West Project.

Please take the following comments into consideration for this project:

Although a survey has been completed, and all reported heritage resources would be excluded from the proposed project activity areas, please re-consider the possibilities of *indirect effects* (audio/visual effects, even vibrations from machinery are considered an indirect effect.) After reviewing the DEIS, we suggest including a provision in regards to Tribes being contacted for inadvertent discoveries.

Please contact me if you have any questions or concern at (715) 588-2139.

Response: The Final Environmental Impact Statement (FEIS) for the Hoffman-Sailor West Project has been modified to include the potential indirect effects that could occur from the use of machinery near historic properties (FEIS, Section 2.3.9). Inadvertent discoveries of sites would be considered new information. As such, at the time of discovery, activities that could impact sites would be halted until this information could be evaluated and the appropriate contacts and consultations could be made in accordance with applicable laws, regulations, policies, and agreements. These contacts would include notification of the Forest Archaeologist who would then determine further contacts such as State and Tribal Historic Preservation Officers.

Comment ID 86. Wisconsin Department of Natural Resources, Paul DeLong, Administrator

Thank you for forwarding the Hoffman-Sailor West DEIS to the Department for our comment and review. As you are aware we provided feedback during the scoping phase of this project and continue to maintain our interest in projects on the Chequamegon-Nicolet N.F.

Alternatives B, C and D have subtle differences but all implement the Forest Plan objective for this area to manage for the production of aspen pulpwood through even-aged management and emphasizing habitat for pioneer wildlife species. As we have communicated before, the Department of Natural Resources is supportive of efforts to plan and manage across ownership boundaries. Given the declines in the aspen cover type, there is still concern given that there remains a substantial number of acres of

the aspen type exceeding 50 years old. Under Preferred Alternative B nearly 2300 acres will remain in excess of 50 years old. Attempting to achieve a sustained flow of aspen pulpwood and diversify the age classes is logical. However, if the same objective is maintained for this area in the revised Forest Plan, I trust this mature/overmature aspen will be harvested at some point in time prior to it degrading markedly and the sites being lost.

Response: Comment noted. Any future management would be proposed and conducted consistent with revised Forest Plan objectives.

The Department is not in favor of arbitrary limits on the size of clearcuts; clearcut size should be based on the desired objectives. However, with the emphasis on ruffed grouse and white-tailed deer management in this management area, the smaller patch sizes proposed in Alternative B are appropriate.

Response: Comment noted. Alternative B is the alternative selected in the Record of Decision (ROD). Clearcut size limitations are based on regulations implementing the National Forest Management Act (36 CFR 219.27(d)).

We appreciate the discussion on the potential for this project to limit the Forest Plan revision options. It appears that this will not be a major issue with implementation of this project. We are pleased to see that no projects are proposed in the LAD inventory areas. This will facilitate Forest-wide considerations of ecosystem diversity issues under the forest plan revision process. Projects such as Hoffman-Sailor West highlight a prime reason why it is important to get Forest plans completed in a timely fashion, an issue we also face on our state forests.

Response: Comment noted. None of the project alternatives will limit Forest Plan revision options (DEIS, Appendix B, item B2).

In comparing the alternatives the Department thinks you've reached a reasonable decision in selecting Alternative B. The plan objectives for this area of aspen and pioneer wildlife species have been addressed without compromising visual quality or increasing road density. The biological evaluation done as a part of this DEIS, coupled with your analysis of the project, discounts most of the impacts to sensitive species. However, we ask that you continue to consider potential impacts to the Northern goshawk, wood turtle and timber wolf. I trust mitigating measures will be implemented in those habitats and areas of concern. In particular, we have some concern with the proposed Squaw Creek drawdown. We understand that the drawdowns are meant to improve waterfowl habitat and promote wild rice establishment, however, it must be recognized that those impoundments have also developed into wildlife habitat for reptiles and amphibians. If overwinter drawdowns are scheduled, it is important to have these completed by October 1st to allow resident herp populations to seek alternative hibernation sites. If drawdowns are not completed until mid-November as proposed in table 2-2 in the mitigation measures, these species would not have time to relocate before the winter freeze.

Response: We will continue to consider impacts to northern goshawk, wood turtle and timber wolf if new information is obtained on these species prior to or during project implementation. It should be noted that there are no known areas of preferred wood turtle nesting habitat within the project area.

Providing waterfowl habitat and hunting recreation are the primary purposes for the artificially created Upper Squaw Creek Impoundment (DEIS, Chapter 1, pages 7-8). While overwinter drawdowns may impact some individual amphibians and reptiles, these

drawdowns occur on average only once every 5-10 years. This particular flowage has never had a scheduled overwinter drawdown. By starting drawdowns around the middle of October, in most normal fall weather, amphibians and reptiles would still have time to relocate. Additionally, there are other overwinter amphibian and reptile habitat and source populations located within 1 mile of Upper Squaw Creek Impoundment in the form of numerous wetlands, a smaller impoundment managed by the State of Wisconsin DNR, and a small lake (Nichols Lake). Known reptile and amphibian species in this system are quite common. See the DEIS, Section 2.3.2, page 16.

Thank you for the opportunity to provide comment. The Department looks forward to continued collaboration with the Forest Service in promoting sustainable forestry in Wisconsin.

Comment ID 87. The Ruffed Grouse Society, Gary Zimmerman, Regional Wildlife Biologist

Thank you for once again providing the Ruffed Grouse Society the opportunity to comment on future management activities on the Medford-Park Falls Ranger Districts of the Chequamegon/Nicolet National Forest. These comments are in response to your 27 January 2003 request for input to the Draft Environmental Impact Statement (DEIS) for the Hoffman-Sailor West Project.

The Ruffed Grouse Society supports the tentative selection of Alternative B for implementation yet remains concerned that other opportunities to increase the aspen component in this area are not being undertaken, as identified in Alternative D. Proposed conversions will only increase the aspen type by 1% in the project area and early successional types would remain in the lower range of the Forest Plan's desired level. Throughout the Forest, proposals and ongoing management activities are resulting in a significant decrease in aspen habitat for the future. This project area appears to provide additional opportunities to compensate somewhat for that forestwide decline. The Society is encouraged by the District's emphasis of habitat management for early successional species in this Project Area, an emphasis prescribed in the current Chequamegon Forest Plan as well as throughout the DEIS.

Response: Comment noted. Alternative B is the alternative selected in the Record of Decision. Habitat for early successional species was a primary objective in all the action alternatives as well as a primary factor in the decision (ROD, Reasons for the Decision).

In addition, the Society offers the following concerns related to this project:

The Society disagrees with the reference on page 4 about "the potential for a decrease in native biodiversity by maintaining large acreages in pure aspen stands". To the contrary, it is as essential from a biodiversity standpoint to have large areas of early successional habitat within a forest mosaic as it is to have large blocks of mature forest habitat.

Response: The Hoffman-Sailor West project area is a large area of primarily early successional habitat. The reference on page 4 of the DEIS was speaking to within stand species diversity and more specifically, tree species diversity.

The Society is concerned that most of the "increase" in aspen habitat within the project area is the result of proposed conversions from paper birch habitats, a species that is also declining on the Forest, rather than from northern hardwood habitat that is prevalent on the Forest.

Response: The increase in the aspen component in all the action alternatives does result primarily from conversion of the paper birch type. At present, paper birch and northern hardwoods comprise 14 and 12 percent of the upland forest (DEIS, Table 4-6). Very little hardwood within the project area is mature, while much of the paper birch is mature. Current opportunities to increase the aspen component reside with mature forest. Even with the conversion of paper birch, all of the alternatives result in about 10 percent of the upland forest still in the paper birch type. This is not a substantial decrease within the project area, nor is there a current Forest Plan goal for paper birch (DEIS, Table 4-5). Even so, the purpose and need for the project recognized the need to maintain paper birch in the project area (DEIS, Section 1.4.2, page 5). The remaining paper birch component within the project area (in all alternatives) is also above the Forest Plan Revision recommended levels of 0 to 5 percent of the upland forest (DEIS, Table 4-6).

The Society is encouraged with the age class distribution that will result from the proposed activities but remains concerned about the large amount of 40 year plus aspen (57 percent) remaining in the project area even after project implementation. We encourage the District to determine if those untreated aspen stands will remain on the landscape until the next potential entry. If not, those in jeopardy should be included for harvest in this DEIS, even at the cost of optimum stand size for ruffed grouse.

Response: Based on age and condition of the remaining aspen, as well as site factors obtained from inventory information and site visits (project record files), the 40 plus age class of aspen that would remain on the landscape would still be viable during the next potential entry (in a regulated aspen forest, that would be every 10 or so years).

The Society supports the proposed habitat development work on Squaw Creek Wildlife Management Area and offers potential assistance to jointly work towards these goals. Financial assistance from outside organizations such as ours could be utilized to offset management cost increases to manage aspen areas of smaller sizes that would provide optimal grouse habitat. With that in mind, the option of smaller sized patches in this area should not be eliminated from the final decision.

Response: Comment noted. Alternative B is the alternative selected in the Record of Decision. Smaller patch sizes in the Squaw Creek Wildlife Management Area were not eliminated. (ROD, Table ROD-2).

The Society recommends that the division of cutting units in projects 017003b and 017017 (on page 32) be changed to 300 feet from Dalrymple Creek from the 600 feet indicated. The 300 foot distance is the current Forest Plan standard and guideline for evenaged management in proximity of trout streams. This excessive distance further reduces the opportunity to regenerate aspen levels and does little to reduce beaver impacts. The existing presence of mature aspen at this distance demonstrates that beaver have not previously impacted aspen in this location in the past. In addition, the 300 foot distance is used in other practices identified along this stream (id# 32 and 33) in this document.

Response: The 600 feet used in Alternative B had a purpose other than to reduce beaver impacts. In Alternative B, the proposed cutting units along Dalrymple Creek are relatively small in size (15 to 30 acres). Since the intent is to manage something other than aspen adjacent to the stream, these units were divided. Because of the small size and the shape of the cutting units, the 600 feet in this alternative would allow for a residual stand of a manageable size (about 10 acres). In the other action alternatives, where the cutting units were larger, the 300 feet allowed for a residual stand of a manageable size.

Even with the conversion away from aspen along Dalrymple Creek, all action alternatives still show an increase in the amount of the project area managed in the aspen forest type (DEIS, Chapter 2, Table 2-3).

The recreational and associated economic benefits of early successional wildlife species for consumptive and non-consumptive purposes do not appear to be considered during the project evaluation. The fall hunting season brings in vast numbers of big and small game hunters to the Park Falls area. Without a doubt, hunting is an important recreational use of the Forest and may be the highest use per acre by the public in the Hoffman-Sailor West Project Area. Management activities in the project area definitely have a significant impact on the availability of appropriate habitat for the wildlife and users of the area. We would encourage the District to include an analysis of this type as further justification of the proposed management activities.

Response: Comments noted. The DEIS, Chapter 4, Section 4.2.8, recognizes that there could be some project specific effects related to the revenue and costs of the proposed timber harvest. Economic effects on local communities, governments, and businesses would not occur from implementation (or not) of one District project or one of the alternatives of one project. The Chequamegon-Nicolet National Forest, including the Medford-Park Falls Ranger District has other timber sales being sold on a yearly basis which provide a stable flow of wood products for purchase as well as varied habitat for wildlife and the associated consumptive and non-consumptive use by recreationists.

The recreational and associated economic benefits of early successional wildlife species for consumptive and non-consumptive purposes is recognized in the DEIS in the purpose and need for maintenance of early successional wildlife habitat in the project area (DEIS, Chapter 1, Section 1.4.3). While it is not stated in the DEIS, maintaining wildlife habitat would also maintain the consumptive and non-consumptive recreation uses associated with it. The FEIS, Section 1.4.3, has been modified to include such a statement.

The Ruffed Grouse Society remains concerned about the continuing decline in aspen forest communities nationwide, regionally, and on the Forest. During the past 18 years, aspen forests in Wisconsin have declined by 265,000 acres. Since the mid-1960's, the total area of aspen in Michigan, Minnesota and Wisconsin, which contains 80 percent of the aspen in the Eastern US, has decreased by 21 percent (Leatherberry and Spencer 1996). In Wisconsin, private individuals own nearly 9 million acres (57 percent). A majority of these private landowners (54 percent) have not harvested timber and thus have declining opportunities to perpetuate aspen habitats. The Wisconsin National Forests provide one of the last opportunities to maintain early successional landscapes.

Response: Aspen increases in the project area in all the action alternatives and the decision (ROD, Table ROD-2). About 80% of the upland acres in the project area are being maintained in early successional forest types (DEIS, Chapter 3, Table 3-1).

The Society would like to acknowledge the vast amount of work conducted by the District in this DEIS and looks forward to working with the District to facilitate appropriate habitat management activities in this project area. Please feel free to contact me if you have any questions. Thank you for your time.

Comment ID 88. Deven Lindenberg

The purpose of this letter is to comment on the Hoffman-Sailor West DEIS. Specifically, this comment is focused on section 1.4.7 located on pages 9-10 of the DEIS, and the absence of an adequate decommissioning procedure for the many miles of old logging roads set forth in the plan.

As the DEIS currently reads on page 10 paragraph 3, "Some of these roads or trails already may have berms and the intent of decommissioning them would be to ensure the berms are still functioning to keep traffic off the road so that it can revegetate." The current language leads me to believe that the decommissioning of old logging roads will merely entail blocking access to them with berms and allowing them to restore their hydrology and revegetate on their own without any human restoration efforts. This is a naive and passive approach because roadbeds will not revegetate on their own due to their past construction and intensive use.

Construction of logging roads can involve very destructive cut and fill processes. This may involve laying coarse material and overburden to build a foundation, and may even involve laying culverts to facilitate construction over streambeds. As construction continues and the logging roads are utilized, the original soil structure and organic matter disappears, the soil becomes heavily compacted, and the hydrology is disrupted. This leads to massive erosion problems, as the water cannot infiltrate the compacted roadway, it is forced to flow along the road and puddle in depression areas. These depression areas then fill with water and eventually overflow the road; all the water rushes downstream from this one point causing gully erosion. Because of the compacted roadbed soils, loss of organic material and proper soil horizons, erosion, and the fact that overburden and crushed rock compose most of the roadbed, plants will not grow in these conditions. Allowing the roadbeds to self-heal may only exacerbate problems and invite invasive weed species (such as Black Locust) that thrive in highly disturbed sites.

Closed logging roads continue to produce sediment until they are totally revegetated. A 1994 study of Montana logging roads by, Keith Hammer, showed that 1 mile of road produces 98 tons of sediment per year and 80% of that reaches streambeds. Proper road obliteration, which returns the roadbed and fill slope to the contours of the land and replaces culverts with natural stream channels, offers our best opportunity to restore health to our heavily roaded watersheds and the fisheries they support.

In summary, passive road decommissioning is no better than keeping them open to use. If revegetation and restoration of hydrology is an objective, then more active and restorative approaches will be necessary. This is a significant issue that needs more attention in the current DEIS, ignoring this problem will be detrimental to the goals of the Hoffman-Sailor West project which are to maintain and enhance natural communities.

Response: Both passive and active road decommissioning measures have been identified in the DEIS and FEIS.

Except in a few instances, as noted in the DEIS, the roads that are being proposed for decommissioning are unimproved travelways made up of native material, without a developed subgrade (hauled in gravel) or a defined road bed consisting of ditches, cuts, or additional fill (gravel/aggregate). Over 8 miles of road planned for decommissioning were already blocked at some time and are already closing in with sod or trees through a natural regeneration process (Hoffman-Sailor West Roads Analysis, page 8). Even though many of the roads being proposed for decommissioning are starting to regenerate

without additional measures, the need for additional requirements for successful restoration is recognized in the DEIS. *“Decommissioning may range from partial to complete restoration of the road by re-sloping the banks, restoring ditches, loosening up the compacted soil layers, reseeding open areas, and / or planting trees in the old roadway corridor. A berm is usually installed to block the road entrance from vehicle use. In many cases, effectively blocking the entrance is enough to result in re-vegetation of the road.”* (DEIS, page 31, Table 2-2, number 14). Specific decommissioning tasks are listed in the DEIS, page 38, Table 2-2, numbers 82 - 84 and 87 - 89. When the task indicates *other methods* it may require additional decommissioning tasks as listed in number 14. The exact task and amount of additional work needed for decommissioning is determined on the ground at the time of closure because each situation differs based on terrain, soils, condition of road, and time of year.

The terrain for this project area can be defined as gently rolling to flat and is unlike the mountainous terrain in Montana. The steeper and longer the slope of the road, the greater the potential for erosion and possible sedimentation. Prior to completing the roads analysis, all roads were inventoried for erosion and condition, and surface erosion was not found to be a substantial problem (Hoffman-Sailor West Roads Analysis, pages 14-17). Even so, compaction, erosion, sediment and other potential impacts to soils and water quality resulting from road projects were taken into consideration and measures to prevent these impacts were incorporated into the alternatives (for example, see the DEIS, page 70, Table 2-2, numbers 68-70). Also, the roads proposed for decommissioning are not roads that cross or parallel streams, further reducing the potential for impacts (Hoffman-Sailor West Roads Analysis, page 14).

Some of the roads proposed for decommissioning are existing roads that will be used for management activities and then closed. With that activity, road beds could become bare. Therefore, after the completion of the project, roads are normally seeded/revegetated with a non-invasive seed mix, not left to self heal (DEIS, page 16, Section 2.3.3 and page 34, Table 2-2, number 43).

Comment ID 89. U. S. Department of Interior, Michael T Chezik, Regional Environmental Officer

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Hoffman-Sailor West Project, Chequamegon-Nicolet National Forest, Price County, Wisconsin, dated January 2003.

The U.S. Forest Service coordinated with the U.S. Fish and Wildlife Service (FWS) during the development of the alternative management plans and preparation of the DEIS. Based on input from the FWS, the Department believes that the DEIS adequately addresses the concerns of the Department regarding fish and wildlife resources, as well as species protected by the Endangered Species Act. Moreover, we find the preferred action acceptable with respect to these resources and species.

The Department has no comment on the adequacy of other aspects of the DEIS that fall under our jurisdiction or special expertise.

We appreciate the opportunity to review the document and provide comments.

Response: Comments noted. Alternative B (preferred alternative) is the alternative selected in the Record of Decision (ROD).

Comment ID 90. American Lands Alliance, Lois Norrgard

I am writing on behalf of American Lands Alliance, a nonprofit, grassroots, conservation organization.

The Hoffman-Sailor West project should not move forward until there is New Land and Resource Management Plan (LRMP) in place to take into consideration new and updated scientific information available on forest ecology.

The National Forest Management Act (NFMA) outlines the responsibilities of the Forest Service regarding forest planning. Specifically, the NFMA requires each national forest to revise its land and resource management plan (LRMP) *at least* every 15 years. The LRMP for the Chequamegon-Nicolet National Forest (CNNF) has expired and therefore is outdated. For example, changes in the socio-economic condition of surrounding communities, changes in forest composition, new scientific information regarding sensitive species, and a greater understanding of natural disturbances render the goals and guidelines of the 1986 plan inadequate.

Response: Comments noted. The Forest Service may take actions while work on a Forest Plan revision is in progress. See the DEIS, Appendix B, page 73, item B1. Also see responses to your subsequent comments.

The suspension of the project is necessary because the goals, objectives, standards, and guidelines contained in the 1986 LRMP are no longer relevant or defensible in light of significantly changed resource demands by the public, significantly changed environmental and economic conditions, and significant changes in Forest Service management direction. These include:

1. Significant new information about the status, distribution, and effects of management activities on threatened, endangered, sensitive, and management indicator species.
2. Significant new scientific information about the beneficial role of natural disturbance and the detrimental effects of suppressing fires, insect outbreaks, or floods and salvaging timber from areas affected by these disturbances.
3. Significant changes in the social and economic setting in which the CNNF operates including far less demand for commodities produced by the forest and far greater demands for preservation of old growth forests, wildlife habitat, clean water, recreation sites, and other goods and services produced by natural forest ecosystems.
4. Vast changes in the composition and structure of forests managed by non-Forest Service landowners that have caused detrimental cumulative impacts to terrestrial and aquatic ecosystems managed by the CNNF.
5. New information about the inadequacy of the 1986 LRMP's goals, objectives, standards, guidelines, and land allocations in protecting environmental, economic, social, and cultural resources.
6. New information on the historical range of natural variability of tree species and age classes.

