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February 13, 2004

Kevin Moore, Ninemile IDT Leader
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Chiloquin, Oregon 97624

Dear Mr. Moore,

The following is in response to your January 27, 2004 request for comments on the Ninemile Timber Sale and Natural Fuels Reduction Project. Please consider these comments from the Oregon Natural Resources Council (ONRC) and Klamath-Siskiyou Wildlands Center (KSWC) in the scoping process for this project.

◆ Contained with the Forest Service's January 27, 2004 Ninemile Timber Sale scoping letter is a document titled: "Ninemile Fuels Reduction Proposed Action Treatment Description. This document says that "fuel reduction with commercial harvest units including commercial harvest of thinning from below" of up to 21" DBH. There are several reasons we feel this project should reevaluate this thinning prescription:

1. The Chiloquin RD's letter of January 27, 2004 states that the proposed Ninemile Timber sale "complements the Chiloquin Community Fuel Reduction Project." Thus, first and foremost, the Ninemile Timber Sale EA should acknowledge that in the May 3, 2002 Decision Notice and FONSI the Chiloquin Ranger District of the Winema National Forest (correctly) rejected an alternative that would have cut 4 million board feet of mature and old growth ponderosa pine up to 21 inches DBH (alternative 3) in the name of fire protection. This timber alternative was rejected in favor of an alternative that would instead limit conifer logging to 8" DBH, and which also included a "combination of treatments" for "mechanical brush treatment and underburning" (in many instances in the same units) "to achieve the desired reduction in fire hazard."

   While giving special consideration to local tribal concerns and other public input, the purpose of the project was "to lower the fire hazard around the community of Chiloquin." Page 3 of that EA stated: "Currently about 95% of the Chiloquin Community Fuels Reduction Project area is in a high hazard condition." Yet, in selecting the smaller diameter, alternative 2, the Winema National Forest concluded: that the 8" maximum DBH alternative (alternate 2) "best addressed" the "National Fire Plan to reduce fire hazard around communities at risk from wildfire." The Ranger wrote: "I have selected Alternative 2 because it will reduce high fuel loadings over a large-scale, high severity wildfire occurrence...It will reduce the high hazard fuel loading in the (4100 acre) analysis area and reduce the overall risk of stand replacement fire." In addition prescribed "burning and mechanical (brush) treatment (also part of Alternative 2) will increase the quantity and quality of forage by stimulating new shoot

production, retaining a seed source, and provide a growing space for new plants in burned areas."

In this context, ONRC and KSWC request that the Forest Service disclose the full environmental effects of the Ninemile Timber Sale proposal. As the proposed Ninemile Timber Sale and Natural Fuels Reduction Project likens itself to the Chiloquin Community Fuel Reduction Project, **please disclose the effects of any alternative that recommends removing trees over 8 inches in terms of reducing shade, reducing fuel moisture, increasing insolation, stimulating the growth of ladder fuels, increasing wind speed under the canopy, increasing the costs of future treatment of ladder fuels, and the overall consequences in terms of fire hazards as well as impacts on soil, water, and wildlife.**

2. The Ninemile EA should provide an analysis consistent with findings contained in "Rural Technology Initiative--Investigation of Alternative Strategies for Design, Layout and Administration of Fuel Removal Projects," by C. Larry Mason and others at http://www.ruraltech.org/pubs/reports/fuel_removal/ A Sept. 26, 2003 summary by the University of Washington stated:

> On the Okanogan National Forest in Washington and the Fremont National Forest in Oregon, where some of the region's worst fires have occurred in recent years, the most effective treatment tested using the computer software preserved ponderosa pine and western larch, while taking the smallest trees of other species until a targeted density was achieved. This approach typically left between 40 and 100 of the largest trees per acre. The trees removed rarely included any larger than 12 inches in diameter. (emphasis added)

Considering these findings would meet the requirements of §102(f)) on the "Healthy Forests Restoration Act of 2003" that projects "focus largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire," and to the extent consistent with fire resilient stands, "maximize the retention of large trees" appropriate to the forest type.

3. The HFRA project requirements state:

> In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

In eastside forests, many ponderosa pines under 21 inches DBH are, or are approaching, 200 years of age, and by conventional definitions, should be regarded as old growth and thus not cut as part of any fuels hazard reduction treatment.

