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***NEVER MIND
NEPA***

**No Laws, No Science,
No Problem for the BLM**

Part Four of a
Comprehensive Study of the
Public Domain Forestry Program
of the
Bureau of Land Management

December 1996

About PEER

Public Employees for Environmental Responsibility (PEER) is an association of resource managers, scientists, biologists, law enforcement officials and other government professionals committed to upholding the public trust through responsible management of the nation's environment and natural resources.

PEER advocates sustainable management of public resources, promotes enforcement of environmental protection laws, and seeks to be a catalyst for supporting professional integrity and promoting environmental ethics in government agencies.

PEER provides public employees committed to ecologically responsible management with a credible voice for expressing their concerns.

PEER's objectives are to:

1. **Organize** a strong base of support among employees with local, state and federal resource management agencies;
2. **Inform** the administration, Congress, state officials, the media and the public about substantive issues of concern to PEER members;
3. **Defend** and strengthen the legal rights of public employees who speak out about issues of environmental management; and
4. **Monitor** land management and environmental protection agencies.

PEER recognizes the invaluable role that government employees play as defenders of the environment and as stewards of our natural resources. PEER supports resource professionals who advocate environmental protection in a responsible, professional manner.

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About This Report

For the past year and a half, Public Employees for Environmental Responsibility (PEER) has studied the forestry and timber program of the U.S. Bureau of Land Management (BLM).

The BLM in the U.S. Department of the Interior manages more land than the Forest Service, Park Service and the Fish & Wildlife Service combined. In fact, BLM manages 270,441,663 acres of land—about one-eighth of the country's entire land surface—mostly in the West. Despite its size, the BLM forestry program receives very little attention.

Never Mind Nepa exposes widespread BLM noncompliance with federal laws regarding environmental evaluations of timber sales. Site inspections and file reviews detail how the agency's preoccupation with "getting the cut out" violates environmental safeguards and precludes public oversight. Like other installments in this series, *Never Mind Nepa* focuses on Public Domain lands. This report covers all of the timber-producing states—five of the twelve—that make up BLM's public domain land: Idaho, Montana, Washington, Oregon and California. The west side of Oregon and California (the "O & C" lands) are not included.

Never Mind Nepa is the fourth installment in a series of reports on the Bureau of Land Management forestry program. After the final report, PEER will release its entire study, the most comprehensive review and assessment of BLM forestry ever undertaken. The purpose of this massive study is to evaluate BLM's management practices and to determine whether, and to what extent, the agency's forestry program has been and is conducted in accordance with the laws, regulations and policies mandated for public lands. Additionally, PEER has sought to discover what, if any, environmental problems might be associated with BLM's timber management activities.

PEER wishes to thank BLM staff members who assisted in our review of field sites and agency files for their valuable time, expertise, and commitment to environmentally ethical resource management.

PEER's study of the BLM forestry program received the generous support of the Bullitt Foundation, the Educational Foundation of America, The Global Environment Project Institute, the Richard and Rhoda Goldman Fund, the Strong Foundation, the Janelia Foundation and the W. Alton Jones Foundation.

Jeff DeBonis
PEER Executive Director



I. Executive Summary

An investigation of the Bureau of Land Management (BLM) Public Domain forestry program by Public Employees for Environmental Responsibility's (PEER) confirms that the agency routinely violates federal laws and its own internal procedures. PEER reviewed more than thirty timber sales, determining that several BLM districts in the five-state area of Idaho, Montana, Washington, Oregon and California violate National Environmental Policy Act (NEPA) and other federal requirements for timber sale and administration.

PEER identified several instances of flawed decision-making on the part of BLM, due mainly to the agency's penchant for falsifying key records and neglecting to implement pertinent procedures. The BLM ignores its own policies in granting illegal exemptions for many timber sales and is also guilty of improperly rendering decisions without first considering the potential impacts on other natural resources. In some cases, BLM districts simply re-offer old timber sales without first conducting mandatory resource analysis and inventory updates. Likewise, some environmental assessments are altered to meet established guidelines **after** the timber sales go through.

The BLM's legal compliance problems work to the detriment of old growth forest preservation in particular. Currently there is no agency-wide policy for protecting old growth on public domain forest lands. Efforts to preserve such resources are therefore generally absent or inconsistently applied. The agency insists that old growth is not a management priority because such trees are not found on BLM-managed lands, however PEER's examination indicates that remnants of old growth habitat do exist and these places are being harvested rapidly.

PEER's research demonstrates that BLM staff specialists often violate NEPA procedures by signing off on projects without properly developing and evaluating alternatives. The agency's limited analysis of timber sale impacts sup-

ports the thesis that the regulatory process is more of a procedural formality—flawed though it may be—than a substantive consideration of project alternatives and options. The BLM's view of the NEPA process in planning and decision-making often appears to be subjugated to the attainment of the primary program target—*timber cutting*.

The BLM has a myriad of resource plans, but fails to clarify which plans have precedence and which are being replaced or superseded. Management plans frequently overlap or contradict each other; rely on antiquated plans and inventory data; and are rarely amended to address new circumstances. Often the BLM's environmental assessments employ standard justifications and language which reduce their quality and specificity, resulting in superficial analysis of proposed timber sales.

Another management shortcoming of the BLM involves a lack of protection for threatened and endangered species. Although NEPA clearly spells out the necessary steps for ensuring adequate consideration of the possible effects of forest management on other resources, PEER determined that most districts knowingly overlook these legal standards by neglecting to consult with the proper state and federal agencies about logging's detrimental impacts on wildlife and habitat. The agency also lacks sufficient internal data on threatened and endangered species and often disregards the wildlife management recommendations of BLM biologists when it comes to approving timber sales.

Compounding these problems is the fact that the BLM minimizes public awareness of the extent and significance of its forestry program. Time and time again the BLM has deliberately shut the public out of the standard review process. As a result, citizen access to information and involvement in forestry related issues in many districts is virtually non-existent or a low priority for the agency at best. Due largely to the BLM's passive approach to the "scoping"

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process, PEER turned up only one timber sale that satisfied standard NEPA public participation requirements.

PEER, a national organization of resource management employees dedicated to environmental ethics, surveyed timber sales, inspected sites and reviewed records in BLM districts in five western states. Over a year-and-a-half period, experienced BLM and Forest Service timber planners and silviculturists observed sales, photographed tracts, both before and after sales, combed agency files and spoke to knowledgeable employees on PEER's behalf.