Response: Comments noted. The analysis incorporated new information about the potential effects of proposed actions on the above resources and forest uses where applicable (DEIS, Chapter 2 and Chapter 4; and DEIS, Appendices A and B). Some specific examples include:

- Forest Plan Revision Proposed Vegetation Objectives – The proposed Forest Plan vegetation objectives for the project area were considered in the analysis (DEIS, Chapter 4, pages 55-56).
- Forest Plan Revision Special Management Areas – There are no projects proposed for areas with the potential to become special management areas such as old growth (DEIS, Chapter 3, Section 3.1.2, page 44-45).
- American elm – This species was not included as a Regional Forester Sensitive Species in the 1986 Forest Plan. New information about this species was considered in review and updating of the RFSS list and it has been included. In the Hoffman-Sailor West analysis, elm was identified as potentially occurring and protected (see project requirement and mitigation measure 40, Table 2-2, DEIS).
- Other RFSS – plants – The DEIS, Appendix A in Table A-2 lists 33 plants that were considered during this analysis. If only information from the 1986 Forest Plan was used, only about 10 plants would have been considered (Forest Plan page IV-81).
- Snags and Den Trees – There has been increasing concern within and outside the agency on the potential to impact species that utilize snag and den trees with some types of timber harvest methods such as clearcutting. The current Forest Plan requires retention of 1 snag or den tree per acre (Forest Plan page IV-116). This analysis requires 2 per acre plus reserve islands in clearcuts (DEIS, Table 2-2, project requirements 75 and 76).

Regarding "Need"

Existing conditions do vary from desired future conditions of our forests, but delineating the type of management that would best move us in the desired direction is too soon due to the fact that the forest plans are in revision. It is certain that the use of commercial harvest as the primary method of management is Not the best prescription to achieve diverse wildlife habitat, visual quality, enhance forest vegetation composition and structure, or enhance habitat for federally threatened and endangered species.

Hardwood stands in the second-growth condition due to cutting in the early 1900s are best left to natural processes to achieve the uneven-aged condition desired. These forests have had close to 100 years to achieve biological diversity without human caused impacts. This is an excellent opportunity to allow continued hands-off management and achieve the desired condition. It is doubtful that in 100 years natural processes have not been played out that meet and achieve the uneven-age characteristics being asked for. Are there photos that show otherwise? When taking into consideration the impacts of mechanical treatment and erosion, dragging of trees to forbs and ground vegetation, and impacts of disturbance to wildlife it is best to allow the approximately 75% of the hardwoods in the project area to remain in natural processes.

American Lands supports returning our fragmented and disturbed forests to more natural and functioning ecosystems. It is a concern that until the new forest plan is in effect and new science is analyzed we use patience and caution in moving forward. Fragmentation is not due to tree species diversity. If forests are contiguous though diverse they still provide needed habitat for interior forest species. It is the cutting up of the landscape with roads, skid trails and clearcutting that reduce the quality of the forest for habitat values and increases the edge effect that is so detrimental to many species.

Response: The Forest Service may take actions while work on a Forest Plan revision is in progress. See the DEIS, Appendix B, page 73, item B1. Also, see the DEIS, Chapter 4, Section 4.2.4, Table 4-6, pages 55 and 56. An analysis of the compatibility of harvests proposed in this project with Forest Plan revision alternatives was completed. The types of vegetation management being proposed in all alternatives are consistent with the Forest Plan revision vegetation goals as currently described in the DEIS for the Forest Plan revision as well as the current Forest Plan.

Your preference and disagreement with the stated purpose and need for this project is noted. Management by only allowing natural processes to take place was considered in the No Action alternative (DEIS, Chapter 2, Alternative A). Impacts from all the alternatives (including potentially adverse impacts to vegetation, wildlife, fragmentation, etc.) were considered in Chapter 4 of the DEIS).

The project area contains about 1500 acres (7%) of mixed, northern hardwood forest, most of which has been managed through commercial timber harvest of some type within the last 100 years (see previous Hoffman Creek and Sailor Lake Decisions, project record file). The current alternatives call for management of about 0 to 700 acres of these types either by thinning or selection harvest.

Deer overpopulation is a major problem affecting the economy and the species diversity in the northern forests; it is one of the largest conservation issues in Wisconsin. More early successional habitat will promote an increase in deer populations in direct contradiction to healthy ecosystem management. Taking into account as well the CWD threats it is no longer prudent to increase "openings" or manage for an overabundance of early successional forests. Species such as aspen should be managed in those areas where it is native and conducive for the environment. American Lands is opposed to any even-aged, (clearcut) management at least until the new forest plan is in place and the best available science rather than industry desire is used in land planning. We are opposed to the inflated, artificial levels of aspen in our northern forests.

Response: Aspen is native to the Chequamegon-Nicolet National Forest. The Forest Plan defines the emphasis for aspen composition in any given management area. The Forest Plan manages for multiple resource objectives. Some management areas emphasize early successional habitat and commodities (like MA 1 – the project area), but others emphasize conifers, hardwoods, preservation or recreation. Management Area 1 is part of the balance. It is not within the scope of project-level decisions to change management emphasis, as this would require a major revision of the Plan. The Forest Plan is currently being revised. There are no proposals or alternatives in the revision effort that would substantially change the current management emphasis in the Hoffman-Sailor West project area (DEIS Table 4-6, page 56).

At this time, the existing condition for aspen within the project area is at the very low end of the range desired (DEIS Table 4-5, page 55). At the project area level, there is only a small increase in the aspen component (DEIS, pages 54-56). At the Forest level, the Hoffman-Sailor West project will cause no change to overall aspen composition of the forest (project record report: March 2003 Cumulative Effects Review of Foreseeable Vegetation Management on Forest Composition, Quinn). The North Central Research Station has recently published twenty years of data that show aspen has decreased 15% over the ecological province covering the forest. Hoffman-Sailor West activities do not substantially contribute to aspen increases across the landscape. This information has been added to the FEIS for this project in Chapter 4, Section 4.2.4.

While aspen management maintains quality habitat for deer and other species, the amount of aspen management is not expected to result in deer overpopulation. The Hoffman-Sailor West project area falls within deer management unit (DMU) 30 as established by the Wisconsin Department of Natural Resources (WDNR). Per information from the

WDNR, deer densities (deer per square mile) have exceeded goals for DMU 30 for many of the past years. While aspen clearcuts provide food for deer, this does not appear to be the limiting factor for deer population density. Using information on the amount of clearcutting that has occurred in DMU 30 each year, there is currently no direct correlation to deer density. Other factors playing a role in deer density could be baiting and feeding, deer harvest levels, and severity of winters.

During 1996 a total of 347 acres were clearcut within DMU 30. During the next winter, the deer density fell to 14 deer/square mile, dropping below the WDNR target level of 15 deer/square mile for DMU 30, and a reduction from a high of 22 deer/square mile the previous winter. This drop in the deer density, despite a readily available food source, highlights the fact that many other factors influence the deer herd population. It is very likely that the deer density dropped to 14 deer/square mile because of the severe winters of 1996 and 1997 that had Winter Severity Indices (WSI) sufficient to cause significant winter mortality of deer (WSI above 80 – 2001, Kubisiak et al, Sandhill Whitetails, Providing New Perspective for Deer Management, p 159). This information has been added to the FEIS for this project in Appendix B.

How will this project affect the feasibility of implementing the new alternatives? Again -it is unacceptable to base analysis of desired future conditions on an outdated forest plan. An unbalance in our forest communities may in fact be true but moving forward and not using the best available science is imprudent at this time.

Response: The type of vegetation management being proposed in all alternatives is consistent with the Forest Plan revision vegetation goals as currently described in the DEIS for the Forest Plan revision (Hoffman-Sailor West DEIS, Chapter 4, Section 4.2.4, Table 4-6, pages 55 and 56). Also see responses to your comments above.

A special note: the hemlock is of great concern, both due to significant decrease in population and lack of natural regeneration. There should be no cutting of hemlock at all.

Response: Hemlock is not being cut in any alternative (or in the decision). Only one harvest unit is known to have hemlock within it, and project design feature number 36, (DEIS, Table 2-2 and ROD, Attachment 1, Table ROD-5) prevents its removal.

Alternatives

American Lands supports the No-Action alternative at this time. If the "no action" alternative was chosen, it would not mean that forest rangers could not enter the sale area for ten years. "No action" simply means not implementing this proposal. Forest management would still be proper under a "no action" alternative. Forest monitoring, fuels reduction, and other management activities could still be accomplished if "no action" was chosen on this proposal.

A "no action" alternative would enhance interior species habitat, provide for biological diversity i.e. older age class protection, reduced fragmentation due to no road building, reduced wetland and water quality impacts from no road building and the resultant sedimentation. It would provide reduced soil impacts, protection of visual quality and recreational opportunities, mechanical management impacts would be reduced, and it could still provide for opportunities for future fuels reduction management.

Response: Comment noted. Alternative B is the alternative selected in the Record of Decision (ROD). Alternative A (no action) was not selected, primarily because it fails to meet the main objectives of the proposal as outlined in the DEIS, FEIS, and ROD.

Wildlife Considerations

The full cycle of life of the forest is required for a healthy functioning ecosystem, old growth and older mature forested stands are an integral part of this ecosystem, along with dead and dying trees and rotting tree fiber. A "no action" alternative would provide for the natural succession important to this functioning ecosystem, it would provide opportunities for the very important dead and dying trees for their habitat values, young growth protection and nutrient cycle creation. It is atrocious that less than 2% is considered undisturbed old growth in the whole of the CNNF!

Within older forested stands younger age classes are usually represented, although not the dominant attribute for the stand, due to natural succession, natural deterioration within stands, and natural openings allowing new regeneration. There is well over the stated 36% early successional habitat in this region. We do NOT need close to 30% of the project area to be 0-20 year old aspen.

The natural conversion of older aspen to hardwoods is the sign of a healthy functioning forest; this is a positive occurrence for the forest and wildlife. The fact that succession naturally occurs relieves the forest from the impacts of mechanical treatments (impacts to soils, water quality and wildlife). Natural succession is a desirable component and should be continued.

Response: Your preference for the No Action alternative (Alternative A in the DEIS) and allowing only natural succession to occur is noted. The effects of all the alternatives, including Alternative A were disclosed in Chapter 4 of the DEIS.

In order to maintain the desired conditions for wildlife and a sustained yield of forest products, it would be desirable to keep about 30% of the aspen in the younger age class (DEIS, Chapter 1, Sections 1.4.1 and 1.4.3). This 30% does not refer to the entire project area. Since the project area is only about 36% aspen, the desired figure for aspen that would be less than 20 years old would be about 11% of the project area.

Regional Forester Sensitive Species: Greater protection against fragmenting remote forest structure is required.

Response: This area is naturally fragmented, with half of the project area in predominately long, narrow, interspersed wetlands. Reference the discussion in the DEIS on fragmentation in the project area in sections 3.1.1 (pages 43-44) and 4.2.5 (pages 56-59). There are only two Regional Forester Sensitive species located within the project area, American elm and Connecticut warbler. Neither of these species will be adversely impacted by the proposed activities in any alternative considered (DEIS, page 16; and DEIS, Appendix A, page 71).

Eagle Habitat

In no way is the cutting of 3200 acres, over 2,050 (shelterwood and clearcut) by even-aged management, be construed to enhancing bald eagle nesting habitat. It is disingenuous for the forest service to state that barring the soils to the ground with the possible regenerating of long lived conifer species -itself questionable -to provide nesting habitat at some future date is good for eagles. Long before any regrowth becomes suitable nesting age it will most likely be up for "management" and cut.

Response: The only area suitable for bald eagle is in the area surrounding Sailor Lake. See the DEIS, Chapter 1, Section 1.4.5 and Chapter 3, Section 3.2.1. There is no even-aged management immediately adjacent to the shoreline of Sailor Lake in the selected alternative (DEIS, Alternative B, Map of Vegetation Projects). The project maintains existing eagle habitat adjacent to Sailor Lake by preventing harvest of currently suitable nest or perch trees (design measure number 37, Table 2-2, DEIS). Further, nesting habitat is maintained into the future by planting (in the understory, adjacent to Sailor Lake) about 108 acres of white pine, a tree species utilized by eagles for nest and perch trees (design measure number 22, Table 2-2, DEIS).

Lynx

The CNNF should complete a formal consultation with the USFWS on Lynx prior to moving forward on this or any vegetation management in the region. A recent court ruling verified the need of the U.S. Fish and Wildlife Service to designate "critical habitat" for lynx. Until this designation occurs no projects that may impact lynx habitat should commence.

Response: None of the alternatives will impact Canada lynx (DEIS, Appendix A, page 68). A biological assessment was prepared for the Hoffman-Sailor West project and sent to the US Fish and Wildlife Service for their review and comment as were previous project findings concerning federally listed species. Also see Comment ID 89 in this Appendix which is a letter from the US Department of the Interior acknowledging that the US Fish and Wildlife Service had no concerns regarding impacts to lynx or other federally listed species.

Additionally, the US Fish and Wildlife Service recently published in the Federal Register July 3, 2003 (50 CFR Part 17) a notice of remanded determination of status for the lynx, clarification of findings, and final rule. It is stated in this ruling: "Because Wisconsin always has had a limited amount of boreal forest habitat, marginal snow conditions for lynx, and no evidence of reproduction, we concur with Thiel (1987) that, historically, Wisconsin has not supported a permanent, self-sustaining lynx population; rather, lynx presence is associated with cyclic lynx populations fluctuations in Canada. We conclude that any lynx found in Wisconsin are dispersers, not residents." An analysis of snowfall and potential effects on lynx habitat with respect to suitability, are discussed in the document Lynx Habitat Suitability Assessment for the Chequamegon-Nicolet National Forest, (Weiland, 2002). Weiland looked at lynx habitat on the Forest using local data. According to Weiland's assessment, there is no suitable lynx habitat on the Forest based on snow-depth analysis, bobcat distribution and density data, lack of hair samples from surveys, lack of confirmed lynx sightings or tracks, and lack of accidental trapping or shooting, among other listed reasons. This information has been added to the FEIS for this project in Appendix A.

Other

In general it is a concern of American Lands that some of the Hoffman-Sailor cutting units are in the best remaining second growth areas in the Chequamegon. These are some of the last best forests with a more mature structure. Contrary to the direction (and statements otherwise) of this DEIS we must protect, restore and manage for this more remote forest structure.

Response: Comment noted. The project area currently consists of about 42% wetlands and about 45% upland, early successional forest in a variety of age classes (DEIS, Chapter 3, Section 3.1.1). During the Forest Plan revision process, a process to identify and inventory the best representatives of forested and non-forested communities occurred. These areas (called LAD areas in the project DEIS, and called 8E, F, and G areas in the proposed Forest Plan revision) do not have any proposed projects within them. See the DEIS, Chapter 3, Section 3.1.2.

Roads

American Lands is opposed to ANY new road building, our National Forests in general are over-roaded and there is a huge maintenance backlog indicating we cannot keep pace with ecological impact and safety issues on the roads already existing. American Lands opposes all road building across wetlands. Invading exotic species such as purple loosestrife, garlic mustard, spotted knapweed, and other forest pests are conspicuous and often occur in high densities where road building has occurred. Most of these invading species thrive in open, disturbed habitats and frequently disperse along roadsides or attached to vehicles. Roads also increase edge habitat.

While the District may state that roads will be re-closed, reality dictates the roads and their impacts are anything but temporary. According to language in NFMA, 16 USC 1608(b) and the Forest Service Manual (FSM) 7703.1, the agency is required to: "Reestablish vegetative cover on any unnecessary roadway or area disturbed by road construction on National Forest System lands within 10 years *after the termination* of the activity that required its use and construction." (Emphasis added). Even if the timber contractor can extract the timber in nine weeks (although most timber contracts extend for five years; if this is not applicable in this situation, then please let us know) and the Forest Service has 2-3 years to plant new trees, then the so-called temporary road could be in existence for up to 14 years. 14 years gives people a lot of time to use a road.

We support the decommissioning of the 28.3 miles of roads.

Response: Your preference for no road construction is noted and was addressed with Alternative A (DEIS, Chapter 2). The decision includes about 1.5 miles of new classified road construction. Also included in the decision is about 2.5 miles of temporary road construction. See the ROD, Table ROD-1. In total, about 28 miles of road within the project area will be decommissioned (permanently closed and revegetated).

In the analysis and all of the alternatives, efforts were taken to minimize the amount of roads needed for resource management activities. A long term transportation plan was conducted to identify the minimum road system needed that is safe, affordable, has minimal ecological impacts, and meets immediate and projected long term public and resource management needs (DEIS, page 9 and 10, Section 1.4.7; and Hoffman-Sailor West Roads Analysis, page 4, Desired Road System Conditions). Roads (such as project numbers R10, R11, R12 - DEIS, page 100, Table D-7 and associated Prescription and Design and Mitigation Measures 11, 12, 14, 78, 81, 83, 86) that were not needed or caused adverse impacts to soils, wetlands, or other resources were proposed for closure, rehabilitation, or decommissioning (DEIS, page 9 and 10, Section 1.4.7). The 2.5 miles of temporary road construction would be immediately decommissioned following completion of the project (DEIS, page 26, Section 2.6.2) and would not be left open for 14 or more years.

Some of the temporary roads do cross wetland areas, but adverse impacts are minimized by project design requirements (DEIS, page 31, Table 2-2, numbers 11, 12, 14). Design features regarding non-native, invasive species will be implemented to revegetate exposed soils (DEIS, page 16, Section 2.3.3), so the spread of exotics is not expected to occur as a result of this decision. The roads that would be constructed with this decision are 10-14 feet wide and utilize native material for a base (DEIS, Table 2-2, numbers 12 and 13). These roads do not contribute to most types of edge effects because the forest canopy either continues to umbrella the road or closes back over the road in a few years.

Also see the response to Comment ID 88 in this appendix for additional information on decommissioning and road closure methods.

Soil Productivity

We also believe that system and permanent special use roads should be considered in the DEIS when determining detrimental soil conditions. These roads have considerable and irretrievable effects that should be considered for overall cumulative impacts to the soils of the area.

Response: Comment noted. See the response to the comment immediately preceding this one. Hoffman-Sailor West Roads Analysis, Key Issues section took into consideration the existing road system (including system roads and special use roads) and any potential effects to soils, water, and other resources.

According to NFMA, the Forest Service must monitor the effects of management practices to ensure sustained productivity. Land productivity is defined as a soil's capacity to support plant growth as determined by some index of biomass accumulation. A significant change in productivity is defined as the minimum level of reduced growth that is detectable using current technology. Another concern with the clearcutting is the reduction of the sustainability of the soil by loss of carbon in the soil and the addition of CO₂ to the atmosphere.

Another assumption -that the effects of compaction are soon alleviated by normal soil processes such as freezing and thawing -has not occurred on a loamy sand site in northern Minnesota where the soils normally freeze each winter. Effects of logging practices on soil disturbance and loss of soil quality are just beginning to be studied and indications are that compaction of soils and loss of biomass due to harvesting have far more significant affects than previously considered.

According to an additional study compaction resulted in soil disturbance ranging from 51% of the "managed" area to 17% depending on equipment used. Large equipment 51%, chainsaw felling and small skidder 17%, cut-to-length equipment 33%. Winter harvesting did not alleviate disturbance by any significant amounts (45% heavy equipment, 8-17% other methods). (*"Soil disturbance and aspen regeneration on clay soils: Three case histories"* by Douglas M. Stone and John D. Elioff.)

Response: The Hoffman-Sailor West DEIS does not assume that, "the effects of compaction are soon alleviated by normal soil processes such as freezing and thawing". In fact, page 18 of the DEIS states, "Excessive rutting, compaction, and erosion can lead to a decrease in site productivity and water infiltration, which reduces tree growth as well as reduces tree regeneration success." Impacts to soils and the potential for loss of soil productivity was addressed in the analysis by requiring specific measures found to be effective for retaining soil productivity (DEIS, Chapter 2, Section 2.3.5). The potential for soil nutrient depletion was also considered in the DEIS (Appendix B, Section B10).

