



January 31, 2023

Via Electronic Mail

Ian Reid
District Ranger, Sisters Ranger District
Deschutes National Forest
PO Box 249
Sisters, Oregon 97759
comments-pacificnorthwest-deschutes-sisters@usda.gov

Re: Cougar Rock Restoration Project Scoping Notice

Central Oregon LandWatch (“LandWatch”) submits the follow comments on the scoping notice for the Cougar Rock Restoration Project.

LandWatch is an Oregon non-profit, public interest organization of about 700 members. Its offices are located in Bend, Oregon. LandWatch’s mission is to defend and plan for Central Oregon’s livable future and it has advocated for the preservation of natural resources in Central Oregon for over 30 years. LandWatch actively participates in Forest Service proceedings and decisions concerning the management of public lands in Central Oregon. Its members and supporters live in Central Oregon, including on lands adjoining the Sisters Ranger District, and regularly enjoy the public lands and resources in the project area for educational, recreational, spiritual, and scientific activities.

LandWatch’s concerns and comments on the proposed Cougar Rock Restoration Project are detailed below.

ISSUES

1. An Environmental Assessment or Environmental Impact Statement is required

As stated in 36 CFR 220.6, “a proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the propose action” 36 CFR 220.6 (a). The Cougar Rock Restoration Project area is a complex landscape that encompasses multiple extraordinary circumstances. Because of this, an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”) is required.

Examples of extraordinary circumstances within the project area that the Forest Service must assess in an EA or EIS include:

- Threatened and endangered species or designated critical habitat (see additional discussion below)
- Special status species¹
- Cultural sites
- Archaeological sites

Further, other circumstances, including key restoration or management actions needed to address the needs of Oregon Conservation Strategy species; habitat restoration and maintenance of other key wildlife species, including deer and elk; and the high degree of fragmentation caused by authorized and unauthorized roads and trails, all add to the complex needs and extraordinary circumstances present within the project area.

The Forest Service must prepare an EA or EIS.

2. Purpose and Need

The scoping notice states that “[t]he purpose of this project is to maintain and restore resiliency and forest health and to address the potential risk of large-scale high severity wildfires in the Cougar Rock area” (Notice at 3).

The scoping notice states that the project needs include:

- reduce fuel loadings and forest vegetation density to lessen the risk of large wildfires to nearby communities and key ecosystem components, such as large old trees
- reduce unauthorized roads and trails in the planning area and reinforce closures on maintenance level 1 (administratively closed) roads to reduce effects to natural resources such as disturbance to wildlife habitat and sensitive botanical species

LandWatch is concerned that the scope of the proposed project is too narrow, and analysis under a CE insufficient, to address the complex forest management issues within the project area. In restoring resiliency and forest health, the Forest Service should provide a more comprehensive baseline of current forest health conditions.

For example, this project represents an important opportunity to provide an accurate baseline on existing habitat conditions and opportunities for improving movement corridors for deer and elk within the project area. This work could help inform and support ongoing work to improve wildlife passage along Highway 20.

A multistakeholder working group is in the process of identifying opportunities to address wildlife passage concerns along Highway 20 between Bend and Suttle Lake. While still in the early stages of development, the working group has conducted a series of meetings and field

¹ [20210621-2670-fs-blm-enc1-final-list.xlsx \(live.com\)](#) (accessed 1/31/23)

tours with conservation non-profits, state agencies, the Forest Service, Deschutes county transportation department, and local landowners to help identify initial locations for potential wildlife crossing structures. One of the priority crossing locations identified by the working group is near Indian Ford road at Black Butte. Managing the western portion of the Cougar Rock project area to provide adequate hiding cover and forage for deer and elk could help support the long-term viability of deer and elk within the project area and surrounding lands, and would work in concert with the wildlife passage initiative.

Additionally, the Forest Service should determine whether there are other unique or important locations within the project area where additional restoration objectives are warranted. For example, historic management decisions and ongoing motorized recreation impacts to Edgar Lake have severely degraded this scenic, seasonal lake. Closing off motorized access and developing restoration objectives for Edgar Lake should be included as part of the Cougar Rock Restoration Project.

3. Deer and Elk Habitat

The scoping notice states that “[t]he project will reduce hazardous fuels through thinning, mowing, and prescribed burning” and that “the vegetation management project areas are primarily within Deer Winter Range Management Area (MA-7). This allocation focuses management to provide habitat conditions for deer winter and transition range” (Notice at 3 and 4).

While LandWatch recognizes that the scoping notice describes some proposed mitigation measures to address impacts to habitat (See notice at 5, “the project proposal is incorporating forested areas where reduced or no vegetation treatments will occur to maintain bitterbrush as winter forage and hiding cover for protection from human and predator disturbance”), the notice fails to provide enough detail for the public to understand what potential impacts might occur across the project area and what their effects might be on deer and elk habitat.

For example, what is the current percentage of the project area that provides adequate winter forage and/or hiding cover? What areas within the project area currently experience high use? What percentage of the project area will provide adequate winter forage and/or hiding cover after the proposed project is implemented? As stated above, the LRMP directs the Forest Service to “focus management” across the majority of the project area to provide habitat conditions for deer winter range. The scant information in the scoping notice fails to demonstrate that this management direction will be met.