The BLM in the Department of Interior manages more land than the Forest Service, Park Service and the Fish & Wildlife Service combined. In fact, the BLM manages more than 270 million acres of land in the West. Despite its size, the BLM forestry program, covering all "public domain" western lands, receives very little attention. This PEER study is the first major review of the agency's timber practices in more than two decades.

This report on BLM resource planning, timber sale administration and NEPA compliance is

the fourth in a series by PEER focusing on the agency's forestry program. PEER's first report, *Phantom Forests* documented that BLM forest inventories used as the basis for planning timber sales are outdated, inaccurate and incomplete despite agency policy to the contrary. That report also revealed that the BLM has vastly exaggerated the success of reforestation efforts, counting barren tracts as fully restored.

The second PEER report, *Where Timber Beasts Rule the Earth*, detailed how the BLM is destroying the fragile, transitional public domain forests in its charge through over-cutting. That report exposed the agency's failure to harvest timber in a sustainable manner due to the practice of exceeding maximum allowable cut levels and the use of erroneous data. PEER's third report, *Savage Salvage*, documented the BLM's abuse of the "salvage rider" to increase logging on public domain lands. That report revealed how the agency has used the guise of "forest health" to step up timber cutting activities in fragile forest ecosystems and, in the process has cut large quantities of healthy, or "green" trees that were previously off-limits to logging.

II. The World of NEPA

Introduction

In 1969 Congress passed the National Environmental Policy Act (NEPA), requiring all federal agencies to utilize a "systematic, interdisciplinary approach" in their planning and decision-making procedures to ensure environmental protection. NEPA mandates that, before initiating an action, federal agencies must first conduct an *Environmental Assessment* (EA). If the EA supports the conclusion that the proposed project constitutes a "major federal action significantly affecting the quality of the human environment," then a more comprehensive *Environmental Impact Statement* (EIS) must be prepared.

The NEPA process involves evaluating a variety of factors including possible adverse en-

vironmental affects, viable alternatives, the relationship between short-term natural resource uses and subsequent effects upon long-term productivity, as well as any irreversible and irretrievable resource commitments involved. Consultation with other agencies and state and local governments with jurisdiction or expertise over a proposed project must also take place.

Rather than prescribe outcomes or impose conditions under which an action may or may not proceed, NEPA is primarily a procedural tool designed to ensure that environmental amenities receive the same merit and consideration in decision-making as economic and technical issues.



Multiple Use in Action. Sign on road to Alder Gulch in BLM's Dillon Resource Area, Butte District, Montana.

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The Role of FLPMA

In addition the strict guidelines set forth by NEPA, the BLM is required by other laws to manage natural resources in a manner that reflects a broader set of goals and purposes. The Federal Land Policy and Management Act (FLPMA), passed by Congress in 1976, instituted a multiple-use mandate for agencies such as the BLM, thus changing forever the fundamental purpose of public lands management.

FLPMA's emphasis on the importance of environmental values and the role of management in achieving balanced objectives has affected the BLM's traditional way of doing business. In response to this law, the BLM began to prepare Resource Management Plans (RMPs) which were intended ultimately to

supersede the older Sustained Yield Unit (SYU) forestry plans.

Even so, the BLM falls short in the forest management area where it is hampered by a hodge-podge of inter-related but not necessarily inter-locking documents. Multiple-use mandates required by FLPMA must be initiated after the completion of the NEPA review and assessment process for a proposed action such as a timber sale. At the same time, the BLM must follow internal, bureaucratic policies imposed by agency-wide resource management mandates. Throughout this process, various documents must be completed during each project phase along with consultations with other state and federal agencies that may be affected by the BLM's action.

III. Timber is Job One

Regardless of NEPA's clearly defined procedural guidelines, and FLPMA's institutionalization of the concept of multiple-use management, many BLM resource areas and districts fail to address the need to balance competing demands for resources. Rather than fully implement the tenets set forth in the law, these units prefer to remain more focused on an outdated style of management that places heavy emphasis on maximizing single resource outputs, in this case timber.

PEER found situations in which, contrary to the requirements of NEPA, FLPMA and other agency stipulations, the BLM has repeatedly ignored the environmental review process during timber sale preparation. In some cases, mandatory analyses proved to be merely rationalizations conducted to justify the agency's pre-determined course of action, which revolved around the decision to develop and extract timber resources on public domain forest lands. Indeed, the BLM's exuberant logging practices, combined with stale resource plans in the districts examined, indicate that the misnamed Sustained Yield Units (SYU) are really just "Yield Units."

PEER's study confirmed that there is inadequate formulation and consideration of project alternatives in many of the BLM's timber sales. In general, PEER found that the program alternatives most often considered by the BLM in its timber sale project analyses and EAs are the "proposed action" and "no action" alternatives. The "no action" alternative is required under NEPA but is readily dismissed as being unviable in most circumstances. Since "no action" is not an alternative for serious consideration, EAs generally focus on ways to justify the "proposed action" alternative. In this sense, NEPA becomes simply a procedural impediment to be overcome in order to achieve the objective of harvesting timber.

Most environmental assessments PEER examined appeared to be prepared based on the premise that "intensive timber management" is justified. The result is that timber sale program

attainment drives the EA and project planning processes, leaving other resource or environmental issues out of the decision-making process. State examples follow:

Idaho

In 1978 the BLM conducted an environmental assessment for eastern Idaho. This took place long before the emergence of many crucial issues affecting the management of public lands and forests in that region today. Among the issues the original EA failed to address were:

- old growth, grizzly bear and grey wolf habitat management guidelines
- biological diversity protections
- the management of threatened and endangered species
- forest health-related issues
- ecosystem management considerations
- cumulative effects analysis

Since these issues have become so fundamental it is reasonable to expect that they would have been incorporated into BLM public domain forestry planning for the area. Despite this, in 1988 the eastern Idaho district managers reviewed the old EA and issued a one-page "*Interim Environmental Guidance*" document which concluded that there was **no need to prepare a new environmental assessment** because:

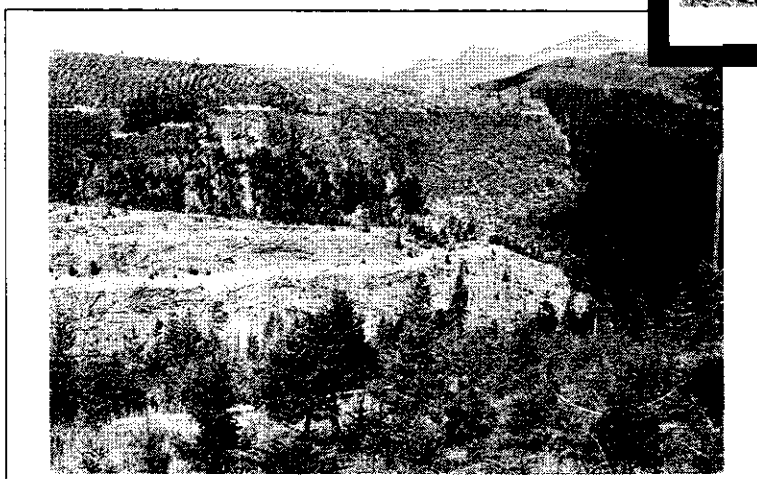
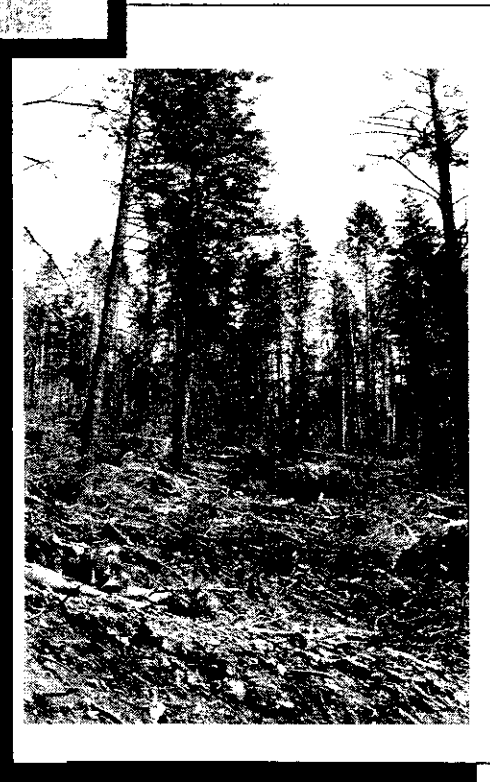
- logging practices in the area were not controversial;
- the original EA's expected impacts of present timber harvesting was adequate;
- harvest levels should remain the same;
- no conflicts existed with recent RMP decisions for the area; and
- future RMP decisions would eventually replace the original EA.

By any standard these conclusions are seriously flawed. First, what may have been true in 1978 and even ten years later certainly does not hold true today. In July 1994, several conservation

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Changing Perspectives. First photo looks across BLM Lewistown Montana stand with a recent clearcut in the background. Second photo is a ground level view of a salvage sale in the Salmon District of Idaho. Slash and debris left on the forest floor defeat the purpose of the sale which was the reduction of fire hazard. Third photo shows the failure of regeneration efforts years after Salmon District clearcut.



organizations attempted to appeal the Big Deer Creek timber sale, which raises the question of the present validity of the "non-controversial" assumption.

Second, district managers incorrectly assumed that timber harvest levels would remain the same. In fact, the BLM's timber sale program has increased dramatically since the late 1970s. For example, during the period of 1982 to 1993 the Burley District's timber sales totaled **more than three times** its ten-year allowable cutting limit.

Third, the assumption that RMPs would eventually replace the original EA was mistaken. The forest management sections in the RMPs PEER examined all referenced the 1978 EA, relying on decades old timber production inventories rather than up-to-date information.

What was originally planned for eastern Idaho and what is currently taking place on the ground is, in many cases, radically different. Therefore, the decisions made and the out-dated information on which those decisions are based are completely useless.

Montana

The Dillon and Headwaters Resource Areas, located in the Butte District, have operated

outside of the established planning process for years. Programmatic EAs were last completed in 1977 and again in 1979, meaning that the planning documents now in use fail to address many contemporary issues and that key assumptions of the plans are no longer valid. Significant decisions affecting the forestry program have been made by administrative fiat and are based on flawed and out-dated inventory data.

By BLM's own policy standards, forestry planning information for the Lewistown District is obsolete. When planning for the district first took place in 1975-76, program alternatives were evaluated but never during the NEPA process. Current RMPs heavily reference the 1978 EA but are largely based on the over twenty year old inventory data and analyses, with no new forestry information incorporated. The more recent 1988 and 1992 RMPs do not resolve the problem because they only present one forest program alternative to timber-cutting—"no action"—for which environmental consequences are not addressed.

Washington

Past and ongoing logging and mining on lands under intermingled ownerships make the BLM forestry program a major issue on the geographically dispersed public lands of the

No Change With the Times

Since the mid-1970s, the Coeur d'Alene District has unsuccessfully struggled to update and develop new management plans. Over the years, the area has experienced changes in community values and socio-economic conditions. Sawmills have closed and demographic shifts have occurred, suggesting that public attitudes have shifted from resource development to recreation. A number of "functional plans" have been prepared and implemented without the benefit of public involvement or NEPA analysis to address emergent crises such as wilderness study areas, fish habitat and land exchanges.

Because the District's plans are almost 20 years old, it is highly questionable that the BLM's plans and management emphasis accurately reflect present circumstances. Not surprisingly, forest planning has

suffered in the Cour d'Alene District as no updates have occurred since the original resource inventories were conducted.

The RMP process has been postponed several times, most recently from 1995 to 1997. By the time the impending RMP is complete, however, the updated forestry data will be six or more years old. In its struggle to catch up, the district has been operating outside of the agency's planning policy and regulations for nearly two decades.

The Salmon District faces similar problems. The BLM has identified a plethora of forestry planning issues—including accelerated harvests of insect-infested stands; the removal of old growth; potential wildlife conflicts; timber road erosion—that remain unaddressed by current RMPs.

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Spokane District. The agency's inadequate inventories and inconsistent approach to addressing forest issues in planning has contributed to the major loss of old growth habitat in Washington during the past decade. The failure to consider, inventory and protect old growth habitats is largely attributable to the disproportionate strength of the forestry program within the agency and its political importance.