The potential for soil carbon loss and possible addition of CO₂ to the atmosphere as a result of the proposed activities is expected to be low. Carbon sequestration has increased in the eastern US and this trend is expected to continue. Regenerating stands will increase the uptake of carbon and nutrients like nitrogen. Aspen grown on 40 year rotations in the Lake States has been estimated to sequester more than 3 times as much carbon as late-succession aspen ecosystems, with no loss of soil carbon from harvesting. (Chapter 6, “Managing the Invisible: Ecosystem Management and Macronutrient Cycling”, Clive A. David, Ecosystem Management, Boyce and Haney, Yale University, 1997). This information has been added to the FEIS for this project in Appendix B.

Fire Management

American Lands supports the re-introduction of prescribed fire into the forest ecosystem to mimic natural processes, we opposes traditional commercial logging as a treatment for wildland, home and community fire risk.

Clean water, native vegetation, and living standing forests are three goals on which most citizens can agree. We need to see our forests being managed to alleviate the past mis-management. A restorative approach is necessary whereby the answer to all management is not "cut the trees". The DEIS is disingenuous in many areas when it falls back on commercial removal of trees when other methods of vegetation management would be a preferable and require less impact to reach desired future forest composition requirements and maintain a healthy ecosystem for all species.

Response: There are no treatments of prescribed fire or commercial timber harvest being proposed in any alternative that is for the purpose of reducing the potential for wildfire or community fire risk.

Your comment concerning opposition to commercial removal of trees for any reason is noted. See responses to your similar comments in the preceding paragraphs.

Thank you for your consideration of these concerns, and for the opportunity to comment on this proposal. Please send me, at the address below, all future correspondence for this project.

Comment ID 91. Billy Stern

Please accept these comments for the public record

I appreciate the opportunity to provide comments on the proposed Hoffman-Sailor Vegetation Management Project (HSVMP), for which the preferred Alternative B includes approximately 3,290 acres of timber harvest, primarily for pulpwood and 5 miles of new roads (2 miles permanent, 3 miles temporary). My comments begin with a general statement regarding the purpose and need for the HSVMP and include a set of specific comments related to individual issues raised by the proposal and supporting documentation.

Response: Comment noted. Alternative B of the DEIS and FEIS is the alternative selected in the decision for this project (see ROD, The Decision and Table ROD-1).

I am very concerned that the CNNF is proposing these projects at this time. There is documented serious resource degradation in the project area and across the forest and region but many of these issues

have been ignored in the DEIS or given only cursory verbal treatment. Such treatment of these issues violates the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the Endangered Species Act (ESA). The public deserves better land management than is outlined in the HSVMP. I expect full compliance with all applicable laws, not grudging, pro-forma compliance. I expect more than NEPA "light" when it comes to managing the CNNF. Unfortunately, the HSVMP represents business as usual where logging consideration outweighs other values in the forest.

Response: The DEIS, FEIS, and the ROD for this project display applicable laws and how they were complied with in the environmental analysis (see ROD, NFMA Compliance Section and Compliance with Other Laws and Regulations).

I must note that this NEPA document does not provide an actual date whereby comments are due. While it does reference the Federal Register, the Register is not readily accessible to the public. NEPA requires that review documents must be clear and accessible to the broad range of the public to fulfill its legal requirements. This document starts by putting the lack of clarity of the comments-due date as roadblock in front of public participation. Is this project so vital that the Forest Service could not wait until the proposal is published in the Federal Register before releasing the DEIS?

Response: The DEIS for projects is usually sent out to interested parties 1 or 2 days prior to publication in the Federal Register. This allows interested parties the full 45-day notice and comment period for review of the draft. Also, the Federal Register is readily available to the public on the world wide web and by other methods of transmittal.

A contact name for additional information on the project (such as actual Federal Register publication date) was also provided on the Cover Sheet of the project (DEIS, page *ii*).

GENERAL COMMENTS

First and foremost, with these comments register strong opposition to continuation with planning and decision-making for the HSVMP. This project is based upon an outdated Land and Resource Management Plan (LRMP) and LRMP Environmental Impact Statement (EIS). To make matters worse, a new LRMP for the CNNF will be proposed and adopted in the very near future. Unlike the original Chequamegon Forest plan, the new plan will reflect nearly two decades worth of science that has developed since preparation of the current LRMP and its original EIS.

Since development of the 1986 LRMP, the Northwoods (including the entire CNNF) has undergone enormous change, most of that has been detrimental to ecosystem stability and ecological status. Over the past 17 years, the science of conservation has progressed to the point whereby failure to incorporate this new information into land management on the CNNF constitutes an egregious affront to sound scientific land management.

The Forest Service undermines its ability to work with the public when it insists on pushing through five large timber sales before a new forest plan will be proposed. By assuming that the proposed alternatives will be consistent with the final adopted LRMP alternative is to pre-suppose the outcome of this public process. Pushing the HSVMP through the pipeline before the new forest plan is adopted makes a decision in principle and application, that a new plan will not call for conservation measures incompatible with the effects of the HSVMP on wildlife, wildlands, aquatic resources and other natural resource values.

The fact that the DIES for the Hoffman-Sailor project does not make it clear that the Forest Plan is outdated appears at best to be an oversight, at worst a subtle attempt to divert the public's attention from the fact that it has expired. Further, the USFS has been delinquent in its revision of the forest plan (which started over six years ago and has been on "hold" for a number of years). The USFS should be using all of its planning resource to complete that process before it puts irretrievable resources into new commercial timber harvests and other management activities.

Furthermore, new information on species viability has not been incorporated into the current plan, particularly information on species such as Canada lynx, pine marten, goshawk, red-shouldered hawk, wolf, migratory warblers, goblin fern and others. The current plan does not contain nor reflect the most up-to-date information about rare species, old growth, fragmentation, road density or other important forest issues. Until the CNNF updates its forest plan and reassesses the needs of its Management Indicator Species, it should not undertake any projects that make irretrievable commitments of resources, especially to resources utilized by these rare, sensitive species.

Response: Comments noted. The Forest Service may take actions while work on a Forest Plan revision is in progress. See the DEIS, Appendix B, page 73, item B1. Also see responses to your subsequent comments.

The analysis conducted for this project incorporated new information about the potential effects of proposed actions on the above resources and forest uses where applicable (DEIS, Chapter 2 and Chapter 4; and DEIS, Appendices A and B). Some specific examples include:

- Forest Plan Revision Proposed Vegetation Objectives – The proposed Forest Plan vegetation objectives for the project area were considered in the analysis (DEIS, Chapter 4, pages 55-56).
- Forest Plan Revision Special Management Areas – There are no projects proposed for areas with the potential to become special management areas such as old growth (DEIS, Chapter 3, Section 3.1.2, page 44-45).
- American elm – This species was not included as a Regional Forester Sensitive Species in the 1986 Forest Plan. New information about this species was considered in review and updating of the RFSS list and it has been included. In the Hoffman-Sailor West analysis, elm was identified as potentially occurring and protected (see project requirement and mitigation measure 40, Table 2-2, DEIS).
- Other RFSS – plants – The DEIS, Appendix A in Table A-2 lists 33 plants that were considered during this analysis. If only information from the 1986 Forest Plan was used, only about 10 plants would have been considered (Forest Plan page IV-81).
- Snags and Den Trees – There has been increasing concern within and outside the agency on the potential to impact species that utilize snag and den trees with some types of timber harvest methods such as clearcutting. The current Forest Plan requires retention of 1 snag or den tree per acre (Forest Plan page IV-116). This analysis requires 2 per acre plus reserve islands in clearcuts (DEIS, Table 2-2, project requirements 75 and 76).

Yet another key question that must be addressed in the new plan is the role of Aspen-dominated forests within the CNNF. This sale is based on the project area being in Management Prescription #1 from the 1986 plan. In the new plan, will there still be management areas with the primary of producing aspen pulpwood through even-aged management? Extensive even-aged aspen management perpetuates the state's overpopulation of deer and its associated browse damage to certain tree and shrub species. Generally, it seems that the forest service has turned a blind eye to that fact that deer population in Wisconsin has been on a steady increase for the last few years, and given the problems with CDC, there is no likelihood that will change in the near future. The excessive even-aged management of aspen - encouraging an excess in deer - is a problem throughout the Northwoods and the issue has already been raised in court and if the practice continues in the new CNNF plan, it may be challenged as well.

Response: The Forest Plan defines the emphasis for aspen composition in any given management area. The Forest Plan manages for multiple resource objectives. Some management areas emphasize early successional habitat and commodities (like MA 1 – the project area), but others emphasize conifers, hardwoods, preservation or recreation. Management Area 1 is part of the balance. It is not within the scope of project-level decisions to change management emphasis, as this would require a major revision of the Plan. The Forest Plan is currently being revised. There are no proposals or alternatives in the revision effort that would substantially change the current management emphasis in the Hoffman-Sailor West project area (DEIS Table 4-6, page 56).

While aspen management maintains quality habitat for deer and other species, the amount of aspen management in the project area is not expected to result in deer overpopulation. The Hoffman-Sailor West project area falls within deer management unit (DMU) 30 as established by the Wisconsin Department of Natural Resources (WDNR). Per information from the WDNR, deer densities (deer per square mile) have exceeded goals for DMU 30 for many of the past years. While aspen clearcuts provide food for deer, this does not appear to be the limiting factor for deer population density. Using information on the amount of clearcutting that has occurred in DMU 30 each year, there is currently no direct correlation to deer density. Other factors playing a role in deer density could be baiting and feeding, deer harvest levels, and severity of winters.

See the response to Comment ID 90 and the Hoffman-Sailor West FEIS, Appendix B, B17 for additional information on deer density in the area and its relationship to aspen management. Also see project record file Specialist Report for Response to Comments Pertaining to Wildlife (10/8/2003).

Cronic wasting disease is not a factor that would result in deer over populations (FEIS, Appendix B, B18).

I call on you to withdraw the Hoffman-Sailor project on the basis that all new management activities involving timber harvest, road construction or other extractive actions at this time should be deferred until a new plan is adopted (except for cases where public safety or other emergency conditions exist) and a new cumulative effects analysis can be completed. Such a deferral would go a long way towards restoring trust between the Forest Service and the public, a trust that has been seriously damaged by proposal of these projects in the first place.

An important contribution to the erosion of trust of the public in the CNNF was the failure of the HSVMP DEIS to address the question of why these sales had to be pushed through at such a late date. This issue MUST be address before dismissing Alternative A, the no-action alternative.

Repeated remarks dismissing real environmental issues out of hand are found throughout the document and hardly constitute the "hard-look" required by NEPA. The CEQ regulations require that,

"NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." (40 CFR 1500.1(b)).

Response: Your preference for discontinuing management of the National Forest until a Forest Plan revision is complete is noted. See DEIS, Appendix B, Sections B1 and B2. Impacts, including potential cumulative impacts were addressed in the DEIS, Chapter 4.

RANGE OF ALTERNATIVES

The requirements of NEPA and regulations implementing it require agencies to consider all reasonable alternatives to an agency action in preparing environmental review documents. NEPA requires agencies to:

Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources (42 U.S.C. § 4332(2)(E)).

This duty to consider reasonable alternatives is independent and of a wider scope than the duty to complete an EIS. See *Sierra Club v. Watkins*, 808 F.Supp. 852, 870 (D.D.C. 1991); *Sierra Club v. Alexander*, 484 F. Supp. 455 (N.D.N.Y. 1980); see also 36 C.F.R. § 219(12)(f)(1) (in forest planning, USFS shall examine alternatives "distributed between the minimum resource potential and the maximum resource potential...").

The purpose and need for this project are based on the old Forest Plan, including both forest composition objectives, and economic goals. If the objective is vegetative management, why has the project limited itself to only considering commercial harvests? A management option that uses other than commercial harvests has not been considered. This means that the DEIS really only has two alternatives under consideration: the no action alternative and three minor variations of a commercial harvest alternative. The type of management considered in each of the action alternatives is virtually the same for each unit. The only real variations are the shape of certain units and the extent of the final project.

The CNNF should have included a minimum of two additional alternatives for full consideration: 1) Active Restoration and 2) Passive Restoration. These alternatives should include protections for lands suitable for special protection, restoration of native species and elimination of active aspen management as a component of multiple use management, among other activities. Dedicating large acreages to aspen production ignores the multiple use mandate of the Forest Service.

Response: Aspen is a native species of northern Wisconsin. Commercial timber harvest is a part of the objectives of this proposal (DEIS, Chapter 1, primarily Sections 1.4.1 and 1.4.6). Alternatives that do not meet or move the area towards these objectives (except for Alternative A, No Action) were not developed in detail, nor is there a requirement to do so. In total, four alternatives were considered in detail including the No Action alternative (Alternative A) and several others were considered, but eliminated from detailed analysis (DEIS, Chapter 2, Section 2.8).

It is also hard to believe that the Forest Service has given serious consideration to Alternatives C and D. As proposed, both alternatives propose to clearcut areas larger than 40 acres, a practice which generally requires special approval. Furthermore, Alternative D exceeds forest plan guidelines on temporary openings. Also, both Alternatives C and D violate the visual quality requirements of the forest plan by allowing average temporary opening size along travel corridors of about 38 acres. Page 72 of the DEIS admits, "Plan guidelines say that the seen area of a temporary opening within areas with a VQO of retention and partial retention should not exceed 25 acres." Alternatives that include provisions that violate the forest plan are simply not acceptable. They believe they do NOT fulfill NEPA requirements.

Response: Both the National Forest Management Act (NFMA) implementing regulations and the Forest Plan allow exceptions to the standard acre size limit of temporary openings (even-aged forest openings). See Forest Plan page IV-40 and the FEIS, for this project, Section 1.6.1. Since these exceptions are allowed to achieve specific management objectives, both Alternatives C and D are appropriate to consider in detail.

The DEIS also suggests that Alternatives C and D were developed to provide interior forest habitat for certain birds and animals and decreasing edge effects. However, the estimates provided suggest that there will be very little difference in interior habitat or edge effects among alternatives B, C and D over the next 10 years. In fact, it appears that Alternative A best protects interior habitat over the next 10 years. In the long term, Alternative A also is the best for reducing edge effects. Oddly, alternative A seems to quickly lose interior habitat acres over the long term. This needs to be better explained. While aspens in these areas may be aging and no doubt many will fall, their decline will not happen all at once, and some species in the undergrowth of the aspen will surely fill the void in interior habitat left by the apparent decline in aspen, thus maintaining interior habitat acres in these areas.

Response: Comments noted. Alternatives C and D were developed in part to see if a decrease in forest edge habitat would occur. Due to the past management of the area and the interspersed wetlands, it does not appear that forest edge habitat would substantially decrease in any alternative, including the No Action alternative. See the DEIS, Chapter 2, Section 2.7 and Chapter 4, Section 4.2.5. The assumptions used to determine how the existing landscape would react under the No Action alternative are summarized following Table 4-9 in the DEIS. In short, it was assumed that the very oldest aspen and paper birch would start to die off in small patches. Aspen and paper birch stands are primarily even-aged so the decline in areas would be fairly uniform. While an understory would eventually replace the aspen and paper birch, it would take decades to reach a size and height to be considered interior forest. In other words, there would not be a continuous canopy of mature forest given the aspen and paper birch types, age, and condition (see other project record files pertaining to the edge habitat analysis). For these reasons, as the aspen and paper birch stands start to decline in the No Action alternative, the resulting landscape could be just as patchy as if it were actively managed.

Further, the "No Action" alternative is dismissed without any clear rational justification. The DEIS implies that the "No Action" alternative does not meet Forest Plan Goals, but it does not make clear as to why - with the exception of timber and pulp production levels. The discussion of Alternative A also does not even consider the possible benefits to waiting until the new forest plan is finalized before authorizing new management.

Response: The DEIS does not provide a rationale for the decision, nor does it dismiss the No Action alternative (Alternative A). It is a required alternative that was addressed in detail (DEIS, Chapter 2, Sections 2.6.1 and 2.6.7 and Chapter 4, Section 4.2). The Record of Decision includes the rationale for the selection of Alternative B and identifies why the No Action alternative was not preferred.

MAPS

The DEIS is incomplete since it fails to include maps showing harvest areas logged over the past 30-yrs. Without this essential piece of spatial information, the public cannot determine the exact extent of

logging and other disturbances within the proposed project area. Inclusion of a map of the past cuts would likely show significant logging disturbance across much of the project area. A proper cumulative effects analysis would display past cutting units with the project area, along with the proposed units.

Response: Locations and tabular formats of past harvest activity is included in multiple project record files which were available upon request. The project area is one that has been highly managed in the recent past (see previous Hoffman Creek and Sailor Lake Decisions, project record file; and the DEIS, Chapter 4, Section 4.1). Where relevant, a spatial analysis of past activity was conducted. For instance, the project record files pertaining to the effects on landscape patterns and forest edge (DEIS, Chapter 4, Section 4.2.5) have multiple maps showing the interior and edge forest habitat which is a direct result of past management as well as the proposed alternative management. Since the results of the analysis could be displayed in tabular form, the maps were not included in the DEIS.

SPECIFIC COMMENTS:

PURPOSE AND NEED

The purpose and need for the HSVMP reflects a bias towards timber production (especially growing aspen for pulpwood production) and ignores significant issues including the need to recover populations of various species (including the state endangered pine marten), and the need to contribute to the recovery of the federally endangered timber wolf and Canada lynx.

The purpose and need statement reflects an outdated perspective which ignores the possibility of restoring the project area and protecting ecological health in the CNNF. Even if the outdated forest plan indicates that the management of this area should be primarily for aspen production, the project cannot ignore other mandates in the LRMP and NFMA. The strong emphasis on timber harvest and the preparation of stands for future harvest violates the multiple use mandate of the forest service and ignores the overwhelming public opinion supporting wildland restoration and roadless area protection.

Claims made in this section are based upon artificial need dictated by the outdated Forest Plan. Reliance upon this document for determining the need for aspen regeneration, forest growth and diversity "improvement", maintain wildlife openings, and wood products ignores the scientific information developed since adoption of the 1986 plan. Basing thousands of acres of logging and road construction/reconstruction on these contrived "needs" makes a mockery of the scientific information developed over the past fifteen years and represents a serious breach of the public trust, particularly that which developed after the Scientific Roundtable.

The DEIS states, "The objective in this management area is to have 35-65% of the area in aspen types (Forest Plan page IV-109). The Hoffman-Sailor West area is at the bottom end of the Forest Plan range for aspen (36%)." Although on the low side, the project area is within the range suggested by the existing forest plan. Meanwhile, aspen management is a significant issue that has been raised in the NEPA comments for the new forest plan. Since this plan has yet to be adopted, it is unclear as to what management prescriptions will be adopted for aspen in general, and the Hoffman-sailor area in specific. Given the circumstances, it is no logical to commit valuable resources to a project based on aspen management for pulpwood production.

Response: The Forest Plan defines the emphasis for aspen composition and pulpwood production in any given management area. The Forest Plan manages for multiple resource objectives. Some management areas emphasize early successional habitat and

commodities (like MA 1 – the project area), but others emphasize conifers, hardwoods, preservation or recreation. Management Area 1 is part of the balance. It is not within the scope of project-level decisions to change management emphasis, as this would require a major revision of the Plan. The Forest Plan is currently being revised. There are no proposals or alternatives in the revision effort that would substantially change the current management emphasis in the Hoffman-Sailor West project area (DEIS Table 4-6, page 56).

Using information in the General Technical Report NC-166 (Scientific Roundtable Report), the DEIS argues that the "project area has a reduced potential for supporting a mixed northern hardwood community (see Chapter 3)." However, that potential will increase or decrease over the long term, depending on the management decisions that we make today. This conclusion also appears to be a selective use of the Roundtable Report, as it looks at the project area only in relation to other parts of the CNNF, and not for its inherent future potential. Further, the scientific roundtable report has not yet been fully incorporated into the forest plan, and until elements of it have clearly been incorporated into a new forest plan, it is not enforceable.

Response: Comment noted.

