

October 26, 2011
Comments on DELICH LAND EXCHANGE
Submitted by Joe Hovel as an individual and as representative for
Partners in Forestry COOP

{The board of Partners in Forestry has shown a great interest in this land exchange proposal from the very beginning. I submit these comments now, but I respectfully request the opportunity to add more comments as we are able to learn more. On Thursday October 20 I asked, by email, a couple questions of Michelle Holland. On Monday October 24 I sent that email to Marlaea French-Pombier. As of this writing I have received no answer from either party, so simply stated, as we learn more we are likely to ask and comment more in turn.}

In January of 2010 we submitted comments on the Environmental Assessment of the original proposal, and those comments, remaining relevant today, are attached below our new updates.

We have been involved in this process from the beginning, and it was our appeal of early this year which demanded the revision to the EA. Although we fully respect and appreciate the effort and time required to revise the EA, we are very disappointed in the analysis used to justify this exchange. Thus we strongly recommend the 'No Action' alternative.

In this new EA your proposal has only two alternatives, No Action and alternative 2. You mention considering other alternatives, however they are dismissed without detailed analysis. One of the dropped alternatives would have eliminated the three Federal parcels which are, in a great part, the focus of our objection. They did not analyze that alternative in depth because...."it would not meet the Purpose and Need for the project", and that it does not help consolidate NFS lands, and it does not concentrate resource management.

We have consistently felt that these parcels, with their 'old growth' characteristics, cedar-hemlock communities, riparian areas, stream frontage and the ever popular (to the public) 'Wildcat Falls', would likely have no urgency for management regardless. We, in turn, reject this reasoning, with these 3 parcels close to County Line Lake being the center of controversy in this proposal we strongly feel this possibility should have been thoroughly reviewed before proceeding.

It is stated in the EA that "cedar occurs on about 7300 acres" on the Ottawa NF, but that the Ottawa does not consider cedar to be a "rare or unique resource". The EA admits that cedar is difficult or impossible to regenerate in recent decades, due to deer herbivory/climate change. 7300 acres is 0.73% of the Ottawa (which is about 1 million acres). An important plant community that occurs on only 0.73% of the Forest, and is not regenerating, but is not considered rare or unique? Just what criteria is the Ottawa using for considering a resource "rare or unique"? We respectfully request them to support how they reached that conclusion. A very major concern for us from the beginning has been sacrificing rare communities for mundane ubiquitous timber types developing on land that was previously mismanaged by the proponent.

The EA states that Fed. Parcels 2 and 3 both contain forests with some "old growth characteristics", although they are not formally designated as old growth. They go on to say that since these parcels are not contiguous with other parcels with 'Old Growth' characteristics, it is not a concern to trade them away. We disagree. Contiguous or not, forests that already contain these characteristics are no longer common. The Ottawa should be managing these parcels so that they eventually acquire more old growth characteristics, and eventually possibly being formally designated as 'old growth'.

On page 25, it states that "it is very likely that species such as hemlock, which show signs of recent decline and vigor, will continue to decline". We agree with this statement, which supports our very argument; that stands with a significant hemlock component (and particularly older hemlock) should not be traded away! Mr. Delich is likely to harvest the hemlock, as he has already stated - so why is the Ottawa so unconcerned about losing such an intrinsically valuable resource as old growth hemlock, when they admit that it is not regenerating elsewhere on the Forest? This argument makes no sense to us, and supports our concerns that these lands should not be traded away, and that the 'no action' alternative is the only sensible choice.

On page 24, the EA states that "the proponent would be under no obligation to manage forest conditions within parcels 2 and 3 for old growth conditions". Once again, we agree, and it goes beyond that.....these large trees are likely to be harvested by Delich, as he has already stated. So once again, why is the Ottawa so unconcerned about losing this valuable (and rare) resource? We strongly and adamantly disagree with the lack of concern the EA demonstrates for these special communities in this proposal.

On page 33, the EA states that..."State BMPs are voluntary - the proponent is not obligated to follow them". They also say that the State could take "enforcement actions" if water quality is impaired as a result of a logging operation where BMPs were not followed. All very true, but once water quality is impaired, the damage is done – as we all know very well. Based on Mr. Delich's past timber harvest practices, on the lands he wishes to trade to the public, it is very likely that he will push the limits on following BMPs, if not ignore them completely. We strongly feel that these water quality issues are of the utmost concern and that the Ottawa has responsibility to protect these waters.

With only the 2 alternatives given in this proposal, the 'No Action' alternative is the only sensible choice. We consider this revised EA inadequate to justify the reintroduction of this proposal. We have not altered our position from our earlier comments and the reasoning behind our appeal remains fresh in our considerations. The loss of Hemlock-Cedar communities, Old Growth features, Wildcat Falls and the associated riparian concerns as well as water quality concerns makes us certain that this proposal is not a fair trade to the public and should be rejected.

Following is our original comments from Jan. 2010, on the earlier EA.

To: Sue Spear, Ottawa National Forest
From: PARTNERS in FORESTRY Landowner Cooperative
Delich Environmental Assessment (EA) Comments Ottawa National Forest

Benefits of the Exchange: We recognize the benefits of the proposed exchange, and we have no concerns with Forest Service (FS) ownership of the acquisition parcel now owned by Delich.

- 1) It would consolidate FS ownership overall, by exchanging out of several smaller tracts, and acquiring one large (400+ acre tract) near the Porcupine Mountains. (Porkies), which would block-in FS ownership in that section of land.
- 2) It would increase FS ownership within Mgmt. Area (MA) 6.1, which is a Semi-Primitive Management area.

