Meriel L. Darzen (OSB # 113645)
Crag Law Center
3141 E. Burnside St.
Portland, Oregon 97214
meriel@crag.org | (503) 525-2725

John Persell (OSB # 084400)
Oregon Wild
5825 N Greeley Ave.
Portland, OR 97217
(503) 896-6472 | jp@oregonwild.org

Nicholas S. Cady (OSB # 113463)
Peter D. Jensen III (OSB # 235260)
Cascadia Wildlands
P.O. Box 10455
Eugene, Oregon 97440
nick@cascwild.org | peter@cascwild.org
(541) 434-1463

Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

CASCADIA WILDLANDS, an Oregon non-profit organization, **OREGON WILD**, an Oregon non-profit organization; and **UMPQUA WATERSHEDS**, an Oregon non-profit organization,

Plaintiffs,

v.

UNITED STATES BUREAU OF LAND MANAGEMENT, a federal agency,

Defendants,

AMERICAN FOREST RESOURCE COUNCIL and **ASSOCIATION OF O&C COUNTIES**,

Defendant-Intervenors.

DECLARATION OF ERICH REEDER

Case No. 6:24-cv-01641-MTK

I, ERICH REEDER, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.
2. My name is Erich Reeder. I am a resident of the United States and over the age of eighteen.
3. I live in Roseburg, Oregon. I am recently retired from the Swiftwater Resource Area (SW RA), Roseburg District, Bureau of Land Management (BLM).
4. I was lucky enough to be born and reared in Medford, Oregon. Early on I was introduced to the tremendous beauty of southwestern Oregon, from the Pacific Coast to the High Cascades and beyond. I have hiked many of its trails beside splashing streams and waterfalls, through mountain meadows, and among bears and butterflies; I have recreated and camped beside its lapping lakes and among its rugged mountains; I have rafted, fished, and swam in its stunningly gorgeous rivers; and I have rejoiced barefoot on its pristine and secluded beaches. I have studied this region's topography, geology, history, and especially its diverse flora and fauna to better understand the interconnected and interdependent relationships that are the life of the natural world here.
5. I worked as a Biological Science Technician for the BLM based out of its Roseburg Office for 23 years (2002-2024). There, I specialized in conducting wildlife surveys for marbled murrelets, northern spotted owls, bald eagles, golden eagles, northern goshawks, peregrine falcons, terrestrial mollusks, red tree voles, foothill yellow-legged frogs, western pond turtles, and various other threatened and sensitive species.

6. I am a member and supporter of Cascadia Wildlands, Oregon Wild, and Umpqua Watersheds, non-profit organizations focused on forest and species conservation issues in Oregon. The members of these organizations regularly engage in the NEPA process, submitting comments and interacting with the BLM and Forest Service on public lands management issues. These organizations have a keen interest in protecting mature and old-growth forests on public lands and supporting the recovery of federally threatened species including the marbled murrelet and the northern spotted owl.

7. I first came to live in Douglas County in March 2002 to begin surveying for marbled murrelets for the SW RA of the Roseburg District BLM. I have been surveying for one species or another, and their forest habitats, since then. In the last 23 years, I have had the wonderful challenge and pleasure of exploring nearly the entire SW RA, as well as many parts of the South River RA. I have climbed its many steep slopes and canyons and roamed and assessed and documented the diversity of its forests from the Coast Range east to the Western Cascades and south to the Klamath Mountain province. I think it fair to say I now know our public lands here better than most.

8. Central to this work and my experience was evaluating and mapping wildlife habitat features and classifying forest stands to habitat types for marbled murrelets (nesting and recruitment) and northern spotted owls (Nesting, Roosting, Foraging (NRF), Recovery Action 32 (RA32: a subset of high quality NRF), Dispersal, and/or Capable Habitat). Much of this work was associated with proposed timber sales and over the years these surveys helped planners and managers adjust and redesign timber sales to reduce harm and/or risk of harm to these threatened and sensitive species.

9. Through my nearly 25 years with the BLM, I have acquired extensive experience formally surveying and inventorying the forests on BLM lands administered by the Roseburg District, including those targeted for logging in the Blue and Gold Project. This work required me to hike through, assess, and analyze the forests that make up the Blue and Gold Project.