SPECIAL MANAGEMENT AREA CONSIDERATION

The DEIS looks only briefly at the issue of including areas for special management. I applaud the Forest Service for taking into consideration LAD areas, but areas that border LADS should also be given special attention. Although they are significant and special, LAD areas should not be treated as if they were the only areas significant in ensuring "that species of plants and animals that are currently present or have the potential to be present will continue to exist on the Forest." NFMA requires that every area be examined as to how it can best be managed for wildlife.

Response: Comment noted. No specific areas or "emphasis" are identified in this comment other than "LAD" areas. In addition to "LAD" areas, there were other areas with special management emphasis considered in the analysis. See the DEIS, Special Management Area Map. In addition to "LAD", the Squaw Creek Wildlife Area was considered for special management emphasis (DEIS, Chapter 1, Section 1.4.3). Other areas considered for special management emphasis (other than the standard aspen management emphasis for Management Area 1) were the areas surrounding Sailor Lake and Dalrymple Creek and areas identified in the Forest Plan as having a semi-primitive, motorized setting. The Sailor Lake area emphasizes uneven-aged treatment methods for timber harvest due to recreation emphasis of the area and bald eagle habitat (DEIS, Chapter 1, Section 1.4.5 and Chapter 2, Sections 2.2.3 and 2.3.12). Dalrymple Creek was specifically identified for improvement projects to move the area away from aspen types in order to improve cold water fisheries (DEIS, Chapter 1, Section 1.4.4). Areas identified for a semi-primitive, motorized setting were considered for reduction in the amount of roads and temporary openings (DEIS, Chapter 1, Section 1.4.7 and Chapter 2, Section 2.2.3).

TES AND MANAGEMENT INDICATOR SPECIES

The DEIS Fails To Adequately Address The Full Range Of Impacts To Threatened, Endangered, And Sensitive Species (TES) and MIS.

One of the most serious shortfalls of the DEIS is its failure to address the potential impacts to TES species in a manner that allows for the levels of scrutiny of potential impacts called for in the Endangered Species Act (ESA) and in NEPA. In fact, no legitimate mechanisms for systematic analysis of impacts to TES are included in the DEIS, only a listing of potential species occurrences from existing datasets.

Threatened, endangered and sensitive species are those species with populations already at risk of extinction or showing downward population or reproductive trends. Impacts of any project must take a hard look at the potential effects on TES and not merely list the species potentially found in the area. Such a listing alone hardly constitutes use of the best available scientific information available. NEPA Section 1502.24 Methodology and Scientific Accuracy states that,

"Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources rely upon for conclusions in the statement. An agency may place discussion of methodology in an appendix."

The CNNF has failed to provide substantial and up-to-date documentation for assertions regarding wildlife impacts and other natural resource impacts. This is a violation of NEPA and given the likelihood of damage to the best remaining TES and MIS habitat in the project area by the HSVMP, it is likely a violation of NFMA. The DEIS maintains that "broader scale effects" were included in the effects analysis. But what studies were undertaken or considered to assess the projects potential to affect TES and sensitive species - especially highly migratory species such as lynx, pine martin, cougar, and wolf that could quickly expand into good new habitat?

There is no evidence in the DEIS that the Forest Service has consultation with USFWS over this project. This may be a violation of the ESA. At a minimum, the USFWS should be given a chance to consider whether the project will affect bald eagles, and the contention in the DEIS that, "In all the action alternatives (B through D), future bald eagle nesting habitat will be improved."

In addition, the Hoffman-Sailor planning area provides habitat for an unknown number of lynx, red-shouldered hawks, northern goshawks, neotropical migratory warblers, state endangered pine marten and other species needing special conservation management approaches. Also, federally threatened timber wolves have also been found to at least migrate through the project area. The USFS makes no effort to restore this habitat to the point where permanent occupancy by these species is possible.

Response: Appendix A of the DEIS provides listings of TES and MIS species as well as a summary of why specific species were dismissed from further analysis for this project. Supporting information for these findings can be found in project record documents including a TES Report, a MIS Report, a Biological Evaluation, a Biological Assessment, other Biological Evaluation Reference documents, and maps.

TES species addressed further in the analysis by specific project development or by project requirements to eliminate potential effects included bald eagle (DEIS, Section 2.2.1), northern goshawk, red-shouldered hawk, trumpeter swan, black tern, and American elm (DEIS, Section 2.3.1). MIS species addressed further in the analysis by specific project development or by project requirements to eliminate potential effects included white-tailed deer, ruffed grouse (DEIS, Section 3.2.2), and brook trout (DEIS, Section 3.2.3). Also see the DEIS, Chapter 4, Sections 4.2.1, 4.2.2, and 4.2.3.

See the response to Comment ID 90 for additional information on Canada lynx. The project area is not suitable for lynx.

See the response to this comment below for gray wolf. The project area is considered suitable habitat for wolf, but the alternatives considered do not adversely impact that suitability.

See the response to this comment below for pine marten. Pine marten was determined to have a minimal or low likelihood of occurrence within the project area due to the existing habitat being of poor quality for marten and because tracking surveys in the project area have not identified marten presence.

Cougar is not a federally listed species nor is it considered a Regional Forester Sensitive Species for the Chequamegon-Nicolet National Forest. Cougar is not a Chequamegon MIS species. Cougar does have some ranking in the state of Wisconsin. Cougar has a state ranking of "SH", which is defined as "of historical occurrence in Wisconsin, perhaps having not been verified in the past 20 years, and suspected to be still extant" (NHI Working list). There are several reports of cougar sightings every year, but it is suggested that many if not all of these are misidentification or captive escapees. There is no documented wild population of cougar in the state. For these reasons, cougar was not considered an issue for this analysis. Additional information on cougar is contained in Appendix B of the FEIS.

The US Fish and Wildlife Service has been informally consulted during this analysis. In a letter dated June 5, 2001 in reply to this project, the US Fish and Wildlife Service states, "we conclude that the above listed species or critical habitat will not be affected." The species listed in the letter were bald eagle, gray wolf, and Canada lynx. Additionally, the Biological Assessment (March 5, 2003) was mailed to the US Fish and Wildlife Service on March 13, 2003 along with the DEIS. Also see Comment ID 89 in this Appendix. The US Department of the Interior, in response to the DEIS, concluded that the actions would not jeopardize any federally listed species.

DEER

The HSVMP DEIS fails to address the problem of excessive deer numbers and fails to reflect the potential for high deer populations to influence spread of disease including but not limited to chronic wasting disease.

The sections of the DEIS that discuss MISs completely fail to identify the overabundance of deer and the destructive effects that has on certain types of vegetation. The target deer density for the project area is 15 deer per square mile, yet the current density is 19 deer per square mile. That is over 26% above the target density. How then does the DEIS conclude that, "In Alternatives A through D, deer foraging habitat is maintained at a level that would support target deer population density of 15 deer per square mile." Does this mean that the alternatives will actually be maintaining deer densities well above the target level? What are the effects if that is the case?

Response: While aspen management maintains quality habitat for deer and other species, the amount of aspen management in the project area is not expected to result in deer overpopulation. The Hoffman-Sailor West project area falls within deer

management unit (DMU) 30 as established by the Wisconsin Department of Natural Resources (WDNR). Per information from the WDNR, deer densities (deer per square mile) have exceeded goals for DMU 30 for many of the past years. While aspen clearcuts provide food for deer, this does not appear to be the limiting factor for deer population density. Using information on the amount of clearcutting that has occurred in DMU 30 each year, there is currently no direct correlation to deer density. Other factors playing a role in deer density could be baiting and feeding, deer harvest levels, and severity of winters.

See the response to Comment ID 90 and the Hoffman-Sailor West FEIS, Appendix B for additional information on deer density in the area and its relationship to aspen management and chronic wasting disease.

EFFECTS ON PINE MARTEN VIABILITY

The CNNF has not analyzed adequately the impacts to the state-endangered American marten. The BE fails to include or reference the most up-to-date information regarding pine marten sightings and signs, as well as ongoing pine marten monitoring.

According to Wydeven, et al. (2002) (Wisconsin Endangered Species Report. Status of the American marten in Wisconsin Performance Report. 1 July, 2001 through 30 June, 2002.):

"Marten abundance seemed to be down from recent years, and most martens continue to exist in the refuge areas provided in northwest and northeast Wisconsin."

The Hoffman-Sailor project DEIS also ignores the effects of the severely overcut nature of the project area. The Forest Service has an obligation to refrain from logging in pine marten habitat until a full forest-wide cumulative impact assessment can be completed for marten viability. This assessment must consider all data on martin population dynamics and must consider population dynamics and genetic interchange between isolated populations. None of this was done in the Hoffman-Sailor BE or DEIS and the original forest plan guidelines fail to reflect the majority of conservation science developed since the original plan was adopted.

Response: Hoffman-Sailor West DEIS, Appendix A states that none of the alternatives considered would have an effect on the populations of pine marten (American marten). The Biological Evaluation and other documents in the project record file indicate that pine marten does not currently occur in the project area (Wisconsin Wildlife Surveys, August 2002). Another reason marten was not considered further is because the project area lacks quality habitat. Martens prefer mature closed canopy hardwood/conifer forests and require standing dead and down large trees. They avoid water, large open areas, and open aspen/birch forests (1986 Pine Marten Recovery Plan). Nearly half of the HSW project area is in fragmenting wetland types, with close to 80% of the remaining upland types in early successional species (page 43, 44, 47, 56-59 of the DEIS).

The Hoffman-Sailor West area is substantially south of the core population of marten on the Chequamegon side of the Chequamegon-Nicolet National Forest. This core population is still located within or near the original 1987 release site. Gilbert and Wright found maximum movement of pine marten from a home range is about 24 kilometers (2000 Forest Species Viability Evaluation panel). The distance between the nearest known marten population and this project area is greater than 50 kilometers and

not within dispersal distance (Cayuga Supplemental Information Report, Figure M2, August 25, 2003). Also see the project record file Specialist Report for Response to Comments Pertaining to Wildlife (10/8/2003).

EFFECTS ON LYNX, LYNX HABITAT AND EASTERN TIMBER WOLF

The HSVMP fails to work towards recovery of the timber wolf and Canada lynx. The North American range of the lynx currently extends from Alaska, through Canada, and into the northern part of the contiguous United States (65 Fed. Reg. 16052 – Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Contiguous US Distinct Population Segment of the Canada Lynx and Related Rule). In the contiguous United States, the distribution of the lynx is associated with the mixed coniferous/deciduous forest of the eastern U.S. The Forest Service's contention that lynx are rare in the region is not a valid reason to ignore the species' needs according to the Endangered Species Act. By failing to address rare species including lynx and other species in the proposed cutting units (if they were not thought to be present when reviewing stand data, etc.). By this reasoning, the CNNF ignores the rarest and most vulnerable species at risk of extirpation from the project area or extinction.

The CNNF must comply fully with all portions of the recent court decision (*Defenders of Wildlife et. al v. Gale Norton et. al.* 2002; 00-2996 (GK)). To do so, the CNNF must withdraw the HSVMP project from further consideration, prepare a new EIS for a new Forest Plan that actively takes into account lynx conservation (the current one does not do so) and take affirmative actions to restore and protect lynx habitat and habitat security. The HSVMP does the contrary and is a violation of the recent court decision.

Elevated levels of human access into forests are a significant threat to Canada lynx because they increase the likelihood of lynx encountering people, which may result in displacement of lynx from their habitats and/or possible injuries or deaths by intentional or unintentional shooting, trapping, and vehicle accidents. Human access into Canada lynx habitat in many areas has increased over the last several decades because of increasing human populations and increased construction of roads and trails and the growing popularity of snowmobiles and off-road vehicles (USFWS Proposed Rule, Canadian Lynx, Federal Register: July 8, 1998, Volume 63, Number 130, Part II, Page 36993-37013).

In fact, the treatments proposed in the project will damage potential lynx habitat by increasing fragmentation, decreasing interior habitat, improving road networks, and logging in areas some of the most remote areas on the forest. Lynx have been known to use the HSVMP area and are confirmed to breed in the Superior NF, even during periods of lower than normal snowfall. The extremely cursory treatment of lynx and wolf conservation in the DEIS fails to meet the minimal standards of NEPA, NFMA and the ESA. Continuation with any of the five timber sales planned for the CNNF (Northwest Howell, Cayuga, McCaslin, Hoffman-Sailor West, Sunken Moose) without full consultation with the Fish and Wildlife Service violates the Endangered Species Act.

The recent court decision in Washington, D.C. has determined that the decision by the Fish and Wildlife Service to not include the Great Lakes in the range of the lynx was in error. Clearly, the best available science demonstrates the historic use of the Northwoods by Lynx (Ruggiero, L.F., K.B. Aubry, S.W. Buskirk and others. 2000. *Ecology and Conservation of Lynx in the United States*. University Press of Colorado, Boulder, CO 480 p. Map Suppl.).

The following are general concerns related to lynx recovery and management.

- Current management and conservation policies for lynx and their habitat are not adequate to address the threats to lynx survival.
- Loss and fragmentation of lynx habitat due to forestry practices, roads, and other human activities and developments is the major factor in the decline of lynx that needs to be addressed.
- Past and ongoing forestry practices present a unique threat to lynx
- Current silvicultural techniques are often detrimental to lynx
- Logging is not an effective substitution for fire and other natural disturbances, because fire and other disturbances will continue to occur, and differences with roading, coarse woody debris, forest structure, and the larger forest mosaic.
- Logging and the subsequent increased access into lynx habitat via the associated forest roads may be contributing to fragmentation and enhancing competition from other "generalist" predators
- Lynx conservation today requires a larger spatial scale than has been considered under past and current management, where federal protection and even international protection is required.

The HSVMP DEIS fails to address these issues related to the lynx in any meaningful way.

Response: See the response to Comment ID 90 for additional information on Canada lynx. The project area is not suitable for lynx.

The HSVMP DEIS fails to act proactively to restore habitat suitability for wolf in the project area and throughout the forest. The DEIS and the BE generally ignore the issue of road density as it relates to wolf populations. Road densities are essential factors in determining wolf habitat suitability but the DEIS makes no mention of it in regards to the needs of wolf. Why not? Such an oversight is a violation of the ESA.

Response: Gray wolf and wolf habitat were considered early in the analysis for the Hoffman-Sailor West project and later dismissed as an issue when tracking surveys indicated that the two wolf packs known to use a small portion of the project area no longer existed. It appears that one of the packs joined with another and no longer utilizes the area. The other pack lost its alpha female and no longer exists (project records: TES Report and Biological Assessment).

The roads and transportation analysis conducted for this project was completed prior to knowing that the wolf packs were no longer utilizing the area. Wolves and the potential impact from open roads to wolf populations were considered in the analysis and factored in to the determination that some roads should be proposed for decommissioning or closure. The roads analysis was revisited after finding that the wolf packs no longer used the area. Since there were other issues that lead to most of the proposed road closures and decommissioning, no changes to the roads analysis were made (project record: Roads Analysis, pages 4, 5, and 8). Since the miles of open roads and overall road density will be reduced in all action alternatives (DEIS, Chapter 4, Section 4.2.9) there is no reason to assume that the project area will become less suitable for wolves due to road density. Early successional habitat and regeneration of that habitat also provides habitat for wolf prey species. Based on these 2 factors, the proposals do not result in an adverse impact to wolf habitat and the issue was dismissed from further analysis.

Wolves are well on their way toward recovery in the state of Wisconsin, and are doing so well that they were downlisted from State Endangered to State Threatened in 1999 and from Federally Endangered to Federally Threatened in 2003. There was an estimated

population during the winter of 2002-2003 of 335-354 wolves in 94 packs and 12 loners. This is the second year for exceeding the state wolf delisting goal of 250 wolves, and the process for state delisting is planned for later in 2003 (Wydeven et al, July 17 2003, Progress Report of Wolf Population Monitoring in Wisconsin for the Period October 2002 to March 2003). This recovery of the gray wolf population has been occurring under active management conducted under the 1986 Forest Plan.

BOBCAT

The DEIS completely fails to consider the effects of the project on bobcat or potential bobcat habitat. There is absolutely no discussion or data on how the project might affect this species.

Response: The DEIS mentions bobcat in Chapter 1 (Section 1.4.3) as one of the many wildlife species that will benefit from maintaining early successional habitat. More specifically, clearcutting will benefit bobcat by providing habitat for their primary prey – snowshoe hare and cottontail rabbits. Deer and grouse were the Management Indicator Species (MIS) used in the effects analysis as representative species that benefit from management of early successional habitat and clearcutting (DEIS, Sections 3.2.2 and 4.2.2). Bobcat was not considered as a separate issue because bobcat is not rare, nor is it a MIS for the Chequamegon portion of the National Forest.

Bobcat is listed in the 1986 Chequamegon Forest Plan as a Forest Sensitive Species. In February 2000, on the direction of R9 Supplement FSM 2670-2000-1, the Regional Forester Sensitive Species (RFSS) list was updated. This RFSS list supercedes the 1986 Forest Plan list. Bobcat was not proposed as a RFSS because it is not considered rare in the state of Wisconsin. Harvest data from 2002 shows that 30 bobcats were harvested from Price County, one of the highest county totals in the state for that year. Five bobcat were harvested from deer management unit 30 that year, which includes the project area. Harvest of bobcat statewide has fluctuated between 71-280 individuals per year between 1980-2001. A population analysis of the 2,416 total bobcats harvested between 1983-2000 suggests that that state bobcat population sizes have fluctuated between 1,500 and 2,600 since 1983 (Bobcat Harvest & Bobcat Population Analysis, Wisconsin Department of Natural Resources, Wisconsin Wildlife Surveys, August 2003, Volume 13 – Issue 5 publication.).

THE BE AND DEIS FAILS TO ADDRESS ADEQUATELY EXISTING WATER QUALITY PROBLEMS WITHIN THE PROJECT AREA

The DEIS fails to adequately address the existing water quality problems within the project area. Where streams are discussed, verbiage substitutes for real analysis and substantive discussion of waterway recovery.

Forest Service must evaluate the effects of proposed activities on the ecological status of these streams. I support inclusion of a table of streams and lakes within the project area but I stress that listings of waterways alone cannot suffice for real analysis of cumulative effects on flow regimes, wildlife, and water quality. Since most of these streams have water quality impacts currently, and since the CNNF did not refer to these pre-existing conditions or mechanisms to correct these problems in the DEIS, the document at best fails to comply with NEPA.

Response: The Forest Service is unaware of any specific pre-existing conditions of streams or water bodies other than the ones addressed in the DEIS. As stated in Chapter

1, Section 1.4.4, part of the need for specific activities in the project area is to improve watershed conditions adjacent to cold water streams. In addition, the road and transportation analysis (project record file) conducted for this project looked at the existing water quality issues associated with existing and potential road locations. Erosion and potential sediment was considered to be the most substantial issue associated with roads and water. The 17 road/stream crossings in the project area were inventoried and all were rated to have minor or no erosion problems (Roads Analysis, page 15). Potential for the project activities to impact water quality was considered a minor issue and was addressed by project requirements and mitigation measures which reduce or eliminate the potential impacts (DEIS, Chapter 2, Section 2.3.7 and Table 2-2, numbers 70 and 72-74). Overall, road decommissioning is substantial in all the action alternatives. While there were no specific effects to water quality identified from maintaining the specific roads being decommissioned, decommissioning will prevent soil degradation and erosion (DEIS, Chapter 1, Section 1.4.7 and project record file Hoffman-Sailor West Roads Analysis, July 11, 2001).

Forest Service has not conducted any stream surveys to identify populations of Endangered, Threatened or Sensitive species and ignores the impacts of logging road use on stream crossings and stream status. Forest Service also misapplies basic ecological concepts when it assumes that virtually all forest stands can be logged within a watershed over a period of a few decades and no cumulative effects will occur.

Response: All threatened, endangered and Regional Forester Sensitive Species (TES species) with the potential for occurrence were considered in the analysis (see project records TES Report, Biological Evaluation, and Biological Assessment). Aquatic and riparian species (such as wood turtle, lake sturgeon, and ellipse mussel) were not considered further because of a lack of occurrence and a lack of habitat in the project area (DEIS, Appendix A, Section A2). Potential impacts to trumpeter swan and black tern (species utilizing water resources) were considered and addressed by project requirements and mitigation measures which eliminate adverse impacts (DEIS, Chapter 2, Section 2.3.1 and Table 2-2, numbers 41 and 42).