PEER found statements and methods utilized within the district's RMP which raise questions about the validity of central planning assumptions and the objectivity of the documents. The 1987 RMP, for instance, documented 1,710 acres of old growth stands ranging in size from 40 to 400 acres that were unburned in the past 150 years. Some individual trees in these stands were stated to be "more than 200 years old."

Despite the presence of old growth trees, the RMP offers no management guidance and instead states that **in no instance** is there a large enough concentration of old growth trees to warrant classification as an "old growth forest" or even as an old growth stand.

Oregon and California

PEER identified a number of problems with the BLM planning process in eastern Oregon and northern California. The procedures for formulating forestry program alternatives is inconsistently applied between BLM planning units, leaving out possible solutions to natural resource dilemmas.

The Rock timber sale in Oregon serves to illustrate the impact of imposing strict limitations on alternatives. Had the BLM performed

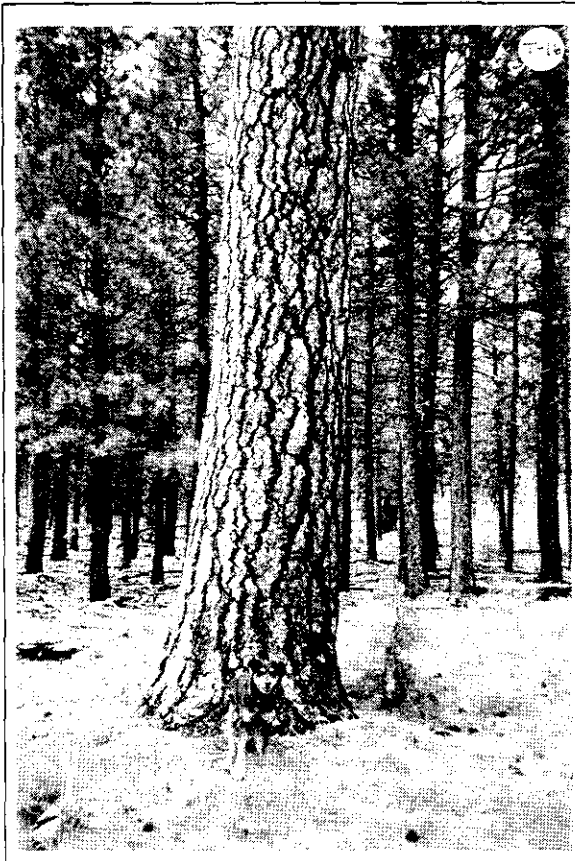
a site-specific analysis or attempted to analyze the forestry program as a whole, in addition to simply considering the "proposed action" and "no action" alternatives, it could have evaluated the merits of setting aside the sale area as goshawk habitat for example. Of course, this did not happen and the sale went through.

PEER also identified inconsistent management and protection of old growth the in RMPs reviewed.

For example, the 1992 Three Rivers plan is the only RMP examined that actually allocates stands for protection and management as old growth habitat. The 1994 Klamath Falls RMP identifies the maintenance of old growth species habitat as a management goal, but where and how this will be accomplished is unclear since no comprehensive inventory for old growth forest in any management planning is known to exist for BLM public domain lands.

Evidence also shows that the BLM may not be following its own RMP direction in project design and analysis. The 1989 Brothers/LaPine Resource Management Plan states: "Forestry practices will be guided by site-specific environmental analysis." As far as PEER could determine, however, no site-specific EAs have ever been completed for LaPine Area timber sales since 1981. Some recent sales, such as The Rock (1992), exemplify this problem as well.

Furthermore, while the Brothers/LaPine RMP states that, "Cutting areas will be shaped and designed to blend as closely as possible, minimizing the effect on forest vistas," there have been devastating visual impacts along state highways on BLM lands in the LaPine area of Oregon, a major recreation corridor.



Old Growth to No Growth. The BLM refuses to acknowledge the existence of old growth stands on public domain lands. Photos show BLM old growth before and after harvest. Dog provides perspective on diameter of trees.



CASE STUDY:

Single Resource Planning, Susanville District, California

The Fredonyer Peak area on the Eagle Lake Resource Area highlights how resource management decisions can be changed over time by functionally-oriented staff.

Consistent with the recommendations of wildlife, recreation, and watershed staff, the 1979 Management Framework Plan (MFP) for Fredonyer Peak proposed that the area be managed as a "natural area" because of its "unique natural (old growth) white fir (*Abies concolor*) stands."

But the BLM District forester protested, declaring that the white-fir was not "unique." As a result, the MFP decision was altered to allow "only salvage sales" in the area, but the area was not withdrawn from the commercial forest land (CFL) timber base. In 1983, four

years later, at the insistence of the District Forester, the MFP decision was further modified and Fredonyer Peak was scheduled for "sustained yield and multiple use" management.

In 1991, the BLM Eagle Lake Basin Plan identified the Fredonyer Peak area as a forestry "problem site restricted" due to visual resource concerns, but went on to say, "Intensive forest management practices will be conducted...." Ironically, the plan begins by stating, "The Eagle Lake Basin is a unique and environmentally fragile environment...." Despite this clear statement regarding the fragility of the area, the plan states that "some timber will be harvested" in the Fredonyer Peak.

In 1994, an 8.3 million board feet (MMBF) timber sale was prepared and sold on Fredonyer Peak by the same forester who had resisted the natural area classification and modified the MFP in 1979.

IV. Environmental Scofflaw

Despite NEPA's clear and longstanding requirements, PEER's investigation revealed significant deficiencies in BLM's compliance with the law, with regard to the administration of the Public Domain forestry program. During the course of its 18-month review, PEER found both procedural and substantive problems which indicate that the agency has failed to comply with NEPA in its faulty pre-sale decision-making processes.

Not all problems with NEPA were found on all sales in all BLM Districts or Resource Areas. However, as PEER expanded its review, a broad pattern of NEPA problems began to emerge.