In a January 28, 2004 Associated Press story By MATTHEW DALY, Mark Rey said: "With regard to mechanical thinning, those projects will be done with a singular objective: to improve the health of the forests," Rey said. "The amount of timber to be removed is incidental."

The Healthy Forests Restoration Act of 2003, under "SEC. 104. ENVIRONMENTAL ANALYSIS" (c) CONSIDERATION OF ALTERNATIVES, states (1) IN GENERAL.—Except as provided in

subsection (d), in the environmental assessment …prepared under subsection (b), the Secretary shall study, develop, and describe—(A) the proposed agency action; (B) the alternative of no action; and (C) an additional action alternative, if the additional alternative—(i) is proposed during scoping or the collaborative process under subsection (f); and (ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

ONRC and KSWC thus request that this analysis can best occur if an alternative patterned after the smaller diameter, alternative 2, selected in the analogous Chiloquin Community Fuel Reduction Project were fully analyzed and considered as part of the Ninemile Timber Sale and Natural Fuels Reduction Project EA.

◆ Findings disclosed in the April 2003 report "Modifying Wildfire Behavior –The Effectiveness of Fuel Treatments the Status of Our Knowledge," by Henry Carey and Martha Schumann (http://www.theforesttrust.org/images/swcenter/pdf/WorkingPaper2.pdf) need to be addressed in the analysis of this sale. This paper assesses existing research on the effectiveness of hazardous fuel reduction, (having…) "reviewed more than 250 papers that evaluated three types of fuel treatment in relation to fire behavior in western forests…"

Among other things the authors found:

- . "Although the assertion is frequently made that simply reducing **tree density** can reduce wildfire hazard, the scientific literature provides tenuous support for this hypothesis."

- . "The proposal that **commercial logging** can reduce the incidence of canopy fire was untested in the scientific literature. Commercial logging focuses on large diameter trees and does not address crown base height – the branches, seedlings and saplings which contribute so significantly to the "ladder effect" in wildfire behavior."

The assessment also recommended: "Priority should be given to locating fuel treatments in areas that include a well constructed, experimentally driven design, so that agencies can optimize their ability to learn, providing a higher return on future investment." The authors stated: "In sum, the notion that mechanical thinning, or a combination of thinning and prescribed fire, reduces the incidence of catastrophic fire needs to be viewed as a working hypothesis and needs to be tested through experimentation and site-specific evidence. The proposal that commercial logging can reduce the incidence of canopy fire appears completely untested in the scientific literature."

◆ Please also consider these **principles for effective fuels reduction:**

Is logging the answer to reducing forest fire risk? This simple six point test can help distinguish between meaningful fuel reduction efforts and questionable efforts to increase commercial logging under the guise of fuel reduction.

If the following basic principles are met, then the proposal is probably sincere and effective. If these guidelines are not met, then the project may be more about timber extraction and is likely to increase fire hazards, degrade forest health, and provoke conflict rather than reduce fuel or fire risk.

1. Ensure meaningful public participation.
2. Prioritize treating high risk areas starting in the community zone.
3. Ensure fuel reduction treatments are effective.

4. Include environmental safeguards.
5. Make rational and informed decisions.
6. Ensure adequate funding.

In further detail:

1. **ENSURE MEANINGFUL PUBLIC PARTICIPATION**: If the public is well-informed and meaningfully involved in project development, it is much more likely to be implemented smoothly.
    a. Provide timely public notice.
    b. Provide the public with adequate information to participate effectively in management of their public forests.
    c. Provide time for comments.
    d. Provide for accountability through administrative appeal and judicial review. Thankfully, appeals and litigation will not be necessary if the agencies follow these principles.