ROADS IN WETLANDS

The project proposal may be in violation of the Clean Water Act (CWA) by the agency's failure to consult with the Army Corps of Engineers over the possible impacts of logging and constructing temporary roads in wetlands.

The DEIS (p18-19) admits to various potential impacts to wetlands:

“Altering the subsurface drainage of a wetland is also a concern. Temporary road construction and use, skidding, and landing construction could alter the hydrology of a wetland. Slash from timber harvest can fill in small wetland pockets. Some of the timber harvest areas being proposed have small wetland pockets within them or are adjacent to larger wetlands. Some temporary road construction areas have to cross wetlands and some existing winter roads may be used to cross wetlands in order to implement the proposed projects and alternatives.”

The proposals discussion of mitigation measures in wetland areas suggest that bridges and culverts may be constructed in wetlands, the use of heavy equipment in wetlands may occur if needed, and that permanently filling wetlands is prohibited - which suggests that "temporary" filling may occur.

The DEIS first argues that a "Section 404 permit" is not necessary since, "Normal silvicultural activities, including harvesting for the production of forest products or upland soil and water conservation practices, are exempt from Section 404 permits (33 CFR 323.4)." Suggesting that timber removal on National Forests is a "normal silvicultural activity" generally implies that our National Forest is being equated to a commercial tree farm. Aside from this ideological arguments, there are at least two legal problems with the Forest Service argument that make it clear that in this case exemptions to Section 404 of the CWA should not apply.

The first is 33 CFR 323.3 (b). "Discharges of dredged or fill material into waters of the United States done by or on behalf of any Federal agency, other than the Corps of Engineers (see 33 CFR Part 209.145), are subject to the authorization procedures of these regulations." As this is a federal project conducted by and on behalf of a Federal agency, a permit should be required.

Secondly, note 33 CFR 323.4(a)(1)(iii). "Activities which bring an area into farming, silviculture, or ranching use are not part of an established operation. An operation ceases to be established when the area on which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operations." This project clearly outlines new roads, culverts and bridges and admits to potential construction that "could alter the hydrology of a wetland." Again, the only conclusion is that a Section 404 permit is required.

The DEIS next argues that, "Construction and maintenance of forest roads for normal silviculture are also exempt provided best management practices are applied (33 CFR 323.4; Wisconsin's Forestry Best Management Practices for Water Quality)." This is a misinterpretation of the CWA. Section 323.4 states exemptions for established harvest operations "must be in accordance with definitions in Section 323.4(a)(1)(iii)," which in turn clearly states that normal harvesting "does not include the construction of farm, forest, or ranch roads." I again assert that the parts of the project affecting wetlands appear to be in violation of Section 404 of the CWA.

Response: As noted, potential impacts to wetlands from road use and construction were addressed in the DEIS; however, potential impacts to wetlands were considered minor and were addressed by project requirements and mitigation measures (DEIS, Chapter 2, Section 2.3.6 and Table 2-2, numbers 13 and 71). Similar measures to protect wetlands have been used in the past and found to be effective in preventing unacceptable impacts.

Even though wetland use for roads is only permitted under frozen ground conditions, there may be some temporary fill needed to cross them. However, consultation with the Army Corps of Engineers regarding this project is not needed as this activity is excluded under the Clean Water Act as stated within 33 CFR 323.4(a) "...activities which are not prohibited by or otherwise subject to regulation under section 404." The activities that are included under this exclusion are listed under 33 CFR 323.4(a)(1)(i) and include harvesting for the production of food, fiber, and forest products. Within 33 CFR 323.4(a)(1)(ii) it further states, "To fall under this exemption, the activities specified in paragraph (a)(1)(i) of this section must be part of an established (i.e., on-going) farming, silviculture, or ranching operation and must be in accordance with the definition in Section 323.4(a)(1)." Forest management and silviculture has been an established and on-going activity of this area since the creation of the National Forest.

The DEIS (Section 2.3.6) states, "None of the projects proposed cause a loss of wetlands or will result in disposal of dredging or fill material within a wetland." This statement

indicates there are no projects that will place dredge materials (material that is excavated or dredged from waters of the United States”, 33 CFR 323.2(c)) in a wetland. Fill material, according to 33 CFR 323.2(E)(1)(i-ii), is defined as “materials placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of a water of the United States.” Crossing a wetland with a temporary road is not intended to replace any portion of the waters or change the bottom elevation of the said waters over the long term, but will be removed immediately after the completion of its use.

EXOTIC SPECIES/NOXIOUS WEEDS

The DEIS fails to address the issue of exotic invasive species in the project area and the effects the project will have on their spread and persistence. The DEIS gives only cursory treatment to this increasing problem. A problem that resulted in an Executive Order and a Wisconsin state committee. The failure to analyze the extent and dynamics of exotic invasive species in the project area violates NFMA since their invasion may impact rare species with viability concerns and NEPA. The Forest Service has an affirmative responsibility to protect the CNNF from invasive and exotic species; this has not been done in the DEIS. The CNNF must fully analyze and address this issue.

The only mitigation measure suggested in the DEIS is the "use of native grass species for use in erosion control and establishment of ground cover." Other proposed sales intend to require that, "Equipment used for timber harvest, wildlife opening construction or maintenance, or road and recreational trail construction on maintenance should either be documented as coming from an area free of noxious weeds or be cleaned prior to use on National Forest lands. Equipment should have all mud, dirt, and plant parts removed before working in the project area." These additional measures should be included in this project, and all related documents should make it clear as to who will make sure this happens or how, and how much such monitoring will cost. However, even with these additional measures, it is not clear that they will succeed in mitigating the spread of noxious weeds.

Response: Invasive species and the potential impact or introduction through soil stabilization (seeding) was addressed in the analysis by requiring seeding of annual and native, non-invasive grasses. See the DEIS, Chapter 2, Section 2.3.3 and Table 2-2, project design and mitigation number 43. Also see DEIS, Appendix B, Section B8. Inventory information that we have does not indicate that project activities will have any impact on the spread or introduction of invasive plants (various project record files contained in the invasive species section/folder). Project equipment would not be in known locations of invasive plants so spread to another location as a result of implementing any of the alternatives is unlikely. There are two known locations of invasive plants within the project area and both are being treated to eliminate them. This issue was not addressed further because of the small risk of spreading exotic species or noxious weeds as a result of the activities associated with the proposal. Even so, the District is monitoring the potential for invasive plants to be introduced and spread by logging activities. See the Park Falls Blowdown Decision Notice and Finding of No Significant Impact (June 2002), page 2 and Attachment 2 (FEIS, Appendix B, Section B8).

THE DEIS FAILS TO ADEQUATELY ADDRESS MITIGATION MEASURES

The DEIS violates NEPA requirements pertaining to disclosure of mitigation measures. In *Northwest Indian Cemetery Protective Association v. Peterson*, 764 F.2d 581 (9th Circuit 1985), the court

determined that NEPA requires agencies to analyze the mitigation measures in detail [and] explain how effective the measure would be. A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA.

The HSVMP DEIS refers to verbal communication and informal assessments to determine the effectiveness for wildlife impact mitigation measures, but no data supporting these assertions are provided. In addition, some mitigation measures for one species may damage habitat suitability for others. For example, winter logging is likely to damage potential habitat for lynx by compacting snows, creating competitor access to habitat, etc. The public also has no way of knowing whether all mitigation measures will be successfully applied in the future, and are given no indication as to the effectiveness of the measures in the past. This is a violation of NEPA. What evidence does the CNNF have to support their contention that these logging and road-building operations will not further threaten the viability of these species with pre-existing viability concerns? This is a violation of NFMA and NEPA.

Response: The only TES or rare species known to occur within the Hoffman-Sailor West project area are bald eagle, Connecticut warbler, and American elm. Project design measures 38 and 40 represent measures to protect bald eagle and American elm. Project design measure 38 is a seasonal restriction to help prevent disturbance during the critical breeding time for bald eagles. This measure is based upon the Bald Eagle Recovery plan and has been in use since 1983, during which time the bald eagle population has increased, both statewide and on the Chequamegon-Nicolet National Forest. Project design measure 40 is for protection of any healthy, greater than 5" dbh American elm trees. Both of these measures are enforced by Forest Service personnel, including timber sales administrators who are on site and monitoring timber sale operations. Additional information on mitigation monitoring and effectiveness can be found in the project file (Issues Addressed by Mitigation, Project Design, or Alternative Development, September, 2002) and is summarized in Chapter 2, Section 2.3 of the DEIS. Connecticut warbler habitat is not impacted by the alternatives so no protection measures for that species were developed.

CUMULATIVE EFFECTS

The cumulative effects section is based on inadequate generalizations of ecological conditions in the project area. The cumulative effects analysis fails to address adequately future activities in the project area and its surroundings. Why should the public accept this dismissive statement given the lack of hard data and information contained in the DEIS. At the same time, the DEIS' discussion of future private development begs the question, "What is the CNNF doing about development pressure?" This failure to respond to situations that pose threats to NF land and resources is unacceptable.

Response: A cumulative effects analysis was conducted and is documented in Chapter 4 of the DEIS. During preparation of the DEIS, an extensive look at private property and use both within and adjacent to the project area was conducted (project record file Land Management Practices of Adjacent Lands, 7/25/00) and considered in determining potential cumulative effects. Reasonably foreseeable projects on National Forest land within and adjacent to the project area were also considered (DEIS, Chapter 4, Section 4.1). After preparation of the DEIS, there were some more specific concerns raised pertaining to the potential cumulative effects on forest composition as a result of potentially implementing several large vegetation management projects across the Forest. In response to this potential impact, additional analysis was conducted and included in the FEIS, Chapter 4, Section 4.2.4. A review of other issues raised concerning

cumulative effects did not result in additional cumulative effects occurring that were related to the alternatives and so were dismissed from further analysis. Appendix B of the FEIS (Non-relevant Issues) has been modified and includes a summary of dismissed issues.

In response to the portion of the comment concerning private land development: Specific private land development was considered and disclosed in the DEIS cumulative effects analysis. In particular, the comment appears to be referring to the private land development that could potentially occur adjacent to Sailor Lake and the related cumulative effects on bald eagle nesting habitat (DEIS, Chapter 4, Sections 4.1 and 4.2.1). The action alternatives respond to this development by maintaining bald eagle nesting habitat on the federally owned portions of Sailor Lake. In addition, the Forest Service has an active land exchange and purchase program that is used for addressing potential management issues as related to private land development (Forest Plan pages IV-94 – IV-95).

ECONOMIC ANALYSIS

In section 3.2.8, the DEIS indicates that the economic issues that must be considered include the direct costs of timber harvest, the direct revenue of timber harvest, and the revenue/cost ratio. Unfortunately, for the very limited figures that it does provide, the DEIS fails to provide any breakdown or explanation in the document itself. Without such a breakdown, the public has no real idea of the true costs and benefits of the projects, nor can they check to see if the figures were calculated and used correctly. Again, the USFS is hiding the meat and potatoes of the analysis from the public. This analysis does not satisfy NEPA.

The DEIS does indicate: "Detailed analysis files used for estimating the cost and revenue figures in Table 4-13 are contained in the project record." To the credit of the District Office, I requested and quickly received the additional analysis. However, I found to my dismay, that in the initial analysis by Dennis Brogger, the NFTM costs were estimated at \$63.15/MBF. On the same page, a note by Walt Ruckheim reduced the expected NFTM costs to \$35.00/MBF by exclude certain overhead costs. These smaller figures were used in the DEIS document, which then shows Alternatives B, C and D with expected revenue greater than costs.

On the other hand, my calculations using the larger figures show that if the additional overhead costs for "Sale Preparation and Administrative Costs" were included, each of the three action alternatives would have costs higher than revenue:

- Alternative B would cost and additional \$640,864, making the total administrative overhead \$1,441,944 and the grand totals \$1,667,944.
- Alternative C would cost and additional \$672,448, making the total administrative overhead \$1,513,008 and the grand totals \$1,749,008.
- Alternative D would cost and additional \$804,132, making the total administrative overhead \$1,809,297 and the grand totals \$2,143,297.

Other costs also appear to be missing from the analysis. The costs do not include the costs of road construction and reconstruction. The additional narrative materials also show KV costs of \$80/acre for thinning and overstory removal that do not appear in the cost summary.

The failure to include the total costs of the project is a serious mistake. The fact that these omissions change the conclusions about the revenue/cost ratio for these three alternatives is a serious breach of the public trust.

Response: Economic or cost-benefit analysis is not required for an environmental analysis. When used, it can be appended to the DEIS or incorporated by reference (40 CFR 1502.23). As stated below Table 4-13 in the DEIS, costs such as running Forest offices, utilities, and other overhead costs (including the costs of conducting the environmental analysis - NEPA) were not included in the economic analysis. To do so without including an estimate of the non-monetary benefits from other improvements to the project area that will result from timber harvest would skew the analysis. In addition, the largest portion of the difference between the \$63.15 and the \$35.00 costs mentioned in this comment comes from the cost of conducting and documenting this environmental analysis. If that overhead cost was included in the economic analysis, it would also have to be included as a cost of the No Action alternative (the NEPA costs are already accrued even if it is decided that the No Action alternative is the appropriate course).

The purpose of the economic analysis for this project was to determine if there were any substantial differences in the economic efficiency of timber harvest by alternative. In order to make that determination, a simple, direct cost and revenue analysis was utilized. Road construction and re-construction costs were not included in the analysis. These costs are generally accrued by the timber sale purchaser and the bid prices or revenues received already reflect these costs. The \$80/acre KV costs indicated by the above comment appear to be the costs associated with the release of tree regeneration or planted trees growing in the understory. Release projects remove competing trees from the area allowing planted trees or natural regeneration to grow. Since thinning is not a regeneration treatment, there would be no "release" costs associated with it. Depending on the age and size of the regenerating trees that are left following an overstory removal treatment, release of the understory remaining after treatment may or may not be needed. The overstory removal harvests that are planned for the area have a well established understory and release is not needed and was not included in the costs.

The cumulative effects section of the economic analysis is also insufficient. It does not consider the overall forest products industry in the area, the effects of the other large projects in the region, or the effects of these large sales on the taxpayers. The DEIS does conclude that, "Implementation or non-implementation of any one project would not affect the economic conditions of the area." While the impact is likely to be minor, there is little doubt that there would be an impact. However, since the National Forests provide a relatively small percentage of timber, I agree the overall impacts of this project to the local economy are likely to be small. On the other hand, since the sales would actually loss money, there would be an impact to the taxpayer.

CONCLUSION

In conclusion, I oppose any further planning and/or implementation of the HSVMP on the aforementioned factors. Continuing with this project will signify to the public that the CNNF is not interested in sound science or compliance with the law. It will also signify that the CNNF is not interested in having a working relationship with the public based upon mutual respect and full, informed discussion. The HSVMP DEIS constitutes little more than a pro-forma attempt at compliance with applicable laws.

I call on the CNNF to withdraw this project from consideration at the current time and return to the analysis once a new, updated LRMP is adopted. Moving ahead at this time and making a decision based on the inadequate DEIS and BE will damage habitat for rare and sensitive species and kill individuals from many of those species.

I appreciate the opportunity to provide comments on the HSVMP and look forward to your response. Please feel free to contact me if you have any questions about these comments or our position.

Comment ID 92. Habitat Education Center and John Muir Chapter Sierra Club, David J. Zaber
Please accept these comments for the public record on behalf of the following organizations: Habitat Education Center (HEC) and John Muir Chapter Sierra Club (JMC). HEC is a not-for-profit organization dedicated to restoration and protection of wildlife and wildlands in the upper Midwest. The JMC of the Sierra Club is a leader in conservation in Wisconsin and has a long-standing interest in proper management of public lands. Both the JMC and HEC have participated in public lands planning and management and member of both groups have spent countless hours in the Chequamegon/Nicolet National Forest (CNNF) and in the Hoffman-Sailor Vegetation Management Project (RSVMP) area in particular.

Response: Most of the comments and text submitted in this comment letter were the same as those submitted in Comment ID 91 from Mr. Billy Stern. Responses to similar comments are not repeated here, but can be viewed in the responses to Comment ID 91. Responses appearing in this comment letter are only for the areas where the comment had aspects that are not in common with Comment ID 91.

We appreciate the opportunity to provide comments on the proposed Hoffman-Sailor Vegetation Management Project (HSVMP), for which the preferred Alternative B includes approximately 3,290 acres of timber harvest, primarily for pulpwood and 5 miles of new roads (2 miles permanent, 3 miles temporary). Our comments begin with a general Statement regarding the purpose and need for the HSVMP and include a set of specific comments related to individual issues raised by the proposal and supporting documentation.

Our members are very concerned that the CNNF is proposing these projects at this time. Members have documented serious resource degradation in the project area and across the forest and region but many of these issues have been ignored in the DEIS or given only cursory verbal treatment. Such treatment of these issues violates the National Environmental Policy Act (NEP A), the National Forest Management Act (NFMA) and the Endangered Species Act (ESA). The public deserves better land management than is outlined in the HSVMP. We expect full compliance with all applicable laws, not grudging, pro-forma compliance. We expect more than NEPA "light" when it comes to managing the CNNF. Unfortunately, the HSVMP represents business as usual where logging consideration outweighs other values in the forest. This management emphasis, embodied in the outdated and discredited Land and Resource Management Plan (LRMP), has resulted in significant and substantial cumulative adverse effects to native diversity across the CNNF. (See Attachment 1)

We must note that this NEPA document does not provide an actual date whereby comments are due. While it does reference the Federal Register, the Register is not readily accessible to the public. NEPA requires that review documents must be clear and accessible to the broad range of the public to fulfill its legal requirements. This document starts by putting the lack of clarity of the comments-due date as

roadblock in front of public participation. Is this project so vital that the Forest Service could not wait until the proposal is published in the Federal Register before releasing the DEIS?

GENERAL COMMENTS

First and foremost, with these comments our organizations register Strong opposition to continuation with planning and decision-making for the HSVMP. This project is based upon an outdated Land and Resource Management Plan (LRMP) and LRMP Environmental Impact Statement (EIS). To make matters worse, anew LRMP for the CNNF will be proposed and adopted in the very near future. Unlike the original Chequamegon Forest plan, the new plan will reflect nearly two decades worth of science that has developed since preparation of the current LRMP and its original EIS.

Since development of the 1986 LRMP, the Northwoods (including the entire CNNF) has undergone enormous change, most of that has been detrimental to ecosystem stability and ecological status. Over the past 17 years, the science of conservation has progressed to the point whereby failure to incorporate this new information into land management on the CNNF constitutes an egregious affront to sound scientific land management. The HSVMP DEIS fails to reflect the bulk of the conservation science developed over the past twenty years.

The Forest Service undermines its ability to work with the public when it insists on pushing through five large timber sales before a new forest plan will be proposed. By assuming that the proposed alternatives will be consistent with the final adopted LRMP alternative is to pre-suppose the outcome of this public process. Pushing the HSVMP through the pipeline before the new forest plan is adopted makes a decision in principle and application, that a new plan will not call for conservation measures incompatible with the effects of the HSVMP on wildlife, wildlands, aquatic resources and other natural resource values.

The fact that the DIES for the Hoffman-Sailor project does not make it clear that the Forest Plan is outdated appears at best to be an oversight, at worst a subtle attempt to divert the public's attention from the fact that it has expired. Further, the USFS has been delinquent in its revision of the forest plan (which started over six years ago and has been on "hold" for a number of years). The USFS should be using all of its planning resource to complete that process before it puts irretrievable resources into new commercial timber harvests and other management activities.

Furthermore, new information on species viability has not been incorporated into the current plan, particularly information on species such as Canada lynx, pine marten, goshawk, red-shouldered hawk, wolf, migratory warblers, goblin fern and others. The current plan does not contain nor reflect the most up-to-date information about rare species, old growth, fragmentation, road density or other important forest issues. Until the CNNF updates its forest plan and reassesses the needs of its Management Indicator Species, it should not undertake any projects that make irretrievable commitments of resources, especially to resources utilized by these rare, sensitive species.