10. In 2014, I participated in a review of forest stands in the SW RA aged in the BLM's Forest Operations Inventory (FOI) as between 90-119 years old. The purpose of this study was to field review stands for the presence of northern spotted owl RA32 habitat and determine whether the FOI was accurate and could be trusted to capture these ecologically significant habitats for upcoming RMP land allocation purposes. RA32 habitat is a subset of northern spotted owl habitat NRF, typically with old-growth forest characteristics such as "large diameter trees, high amounts of canopy cover, and decadence components such as broken-top live trees, mistletoe, cavities, large snags, and fallen trees"[1] that the Recovery Plan for the Northern Spotted Owl prioritizes for protection. This review found that RA32 was the dominant habitat type in 59% of the stands field checked in this age cohort (90-119 years old) and therefore using FOI stand ages for land allocation purposes—specifically setting an older stand age criterion for RA32 habitat classification; for example, > 120 years old—would not capture the majority of RA32 habitats into Late Successional Reserves as intended.[2]

11. Despite the evidence outlined by our internal study, Land Use Allocations were made for the RMP relying on the unreliable stand ages of the Forest Operation Inventory and as

[1] Revised Recovery Plan for the Northern Spotted Owl (USFWS, 2011) p. III-67
[2] Recovery Action 32 (RA32) Review of 90–119-year-old stands in the Swiftwater (SW) Resource Area (2014).

predicted, a substantial amount of older, structurally complex forest RA32 was allocated into the Harvest Land Base (HLB).

12. Many HLB units within the Blue and Gold Planning Area epitomize this problem and the process that led to it.

13. For example, the contiguous mature and old-growth forests identified in T23S-R06W-sections 23, 27, 28, 29, and 33 in the Blue and Gold Harvest Plan were previously allocated as Late Successional Reserve (LSR) under the Northwest Forest Plan, but by relying on inaccurate stand ages in the FOI, BLM was able to reallocate these mature and old growth forest areas into the HLB in effectuating the 2016 RMP. This is also true of mature and old-growth forests in T24S-R06W-sections 3, 4, and 5 in the Blue and Gold Harvest Plan. This reallocation is deeply troubling as there is no scientific basis for it. Thirty years ago, this extensive, contiguous mature and old-growth forest area was designated as LSR because of the recognized importance of its ecological function to northern spotted owls, marbled murrelets, and other late-successional forest-dependent species. Now, thirty years later and thirty years older, the same extensive, contiguous mature and old-growth forest area has arbitrarily been reallocated into the HLB and is now targeted for logging by the BLM's Blue and Gold Harvest Plan.

14. Because of the unreliability of the FOI to capture older, structurally complex forest stands Roseburg Wildlife staff have for many years compiled and maintained a Wildlife Habitat database to identify and map marbled murrelet nesting habitat and northern spotted owl RA32, NRF, Dispersal, and Capable habitats. A review I made of the Wildlife Habitat layer before my retirement, indicates that 1,788 acres (unit acres) and 1,376 acres (treatment acres) included in the Blue and Gold Harvest Plan are currently classified as

RA32 quality by field verification. Specifically, the unbroken and previously unlogged forests of T23S-R06W-sections 23, 27, 28, 29, and 33 and proposed unit T24S-R06W-7B are classified as RA32. Together, 55% of the project's unit acres and 57% of the treatment acres proposed for logging are recognized and inventoried northern spotted owl RA32 habitat.

15. I outlined this both as a BLM employee before retirement and after retirement by way of formal comment during the NEPA process. See Exhibit A- "Comments Regarding the Environmental Assessment of the Proposed Blue & Gold Timber Sale Erich Reeder, August 22, 2024."

16. The BLM's response to these comments in its Finding of No Significant Impact (FONSI) was simply to repeat that "Mature stands in the area exhibit a single, dominant cohort of Douglas-fir, suggesting a stand-replacement disturbance around the turn of the 20th century." This repetition of a false claim to try and explain away a physical truth does not answer the comment and is irresponsible. And lazy. As I've stated before, the BLM *already has* existing data describing and locating these ecologically important forest attributes—the individual old-growth trees, groves, and stands—which are prevalent throughout the majority of the Blue and Gold timber sale units. To deny or obscure this is either highly incompetent or purposely inaccurate and misleading.

