



File Code: 1570

Date: August 26, 2004

Mr. Doug Heiken
Oregon Natural Resources Council
P.O. Box 1648
Eugene, Oregon 97440

Mr. Joseph Vaile
Klamath-Siskiyou
Wildlands Center
P.O. Box 102
Ashland, Oregon 97520

Dear Mr. Heiken and Mr. Vaile:

I received your objections to the Ninemile Timber Sale and Natural Fuels Reduction Project on the Chiloquin Ranger District of the Fremont-Winema National Forests on July 27. Your objections were filed in a timely manner. Since your objections covered the same issues, I am consolidating them (36CFR218.10(b)) and responding with this letter.

I reviewed your objections to determine whether you have identified any substantial flaws in the project proposal. These are the key issues I was able to identify from your objection, and my response.

1. Definition of WUI

HFRA (Title 1 Section 103) states that in the case of an authorized hazardous fuel reduction project for which a decision notice is issued during the one-year period beginning on the date of enactment of the Act (December 3, 2003), the existing definition (Federal Register Vol. 66 No. 3 January 4, 2001) of wildland-urban interface shall be used. The project area qualifies as Category 2. Intermix Community. This definition states there is no clear line of demarcation between wildland fuels and structures. Therefore, I find it appropriate that the one and half miles of interface area was measured so as to incorporate all of the private property areas containing both structures and fuels, as this fits the definition of an intermix community.

2. The increased fire risk from overstory removal/harvest of trees 12 inches and over.

Fire risk from overstory removal is discussed in the EA on p. 24. The EA in Chapter 2 on pp. 23 -29 reviews the scientific papers you cited in your objection. The analysis in Chapter 2



showed that the studies you cited do not support your conclusions.

3. Impacts to soil from mechanical activities.

Effects to soils are discussed on pp. 115-116 of the EA. I find this discussion to be adequate.

4. The Forest Service fails to offer meaningful public involvement.

Changes to public involvement opportunities as a result of the Health Forest Restoration Act of 2003 are beyond the scope of this project decision. The record indicates that opportunity for public involvement in the Ninemile project was provided consistent with the act.

5. The Forest Service failed to consider the citizens' alternative.

You incorrectly state that the HFRA requires us to consider additional alternatives if suggested by the public. The Ninemile project is in the wildland-urban interface and therefore we do not have to consider action alternatives beyond our proposed action (Section 104(d)(2)). To insure that the project adequately reflected current knowledge of fire and fuel relationships, the Environmental Assessment, Chapter 2 pp. 23 - 29, reviewed the science you identified in support of the citizens' alternative. That analysis showed the studies you cited did not support your conclusions.

Our review indicated your submission did not include all of the required elements. As this is a new process, we elected to review your objections nonetheless. Please be aware of these requirements:

- 36CFR218.7(b) makes it your responsibility to describe the aspects of the project to which you object, specific issues related to the project and suggested remedies to resolve the objection. You suggest many remedies related to the environmental assessment. Relative to the project, the only remedy you suggest is the implementation of an alternative without commercial timber removal. It would be more helpful to us, and consistent with this regulation, if you had mentioned specific remedies relative to the project for each objection point.
- 36CFR218.7(d)(4) requires that the objection identify by name the responsible official. Your objections did not.

By copy of this letter, I am instructing Forest Supervisor Shimamoto to proceed with issuance of a Decision Notice for this project. There will be no further review of this response by any other Forest Service or USDA official.

Sincerely,

/s/ Jim Golden

JAMES A. GOLDEN

Objection Reviewing Officer

Cc:

Karen Shimamoto

Joyce Casey

Bonnie Wood

Edit:jlk:2004:08:25:K/RO/RPM/Services/Correspondence/Mattson/1570 Ninemile Reviewing
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