Yet another key question that must be addressed in the new plan is the role of Aspen-dominated forests within the CNNF. This sale is based on the project area being in Management Prescription #1 from the 1986 plan. In the new plan, will there still be management areas with the primary of producing aspen pulpwood through even-aged management? Extensive even- aged aspen management perpetuates the state's overpopulation of deer and its associated browse damage to certain tree and shrub species. Generally, it seems that the forest service has turned a blind eye to that fact that deer population in Wisconsin has been on a steady increase for the last few years, and given the problems with CDC, there is no likelihood that will change in the near future. The excessive even-aged management of aspen -

encouraging excessive whitetail deer numbers -is a problem throughout the Northwoods and the issue has already been raised in court and if the practice continues in the new CNNF plan, it may be challenged as well.

Our organizations call on you to withdraw the Hoffman-Sailor project on the basis that all new management activities involving timber harvest, road construction or other extractive actions at this time should be deferred until a new plan is adopted (except for cases where public safety or other emergency conditions exist) and a new cumulative effects analysis can be completed. Such a deferral would go a long way towards restoring trust between the Forest Service and the public, a trust that has been seriously damaged by proposal of these projects in the first place.

An important contribution to the erosion of trust of the public in the CNNF was the failure of the HSVMP DEIS to address the question of *why* these sales had to be pushed through at such a late date. This issue MUST be address before dismissing Alternative A, the no-action alternative.

Finally, remarks dismissing real environmental issues out or hand are round throughout the document and hardly constitute the "hard-look" required by NEP A. The CEQ regulations require that,

"NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." (40 CFR 1500. I (b)).

SPECIFIC COMMENTS:

I. PURPOSE AND NEED

The purpose and need for the HSVMP reflects a bias towards timber production (especially growing aspen for pulpwood production) and ignores significant issues including the need to recover populations of various species (including the state endangered pine marten), and the need to contribute to the recovery of the federally endangered timber wolf and Canada lynx.

The purpose and need statement reflects an outdated perspective which ignores the possibility of restoring the project area and protecting eco logical health in the CNNF. Even if the outdated forest plan indicates that the management of this area should be primarily for aspen production, the project cannot ignore other mandates in the LRMP and NFMA. The strong emphasis on timber harvest and the preparation of stands for future harvest violates the multiple use mandate of the forest service and ignores the overwhelming public opinion supporting wildland restoration and roadless area protection.

Claims made in this section are based upon artificial need dictated by the outdated Forest Plan. Reliance upon this document for determining the need for aspen regeneration, forest growth and diversity "improvement", maintain wildlife openings, and wood products ignores the scientific information developed since adoption of the 1986 plan. Basing thousands of acres of logging and road construction/reconstruction on these contrived "needs" makes a mockery of the scientific information developed over the past fifteen years and represents a serious breach of the public trust, particularly that which developed after the Scientific Roundtable.

The DEIS states, "The objective in this management area is to have 35-65% of the area in aspen types (Forest Plan page IV-IO9). The Hoffman-Sailor West area is at the bottom end of the Forest Plan range for aspen (36%)." Although on the low side, the project area is within the range suggested by the existing forest plan. Meanwhile, aspen management is a significant issue that has been raised in the

NEPA comments for the new forest plan. Since this plan has yet to be adopted, it is unclear as to what management prescriptions will be adopted for aspen in general, and the Hoffman-sailor area in specific. Given the circumstances, it is no logical to commit valuable recourses to a project based on aspen management for pulpwood production.

Using information in the General Technical Report NC-166 (Scientific Roundtable Report), the DEIS argues that the "project area has a reduced potential for supporting a mixed northern hardwood community (see Chapter 3)." However, that potential will increase or decrease over the long term, depending on the management decisions that we make today. This conclusion also appears to be a selective use of the Roundtable Report, as it looks at the project area only in relation to other parts of the CNNF, and not for its inherent future potential. Further, the scientific roundtable report has not yet been fully incorporated into the forest plan, and until elements of it have clearly been incorporated into a new forest plan, it is not enforceable.

II. RANGE OF ALTERNATIVES

The requirements of NEPA and regulations implementing it require agencies to consider all reasonable alternatives to an agency action in preparing environmental review documents. NEPA requires agencies to:

Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources (42 U.S.C. § 4332(2)(E)).

This duty to consider reasonable alternatives is independent and of a wider scope than the duty to complete an EIS. See Sierra Club v. Watkins, 808 F.Supp. 852,870 (D.D.C. 1991); Sierra Club v. Alexander, 484 F. Supp. 455 (N.D.N. V. 1980); see also 36 C.F.R. § 219(12)(f)(1) (in forest planning, USFS shall examine alternatives "distributed between the minimum resource potential and the maximum resource potential.").

The purpose and need for this project are based on the old Forest Plan, including both forest composition objectives, and economic goals. If the objective is vegetative management, why has the project limited itself to only considering commercial harvests? A management option that uses other than commercial harvests has not been considered. This means that the DEIS really has only two alternatives under consideration: the no action alternative and three minor variations of a commercial harvest alternative. The type of management considered in each of the action alternatives is virtually the same for each unit. The only real variations are the shape of certain units and the extent of the final project. Even the DEIS repeatedly admits that alternatives vary little from each other in critical issues. For example:

- *The primary difference between alternatives in forest vegetation composition is the amount of aspen that would be maintained in the project area. In Alternative A, aspen types remain at their current level. There is an increase in aspen in Alternatives B through D. Alternative B increases aspen types by about 1 percent. Alternatives C and D increase the aspen types by about 2 percent. There are limited differences in the overall landscape pattern of the project area by alternative. When looking at the forested areas over 30 years old; interior to edge ratios remain fairly constant across the alternatives. In Alternatives C and D, which were designed to have larger patches (clearcuts) to increase interior forest, the interior to edge ratios remain about the same. Chapter 2 p. 40*
- *Alternatives B, C, and D will provide an increase in aspen acres (grouse habitat) over the current condition and Alternative A in both the project area and the Squaw Creek area. Chapter 4, p. 53;*

- *In Alternatives B, C, and D, there would be about 130 to 140 more acres of conifer than the current condition. Chapter 4, p. 54;*
- *Cumulatively, the number of patches in all age classes does not vary substantially by alternative although Alternative B does result in more forested patches than the other alternatives. Chapter 4, p. 57;*
- *Alternative B patch size is about 26 acres and the patch size for the 0-10 year age class in Alternatives C and D is double that in Alternative B. Cumulatively this does not carry over to any substantial differences between alternatives for the average patch size of all age classes. The existing condition and all alternatives result in average patch sizes of around 35 acres. Chapter 4, p. 58;*
- *Alternatives B and C keep the percent of aspen types in the 0-20 year age class closest to the desired 30 percent. Alternatives A and D could lead to a less evenly distributed amount of aspen production over time. Chapter 2, p. 40.*

In those rare cases where there is a notable difference between alternatives, such as in the size of clear-cut proposed¹ the selected alternative creates the most suitable habitat conditions for whitetail deer, a species that is exerting significant adverse impacts on ecosystem health throughout the upper Midwest, including in the CNNF.

The CNNF should have included a minimum of two additional alternatives for full consideration: 1) Active Restoration and 2) Passive Restoration. These alternatives should include protections for lands suitable for special protection" restoration of native species and elimination of active aspen management as a component of multiple use management, among other activities. Dedicating large acreages to aspen production ignores the multiple use mandate of the Forest Service.

It is also hard to believe that the Forest Service has given serious consideration to Alternatives C and D. As proposed, both alternatives include clearcut areas larger than 40 acres, a practice which generally requires special approval. Furthermore, Alternative D exceeds forest plan guidelines on temporary openings. Also, both Alternatives C and D violate the visual quality requirements of the forest plan by allowing average temporary opening size along travel corridors of about 38 acres. Page 72 of the DEIS admits, "Plan guidelines say that the seen area of a temporary opening within areas with a VQO of retention and partial retention should not exceed 25 acres."

The DEIS suggests that Alternatives C and D were developed to provide interior forest habitat for certain birds and animals and decreasing edge effects. However, the estimates provided suggest that there will be very little difference in interior habitat or edge effects among alternatives B, C and D over the next 10 years. For example, the DEIS states:

" There are limited differences in the overall landscape pattern of the project area by alternative. When looking at the forested areas over 30 years old; interior to edge ratios remain fairly constant across the alternatives. In Alternatives C and D, which were designed to have larger patches (clearcuts) to increase interior forest, the interior to edge ratios remain about the same." Chapter 2 p. 40.

In fact, average patch size for all 0-10 yr age classes are nearly the same (Alternatives A,B,C,D average patch size: 37, 32, 35, 35, respectively) (Chapter 4, p. 57). At the same time, Interior to Edge Ratios are indeed essentially the same, even after 40-yr model projections (Chapter 4, p. 58 Table 4-9). Given the inexact nature of projections, estimates and models used, reported differences in interior/edge ratios between these alternatives are biologically meaningless.

Nevertheless, based upon this flawed analysis, it appears that Alternative A best protects interior habitat over the next 10 years. In the long term, Alternative A also is the best for reducing edge effects. Oddly, Alternative A seems to quickly lose interior habitat acres over the long term. This needs to be better explained. While aspens in these areas may be aging and no doubt many will fall, their decline will not happen all at once, and some species in the undergrowth of the aspen will surely fill the void in interior habitat left by the apparent decline in aspen, thus maintaining interior habitat acres in these areas.

Further, the "No Action" alternative is dismissed without any clear rational justification. The DEIS implies that the "No Action" alternative does not meet Forest Plan Goals, but it does not make clear as to why - with the exception of timber and pulp production levels. The discussion of Alternative A also does not even consider the possible benefits to waiting until the new forest plan is finalized before authorizing new management.

Alternatives that include provisions that violate the forest plan are simply not acceptable; they do not fulfill NEPA requirements.

MAPS

The DEIS is incomplete since it fails to include maps showing harvest areas logged over the past 30-yrs. Without this essential piece of spatial information, the public cannot determine the exact extent of logging and other disturbances within the proposed project area. Inclusion of a map of the past cuts would likely show significant logging disturbance across much of the project area. A proper cumulative effects analysis would display past cutting units with the project area, along with the proposed units.

The measurement variables selected for assessment in the HSVMP, edge to interior ratios, average patch size and number of patches, provides little relevant ecological information for impact assessment in the absence of real-world spatial context. Further, average patch size is also biologically irrelevant since patch quality and landscape location are unknown. Forest Service provides no scientific documentation establishing causal links between the selected measures of landscape pattern (e.g. DEIS section 3.2.5) and wildlife or ecological condition.

The failure to provide real-world spatial information prevents meaningful impact assessment by the public or by decision-makers.

Forest Service should identify all timber harvests that have taken place in and around the project area since acquisition. Ages of stands should be included in all treatment information contained in the DEIS. Suitable habitat patches for Red-Shouldered hawk and Northern goshawk as well as Canada lynx should be displayed and assessment made of the degree of habitat security and connectivity in relation to the needs of these species. Maps should also display locations of likely temporary wetland crossings.

Response: See the response to Comment ID 91 under MAPS.

The project record files pertaining to the effects on landscape patterns and forest edge (DEIS, Chapter 4, Section 4.2.5) have multiple maps showing the interior and edge forest habitat which is a direct result of past management as well as the proposed alternative management. Since the results of the analysis could be displayed in tabular form, the maps were not included in the DEIS. Landscape pattern is a general issue pertaining to this project. Location of each of the forested patches is not relevant in the context of displaying whether or not one alternative has more or less edge habitat than another.

Detailed tabular information about each stand (such as age, condition, habitat type, soil type, trees per acre, etc) is located in the project record files located at the Medford office. Maps showing hawk habitat and also maps that display wetlands and their relationship to the proposed activities are also included in the project record. Road projects that are on poorly drained soils including potential wetland crossings can be identified in the DEIS using Table D-7 in Appendix D. Roads projects with a design and mitigation measure of 85 (frozen use only) would be the roads that have portions of them that are on poorly drained or wetland soil types.

SPECIAL MANAGEMENT AREA CONSIDERATION

The DEIS looks only briefly at the issue of including areas for special management. We applaud the Forest Service for taking into consideration LAD areas, but areas that border LADS should also be given special attention. Although they are significant and special, LAD areas should not be treated as if they were the only areas significant in ensuring "that species of plants and animals that are currently present or have the potential to be present will continue to exist on the Forest." NFMA requires that every area be examined as to how it can best be managed for wildlife.

Of special concern is the Sailor Creek roadless area stretching roughly from Dalrymple Creek in the north, south to FR 136 and from FR 136 on the west, east to FR 139. Several proposed cutting units will have detrimental impacts on the characteristics of this area. We are particularly concerned with the cutting units included in Appendix A.

Response: See the response to Comment ID 91 with respect to the first paragraph under "Special Management Area Consideration".

The area described in the second paragraph of this comment is not now a "roadless area", nor is it under consideration to be managed as a "roadless area". See Appendix C, FEIS for the Chequamegon National Forest Land and Resource Management Plan (1986) and Appendix C, DEIS for the Chequamegon-Nicolet National Forest Proposed Land and Resource Management Plan (2003).

The area described in this comment roughly corresponds to an area within the project area that is considered to have a Recreation Opportunity Spectrum (ROS) classification as semi-primitive, motorized (SPM). See the DEIS, Chapter 4, Sections 4.2.6 and 4.2.9 for the disclosure of the impacts related to SPM areas.

TES AND MANAGEMENT INDICATOR SPECIES

The DEIS Fails To Adequately Address The Full Range Of Impacts To Threatened, Endangered, And Sensitive Species (TES) and MIS.

One of the most serious shortfalls of the DEIS is its failure to address the potential impacts to TES species in a manner that allows for the levels of scrutiny of potential impacts called for in the Endangered Species Act (ESA) and in NEP A. In fact, no legitimate mechanisms for systematic analysis of impacts to TES are included in the DEIS, only a listing of potential species occurrences from existing datasets. The cursory treatment given to wildlife impacts does not fulfill the requirements of NEPA nor does it approach the minimal standard of scientific impact assessment.

Threatened, endangered and sensitive species are those species with populations already at risk of extinction or showing downward population or reproductive trends. Impacts of any project must take a

hard look at the potential effects on TES and not merely list the species potentially found in the area. Such a listing alone hardly constitutes use of the best available scientific information available. NEPA Section 1502.24 Methodology and Scientific Accuracy states that,

"Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources rely upon for conclusions in the statement. An agency may place discussion of methodology in an appendix."

The CNNF has failed to provide substantial and up-to-date documentation for assertions regarding wildlife impacts and other natural resource impacts. This is a violation of NEPA and given the likelihood of damage to the best remaining TES and MIS habitat in the project area by the HSVMP, it is likely a violation of NEPA. The DEIS maintains that "broader scale effects" were included in the effects analysis. But what studies were undertaken or considered to assess the projects potential to affect TES and sensitive species -especially highly migratory species such as lynx, pine martin, cougar, and wolf that could quickly expand into good new habitat?

There is no evidence in the DEIS that the Forest Service has consultation with USFWS over this project. This may be a violation of the ESA. At a minimum, the USFWS should be given a chance to consider whether the project will affect bald eagles, and the contention in the DEIS that, "In all the action alternatives (B through D), future bald eagle nesting habitat will be improved."

In addition, the Hoffman-Sailor planning area lies directly east of the critical habitat for the state endangered pine marten. This location is part of a wildlife movement corridor between the western sections of the CNNF and the Lac du Flambeau Indian Reservation, Northern Highland State Forest and ultimately the Nicolet side of the CNNF. Forest Service has failed to assess the need to connect the two remaining populations of pine marten and ignores the role the project area and its surrounding public ownership land plays in providing a secure travel corridor across northern Wisconsin. The area also provides habitat for an unknown number of red-shouldered hawk, northern goshawk, neotropical migratory warblers, and other species needing special conservation management approaches. Also, federally threatened timber wolves have also been found to at least migrate through the project area.

DEER

The HSVMP DEIS fails to address the problem of excessive deer numbers and fails to reflect the potential for high deer populations to influence spread of disease including but not limited to chronic wasting disease.

The sections of the DEIS that discuss MISs completely fail to identify the overabundance of deer and the destructive effect this overpopulation is having on a variety of plant species. The target deer density for the project area is 15 deer per square mile, yet the current density is 19 deer per square mile. That is over 26% above the target density. How then does the DEIS conclude that, "In Alternatives A through D, deer foraging habitat is maintained at a level that would support target deer population density of 15 deer per square mile." Does this mean that the alternatives will actually be maintaining deer densities well above the target level? What are the effects if that is the case?

The failure to address the cumulative impacts of maintaining excessive whitetail deer populations ignores the growing body of scientific evidence regarding adverse ecological impacts flora, fauna and human health. It also ignores the recent reductions in deer hunting pressure following discovery of CWD in Wisconsin. Given the fact that the DEIS itself clearly shows improvements to deer habitat

suitability as a result of planned logging, it is reasonable to include, at a minimum, a discussion of the effects this will have on the project area and surrounding lands, including LADs. The CNNF has an affirmative responsibility to consider all reasonable impacts from their actions and reveal those impacts in environmental documentation. This has not been done for the HSVMP.

Response: See the responses to other comments in this appendix for issues related to deer and deer herbivory. Also see Appendix B of the FEIS.

Chronic Wasting Disease (CWD) has not been found anywhere in northern Wisconsin, despite widespread testing during the 2002 deer hunting seasons. Baiting and feeding of deer is allowed in all of northern Wisconsin. There is great concern that baiting and feeding deer increases the risk and transmission of CWD, but it is not believed that natural feeding by deer is a threat. A July 3, 2002 WDNR question and answer sheet on Wildlife Feeding and Baiting Restrictions describes "Deer concentrations in timber sales, standing crops, and deer yards is considered a natural behavior and a much lower disease transmission risk than feeding. Artificial feeding is an unnatural activity, due to the repeated replacement of food in the same location and results in much more direct contact among deer and contact with potentially contaminated feed and ground. This contrasts with the more dispersed feeding in fields and yards, where the food is consumed and not replaced when a deer eats it." Additionally, the food consumed by deer in timber sales is largely off the ground, resulting in less risk of transmission through fecal matter or ground contamination.

In the February 21, 2003 Morbidity and Mortality Report published by the Centers for Disease Control and Prevention, no association between Chronic Wasting Disease and development of Creutzfeldt-Jakob Disease (a fatal neurologic disorder in humans) was found. There is no evidence that CWD can be transmitted to humans, though continued surveillance of both diseases continues.

Information on Chronic Wasting Disease has been added to Appendix B of the FEIS for this project.

EFFECTS ON PINE MARTEN VIABILITY

The CNNF has not analyzed adequately the impacts to the state-endangered American marten. The BE fails to include or reference the most up-to-date information regarding pine marten sightings and signs, as well as ongoing pine marten monitoring.

According to Wydeven, et al. (2002)²:

"Marten abundance seemed to be down from recent years, and most martens continue to exist in the refuge areas provided in northwest and northeast Wisconsin."

The DEIS fails to mention the fact that only 19 American marten were detected along 224.3 miles of survey in this time period. That is 50% of the number found the year before (2000 - 2001) with slightly less intensive monitoring (-15 miles less). Given the project's location near the southeastern edge of the marten distribution range (eastern population), Forest Service should have addressed expansion of recovery via restoration of suitable forest conditions. On the contrary, the proposed project will ensure that decades will be required before logged stands in the project area recover suitable conditions such as large downed woody debris and large snags.

Proposed logging will reduce the amount of existing snags and standing woody debris in the cutting units; mitigation proposed in the DEIS is insufficient to provide suitable habitat for marten and other species requiring large woody debris, both standing and on the ground. Selective logging will also significantly reduce the amount of future snags of suitable size developing in the cutting units.

Forest Service has failed to work to improve habitat conditions and population viability for marten in Wisconsin. The Forest Service has an obligation to protect and restore wildlife populations across the planning unit. Proposed logging and road building does not protect marten populations and does not help to restore the species to a semblance of its original numbers, numbers that would put it out of danger of extinction in Wisconsin.