17. In the chosen Alternative 6, commercial thinning is proposed within all these RA32 stands, which will dramatically reduce the existing structural complexity and canopy cover to an extent they will be degraded to less than RA32 quality. This substantial and ecologically significant negative impact is not disclosed or addressed in the EA.

18. The Biological Opinion of the EA by the US Fish & Wildlife Service states, "the proposed action will remove 95 acres older and structurally complex forest (as described in USDI FWS2011—Recovery Action 32)." This is considerably fewer acres than that identified by myself and other BLM Wildlife staff in their habitat evaluations and documented by their reports and in the Wildlife Habitat database as summarized and declared above. This discrepancy is deeply troubling as it indicates FWS based their BO on inaccurate and/or misleading information supplied by the BLM regarding these substantial and ecologically significant habitats found throughout the proposed Blue and Gold timber sale units and project area. This in turn compromises the FWS's evaluation and findings of the potential harm to listed species as a result of the Blue and Gold project.

[all photos are from Blue and Gold Harvest Plan units 27, 28, and 33]

19. The mature and old-growth forests proposed for logging in the Blue and Gold Project are in large part the result of one or more fires that ignited 120 to 150 years ago during early European American settlement. This fire or fires burned throughout the Yellow Creek drainage in a mosaic pattern, meaning that the fire burned in a spectrum of low to high severity such that a substantial amount of the existing forest survived the burn. Where fire burned more intensely, today, a naturally regenerated fully mature 120–150-year-old forest thrives. Where the fire burned at low severity or not at all, today, extensive individual old-growth trees, full groves of old-growth trees, and large intact and contiguous stands of old-growth forest of the surviving legacy cohort tower above the forest providing essential habitat for old-growth dependent species, such as marbled murrelets and northern spotted owls. These legacy trees, groves, and stands grow throughout the majority of the Blue and Gold timber sale units, along many ridges and on all slope aspects, and are made up of primarily Douglas-fir trees ranging from 200-600 years old, some even older.[3] Equally significant, much of this forest has never been logged and remains in a healthy and natural condition.

20. The EA states that: "Mature stands in the area exhibit a single, dominant cohort of Douglas-fir, suggesting a stand-replacement disturbance around the turn of the 20th century." This is inaccurate and misleading. As mentioned, the fire was not stand-replacing, and the forests do not exhibit a single dominant cohort of Douglas-fir. These forests have substantial old-growth legacy structure throughout, as such these forests are

[3] In a recent clearcut on private land a couple of miles to the west in the headwaters of Brush Creek, I counted the annual growth rings from two 6-foot diameter Douglas-fir stumps which established both trees were over 600 years old when cut down and removed.

multi-canopied, structurally diverse and complex. Moreover, the BLM has *already* field verified and documented these forests as such by classifying them as RA32 habitat in the wildlife staff's Wildlife Habitat layer. The representation in the EA that there is a single cohort of trees up to 140 years in age misrepresents these forests and obscures the present and extensive old growth in these areas to facilitate the commercial logging of these units.

21. For example, the forests found in T23S-R06W-sections 27, 28, 29, and 33 of the Blue and Gold Project contain ancient, native forests with extensive old-growth structure. Specifically, by implementing the Blue and Gold Harvest Plan across these units, the BLM has authorized heavy logging in a 3- 4 square mile contiguous, functioning, mature, and old-growth forest best described as a mosaic of 300-600-year-old forest interspersed with naturally fire-regenerated stands 120-150 years in age.[4]

22. The EA states, "Past treatments include timber harvest, tree planting, fertilization, herbicide, and pre-commercial thinning." This is inaccurate. The majority of the mature and old-growth forest described above have never been logged nor received any of the other treatments listed. There are no stumps and no roads. This statement in the EA gives the impression that the BLM has actively been managing the proposed Blue and Gold timber sale units and the current Harvest Plan is just a continuation of those efforts. This is false and misleading.

23. BLM's efforts to implement its proposed logging prescriptions in these interconnected square-mile sections will result in the logging and removal of much of this old-growth

[4] One harvest unit correlates to approximately one square mile. Units following sequence such as in T23S-R06W-sections 27, 28, 29, and 33 inform that these units are functionally continuous.

structure and grievously degrade the contiguous, unlogged condition of this otherwise pristine forest area.