2. **PRIORITIZE TREATING HIGH RISK AREAS STARTING IN THE COMMUNITY ZONE**: As directed by the National Fire Plan, and given limited resources, agencies must prioritize treatment of fuels in areas that will have the greatest gain in terms of protecting homes and communities, specifically "high-risk" rural communities with more than 250 people per square mile (USDI/USDA 2001).
    a. Make sure owners of homes and structures in the wildland-urban interface have taken "fire wise"[1] precautions such as metal roofs, removal of flammable material near structures, etc.
    b. Prioritize treating areas in the order of their risk to people and communities:
        i. first, within 100-200 feet of homes and buildings (see Center for Biological Diversity[2], firelab.org[3] and Cohen[4]);
        ii. second, within 1/4 mile of community buildings, and
        iii. third, restore fire-adapted ecosystems that are accessible from existing roads and are already seriously degraded from fire exclusion, logging, and livestock grazing.
    c. The most effective fuel reduction efforts will emphasize treatment of non-federal lands because they present the greatest risk to people and property in terms of both proximity and fuel conditions.

3. **ENSURE FUEL REDUCTION TREATMENTS ARE EFFECTIVE**: Fuel treatments can be effective in reducing fuel and fire hazard, but poorly designed and located projects can actually make fire hazard worse instead of better.
    a. Prioritize restoring fire adapted ecosystems that have evolved with frequent fire (0-35 years), including Ponderosa pine and other forests dominated by long needled species, and prairies, chaparral, and sagebrush ecosystems (known as "fire regimes I and II"[5]).

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[1] "Firewise: Making sensible choices in the wildland/urban interface" http://www.firewise.org/
[2] Brian Nowicki, The Community Protection Zone: Defending Houses and Communities from the Threat of Forest Fire. Center for Biological Diversity. August 2002. http://www.biologicaldiversity.org/swcbd/Programs/fire/wui1.pdf
[3] Wildland-Urban Fire Research Publications. http://www.firelab.org/fbp/fbresearch/wui/pubs.htm
[4] Jack D. Cohen. Wildland-Urban Fire—A different approach. Missoula Fire Sciences Laboratory http://www.firelab.org/fbp/fbppubs/fbppdf/cohen/wufire.pdf.
[5] Fire Regime Definitions http://www.frcc.gov/docs/FrccDefinitionsFinal.pdf

b. Prioritize treating areas where vegetation composition, structure, and diversity have been altered by many decades of fire exclusion and other aggressive management activities, resulting in significant changes in expected fire size, frequency, and intensity (known as "fire condition class III"[6]).
c. In most cases, optimum long-term benefits can be obtained by removing trees under 12 inches in diameter (to reduce the smallest most hazardous fuels) and by retaining trees ≥12 inches in diameter (to suppress brush, maintain cool/moist ground conditions, and reduce long-term maintenance costs).[7]
d. Protect all mature and old-growth forests, including large, old, and fire resistant trees that provide shade and cool/moist conditions that help reduce fire hazard. Retain canopy cover to partially suppress the growth of ladder fuels (where ecologically appropriate).
e. Focus on treating ground fuels and ladder fuels. Remove small material that is the most fire prone. Do not create or leave excessive untreated slash.
f. Reducing canopy fuels through removal of dominant or co-dominant trees from mature forest stands is NOT recommended, because it will create more slash and will stimulate the growth of ladder fuels both of which are expensive to treat. Canopy reduction will also reduce fuel moisture and increase fire hazard. In younger stands where the canopy is dense and relatively close to the ground, it may make more sense to break up the continuity of canopy fuels.
a. Mechanical fuel reduction such as thinning must be coupled with prescribed burning to adequately restore fire regimes. Research demonstrates that thinning alone (without subsequent treatment of activity fuels and maintenance treatments) actually increases fire hazard in both the short- and long-term.
g. Prioritize treating heavily managed and roaded areas because they are typically the most modified and the least controversial areas.
h. Reduce or remove livestock grazing as necessary to restore natural fire regimes and encourage native grasses that compete with encroaching trees.
i. Plan for long-term maintenance of fire resilient conditions.
j. Monitor the effectiveness of fuel reduction treatments.