The DEIS fails to reflect the importance of standing and down woody debris for marten and other species and fails to recognize the loss of critical stand characteristics following logging. The cumulative effects analysis for the HSMVP is flawed with respect to pine marten and other species requiring intact, thermally stable, rich soil northern hardwood stands. The BE and the DEIS fail to provide any data whatsoever on the levels of coarse woody debris in proposed cutting units and the amount of coarse woody debris (particularly CWD suitable for den sites) that remains across previously treated stands. Throughout the CNNF, previously harvested stands nearly always have lower levels of the most important CWD, large standing and fallen trees, including root tip up mounds than undisturbed stands (Tyrrell and Crow, 1994)³. Marten need secure rest sites and denning sites and use stands with greater amounts of CWD than would be expected on a random basis (Gilbert et. al1997)⁴

The Hoffman-Sailor project DEIS also ignores the effects of the severely overcut nature of the CNNF. The Forest Service has an obligation to refrain from logging in pine marten habitat and in habitat potentially suitable for recovery of marten (and other TES species) until a full forest-wide cumulative impact assessment can be completed for their viability. This assessment must consider relevant data on population dynamics and must consider population dynamics and genetic interchange between isolated populations. None of this was done in the Hoffman-Sailor DEIS and the original forest plan guidelines fail to reflect the majority of conservation science developed since the original plan was adopted

Response: See the response to Comment ID 91 with respect to pine marten. Appendix A of the DEIS states that the Biological Evaluation conducted for this project concluded that there would be no effect to pine marten due to the marten having a minimal or low likelihood of occurrence. Pine marten was determined to have a minimal or low likelihood of occurrence within the project area due to the existing habitat being of poor quality for marten and because tracking surveys in the project area have not identified marten presence.

In addition: DEIS, Table 2-2, project design and mitigation measures 75 and 76 provide for continued standing snags and future down woody debris in all stands proposed for harvest (DEIS, Section 2.3.4). This is consistent with the Forest Plan and in fact provides more opportunity for this habitat than what is specified in the current Forest Plan (page IV-78). Also, Table 2-2, project design and mitigation measures 18-24, 32, 36, and 37 all provide for some retention and establishment of tree diversity, including hardwood and conifer components, within proposed treatment areas. Road density will be decreased in all action alternatives. See the DEIS, Chapter 4, Section 4.2.9.

EFFECTS ON LYNX, LYNX HABITAT AND EASTERN TIMBER WOLF

The HSVMP fails to work towards recovery of the timber wolf and Canada lynx. The Forest Service has an affirmative responsibility to contribute to the recovery and viability of the timber wolf and the Canada lynx across the CNNF.

The HSVMP DEIS ignores the fact that a well-documented population of lynx is found in Minnesota and recovery of a Great Lakes population will require CNNF land. Had it been done as required, habitat analysis for lynx would reveal a lack of security habitat and forest structural components such as downed woody debris and low winter disturbance in and around the project area. It would also reveal the role Sailor Creek roadless area with its remote condition could have on lynx recovery; and the threats posed to this important habitat block by many proposed cutting units.

Response: See the response to Comment ID 91 with respect to Canada lynx and to a previous comment about a "Sailor Creek roadless area" in this comment letter. There is no Sailor Creek roadless area.

The North American range of the lynx currently extends from Alaska, through Canada, and into the northern part of the contiguous United States (65 Fed. Reg. 16052).⁵ In the contiguous United States, the distribution of the lynx is associated with the mixed coniferous/deciduous forest of the eastern U.S. The Forest Service's contention that lynx are rare in the region is not a valid reason to ignore the species' needs according to the Endangered Species Act. By failing to address rare species including lynx and other species in the proposed cutting units (if they were not thought to be present when reviewing stand data, etc.). By this reasoning, the CNNF ignores the rarest and most vulnerable species at risk of extirpation from the project area or extinction.

Competition with coyote is also likely and is exacerbated by high road densities and winter snow compaction. Forest Service should analyze relationships among wolf, coyote and lynx recovery across the CNNF and in the project area prior to initiating any further timber harvest planning for this and other projects across the CNNF.

The CNNF must comply fully with all portions of the recent court decision (*Defenders of Wildlife et. al v. Gale Norton et. al.* 2002; 00-2996 (GK)). To do so, the CNNF must withdraw the HSVMP project from further consideration, prepare a new EIS for a new Forest Plan that actively takes into account lynx conservation (the current one does not do so) and take affirmative actions to restore and protect lynx habitat and habitat security. The HSVMP does the contrary and is a violation of the recent court decision.

Elevated levels of human access into forests are a significant threat to Canada lynx because they increase the likelihood of lynx encountering people, which may result in displacement of lynx from their habitats and/or possible injuries or deaths by intentional or unintentional shooting, trapping, and vehicle accidents. Human access into Canada lynx habitat in many areas has increased over the last several decades because of increasing human populations and increased construction of roads and trails and the growing popularity of snowmobiles and off-road vehicles (USFWS Proposed Rule, Canadian Lynx, Federal Register: July 8, 1998, Volume 63, Number 130, Part II, Page 36993-37013).

In fact, the treatments proposed in the project will damage potential lynx habitat by increasing fragmentation, decreasing interior habitat, improving road networks, and logging in some of the more remote areas on the CNNF. Lynx have been known to use the CNNF and are confirmed to breed in the

Superior NF, even during periods of lower than normal snowfall. The extremely cursory treatment of lynx and wolf conservation in the DEIS fails to meet the minimal standards of NEPA, NFMA and the ESA. Continuation with any of the five timber sales planned for the CNNF (Northwest Howell, Cayuga, McCaslin, Hoffman-Sailor West, Sunken Moose) without full consultation with the Fish and Wildlife Service violates the Endangered Species Act.

The recent court decision in Washington, D.C. has determined that the decision by the Fish and Wildlife Service to not include the Great Lakes in the range of the lynx was in error. Clearly, the best available science demonstrates the historic use of the Northwoods by Lynx⁶.

The following are general concerns related to lynx recovery and management.

- Current management and conservation policies for lynx and their habitat are not adequate to address the threats to lynx survival
- Loss and fragmentation of lynx habitat due to forestry practices, roads, and other human activities and developments is the major factor in the decline of lynx that needs to be addressed.
- Past and ongoing forestry practices present a unique threat to lynx. Current silvicultural techniques are often detrimental to lynx
- Logging is not an effective substitution for fire and other natural disturbances, because fire and other disturbances will continue to occur, and differences with roading, coarse woody debris, forest structure, and the larger forest mosaic.
- Logging and the subsequent increased access into lynx habitat via the associated forest roads may be contributing to fragmentation and enhancing competition from other generalist predators
- Lynx conservation today requires a larger spatial scale than has been considered under past and current management, where federal protection and even international protection is required.

The HSVMP DEIS fails to address these issues related to the lynx in any meaningful way.

The HSVMP DEIS fails to act proactively to restore habitat suitability for wolf in the project area and throughout the forest. The DEIS and the BE generally ignore the issue of road density as it relates to wolf populations. Road densities are essential factors in determining wolf habitat suitability but the DEIS makes no mention of it in regards to the needs of wolf. Why not? Such an oversight is a violation of the ESA.

GOSHAWK AND RED-SHOULDERED HAWK

Northern Goshawk

The Northern Goshawk and Red-shouldered Hawk are species on the Regional Sensitive list for which suitable habitat exists in and around the HSVMP area. The red-shouldered hawk is also a Wisconsin Threatened Species. The regional sensitive species list is a regulatory acknowledgment that species on the list are subject to threats that may lead to formal listing as threatened and endangered, and FS planning regulations require the agency to avoid actions which could lead to the listing of such species. This is codified in the NFMA regulations at 219.19, which require that,

“Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one that has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained habitat must be provided to support, at least, a minimum number of

reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area."

This requirement is supplemented by 36 CFR 219.27(a)(6), which requires that planning will,

"Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for species chosen under § 219.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan."

Furthermore, the Secretary of Agriculture's Policy on Fish and Wildlife (Dept. Reg. 9500-4) direct the FS to "manage habitats for all native and desired nonnative plants, fish and wildlife species to maintain viable populations of each species; identify and recover threatened and endangered plant and animal species..." and to avoid actions "...which may cause species to become threatened or endangered. Therefore, the duty is on the Forest Service to avoid actions, which may cause it to become listed, and which would jeopardize its viability. The proposed actions in this and other concurrent projects on the CNNF will have cumulative and immediate effects on species whose populations are already at risk of local, regional or even global extinction. Forest Service has essentially ignored the cumulative effects of past actions, despite admitting that past actions have contributed to cumulative effects in the HSVMP DEIS, and has once again determined that large scale industrial logging of early successional forests has had no effect and will continue to have no effect on ecosystem status or the status of TES species.

In addition to the viability requirements, an associated requirement is that the FS is under an affirmative duty to monitor population trends of wildlife to determine the effects of management upon such species. The NFMA Statute itself requires that the agency will "insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;" (16 USC 1604(g)). A further monitoring requirement is set forth in the NFMA regulations, at 26 CFR 219.19(a)(6), which requires that "population trends of the management indicator species will be monitored and relationships to habitat changes determined." The DEIS makes no substantial mention of wildlife monitoring and leaves the public without information regarding existing populations of TES and RFSS within and around the project area. This situation is highlighted by the juxtaposition of significant analysis of grouse and whitetail deer habitat needs, two species that are far from being threatened by current activities.

A final relevant regulatory requirement of the agency in preparing a proposal such as the HSVMP timber sales is that the proposal must go through a hard look and public scrutiny in compliance with NEPA. The CEQ regulations require that "(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."

(40 CFR 1500.1(b)). None of this has been done in the case of goshawk or red-shouldered hawk viability and the impacts of the proposed project and related projects on the CNNF NF and adjacent state and private lands.

In looking at these regulations in total, it is clear that the agency must (1) provide sufficient habitat for species to guarantee their viability well distributed across the planning area, (2) they must verify that viability by in-the- field populations counts of either the species or a representative species known as a management indicator species, and (3) they must disclose their plans, the impacts of their plans, and the

accurate, up-to-date scientific basis for their findings in documents subject to public scrutiny before they make final decisions on carrying out those plans. The HSVMP as described in the DEIS is not consistent with these regulations.

The CNNF also presents no evidence that goshawk and red-shouldered hawks, two species with already low population numbers, are being protected by current mitigation and will be protected over time. For example, what if there are nest site in the area and they are not discovered in time? Also, goshawk do not live by nest site alone; they need large areas to forage and red-shouldered hawks are likely to be even more sensitive to logging in their habitat ranges than goshawk.

Goshawks have never been identified as common or abundant, so population numbers would be expected to be low compared to some other species. The low goshawk numbers located locally could be evidence of a population decline, a result of survey methodology or search effort, or an indication of their uncommon and cyclic nature. Because little is known about local limiting factors, it is difficult to determine if the current population could be considered viable. The cumulative effects of harvesting available suitable habitat could reduce the chances of the goshawk locating a suitable nest site. Past harvest across the forest has opened canopies and created thick shrub layers that may have deterred goshawk nesting and foraging. Alternatives that propose harvest, especially in northern hardwood stands, could reduce suitability for nesting.

The impact of the continuing reduction of basal area in potentially suitable stands for goshawk is unknown but precaution suggests that there may be a serious problem, particularly since goshawk require closed canopy forests. Speaker Recommendations from the Summary of a Workshop on the Management of the Northern Goshawk in Wisconsin (3/12/93 -Madison, WI; Attachment 2) including the following recommendation:

"Given the current state of knowledge (or lack of knowledge) about the long-term effects of the extent and different kinds of silvicultural activities on goshawk foraging habitat, forest/wildlife planners should be conservative in planning timber harvest activities at this time. Further, forest management agencies should monitor and manage more than just goshawk "nest site areas"; instead, the management of goshawks and other large, wide-ranging forest predators should occur at the landscape level and take on a more holistic approach." (Page 19)

Furthermore, Abbreviated Notes from William Smith, Zoologist, Wisconsin DNR Natural Inventory Division from the *Summary of a Workshop on the Management of the Northern Goshawk in Wisconsin* (3/12/93- Madison, WI). (Attachment 2) states the following:

"...(Tom) Erdman brings up Dolittle's summary of a northern Wisconsin survey. Of ten sites, all were gone due to fisher, cutting or shooting. He also reminds that clearcutting in Wisconsin's northwest led to aspen regeneration, a big problem for forest raptors " (Page 23). (Tom Erdman is at the UW Green Bay Museum and is a goshawk expert. His work is referenced in the Borrowed Time EA Appendix 6 page 15.)

The Forest Service has a responsibility to address the issue of excessive deer numbers, fisher populations, suitable and unsuitable habitat and recruitment of future habitat for goshawk and red-shouldered hawks in and around the project area. This has not been done, yet proposed logging and road construction will take place directly along waterways and other aquatic features.

Red-Shouldered Hawk

Red-shouldered hawks use closed canopy forests near water as their primary habitat. This has been repeatedly documented. For example, in "Red Shouldered Hawk Nests," by Dijak et al, published in The Wilson's Bulletin in 1990, the authors found that the mean canopy closure of successful nesting sites was 90%, and the mean canopy height was 22.3 meters. The woods were relatively dense, and the basal area 25.4 square meters/ha. In a study on red-shouldered hawks, entitled "Nest-Site Selection of Red-Shouldered and Red-Tailed Hawks in a Managed Forest," by Moorman and Chapman, published in the Wilson's Bulletin in 1996, researchers found that red-shouldered hawks nested in sites with 87% canopy cover. Another important finding in this study is that red-shouldered hawk nests "were located in larger stands (mean of 194.15 ha)," a finding of area sensitivity they supported with similar findings from other studies.

Alteration of the dense, mature forest habitat clearly has an adverse effect upon the species. As Bednarz and Dinsmore stated, in "Hawk Nest-Sites and Habitat", published in 1982, in the Wilson's Bulletin, "Selective cutting in sense woodlots could possibly open habitats currently used by red-shouldered hawks to competition with red-tailed hawks," and "As harvest of the Midwestern forests continues, the Red-shouldered hawk undoubtedly will lose some of its optimum habitat, allowing competition and replacement by the larger red-tailed hawk." Dijak et al recommended that, "Management to enhance lowland hardwood forests for red-shouldered hawk nesting habitat should provide for large-diameter trees with many large diameter perches in areas with a high percentage of canopy closure and high densities of small-diameter trees."

There are also studies from the northern forest, which support these findings. For example, Bryant, A. A., 1986, in a paper entitled "Influence of selective logging on Red-shouldered hawks, *Buteo lineatus*, in the Waterloo region, Ontario, 1953-1978," published in the Canadian Field-Naturalist, 100(4) 520-525, Bryant finds that Incursions by red-tailed hawks were strongly associated with reductions in mean tree density and tree-crown diameter. This suggests that selective cutting in woodlots may result in the replacement of red-shouldered hawks by red-tailed hawks. Failure to maintain uncut buffer zones around traditional red-shouldered hawk nest sites may result in the local extirpation of this species." He goes on to find that "Red-tailed hawk incursions were associated with tree densities and crown diameters, suggesting that these incursions were a response to selective logging in woodlots. I believe that selective logging permits territory appropriation by the larger, more aggressive but less maneuverable red-tails, and that cutting for timber or firewood may be ultimately responsible for the decline of Red-shouldered hawks in the Waterloo region." Yet, this information is not discussed at all in the DEIS. How does the agency explain this omission?

Response: There are no known northern goshawk or red-shouldered hawk nests located within the Hoffman-Sailor West project area. Reference the Biological Evaluation for more specific analysis on these raptor species in respect to the Hoffman-Sailor West project area. Site-specific surveys were conducted on approximately 800 acres within the project area, with no birds or active nests located. Most of the habitat was determined to be of low or medium quality for these two raptor species (see project file report Hawk Survey Summary Spring 1998/1999). Only one stand was determined to be of high quality habitat, primarily due to the presence of a large stick nest. This nest has not been found active, despite subsequent monitoring. Additionally, much of the Park Falls land unit in Price County has had pro-active road surveys for red-shouldered hawks conducted, with 270 points surveyed during 2002 and 2003 combined. There were no responses for red-shouldered hawks at any of these survey points. The same survey

method is conducted on the Medford unit in Taylor County and has had numerous responses.

The DEIS, Table 2-2, project design and mitigation measure number 39 will ensure that the one stand determined to have high quality habitat will continue to have a high percentage of canopy cover by limiting the size and abundance of canopy gap creation.

Specific references listed in this comment were not reviewed specific to this DEIS because the forest utilizes site-specific and more recent research conducted on the Forest by Thomas Erdman for goshawk habitat analysis, and John Jacobs for red-shouldered hawk habitat analysis. These researchers provide yearly survey results and have suggested management guidelines for past projects that are specific to the forest types of northern Wisconsin.

Neotropical Migratory Warblers

The DEIS for the HSVMP states, "In the type of landscape in the project area, effects from edge and forest fragmentation due to timber harvest and other management activities on the reproductive success of NTMB's could occur." What are these effects? How are they evaluated? What neotropical warblers will be affected? What is the conservation status of these species? These are other questions that must be addressed before any decision on immediate and/or cumulative effects can be made in an informed manner. The DEIS does not provide a suitable discussion of effects on neotropical migratory warblers despite the fact that several species breeding in Wisconsin are declining.

Response: The impacts to Neotropical Migratory Birds (NTMB) are primarily addressed in the DEIS, Chapter 4, Section 4.2.5. Some NTMB that are supported by early successional habitat include: house wren, indigo bunting, golden-winged warbler, chestnut-sided warbler, mourning warbler, and Nashville warbler. These species, along with any other NTMB species, would also benefit by having less "edge" because that is where most of the predation occurs. The Hoffman-Sailor West project area is naturally fragmented, with almost 50% of the area in wetlands, many of them long and narrow. The structure of the remaining upland is predominantly early successional tree species in small size patches. Alternatives C and D were developed to see if edge could be decreased and interior forest increased through different harvesting configurations, but overall the natural landscape (wetlands and their location) and previous timber harvest appears to limit the amount that forested edges could be reduced.

Impacts to NTMB, MIS species (common yellowthroat, pine warbler, blackburnian warbler, brown creeper, and olive-sided flycatcher) were considered and dropped from further analysis because habitat of these species was not being impacted by the proposed activities (see project record file MIS Report, and the DEIS, Appendix A).

The Biological Evaluation (also DEIS, Appendix A) looked at RFSS species including LeConte's sparrow, upland sandpiper, Swainson's thrush, Cerulean warbler, Connecticut warbler, and a few other rare bird species. Only Connecticut warbler has been located within the project area, and was found in black spruce/tamarack swamp. There are no proposed activities in this kind of habitat.

THE DEIS FAILS TO ADDRESS ADEQUATELY EXISTING WATER QUALITY PROBLEMS WITHIN THE PROJECT AREA

The DEIS fails to adequately address the existing water quality problems within the project area. Where streams are discussed, verbiage substitutes for real analysis and substantive discussion of waterway recovery. Except for comments related to beaver activity, the HSDEIS ignores existing conditions in aquatic ecosystems. Forest Service has a responsibility to fully describe aquatic ecosystems in the area and analyze effects to these systems from proposed logging and road construction. The DEIS cannot site monitoring studies on mitigation measures that are nearly a decade old nor is a single site visit sufficient to address impacts or determine compliance with mitigation and best management practices. Numerous wetlands are found in the project area but no analysis of their characteristics is provided in the DEIS. How can Forest Service or the public make determinations regarding impacts when no baseline information is provided? The CNNF has an obligation to fully characterize aquatic ecosystems in the project area and determine likely effects from proposed activities. The DEIS for the HSMVP lacks even the minimal level of analysis and monitoring information for aquatic resources.

Forest Service has not conducted any stream surveys to identify populations of Endangered, Threatened or Sensitive species and ignores the impacts of logging road use on stream crossings and stream status. Forest Service also misapplies basic ecological concepts when it assumes that virtually all forest stands can be logged within a watershed over a period of a few decades and no cumulative effects will occur.

ROADS IN WETLANDS

The project proposal may be in violation of the Clean Water Act (CWA) by the agency's failure to consult with the Army Corps of Engineers over the possible impacts of logging and constructing temporary roads in wetlands.