Aside from the numerous procedural errors inherent in BLM forest planning and management, PEER's investigation demonstrates that the agency's record of NEPA compliance is poor. At best, the BLM maintains a rather spotty track record, with some units conscientiously complying with both the letter and spirit of NEPA. Other units view the law merely as an impediment to the agency's timber-selling activities, and through ignorance, inattention or deliberate deceit undermine or sidestep the law. Some fundamental NEPA problems follow:

No Analysis of Cumulative Effects

Of mounting concern in land and resource management, cumulative effects are the result of multiple, independent activities taking place in an area or watershed over time. For example, while one clearcut may have minimal impact, a series of clearcuts over a large area will have an increasingly profound impact on water quality, wildlife habitat, and other resources over an extended period.

Cumulative effects are of particular concern on BLM lands because they are commonly intermingled with state and private lands. Throughout the West, much of the timber land

lies in "checkerboard" ownership, with alternate square-mile sections owned by the government and private timber corporations.

The BLM districts PEER investigated appear to be slow to adopt the agency's *"Guidelines for Assessing and Documenting Cumulative Impacts."* Even though NEPA requires an assessment of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, public domain forests have been heavily logged—many have been clearcut to their boundaries—to maximize short-term profit, with little or no concern for the impacts on soil, water, and fish and wildlife needs.

In spite of widespread and frequent logging activities and other large-scale, high impact land-uses (such as mining and grazing) that occur on BLM lands, as yet the agency has not fully considered the cumulative effects of its forest management activities. State examples follow:

Idaho

Despite the fact that timber sales and new road developments have been completed in nearly every major canyon of Idaho's Deep Creek Mountain range in recent years, there has been no analysis to assess the continuing impacts on other resources for these actions either from a landscape or a cumulative effects perspective. In a 1991 internal memo, a BLM biologist pointed out the need for such consideration but little or no action was taken to analyze cumulative effects on subsequent sales.

Most of the timber sale EAs reviewed by PEER in the Salmon District completely ignore cumulative effects, particularly for the harvesting of old growth. A 1978 management plan recommends that the district, "Plan to log the remaining old growth timber in the Dry Canyon area near Willow Creek as soon as possible."

In 1995 the BLM estimated that half of existing stands in that area exhibit "old growth character-

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istics." Since management policy is based on 17-year-old directives, however, the BLM has largely ignored necessary old growth management and protection issues along with an analysis of cumulative impacts that might result from harvesting so much of it in one area.

Montana

Cumulative effects are a critical issue for the Garnet Resource Area. Historic and ongoing logging and mining-associated impacts on public and private forest lands intermingled with and adjacent to BLM lands combine to have profound environmental impacts over time. Garnet Resource Area personnel are well aware of the cumulative effects issue, but the situation remains unaddressed in the most recent RMP.

By comparison, the Montana State Department of Fish, Wildlife and Parks raised the issue of cumulative effects on the Alder/Brown/Hungry Hollow sale in the Dillon Resource Area. The BLM analyzed cumulative effects in the EA, made some minor changes in the timber sale plan, and then proceeded to complete the sale. While the cumulative effects analysis was appropriate, the analysis itself did not serve to mitigate the impacts. In this particular case the cumulative effects were sufficient to consider dropping the sale, a rare occurrence according to PEER's findings.

Washington

BLM land ownership in the Spokane District is highly intermixed with state and private lands that have been subjected to extensive cutting and mining activity and where entire watersheds have had logging entry and road construction. While BLM EAs discuss this phenomenon, they do not address the obvious cumulative effects of numerous timber sales. A Spokane District timber sale EA indirectly discusses habitat and cumulative effects:

"The importance of this area as wildlife habitat is magnified when considered in the context of a relatively small subwatershed which may be sensitive from a cumulative effects standpoint.

Additional harvesting in this area would add to the adverse cumulative effects of this action from both a disturbance and habitat modification standpoint ... the proposed action is likely to decrease species diversity and richness ... It is not correct to assume species are simply able to move out of an area to select other suitable habitat."

Despite the BLM's stated concerns about potential cumulative impacts on surrounding resources, the timber sale proceeded.

California

PEER also reviewed timber sale environmental assessments in northern California. Aside from one multi-sale EA in the Susanville District, cumulative impacts for forestry programs are absent from BLM's programmatic EAs and RMPs.

Disregard for Threatened & Endangered Species

Section 7(a) of the federal Endangered Species Act (ESA) requires federal agencies to carry out conservation and protection programs for endangered and threatened species. The purpose of ESA is to ensure that federal actions do not jeopardize the continued existence of these species or destroy or adversely modify critical habitat.

The BLM must comply with ESA, in part, through consultation with the Fish and Wildlife Service and the National Marine Fisheries Service when a proposed action may affect threatened or endangered species.

As exemplified by its noncompliance with NEPA, the BLM's track record with endangered species protection also falls short. For instance, during its review, PEER uncovered evidence that the BLM consistently fails to conduct surveys, or even to consider the possible presence of threatened or endangered species on many public domain timber sales. Again, state examples follow:

Idaho

On occasion the BLM has consulted on endangered species at the state level, but field offices rarely document such consultations in their EAs.

The Coeur d'Alene District routinely consults with federal and state agencies, including the U.S. Fish and Wildlife Service and National Marine Fisheries Service on its projects. For the North Leigh Creek sale in southern Idaho, on the other hand, a number of "sensitive species" were known to occur in the sale area, yet the pre-sale analysis conducted by BLM made no mention of this fact. Although a project description for the sale was included with the "*Endangered and Threatened Plant Clearance Worksheet*," the preparer did not even bother to make field notes.

Montana

PEER found no indication that BLM staff at the Dillon Resource Area have ever completed basic biological assessments for timber sales. In-

deed, timber sale EAs in Dillon suggest a complete failure to consult with the Fish and Wildlife Service regarding threatened and endangered species. There is also no evidence of sensitive plant and animal surveys having been conducted, nor even indications of consultation with the State Natural Heritage Program database regarding special status plants and animals potentially affected by forestry activities. In fact, it took public and state action to identify west-slope cutthroat and fluvial grayling on the proposed Spring Creek sale.

Ironically, the BLM requires sensitive plant surveys for oil and gas development activities but not for timber sales. PEER found that sensitive species were rarely ever mentioned in any of the EAs reviewed. For example, great grey owl were observed in the vicinity of the Yank Swamp sale in 1994, yet the presence of this species was not discussed in the BLM's subsequent EA. Likewise, timber sales in the Lewistown District took place in critical grizzly bear habitat with minimal analysis. On the



Threatened Species in Habitat. Grizzly bears require a large and undisturbed range area.