24. Given the sheer amount of mature and old growth in the Project Area, like those I have identified in specific units slated for heavy commercial timber operations, it is not clear how BLM will simultaneously acquire the volume they have identified while avoiding the removal of trees with a birthdate before 1850 or exceeding 40 inches in diameter as required by the RMP. Trees of that description and age class predominate 3- 4 square miles of the authorized sale units identified above. Furthermore, they occur along all the major and minor ridges of the proposed timber sale units, exactly where roads and spur roads are designated for logging purposes, and they are currently planned for clearing.

25. Again, only by continuing to rely on its inaccurate FOI is BLM able to paper this through as described in the EA and as I have informed the BLM.[5]

26. The presence of this substantial amount of old-growth structure throughout the proposed Blue and Gold sale units has been repeatedly identified and documented by BLM staff, including by me personally, and reported formally to the agency. BLM is ignoring these substantial and ecologically significant forest habitats, attempting to obscure their presence to facilitate the commercial logging of the Blue and Gold Project Area.

[5] See Exhibit A at pg. 1 "1.Current Forest Stand Attributes, as represented in Appendix I, Table I-1, p.178 of the EA are inaccurate and misleading, and consequently cannot be used to accurately account for the environmental effects of the proposed Blue & Gold timber sale."

27. Beyond the inventory, description, and habitat classifications that I have outlined above, considerable issues arose in BLM's wildlife survey processes for listed bird species.

28. I began working on the Blue and Gold Project in the autumn of 2018.[6] I conducted surveys of proposed timber sale units to identify important northern spotted owl and marbled murrelet nesting habitats (as discussed above).

[6] I was first in the area in 2002, however, during my first season surveying, I surveyed for marbled murrelets for the proposed Diamondback timber sale up Yellow Butte, which is in the same analysis area as the current Blue and Gold Project.

29. In 2019, I began surveying for northern spotted owls, throughout the Blue and Gold Analysis Area, conducting both daytime activity center searches of historical sites and suitable forest habitat, and nighttime call-back surveys.

30. In 2021, I, along with fellow BLM wildlife staff, deployed Autonomous Recording Units (ARUs) in the project area, and in 2022, I was tasked with planning and conducting ARU surveys to USFWS draft protocol for five distinct sites within the Project Area. In 2023, I assisted a coworker do the same.

31. Based on surveys I conducted, I have reason to believe NSO data from ARUs employed to detect NSO may have been miscoded resulting in an analysis determining less occupancy than is actually warranted. Specifically, single spotted owl detections in an area may be coded as "incidental;" however, when you incidentally get three detections in a given area, protocol requires that the site be identified as "occupied," as it is more likely occupied than incidentally detecting three distinct transient owls.

32. I am concerned there may be sites with numerous "incidental" detections by ARUs, that based on protocol, should have been appreciated cumulatively to warrant resident status but were not.

33. In the public-facing documents, the disclosed conclusions of these survey efforts may now outline a story that is inconsistent with the ecological and field-verified realities. I am concerned there may be one or more northern spotted owls present than were classified and disclosed as resident owls risking far greater impacts to NSO than were evaluated.

34. Furthermore, in the spring of 2024, BLM wildlife staff were prohibited from deploying ARUs in proposed timber sale areas in the SW RA, including the Blue and Gold project

area. It is my understanding that this was a direct order from the Resource Area manager and management. Recent scientific research has determined that ARUs are a valuable tool to detect and locate northern spotted owls, able to passively detect owls on the landscape and determine residency when call-back surveys are ineffective, so it is deeply troubling ARU efforts by wildlife staff were halted in 2024 in the Blue and Gold project area, limiting the BLM's ability to detect and locate northern spotted owls.

35. I am also aware that FWS had mere weeks to consult on the Blue and Gold Project EA and had no lead wildlife biologist point of contact to coordinate with regarding vital marbled murrelet and northern spotted owl information. In fact, the FWS's Biological Opinion of the EA was released on the *same day* as the final Blue and Gold Harvest Plan EA, meaning the BO is of the draft EA. This uncharacteristic rush by the FWS was solely to meet BLM's focused efforts to get a timber sale out before the end of FY2024 on September 30, 2024. This mad rush necessarily precluded the careful, deliberative thought and attention such an ecologically significant and controversial project calls for, one which will seriously degrade an extensive four-square mile unlogged, mature and old-growth forest currently classified by the BLM as high-quality RA32 spotted owl habitat and known to be a rare inland nesting site of marbled murrelets with multiple occupied detections throughout the project area.