The DEIS (p 18-19) admits to various potential impacts to wetlands:

Altering the subsurface drainage of a wetland is also a concern. Temporary road construction and use, skidding, and landing construction could alter the hydrology of a wetland. Slash from timber harvest can fill in small wetland pockets. Some of the timber harvest areas being proposed have small wetland pockets within them or are adjacent to larger wetlands. Some temporary road construction areas have to cross wetlands and some existing winter roads may be used to cross wetlands in order to implement the proposed projects and alternatives.

The proposals discussion of mitigation measures in wetland areas suggest that bridges and culverts may be constructed in wetlands, the use of heavy equipment in wetlands may occur if needed, and that permanently filling wetlands is prohibited -which suggests that "temporary" filling may occur.

The DEIS first argues that a "Section 404 permit" is not necessary since, "Normal silvicultural activities, including harvesting for the production of forest products or upland soil and water conservation practices, are exempt from Section 404 permits (33 CFR 323.4)." Suggesting that timber removal on National Forests is a "normal silvicultural activity" generally implies that our National Forest is being equated to a commercial tree farm. Aside from this ideological arguments, there are at least two legal problems with the Forest Service argument that make it clear that in this case exemptions to Section 404 of the CWA should not apply.

The first is 33 CFR 323.3 (b). "Discharges of dredged or fill material into waters of the United States done by or on behalf of any Federal agency, other than the Corps of Engineers (see 33 CFR Part

209.145), are subject to the authorization procedures of these regulations." As this is a federal project conducted by and on behalf of a Federal agency, a permit should be required.

Secondly, note 33 CFR 323.4(a)(1)(iii). "Activities which bring an area into farming, silviculture, or ranching use are not part of an established operation. An operation ceases to be established when the area on which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operations." This project clearly outlines new roads, culverts and bridges and admits to potential construction that "could alter the hydrology of a wetland." Again, the only conclusion is that a Section 404 permit is required.

The DEIS next argues that, "Construction and maintenance of forest roads for normal silviculture are also exempt provided best management practices are applied (33 CFR 323.4; Wisconsin's Forestry Best Management Practices for Water Quality)." This is a misinterpretation of the CWA. Section 323.4 states exemptions for established harvest operations "must be in accordance with definitions in Section 323.4(a)(1)(iii)," which in turn clearly states that normal harvesting "does not include the construction of farm, forest, or ranch roads." We again assert that the parts of the project affecting wetlands appear to be in violation of Section 404 of the CWA.

EXOTIC SPECIES/NOXIOUS WEEDS

The DEIS fails to address the issue of exotic invasive species in the project area and the effects the project will have on their spread and persistence.

The DEIS gives only cursory treatment to the growing invasive species problem. A problem that resulted in an Executive Order and a Wisconsin state committee, thus signifying its importance to the public. The failure to analyze the extent and dynamics of exotic invasive species in the project area violates NFMA since their invasion may impact rare species with viability concerns and NEPA. Without a formal monitoring effort, it is difficult to believe that exotic species are found in only a handful of locations in the project area. Nonetheless, evidence is growing that logging activity increases the invasion of exotic species into management units⁷ yet this situation is not addressed in any meaningful way in the DEIS. The Forest Service has an alternative responsibility to protect the CNNF from invasive and exotic species; this has not been done in the DEIS. The CNNF must fully analyze and address this issue.

The only mitigation measure suggested in the DEIS is the "use of native grass species for use in erosion control and establishment of ground cover." Other proposed sales intend to require that, "Equipment used for timber harvest, wildlife opening construction or maintenance, or road and recreational trail construction on maintenance should either be documented as coming from an area free of noxious weeds or be cleaned prior to use on National Forest lands. Equipment should have all mud, dirt, and plant parts removed before working in the project area." These additional measures should be included in this project, and all related documents should make it clear as to that will make sure this happens or how, and how much such monitoring will cost. However, even with these additional measures, it is not clear that they will succeed in mitigating the spread of noxious weeds.

THE DEIS FAILS TO ADDRESS ADEQUATELY MITIGATION MEASURES

The DEIS violates NEPA requirements pertaining to disclosure of mitigation measures. In Northwest Indian Cemetery Protective Association v. Peterson 764 F.2d 581 (9th Circuit 1985), the court determined that NEPA requires agencies to analyze the mitigation measures in detail [and] explain *how effective* the measure would be. A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA. Further, monitoring of implementation is critical and requires

timely and ongoing assessments using formal methodologies. Casual observation, while obviously critical, cannot substitute for real analysis, particularly when it comes to public review. The CNNF must come up with better support justifying use of mitigation measures, particularly those addressing forest structure, raptor protection, wetland protection and other critical issues.

The HSVMP DEIS refers to verbal communication and informal assessments to determine the effectiveness for wildlife impact mitigation measures, but no data supporting these assertions are provided. In addition, some mitigation measures for one species may damage habitat suitability for others. For example, winter logging is likely to damage potential habitat for lynx by compacting snows, creating competitor access to habitat, etc. The public also has no way of knowing whether all mitigation measures will be successfully applied in the future⁸, and are given no indication as to the effectiveness of the measures in the past. This is a violation of NEPA. What evidence does the CNNF have to support their contention that these logging and road-building operations will not further threaten the viability of these species with pre-existing viability concerns? This is a violation of NFMA and NEPA.

CUMULATIVE EFFECTS

Over the past decade, assessing cumulative effects of Forest Service projects has come under scrutiny and criticism by the public and the scientific community. Despite a growing body of theoretical and applied information on assessing cumulative effects of logging and road- construction as well as other human activities, the HSVMP DEIS falls far short of reaching the minimal standards required for cumulative effects analysis.

The cumulative effects analysis fails to address adequately future activities in the project area and its surroundings. In addition, the DEIS analysis uses inadequate project boundaries for relevant ecological characteristics, fails to include baseline information for public review and assessment, uses the term cumulative and cumulatively in ways designed to fulfill superficial document review but which do not address real cumulative effects issues. For example, : discussions of

ECONOMIC ANALYSIS

In section 3.2.8, the DEIS indicates that the economic issues that must be considered include the direct costs of timber harvest, the direct revenue of timber harvest, and the revenue/cost ratio. Unfortunately, for the very limited figures that it does provide, the DEIS fails to provide any breakdown or explanation in the document itself. Without such a breakdown, the public has no real idea of the true costs and benefits of the projects, nor can they check to see if the figures were calculated and used correctly. Again, the USFS is hiding the meat and potatoes of the analysis from the public. This analysis does not satisfy NEPA.

The DEIS does indicate: "Detailed analysis files used for estimating the cost and revenue figures in Table 4-13 are contained in the project record." To the credit of the District Office, I requested and quickly received the additional analysis. However, I found to my dismay, that in the initial analysis by Dennis Brogger, the NFTM costs were estimated at \$63.15/MBF. On the same page, a note by Walt Ruckheim reduced the expected NFTM costs to \$35.00/MBF by exclude certain overhead costs. These smaller figures were used in the DEIS document, which then shows Alternatives B, C and D with expected revenue greater than costs.

On the other hand, my calculations using the larger figures show that if the additional overhead costs for "Sale Preparation and Administrative Costs" were included, each of the three action alternatives would have costs higher than revenue:

- Alternative B would cost and additional \$640,864, making the total administrative overhead \$1,441,944 and the grand totals \$1,667,944.
- Alternative C would cost and additional \$672,448, making the total administrative overhead \$1,513,008 and the grand totals \$1,749,008.
- Alternative D would cost and additional \$804,132, making the total administrative overhead \$1,809,297 and the grand totals \$2,143,297.

Other costs also appear to be missing from the analysis. The costs do not include the costs of road construction and reconstruction. The additional narrative materials also show KV costs of \$80/acre for thinning and overstory removal that do not appear in the cost summary.

The failure to include the total costs of the project is a serious mistake. The fact that these omissions change the conclusions about the revenue/cost ratio for these three alternatives is a serious breach of the public trust.

The cumulative effects section of the economic analysis is also insufficient. It does not consider the overall forest products industry in the area, the effects of the other large projects in the region, or the effects of these large sales on the taxpayers. The DEIS does conclude that, "Implementation or non-implementation of anyone project would not affect the economic conditions of the area." While the impact is likely to be minor, there is little doubt that there would be an impact. However, since the National Forests provide a relatively small percentage of timber, we agree the over all impacts of this project to the local economy are likely to be small. On the other hand, since the sales would actually loss money, there would be an impact to the taxpayer.

CONCLUSION

In conclusion, our organizations oppose any further planning and/or implementation of the HSVMP on the aforementioned factors. Continuing with this project will signify to the public that the CNNF is not interested in sound science or compliance with the law when managing our public forests. It will also signify that the CNNF is not interested in having a working relationship with the public based upon mutual respect and full, informed discussion. The HSVMP DEIS constitutes little more than a pro-forma attempt at compliance with applicable laws and does little to alleviate the ongoing concerns of the public regarding management of the CNNF.

We call on the CNNF to withdraw this project from consideration at the current time and return to the analysis once a new, updated LRMP is adopted. Moving ahead at this time and making a decision based on the inadequate DEIS and BE will damage habitat for rare and sensitive species and kill individuals from many of those species.

We appreciate the opportunity to provide comments on the HSVMP and look forward to your response. Please feel free to contact David J. Zaber of HEC and Sierra Club or Bill Stern of Sierra Club if you have any questions about these comments or our position.

Footnotes:

1 E.g.; *"White-tailed deer will benefit from an increase in the amount of aspen present in Alternatives B through D (see Table 4-1). From the existing condition, there would be approximately a 260 acre increase in aspen in Alternative B, a 490 acre increase in Alternative C, and a 570 acre increase in Alternative D. However, Alternatives C and D have an average clearcut size of around 50 acres, which is not optimal for deer utilization. Alternative B, with an average clearcut size of 26 acres, offers the better habitat utilization potential for deer"*

- 2 Wisconsin Endangered Species Report. Status of the American marten in Wisconsin Performance Report. I July, 2001 through 30 June, 2002.
- 3 Tyrrell, L.E. and T. R. Crow. Structural characteristics of old-growth hemlock-hardwood forests in relation to age. *Ecology* 75(2): 370-286.
- 4 Gilbert, et. al. 1997. Den and rest-site characteristics of American marten and fisher in northern Wisconsin. In; Martes: taxonomy, ecology, techniques, and management. Pages 135-145. Provincial museum of Alberta, Edmonton. Alberta Canada.
- 5 Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Contiguous U.S. Distinct Population Segment of the Canada Lynx and Related Rule.
- 6 Ruggiero, L.F., K.B. Aubry, S. W. Buskirk (and others). 2000. Ecology and Conservation of Lynx in the United States. University Press of Colorado, Boulder, CO 480 p. Map Suppl.
- 7 Buckley et al., 2003. Influence of skid trails and haul roads on understory plant richness and composition in managed forest landscapes in Upper Michigan, USA. *Forest Ecology and Mgmt.* 175: 509-520.
- 8 DEIS p. 64: "In some situations, quality cavity trees could be felled and this become unavailable for use by (Barred owl". Similarly, snag trees could also be felled if they occur within two tree lengths of a tree marked for harvest."

Appendix A:

Proposed Cutting Units with Likely to Cause Adverse Effects to Sailor Creek Wildland Area:

	<u>012022</u>
<u>017035 wildlife opening</u>	<u>012014</u>
<u>017036</u>	<u>012048</u>
<u>017017</u>	<u>012015a</u>
<u>017011a</u>	<u>012042</u>
<u>017008</u>	<u>012021a</u>
<u>017008a</u>	<u>012018</u>
<u>017005</u>	<u>012017</u>
<u>017003b</u>	<u>012023</u>
<u>060015</u>	<u>009038</u>
<u>060014</u>	<u>013030</u>
<u>060011</u>	<u>071011</u>
<u>015057 wildlife opening</u>	<u>071017</u>
<u>011016</u>	<u>071019a</u>
<u>071014b</u>	<u>071020a</u>
<u>071030</u>	<u>070024</u>
<u>011011</u>	<u>070026a</u>
<u>011005</u>	<u>012001b</u>
<u>011002</u>	<u>012001a</u>
<u>011004</u>	<u>012047</u>
<u>071015</u>	<u>012022</u>
<u>071040</u>	<u>071052</u>
<u>012018a</u>	

Appendix 2. Cumulative Effects

Adamus, P. R., E.I. Clairain, Jr., R.D. Smith, and R.E. Young. 1987. Wetland Evaluation Technique (WET). Vol.II.

Methodology. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MS. 178 pp.

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Comment ID 93. United States Environmental Protection Agency, Kenneth A Westlake, Chief
The U.S. Environmental Protection Agency Region 5 (U.S. EPA) has reviewed the U.S. Forest Service's (USFS) Draft Environmental Impact Statement (EIS) for the Hoffman-Sailor West Project Within the Medford/Park Falls Ranger District, Chequamegon-Nicolet National Forest. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act (CAA).

The need for the project stems from the differences between the existing and desired condition of the project area. The Record of Decision for the 1986 Chequamegon National Forest Land and Resource

Management Plan assigned the project area a management prescription. This primary vegetation management emphasis for this prescription is to produce aspen pulpwood through even-aged management and to emphasize habitat for wildlife species associated with pioneer vegetation.

The proposed project addresses seven specific elements identified as needs for the area:

- ◆ maintain aspen pulpwood production
- ◆ enhance forest vegetation composition and structure
- ◆ enhance and maintain early successional habitat for wildlife species
- ◆ enhance watershed and fisheries conditions
- ◆ maintain and enhance habitat for federally threatened and endangered species
- ◆ utilize marketable wood products
- ◆ maintain a transportation system suitable for use and resource protection

U.S. EPA provided scoping comments on this project in our letter dated June 15, 2001. In that letter, we commented on water quality, wetlands, forest biodiversity, climate change, air quality, invasive species, socioeconomic issues, and cumulative impacts. In particular, our scoping comments recommended that the Forest Service evaluate the effect of the primary vegetation management emphasis (produce aspen pulpwood through even-aged management) on broader forest health issues, e.g. forest tent caterpillars, beavers, and white-tailed deer and their impact on forest vegetation. Our interest stems from our concern for overall forest ecosystem health and how this project fits into the larger forest ecosystem. Information related to many of our concerns was presented throughout the Draft EIS. We would like to see more discussion on how the vegetation management emphasis on aspen may contribute to significant overpopulation of species that may affect overall forest health both in this project area and within the forest system.

We acknowledge that our comments are difficult to address within the context of any specific project level activity since they deal with broader ecological forest issues. However, we do think these issues should be dealt with within the Final EIS, perhaps within the context of the cumulative impact analysis for this project. We note that the cumulative impact analysis in this EIS does a good job at looking at past, present, and future actions (the temporal scope) but it does a less rigorous job of looking at impacts that extend beyond this project's spatial boundaries. Therefore, we recommend that the Forest Service evaluate how the aspen propagation strategy fits into the management of areas adjacent to the Hoffman-Sailor West project area, including any roadless or wilderness areas that occur in the same watershed.

U.S. EPA has rated the Draft EIS has an "EC-2." Our comments stated above regarding the relationship between this project and overall forest health issues are the basis for this rating. The rating is described in the attached Summary of Rating Definitions and Follow Up Action sheet. If you have any questions about our concerns, please call Sherry Kamke of my staff at (312) 353-5794 or send email to kamke.sherry@epa.gov. We look forward to working with you to resolve these comments.

Response: In regard to overall forest health issues pertaining to early successional forest management we have identified several concerns from the above comment. They are the potential for the project to result in an increase in forest tent caterpillars, beaver, and white-tailed deer.

Forest tent caterpillar feed on a wide range of forest trees covering the range of major forest types on the Chequamegon-Nicolet. It prefers not only aspen and birch, but also the northern hardwood species of basswood, oak and sugar maple. Forest tent caterpillars

are native to our forests and follow somewhat predictable population cycles. Although outbreaks may be somewhat spectacular, they are not considered an indicator of poor forest health. Currently the caterpillar is in a downward trend, and the past winter has significantly reduced populations on the Forest. See Appendix B of the FEIS for additional information.

Beaver activity and potential overpopulation are a concern along cold water systems where damming and removal of streamside trees could result in increases in water temperature and a change in the aquatic community. A stated objective of the Purpose and Need of the Hoffman-Sailor West project was to reduce the aspen along cold-water streams (Dalrymple Creek) in order to decrease beaver habitat (DEIS, pages 8 and 9). Beaver populations have been previously removed from Dalrymple. Treatment of aspen (conversion to species less palatable to beaver) along Dalrymple will decrease the habitat available for beaver and result in less trapping needed to prevent beaver from re-introducing themselves into the area (DEIS pages 53-54). Since the Hoffman-Sailor West activities will decrease beaver habitat in areas of concern, there is no reason to expect that the project will result in additional forest health problems from beaver.

The Hoffman-Sailor West project area falls within deer management unit (DMU) 30 as established by the Wisconsin Department of Natural Resources (WDNR). Per information from the WDNR, deer densities (deer per square mile) have exceeded goals for DMU 30 for many of the past years. While aspen clearcuts provide food for deer, this does not appear to be the limiting factor for deer population density. Using information on the amount of clearcutting that has occurred in DMU 30 each year, there is currently no direct correlation to deer density. Other factors playing a role in deer density could be baiting and feeding, deer harvest levels, and severity of winters. In 1997, deer density in DMU 30 dropped to 14 deer/square mile which is below the WDNR target level of 15 and a reduction from a high of 22 the previous winter. Since there appeared to be adequate available habitat (clearcuts), the reduction was likely a result of the severity of the winter. For these reasons, the Hoffman-Sailor West clearcutting activities are expected to maintain quality deer habitat within the project area, but will not cause deer densities to be above the WDNR target level of 15 deer/square mile. While deer populations are slightly higher than WDNR target levels, significant effects on forest health as a result of deer herbivory are not expected. See Appendix B of the FEIS for additional information.

Usual deer home ranges are expected to be about 1 square mile in Wisconsin (Wildlife Management Institute, White-Tailed Deer: Ecology and Management, 1984, pp. 129-130). Due to this, even if any impacts from an increase in deer herbivory were expected, the effects would not extend significantly beyond the project area boundary. For this reason, cumulative effects analysis for deer was not projected beyond the project area boundary (DEIS, pages 51 and 52).

The Forest Plan defines the emphasis for aspen composition in any given management area. The Forest Plan manages for multiple resource objectives. Some management areas emphasize early successional habitat and commodities (like MA 1 – the project area), but others emphasize conifers, hardwoods, preservation or recreation. Management Area 1 is part of the balance. It is not within the scope of project-level decisions to change management emphasis, as this would require a major revision of the

Plan. The Forest Plan is currently being revised. There are no proposals or alternatives in the revision effort that would substantially change the current management emphasis in the Hoffman-Sailor West project area (DEIS Table 4-6, page 56). At this time, the existing condition for aspen within the project area is at the very low end of the range desired (DEIS Table 4-5, page 55). At the project area level, there is only a small increase in the aspen component (DEIS, pages 54-56). At the Forest level, the Hoffman-Sailor West project will cause no change to overall aspen composition of the forest (project record report: March 2003 Cumulative Effects Review of Foreseeable Vegetation Management on Forest Composition, Quinn). The North Central Research Station has recently published twenty years of data that show aspen has decreased 15% over the ecological province covering the forest. Hoffman-Sailor West activities do not substantially contribute to aspen increases across the landscape. This information has been incorporated into Chapter 4 of the FEIS, Section 4.2.4.

Another concern raised in this comment is the potential impacts to roadless areas. There are no designated roadless or wilderness areas within the project area. The project area boundary was modified several years ago to avoid areas being considered for roadless and wilderness potential in the Forest Plan Revision effort (DEIS, p. 2). These potential areas are outside the project area and there are currently no plans for management activities within them. Project activities in the Hoffman-Sailor West project area would not lead to any significant direct or indirect impacts to these potential, non-designated roadless areas that would preclude them from being considered for wilderness designation in the Forest Plan Revision alternatives; therefore, roadless areas were not an issue for this analysis (FEIS, Section 1.6.8).