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Rock Creek sale, the BLM obtained information on adjacent species habitat from the Forest Service, but did not apparently consult with the Fish and Wildlife Service.

Washington

The Boundary Dam timber sale is located in northern Pend Oreille County, an area in Washington State known to host a number of sensitive, threatened and endangered species. An EA states that "there is suitable habitat for three special status birds (northern goshawk, great grey owl and pileated woodpecker)." The same EA states that BLM did an "abbreviated field inventory" for those species and confirmed only pileated woodpecker. Such a cursory analysis for a 6 million board feet timber sale is grossly inadequate. In any case, the EA concludes:

"The area is marginal or peripheral for wolverine, lynx (*sic*) and marten: ...category II Federal Candidate Species."

Wolverine, Canada lynx and marten are not "peripheral or marginal" in this area; in fact, this sale is very much within their range. The BLM's misspelling of "lynx" suggest that staff in the Spokane office may be less than fully familiar with the range and habitat of this particular species.

There is also no mention of bald eagle or osprey hawk, species known to occur on the Boundary Reservoir in the sale area. Moreover, the EA fails to address the many sensitive plant species that may potentially occur in the area. Despite this, the BLM conducted only an "informal consultation" with the U.S. Fish and Wildlife Service before approving the sale.

After the Boundary Dam timber sale was sold, a bald eagle nest within the sale area was identified by a Washington State Department of Wildlife biologist. The sale contract was modified to meet bald eagle habitat and ecological needs. Such after-the-fact modifications strongly suggest that the BLM failed to adequately assess impacts prior to the timber sale.

Similar situations have occurred elsewhere on BLM districts. For instance, the discovery of osprey, goshawk, great-grey owl, and black-banded woodpecker nests on or adjacent to units of The Roc Timber Sale on the Deschutes Resource Area and numerous post-sale contract modifications for sales in California, Idaho, and Montana further support the conclusion that BLM timber sale contracts have been and continue to be implemented without adequate site-specific project surveys or analyses.



A Fine Line. A clearcut in eastern Washington on the Boundary Dam sale.

Easy Does It

PEER reviewed many EAs which contained "boiler plate" language and supporting material—made easier today by word processing. This practice essentially insures that a proposed project—whatever it may be, regardless of its size—will be deemed not to affect other resources. Such a "cookie cutter" approach to environmental review ultimately creates the appearance, but perhaps not the reality, of the agency's having conducted a thorough and site specific review.

Many EAs examined by PEER provide only simplistic evaluation of proposed timber-cutting activity and scant consideration of alternatives. A prime example is the Lewistown District's "small sales" EA which was ostensibly supplemented to address threatened and endangered plants and animals. However, the supplements—undated and unsigned—consist of just three short paragraphs which state, in full:

"The person responsible for threatened and endangered [plants and animals] will evaluate each action as to its impact. If there are no threatened and endangered [plants and animals] present or it is determined that there is no

impact to those present, he shall sign the *Environmental Assessment Work Sheet* (Form MT-06-1790-5) in accordance with the following statement:

The impact of the proposed action and alternatives on threatened and endangered [plants and animals] and their habitats has been evaluated in accordance with the Endangered Species Act. Based on currently available information, the proposed action would not affect any threatened or endangered species or their habitats. Therefore, no consultation with the Fish and Wildlife Service is considered necessary pursuant to the Act and none will be undertaken.

If Consultation is necessary, he should initiate appropriate procedures and document this as an attachment to the *EA Work Sheet*."

The supplements suggest a less than serious intent to fully evaluate the impacts of logging on threatened or endangered species. Their apparent goal is not to evaluate the proposed timber sale so much as it is to provide "clearance" for it to proceed.

The Falsification of Records

• Abuse of Categorical Exclusions

PEER's examination revealed that the BLM commonly utilizes "categorical exclusions" to exempt itself from conducting NEPA analysis for many of its timber sales. This is a standard and accepted practice for negotiated sales, very small sales and truly minor activities such as firewood collection, pre-commercial thinning, reforestation and so on.

In Montana, the Lewistown District's 1978 EA states that in order for a timber sale to be covered under a categorical exclusion, it must not exceed "small volumes of sawtimber of less than 75 thousand board feet (MBF), fence posts, corral poles, Christmas trees, house logs, and firewood." However, records show that both the Lewistown District and the Great Falls

Resource Area have administered commercial timber sales that routinely exceed the 75 MBF sale limit.

The BLM flagrantly violated both the EA and NEPA by conducting three particular sales—the South Bench sale (400 MBF, 87 acres); the Little Rockies Salvage sale (200 Mbf, 55 acres); and the Green Pole sale (685 MBF, 90 acres)—which were not even close to the established volume limits. The Green Pole sale exceeded the 75 MBF limit **by a factor of five**, or an astonishing **813 percent**. In fact, the actual volume sold surpassed the "small sale" limit **by a factor of nine**.

Another sale, the West Fork, exceeded the EA limit **by 51 percent**, while the Eight Mile sale exceeded it **by 652 percent**. In all of these cases, the BLM provided no justification whatsoever for such excessive violations.

Unjustified Exemptions

The following examples represent situations in which Idaho BLM districts improperly granted "categorical exclusions" for timber sales without providing necessary documented justification.

- On the Cottonwood Resource Area, the Nucrag timber sale exceeded the 75 MBF volume limit by more than 225 MBF.
- The Hideaway Springs sale began its life as a 200 MBF sale on 70 acres, but ended up exceeding limits by 1.1 MMBF over 300 acres through subsequent modifications.
- On the Coeur d'Alene District, the Rock Creek timber sale was combined through a series of amendments into two clearcut units comprising approximately 90 acres.
- The Bradley Mountain sale, originally conceived as a small, single cutting unit, expanded into five cutting units over 328 acres.

• After the Fact Amendments

Contrary to NEPA requirements, PEER discovered that a standard operating practice for BLM is to approve a proposed timber sale—and presumably let contracts—prior to the completion of archaeological and sensitive species surveys. This is a highly inappropriate practice because environmental impacts and management alternatives can not be adequately analyzed without having access to completed information surveys **before** decisions are made.