Particularly relevant here are findings from the Deschutes Collaborative Forest Partnership (DCFP) 10-Year Monitoring Report related to forest restoration treatments and impacts to deer and elk habitat. In that report, the DCFP states that “[p]ost-treatment monitoring data show that deer hiding and thermal cover have declined on DCFP project areas, particularly on the Sisters Area Fuels Reduction (SAFR), Melvin Butte, and West Bend projects. Similarly, elk habitat has been significantly decreased in the Ryan Ranch Key Elk Habitat Area on the West Bend project. These findings were not unexpected but, combined with recent research showing dramatic

declines in mule deer populations in Central Oregon, they may make elk and deer habitat a higher priority for the DCFP in coming years” (DCFP Report at 7).

Given the collaborative’s report findings, the significant declines in deer and elk populations in Central Oregon, and the ongoing effort by community and agency partners to address wildlife passage issues along Highway 20 around Black Butte (see discussion above), the Forest Service should develop restoration objectives for deer and elk habitat within the project area and incorporate restoration actions to meet those objectives as part of this project.

Lastly, the Forest Service should detail their long-term plans for maintaining treatments within the project area. For example, following project implementation, does the Forest Service plan to use prescribed fire at a consistent interval to maintain treatments? Will the Forest Service need to conduct future thinning or mowing in the project area, or will management objectives be met using prescribed fire only?

4. Large Trees

The scoping notice states that “[w]ithin this project, thinning would generally be from below (focused on removing the smallest or unhealthiest trees), varying spacing to ensure the highest quality, most dominant trees with the least amount of dwarf mistletoe are retained. The smallest diameter trees and/or the shortest trees would generally be priority for removal” (Notice at 3).

The notice goes on to say that the “Eastside Screens (Regional Forester’s Amendment #2) also provides direction for this project area” and that “Forest treatments would not remove pine, cedar or fir trees over 21 inches in diameter (dbh)” (Notice at 4 and 5). We commend the Forest Service for retaining large trees over 21 inches within the project area, a critically important management action that will help to provide large tree structure for wildlife, retain the most fire resistant trees on the forest, and employ natural climate solutions for storing carbon and mitigating the impacts of climate change. The Forest Service should also incorporate measures to ensure small, old trees are also retained within the project area.

5. Unauthorized Roads and Trails

The scoping notice states that “[u]nauthorized road and trail use affects resources such as wildlife habitat, botanical plant species, soil compaction, and archaeological sites. By *decommissioning some of these routes*, there will be larger areas where wildlife can take refuge from human disturbance and less chance of damage to other resource values” (Notice at 5; emphasis added). Further, the scoping notice states that “[t]he proposed action includes adding physical closure devices to these routes such as obliteration of the beginning of the road, gates, and/or berms. In addition, the project may bolster existing road closures in the Metolius Winter Range area by strategic placement of gates” (Notice at 5).

LandWatch appreciates the Forest Service’s attention to unauthorized roads and trails, and the proposed actions to mitigate their impacts and prevent future use. However, it’s unclear why the Forest Service is only proposing to decommission *some* of the unauthorized roads and trails? The Forest Service should decommission all unauthorized roads and trails, provide sufficient barriers

to prevent motorized travel on both unauthorized routes and trails, and administratively closed roads, and develop a monitoring plan to evaluate the effectiveness of barricades, as well as the natural recovery of decommissioned roads, routes and trails.

6. Temporary Road Construction

The scoping notice states that “constructions of temporary roads will be limited to 2.5 miles and all temporary roads would be decommissioned no later than 3 years after the date of project completion” (Notice at 5). It’s unclear why temporary road construction is needed at all when the scoping notice states elsewhere that “[f]uel reduction treatments would be focused on areas along existing Forest Service roads to serve as fuel breaks as well as along the edge of the Forest boundary” (Notice at 2). Given that the stated need for fuel reduction treatments is largely along existing Forest Service roads, coupled with the large number of unauthorized roads and trails in the area and the high frequency of illegal use of closed roads, it seems unreasonable that the Forest Service would need to construct any roads to meet the projects purpose. The Forest Service should eliminate the use of temporary roads and instead rely on existing Forest Service roads for project implementation.

7. T&E Species

As discussed above, the project area includes areas with known wolf activity. The Forest Service should incorporate appropriate management objectives for maintaining and restoring wolf habitat, as well as the habitat of their prey, into the proposed project. As a keystone species, and an apex predator, the presence of wolves can trigger important ecological restoration processes within the broader landscape.

Lastly, the Cougar Rock Restoration Project is adjacent to, or may overlap designated critical habitat for the Norther Spotted Owl. The Forest Service must clarify what efforts have been conducted to verify whether spotted owls, or other T&E and sensitive species, exist within the project area.

Conclusion

The Forest Service must prepare an EA or EIS for this project. Please retain my contact information on your listed of interested parties for this project. We look forward to learning more about this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Austin". The signature is fluid and cursive, with the first name "Jeremy" and last name "Austin" clearly distinguishable.

Jeremy Austin
Wild Lands & Water Program Manager
Central Oregon LandWatch
2843 NW Lolo Dr. Ste. 200
Bend, OR 97703