36. The extensive, contiguous area of this forest is also just the high-quality nesting, roosting, foraging (NRF/RA32) habitat northern spotted owls need if they are ever going to make a recovery. The logic of grievously degrading such extensive, ancient, pristine, and RA32-qualifying habitat because of current unoccupied status is unsound. As the Recovery Plan states: "It is not uncommon for an occupied spotted owl site to be unoccupied in

subsequent years, only to be re-occupied by the same or different spotted owls two, three or even more years later (Dugger et al. 2009) While temporarily unoccupied, these sites provide conservation value to the species by providing habitat that can be used by spotted owls on nearby sites while also providing viable locations on which future pairs or territorial singles can establish territories." (p.III-45).

37. These areas are native forests. Very little logging has occurred on these public forests throughout the project area and there remain large tracts of previously unlogged forest. This is likely due in part to the mature and old-growth forests within the Blue and Gold Project being allocated into Late-Successional Reserves thirty years ago and protected from logging since that time.

38. Having no evidence of prior logging and the fact that thirty years ago these stands—the majority of the project area—met all objective criteria for LSR in terms of high-quality northern spotted owl and marbled murrelet habitat forest under past management, it stands to reason this area is only rarer, older, and more structurally developed now, thirty years later.

39. In my experience, it is rare to find such an extensive and contiguous, unlogged, mature and old-growth forest in the Coast Range of western Oregon. It is even rarer to have a forest with occupied detections of marbled murrelets throughout multiple connected sections (4 occupied detections in 4 different square-mile sections) so far inland from the Pacific Ocean. To hear the piercing seabird cries of marbled murrelets at dawn in a mature and old-growth forest 35+ miles inland is to know you are in a special forest indeed, one contiguous enough and possessing the old-growth attributes necessary for

these amazing birds to nest and successfully raise their young. This is by no means a coincidence, but a stamp of approval from the experts themselves.

40. I have worked for the conservation and recovery of threatened and sensitive wildlife species for most of my professional life, including 23 years on the SW RA. The extensive and contiguous mature and old-growth forests threatened by the Blue and Gold Harvest Plan are not only an established nesting area for threatened marbled murrelets but a vital inland nesting stronghold for this amazing species. I can think of only three other forested areas throughout the SW RA that have a similar pattern of clustered use. To seriously degrade this vitally important nesting stronghold by logging it would be an abdication of legal responsibility by the BLM and the USFWS who both are charged with assisting in the recovery of the marbled murrelet.

41. My long and abiding interest in the conservation of marbled murrelets and northern spotted owls will be irreparably harmed by the logging and degradation of the extensive, contiguous mature and old-growth forest upon which these species depend and, indeed, which they are currently using.

42. To mar these otherwise pristine forests with spur roads and yarding landings, and then log, remove, and degrade this previously unlogged mature and old-growth forest and endanger the threatened and sensitive species that inhabit it would destroy it for the rest of my life and irreparably harm my ability to enjoy this extensive and unique forest and bring others to enjoy it with me.

43. With my retirement from the BLM, I will be returning to Medford, Oregon, but I have many friends among the communities here and will visit often. And I plan on visiting the forests within the Blue and Gold project in particular, for it truly is a rare thing to be able to access so quickly—25 minutes from Roseburg—to hike and explore and learn from such an extensive, unlogged, centuries-old temperate rainforest in the Coast Range, one home to both marbled murrelets and northern spotted owls among other forest denizens. Over the years, I have guided new, onboarding BLM wildlife staff, conservation groups, media folks, and members of the public into this unique mature and old-growth forest to introduce them its many wonders and I plan on continuing to do this.

44. The mature and old-growth forests threatened by the Blue and Gold Harvest Plan are largely in an unlogged, pristine condition and accessible to recreate in and I plan on visiting again and again, both alone and with family, friends, and others, until I am physically unable to.

45. Further, the mature and old-growth forests threatened by the Blue and Gold Project are an excellent area to teach forest ecology and learn ecological lessons regarding natural regeneration following wildfire, the interaction of healthy and functioning ecological communities, and the value of such large structural attributes of old-growth trees, both living and dead, to these forest communities through time.