PEER determined also that potential environmental impacts are frequently understated and addressed **after the fact**. On the Dillon Resource area in Montana, the Spring Creek timber sale went through before a fish biologist for the Montana Department of Fish and Game learned about the sale. After the biologist identified logging's potential impacts on west-slope cutthroat trout habitat, the contract was ultimately modified and the sale price adjusted in a belated effort to protect fish habitat.

Yet another example occurred in Oregon on the Deschutes Resource Area. Osprey, goshawk, great-grey owl, and black-banded woodpecker nests were discovered on and adjacent to the cutting units of The Rock timber sale. Like the Spring Creek sale in Montana, the resulting

modifications forced the BLM to buy the timber back from the purchaser.

In another case, in addition to protests and appeals from the public, the Rocky Man and Yank Swamp sales both received strong input from biologists on potential wildlife impacts. But when these sales were implemented they resulted in unacceptable impacts because the concerns that had been raised during the scoping process had been largely discounted, and some dismissed. In this particular sale, no mitigation took place at all.

These examples clearly demonstrate that many timber sales are not fully evaluated by the BLM prior to implementation.

• Repackaged Timber Sales

Timber sales are sometimes in the planning "pipeline" for 10 or more years before they become marketable. When timber sales do not sell, their EAs are generally "shelved" until they become economically viable again.

PEER discovered several examples of sales being cleared by the BLM four or more years after the initial EAs, with one page amendments certifying "nothing had changed."

In Montana sales continue to be sold in the Lewistown District under a 14 year old "small sales" programmatic EA which has not been amended or updated to address current issues.

	Year	Volume (MBF)
Jackson Coulee	92	208
Green Pole	92	685
Bear Gulch	92	202
Eight Mile	92	564
Dry Beaver	93	197
West Fork	93	113

In the Dillon Resource Area, EAs for the Alder, Rocky Man, and Yank Swamp sales were originally prepared in 1983-84. These sales emerged as a block to be advertised simultaneously once they became economically viable again in 1990-91. The sales included a

few amendments and a revised EA that simply consolidated earlier information that was outdated and for the most part irrelevant.

BLM's Moment of Candor

PEER's independent investigation yielded findings that should be of no surprise to the BLM because they mirrored problems already identified and acknowledged by the agency.

An internal audit conducted by the agency's Montana State Office in June 1992 verified the inadequacy of the Lewistown District's forestry program regarding NEPA compliance. The deficiencies noted included, but were not limited to:

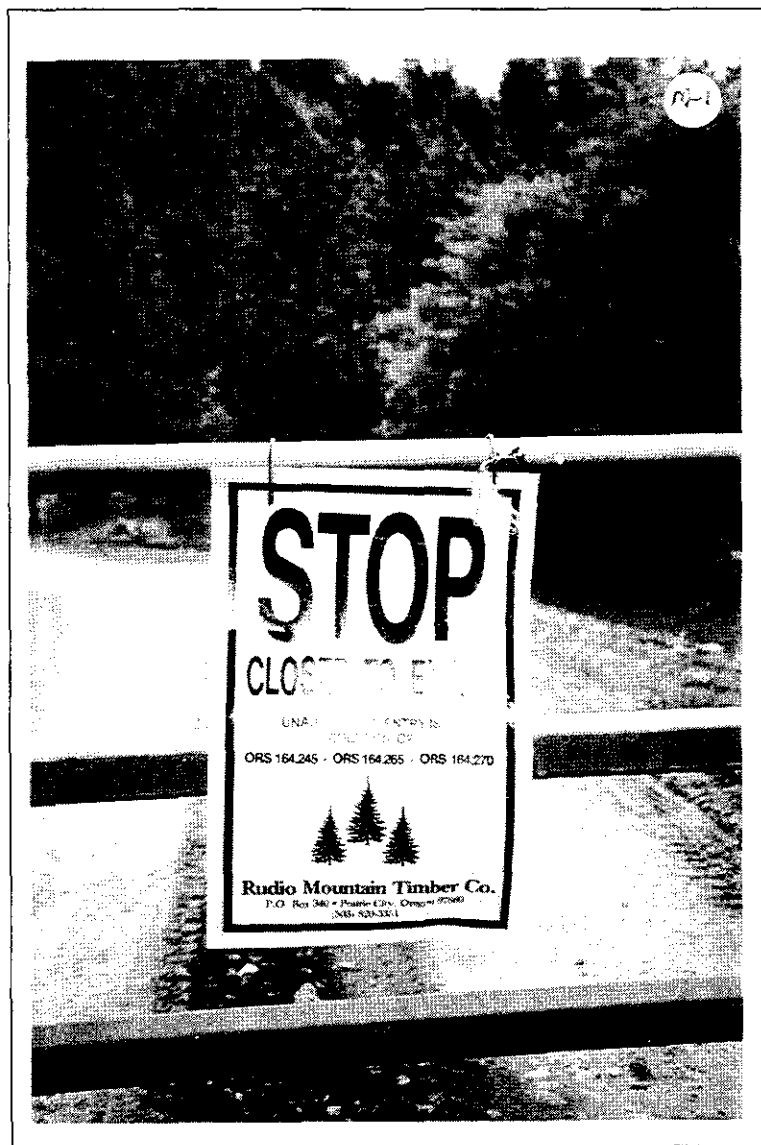
- Approval of timber sales without preparation of Environmental Assessments and Decision Records;
- Programmatic EA's addressing only two alternatives ("action/no action");
- Total disregard for cumulative effects analysis of timber sales during the NEPA process;

- Use of non-site specific timber sale EAs and NEPA documents that fail to demonstrate proper analysis of impacts and alternatives;
- EA's not revised and updated to meet current BLM program and NEPA standards;
- New program documents and Decision Records based on inadequate, unrevised analyses;
- Unsigned addendums to "small sale" programmatic EAs; and
- Inability of BLM staff to find and refer to EAs, program documents and current plans due either to improper filing or because location of the files were unknown.

At the time of PEER's review in January 1995, the Lewistown District still had not corrected critical NEPA deficiencies noted in the June 1992 internal evaluation. As illustrated by this report, the problems of the Lewistown District are not unique, but are pervasive throughout the BLM.



Bunker Mentality. BLM Lewistown District office in Montana.



Public Access Limited. “No entry sign on BLM lands in Oregon where access is controlled by timber operation.”