Drawbacks to the Exchange:

In the opinion of the board of directors of Partners in Forestry (PIF), more of its members and director Joe Hovel this transaction was a serious consideration and warranted a closer look in the summer and fall of 2009. From these visits, studying the EA and other scoping comments we have the following conclusions.

- 1) The 400+ Delich parcel near the Porkies has been heavily cutover by the owner in recent years. This type of management is basically a commercial clearcut, where virtually all merchantable-sized stems were removed, except for some patches of hemlock in the wetter areas. All appearance is that this stand was previously a very nice young pole- to small sawlog- sized hardwood stand – mix of sugar and red maple with scattered red oak, and some hemlock and other conifers. The only thing remaining now is sapling-sized maple whips, and patches of hemlock in wet areas. Aspen is attempting to regenerate, but most of it will not survive under the shade created by the maple saplings. The logger also did some damage to the site by logging during a period of time when the (heavy clay) soil was wet, resulting in some deep rutting across the area. Crossing of small streams on the parcel was also not done properly, resulting in damage to these riparian areas from logging equipment. This area and these timber stands should have been managed with a selective harvest, and logged during the proper time of year. Proper practice would have avoided site damage and long-term damage to the timber resource. The PIF board does not endorse or accept this poor quality type of forest management, either on member lands or on public lands.
- 2) The site will now largely regenerate to brush and a few patches of aspen (where sunlight is adequate). It will be decades before a young hardwood stand can be restored on this site, and even that will take some intensive work (removing the existing poor-quality maple whips, as one example).

- 3) Although the parcels FS is proposing to trade away in this exchange are smaller and somewhat scattered, many of them contain some valuable timber and other important resources. All of the County Line Lake (CLL) parcels, for example, have older, sawlog-sized sugar maple stands on them, of good quality. The CLL parcels on the west side of County Line Lake road have old-growth characteristic hemlock and cedar mixed in with large sugar maple, making them very unique stands. In addition to the timber value, these areas provide habitat for numerous wildlife species that are associated with old-growth mixed hardwood/conifer forests, such as American marten, barred owl, and goshawks, to name a few. The parcel near Lake Gogebic contains some areas of younger upland hardwood stands and some areas of lowland hardwoods. The parcel north of M-28 was harvested approx. 15 years ago, and has a vigorous stand of young aspen regenerating. The timber resource tables in the EA on table 5, page 39 are very graphic and point to an honest picture of the loss of quality saw and pole timber. If management is an issue of concern for FS, we may well concur with scoping documents by Marion True, suggesting old growth designation.
- 4) Mr. Delich is proposing to divide and fragment several of these parcels (presumably after heavily logging them) if the exchange is approved, and sell them for residential development. This would lead to a loss of productive forest land, and also fragmentation of the remaining Forest. It would also add unwanted development in the CLL area as it appears many of the adjacent landowners are opposed to the exchange for this reason. (One could brush them off as NIMBY's, however they know the area and have placed a great deal of trust in FS management). It may also lead to negative impacts to water quality in County Line Lake itself, as one parcel is very close to the shore of the lake. Residential development, including paving of roads and driveways, etc, can increase runoff of pollutants into wetlands and lakes, adversely affecting water quality.
- 5) Two of the FS parcels west of County Line Lake road have a portion of Scott and Howe Creek going through them. Scott and Howe Creek is a high-quality smaller trout stream, with some very unique habitats along portions of its bank (unusual rock outcrops, for one). There are also some high-quality wetland habitats along portions of the stream riparian area. Finally, there is a very nice scenic waterfall on the creek in one of these parcels – Wildcat Falls. This is a picturesque small waterfall that is used by local people and Forest visitors, who have hiked into it and picnicked there for generations. Wildcat Falls is listed on the Ottawa NF website as an interesting waterfall that the public should visit while recreating on the Forest. Why would FS want to trade out of a parcel that has such a unique feature? To excuse this trade by stating that there are other waterfalls on the forest is not sound justification.

Summary:

It is the unanimous opinion of the PIF Board of Directors that the drawbacks of this proposed exchange outweigh the benefits, and therefore the proposal, as displayed,

should be rejected. The unique timber and other resource value of the CLL parcels, in particular, should have eliminated them as parcels to be considered by FS for exchange to begin with. Also, the FS should not be promoting land exchanges that will result in a loss of productive land, fragmentation, and additional development within the Forest. We recognize there is value in FS seeking to acquire the 400+ acre Delich parcel (primarily from the standpoint of FS blocking-in ownership of that whole section), but too much would be given up in exchange in this proposal. The Delich parcel has been damaged by improper logging, and will not support a viable stand of timber for many decades as a result.

We urge you to reject this exchange as proposed, as not being in the public's best interest, and look for another avenue to acquire the Delich property. This is NOT like kind property, and the long term public values are too extensive to be lost. You are also bound to a certain public trust which is likely to be breached in the event of this exchange.

Thank you for the opportunity to comment on this proposal.

Joe Hovel, for Partners in Forestry COOP, and as an individual in his own right.
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Partners in Forestry is a landowner and forestry concerned member organization in northeastern Wisconsin and the western Upper Peninsula of Michigan. We recognize the value of sustainable forest management on private and public lands and appreciate the value of the greater forest landscape and its benefits to society.

-----End old comments-----

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