46. I have studied the evolving science of climate change for decades now and understand well the research that has calculated and documented the great value the existing mature and old-growth forests of the Pacific Northwest, and specifically the Coast Range of western Oregon, have to reduce the future impacts of climate change by their ability to sequester and store more atmospheric carbon for longer periods of time (think centuries to millennia) than any other forests on Earth. The mature and old-growth forests that make up the Blue and Gold timber sale are active carbon sequestration and storage powerhouses and *exactly* the type of forests we need to maintain and build upon to reduce atomospheric carbon and mitigate the effects of climate change. To burn great amounts of fossil fuels to road and log this extensive, unlogged, contiguous mature and old-growth forest, as proposed by the Blue and Gold Harvest Plan, would irreparably harm my climate and environmental justice interests.

47. My long and close association with this and similar public forests of this region has deeply informed my understanding of life, death, and renewal, and this has greatly enhanced and benefited my mental health and spiritual well-being. This in turn has profoundly helped me face the inevitable personal tragedies of this mortal life with greater compassion, patience, understanding, and grace. It is very important to me that others may benefit from this magnificent public forest remaining unlogged, ecologically

functioning, pristine, whole, and accessible, so that they too may find and experience, through visiting, exploring, and contemplating in this forest, some peace, beauty, understanding, and grace in their lives. I call this my mental and spiritual health interest, and it would truly be irreparably harmed if this extensive, contiguous, unlogged, healthy mature and old-growth forest—full of space and light and grandeur and life—was itself irreparably harmed by the logging proposed by the Blue and Gold Harvest Plan.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 10/02/24 day of October 2024, in Eugene, Oregon.

Erich Reeder (Oct 2, 2024 10:44 PDT)

EXHIBIT A

Comments Regarding the Environmental Assessment of the Proposed Blue & Gold Timber Sale

Erich Reeder, August 22, 2024

1. Current Forest Stand Attributes, as represented in Appendix I, Table I-1, p.178 of the EA are inaccurate and misleading, and consequently cannot be used to accurately account for the environmental effects of the proposed Blue & Gold timber sale.

   As a recently retired Biological Science Technician for the Swiftwater Field Office, Roseburg District, I am very familiar with the forests proposed for logging in the Blue & Gold EA, meaning I have hiked through them all numerous times, conducted habitat assessments for both northern spotted owls and marbled murrelets in the proposed units, and conducted both call-back and ARU surveys for northern spotted owls in the area.

   The majority of the forest acres proposed for treatment in the Blue & Gold project are in the contiguous, previously unlogged mature and old-growth forests within T23S-R06W-sections 23,27,28,33 and parts of section 29. The proposed timber sale units in this area account for 1,710 acres, or 53% of the proposed unit acres of the project.

   The proposed units 23-6-23A, 27A, 28A, and 28B (1,341 acres total) are all given a Stand Structural Class (SSC) of Mature Multiple Canopy and age classes from 120-130 years old. This is factually inaccurate. The forests throughout this large contiguous area of several square miles are the result of natural regeneration from an old fire, or fires, that burned 120-150 years ago in a mosaic pattern that left many individual old-growth trees, many groves of old-growth trees, and many larger intact old-growth stands. This significant and substantial amount of remnant old-growth forest is located throughout this large contiguous forested area, along many ridges and on all aspects, and is made up of primarily Douglas-fir trees ranging from 200-600 years old or older (in a recently cut forest on private land a couple of miles away, the annual growth rings from a cut 6-foot DBH Douglas-fir established it was over 600 years old). Equally significant, this contiguous forest has never been logged and remains in a healthy and natural condition.

   The Stand Structural Class of Mature Multiple Canopy given for the above units does not acknowledge the abundance of old-growth legacies, nor does the stand age, both misrepresenting and concealing these very significant ecological attributes.

   The proposed unit 23-6-29E (283 acres) is a result of the same fire history and natural regeneration as the preceding units, with the same incidence of old-growth legacy components, and indeed, is physically connected to them. It is given a SSC of Structurally Complex Developed Structurally Complex which is accurate, however it is aged at 130 years old, once again obscuring the significant and substantial old-growth attributes.