V. Public Be Damned

FLPMA requires federal agencies to provide the opportunity for public involvement in the formulation of plans and programs on the lands it manages. When an agency solicits public participation in a proposed project or activity, it is called "scoping."

According to PEER's review, the BLM's record on providing proper public notice and opportunities for public involvement in its timber sale program has been poor. In some cases, PEER found that the BLM failed to properly solicit scoping activities during both the planning and the review processes.

PEER reviewed several EAs in Idaho in which the "Consultation With Others" section generally listed only BLM and Idaho Department of Game and Fish personnel; another EA indicated contacts with the State Department of Environmental Quality and the Idaho State Forester. It was not evident that the general public or other organizations were ever contacted during the supposed "public" review process.

The Salmon District maintains a "NEPA Log" which it mails quarterly to those who request it. In theory, the log is intended to provide notice and a brief description of proposed projects to the interested public. In reality, however, the district conducts most of its project evaluations privately through internal staff meetings and review sessions that are not open to the public.

In Montana, the Lewistown District's "Exception Analysis" and "short form" approach to NEPA compliance also limits opportunity for public comment on timber sales. At best, most EAs receive only internal and limited state agency review.

In 1976 a programmatic EA conducted for the entire eastern Oregon and Washington area analyzed six alternatives with annual harvest levels ranging from "no harvest" to 23.5 MMBF per year. The document shows that the selected alternative was 17.4 MMBF but the BLM made no attempt to gather public comments on the proposed action.

The same situation routinely occurs throughout BLM districts. In northern California, with the exception of recent fire salvage sales, very few EAs reviewed by PEER have sought public review and comment.

Public participation and input during the LaPine Mountain Pine Beetle assessment in Oregon was limited to a single public meeting that occurred **eight years** before the project was approved. The EA itself is a model of misinformation and rationalization (See Inset).

As PEER discovered, the BLM almost certainly fails to provide meaningful opportunities for public involvement in timber sales. While the agency may claim to be making attempts to better facilitate outreach and public participation, the record indicates that there is still much room for improvement.

Why is the scoping process so important? The majority of timber sales conducted by the BLM are not of the small, non-controversial

CASE STUDY:

Blue Swan/Chain O'Lakes Sale

The Blue Swan-Chain O'Lakes timber sale file record indicates that plans for the sale originated in 1981. They were reworked in 1983 and the original EA prepared in 1984; it was amended in 1985.

The EA was amended again in 1986, but land exchanges resulted in delays and the cutting units were required to be modified. The sale was replanned in 1988 and the EA was amended a third time. The sale finally proceeded in 1989, but the contractor defaulted.

The EA was amended again and a biological evaluation completed. The 8.7 MMBF sale was resold in 1992 without public involvement.

The fact that the project analysis stretched for over a decade and underwent four major EA amendments raises serious questions about the quality of the planning process, the timeliness of the issues and the consideration of citizen interest.

Let the People Speak

In the Prineville District in Oregon, the LaPine Mountain Beetle environmental assessment typifies BLM's cavalier approach to addressing citizen concerns about the agency's proposed management activities. In the section, *"Irreversible and Irretrievable Commitment of Resources,"* the EA states:

"The only loss will be the designation of virgin country. There will be roads and improvements on undisturbed ground. Some cultural sites will be disturbed or destroyed."

In three sentences, the EA dispatches with old growth, dooms future wilderness potential and obliterates cultural resources. The EA's *"Summary Conclusion"* states:

"There will be some residual impacts on air...landscape, cultural resources, wildlife, and adjacent private lands. There will be positive impacts in utilization of raw material, sustaining the local community."

The BLM seemingly made up its mind on the proposed project with little interest in how the public may have felt about the impacts of a twenty year, 22,000 acre timber sale that was to take place in virtually pristine old growth forest. In regard to anticipated public reaction to this management proposal, the EA states:

"We anticipate some controversy from local residence. (sic) This can be mitigated somewhat by an extensive I & E (information and education) program."

What is most interesting about this case is the fact that the BLM staffers involved seriously believed that citizen interest, and in this case outrage, could somehow be mitigated by a public outreach program.

Instead, the real problems associated with the undeniable environmental impacts were not addressed by the agency.

variety and therefore require by law more than a brief, cursory internal review and approval process. Indeed, if given the proper opportunity, public domain timber sales usually generate a high level of public interest during both the resource planning and program implementation phases.

A fair, open and democratic scoping process, as required by NEPA, insures that citizens can voice their opinions about BLM management; those citizens who choose to participate in the process, in turn, have a right to expect that the agency will consider their concerns in formulating project decisions.

Afterword

The Impact of the Salvage Rider

The suspension of NEPA has ingrained throughout the BLM the notion that timber production is paramount. The enactment of the "salvage rider" has only made things worse.

The controversial timber industry-backed amendment approved by Congress and signed into law by President Clinton in 1995 was put forth as an "emergency" measure to expedite removal of dead and dying trees in order to reduce fire risks and improve the health of National Forests. The salvage rider actually created environmental problems by boosting timber harvest levels, waiving protections for fish and wildlife and suspending citizen appeals of some timber sales under various environmental laws.

The BLM has utilized the rider to increase logging in ecologically sensitive, transitional forests on public domain lands. Using "forest health" and "fire prevention" as reasons to employ salvage sales has completely distorted the BLM forestry program to the extent that now virtually all agency sales are conducted under the salvage provisions. In addition, timber sales previously rejected be-

cause they would violate environmental laws have been repackaged and sold as salvage.

As noted in a previous report on the BLM forestry program, *Savage Salvage*, PEER found that spotty enforcement of environmental safeguards has led to logging in areas with virtually all healthy, live trees—while dead or diseased trees are left behind.

The agency has also abused the timber sale process by exceeding sustainable harvest levels. PEER's investigation revealed that the 1996 BLM salvage target for Idaho, Montana, Washington, Oregon and California was **more than five times** the sustainable harvest ceilings for those states. Such excessive logging has produced erosion and desertification, spread the very infestations that salvage was supposed to control, and aggravated wildfire hazards on public domain lands in the West.

On December 13 the Clinton administration ordered an early halt to salvage logging that was to have continued in National Forests through December 31, 1996 under the rider. Unfortunately for BLM public domain lands, the damage has already been done.



Salvage Illustrated. Aftermath of salvage logging as typically practiced on BLM public domain lands.