   The proposed unit 23-6-33A (86 acres) is a result of the same fire history and natural regeneration as the preceding units, with the same incidence of old-growth legacy

components, and indeed, is physically connected to them. It is given a SSC of Young High Density without Structural Legacies and a stand age of 80 years old, both misrepresenting and concealing these very significant ecological attributes.

Other proposed units with significant inaccuracies with their Current Forest Stand Attributes, include 24-6-5E, 7B, and 7C (253 acres total). Much as the forests higher up the Yellow Creek drainage, the forests in this area are the result of natural regeneration from an old fire, or fires, that burned 100-150 years ago in a mosaic pattern that left many individual old-growth trees along with some significant groves of old-growth trees. These proposed units are all given a SSC of Young High Density without Structural Legacies and stand ages from 70-90 years old. This is inexplicable as the giant old-growth legacies are quite visible standing up laden with lichens above the younger naturally regenerated forest. Again the stand attributes and ages given for these stands misrepresent and conceal these very significant ecological attributes.

Altogether, the proposed units analyzed above amount to 1,963 acres or 61% of the proposed project. In nearly all cases, the Stand Structural Class and Age Class for each unit is misleading and conceals significant ecological attributes that should not only be disclosed to the public, but also used to analyze the environmental effects of the proposed project alternatives.

2. The degrading of substantial amounts of forests previously field verified as important northern spotted owl Recovery Action 32 quality habitat was not disclosed or analyzed in the EA.

Recovery Action 32 from the Revised Recovery Plan for the Northern Spotted Owl (USFWS, 2011), states:

"Recovery Action 32: Because spotted owl recovery requires well distributed, older and more structurally complex multi-layered conifer forests on Federal and non-federal lands across its range, land managers should work with the Service as described below to maintain and restore such habitat while allowing for other threats, such as fire and insects, to be addressed by restoration management actions. These high-quality spotted owl habitat stands are characterized as having large diameter trees, high amounts of canopy cover, and decadence components such as broken-topped live trees, mistletoe, cavities, large snags, and fallen trees."

The USFWS continues: "*Our recent experience reinforces that the BLM and FS are aware of the conservation value of this recovery action and have been proactive and collaborative in the application of Recovery Action 32."* (p.III-68)

And furthermore: "*Land managers that utilize and document the application of these recommendations in their project planning are consistent with the intent of Recovery Action 32."* (p.III-68)

A review of the Wildlife Habitat database stewarded by BLM Wildlife staff indicates 1,710 acres (unit acres) and 1,349 acres (treatment acres) in just the unbroken and previously unlogged forests of T23S-R06W-sections 23, 27,28,29, and 33 are currently classified as RA32 quality by field verification. Proposed unit T24S-R06W-7B also qualifies as RA32 and adds another 78 unit acres and 27 treatment acres to this. Together this constitutes 55% of the project's unit acres and 57% of the treatment acres proposed. These acres correlate closely, and not surprisingly, with the 1,539 acres of marbled murrelet nesting habitat that the EA states would be downgraded by the proposed action (EA, p.47).

In all Alternatives, except for the No Action Alternative 1, significant negative impacts would occur to these RA32 stands but this is not disclosed or analyzed. For example, in Alternative 6, commercial thinning is proposed within all these RA32 stands, which will reduce the existing structural complexity and canopy cover to an extent they very likely would be degraded to less than RA32 quality. None of this is disclosed or addressed in the EA, which is inconsistent with the USFWS Recovery Plan as stated above.

While the 2016 Record of Decision and Resource Management Plan (ROD/RMP) for Northwestern & Coastal Oregon states: "The BLM will not defer or forego timber harvest of stands in the Harvest Land Base to contribute to Recovery Action 32." (Appendix A, p.105), this is assumed to apply only to "Future identification of *patches* of structurally-complex forest not included in the Late-Successional Reserve..." (p.112)[my italics].

The USFWS makes it very clear in a 2009 Memorandum to the BLM's Medford and Roseburg Districts with the subject *Northern Spotted Owl Recovery Plan—Recovery Action 32 Implementation and Proposed BLM Timber Sales* that "It is the Service's interpretation that...the BLM's identification of RA 32 stands using the 160+ year old standard has actually missed 20% of the existing structurally complex stands. The Service believes RA 32 was developed to maintain these types of stands....It is the Service's recommendation that timber sales that are otherwise inconsistent with the goal of maintaining substantially all structurally complex habitat...be withdrawn or modified."

The proposed Blue & Gold project includes a majority of acres within its treatment acres which are comprised of RA32-classified and field verified forests. The project is proposing to degrade 1,376 acres of RA32, negatively impacting 1,788 acres of RA32, and thus is well outside the environmental consequences envisioned by the USFWS in any of their supporting documents and fully inconsistent with Recovery Action 32 of their Revised Recovery Plan for the Northern Spotted Owl (FWS 2016).

Furthermore, as previously noted, because "land managers that utilize and document the application of these recommendations in their project planning are consistent with the intent of Recovery Action 32," it becomes equally clear that land managers who do not do so are acting inconsistent with the intent of Recovery Action 32.

3. The degrading of substantial amounts of forests previously field verified as important marbled murrelet nesting habitat is inconsistent with the Recovery Plan for the Marbled Murrelet (1997).

   The Recovery Plan explicitly calls for:
   "...maintaining potential suitable habitat in large contiguous blocks and buffer areas; maintaining habitat and quality; reducing nest predation..." p.124
   "Recovery actions should be focused on preventing the loss of occupied nesting habitat, minimizing the loss of unoccupied but suitable habitat..." p.128

   The Recovery Actions include:
   "3.1.1 Maintain/protect occupied nesting habitat and minimize loss of unoccupied but suitable nesting habitat.
   3.1.1.2 Maintain potential and suitable habitat in larger contiguous blocks while maintaining current north/south and east/west distribution of nesting habitat."

Alternative 6 in the EA states that "The proposed thinning (1,539 acre) of nesting habitat...would downgrade nesting habitat." And all this in an intact, previously unlogged, contiguous block of nesting habitat which has documented occupied sites. This contiguous block of forested habitat functions now as a very real and rare inland stronghold for marbled murrelet nesting, and the degrading of such a large amount of nesting habitat here is far outside the environmental consequences envisioned by the USFWS in any of their supporting documents and fully inconsistent with the Recovery Action for the Marbled Murrelet.

4. The EA argues "The ROD/RMP states that all HLB acres would be harvested at some point during the life of the PRMP/FEIS. Consequently, it is unlikely that all of these NRF and dispersal-only habitat acres [and marbled murrelet nesting acres] would remain unharvested for the next decade even under Alternative 1." (EA, p.25)

   This assumption, used here to rationalize the proposed Blue & Gold project, is false. The BLM is very well aware that RMPs can have short life spans, and that, in fact, nearly all the forested sections in this proposed project were originally allocated by the previous RMP into the Late-Successional Reserve (LSR) until they recently got flipped into the HLB in the 2016 RMP.

   Furthermore, as the BLM is also aware, there is a *current* effort to amend this very RMP. It is my understanding that these ongoing efforts to amend this RMP are attempting to better capture RA 32 designated stands within the LSR. This then might very well reallocate the majority of the RA32 designated stands proposed for logging in the Blue & Gold project back into the LSR within the next year.

   Therefore, it is incorrect and misleading to argue that "it is unlikely that all of these NRF and dispersal-only habitat acres would remain unharvested for the next decade..."

5. The BLM states, “Foregoing harvest of the acres proposed for harvest in the Action Alternatives would cause the BLM to plan timber harvest elsewhere in the HLB LUA to meet ASQ requirements in the RMP/ROD.”

   This is a reasonable and expected consequence. Northern spotted owl and marbled murrelet habitat assessments of the proposed Blue & Gold timber sale began in 2018 and substantial amounts of both NSO RA32/NRF and MAMU nesting habitats were found and documented within the proposed sale units. The land manager(s) have known about these important and consequential habitats for over six years now and have neither adjusted the proposed harvest footprint or begun planning another sale with less controversial impacts to protected species and less risk of costly and lengthy litigation. Any delay or failure to meet ASQ requirements is a direct result of the land manager(s) stubbornly and single-mindedly pursuing an environmentally consequential and legally risky project.

   And as a concerned and knowledgeable owner of the public forests the BLM stewards, I request that when the BLM plans future timber harvests elsewhere in the HLB, it does so conservatively and wisely, targeting already logged second growth stands, and refrains from spending our public resources going after highly controversial, previously unlogged, contiguous sections of mature and old-growth forest which largely comprise the currently proposed Blue & Gold project.