4. **INCLUDE ENVIRONMENTAL SAFEGUARDS**: Fuel reduction is only one aspect of managing forests and restoring fire-adapted ecosystems. To be successful, fuel reduction treatments must fit within a sound ecological restoration framework. Treatments must be conducted in a way that protects and restores diverse resource value such as clean water, soil productivity, wildlife habitat, recreation, scenic qualities, etc. Employing adequate environmental safeguards as the surest way to avoid controversy and conflict over fuel reduction thinning projects.
    b. Give priority to treatment methods that are least intrusive and most effective, such as prescribed fire and manual treatments.
    c. Retain key wildlife habitat features such as medium and large trees, snags, and down logs. These features have high ecological value and relatively low fire risk. Large, old,

[6] Fire Condition Class Descriptions http://www.fs.fed.us/fire/fuelman/curcond2000/def.html
[7] C. Larry Mason, Kevin Ceder, Heather Rogers, Thomas Bloxton, Jeffrey Commick, Bruce Lippke, James McCarter, Kevin Zobrist, Investigation of Alternative Strategies for Design, Layout and Administration of Fuel Removal Projects; Rural Technology Initiative; July 2003; http://www.ruraltech.org/pubs/reports/fuel_removal/ See especially Appendix pages B-13, 14.

and fire resistant trees also provide shade and cool/moist conditions that help reduce fire danger.

d. Do not oversimplify stands. Retain some complex forest conditions. Within treatment areas, leave some patches of small trees and brush untreated for wildlife cover areas and for recruitment of future large trees (e.g., save some patches of small trees so they can become future large trees).
e. Retain fire refugia areas. Fire refugia are patches of landscapes that are minimally affected by successive fires because of their topographical setting.
f. Protect roadless areas. Whenever possible, use controlled, low-intensity fire instead of logging to restore roadless areas. Ensure that management actions do not preclude qualification for future wilderness.
g. Avoid road building. Logging roads cause water pollution, stimulate the growth of roadside weeds and ladder fuels, and increase fire ignition risks.

5. **USE RATIONAL AND INFORMED DECISION-MAKING**: The National Environmental Policy Act offers an essential methodology for involving the public and making well-informed decisions. Taking short-cuts will alienate the public and lead to poor decisions.
   a. Investigate, evaluate, and disclose the environmental effects of fuel reduction projects.
   b. Consider both the short-term and the long-term. Explicitly consider the effect of vegetation growth over time and the fact that excessive thinning can reduce fuel moisture and stimulate the growth of ladder fuels and create a serious future fire hazard.
   c. Develop and compare reasonable alternatives to proposed fuel reduction projects, such as whether, when, where, and how it is done. This includes consideration of prescribed low-intensity fire as a preferred restoration tool wherever possible.
   d. Ensure that federal decision-makers are fully informed of environmental consequences and compare alternatives before making decisions.
   e. Recognize that thinning for fire risk reduction is part of an ongoing experiment in restoring healthy landscapes. Monitor what happens after treatments and learn from all projects.

6. **ENSURE ADEQUATE FUNDING** – Removal of the small fuels costs money and does not generally pay for itself. Effective fuel reduction efforts are therefore best viewed as investments in community safety, not economic development programs.
   a. Ensure that there is money to pay for effective fuel reduction, including activity fuel treatment and future maintenance treatments.
   b. Do not cut big trees to pay for removal of small trees. Removing large, fire resistant trees will actually increase fire hazard, further degrade habitat, and trigger public conflict and controversy that will slow needed treatment of the small fuels.

◆ Please refer to the ONRC scoping letter dated 2/16/00 for more details and additional scoping comments. The letter can be accessed on the web at: http://www.onrc.org/scoping/. The scoping letters will be updated on the website as changes arise. Here are some highlights from the original letter:

Roadless/Wilderness Areas & Road Building Issues

- Avoid timber harvest, roads, mining, development and motorized recreation in roadless areas ≥1000 acres or any roadless area adjacent to existing wilderness or parks and all inventoried roadless areas. The EA/EIS should clearly state whether the project is in any portion of a roadless

area inventoried during the RARE II process, or in a non-inventoried roadless area ≥ 1000 acres or adjacent to inventoried roadless or designated wilderness. A full EIS should be prepared for this project if it involves entry into an inventoried or uninventoried roadless area.

Old-growth

- Avoid commercial timber harvest, roads, and mining in late-seral forests.
- Impacts on old-growth species should be discussed in detail in the EA/EIS. This should include an analysis of effects on such species as the goshawk, bats, Canada Lynx, woodpeckers, Pine Marten, California Wolverine, Great Gray Owl, Pygmy Nuthatch or Bald Eagle, and other special-status species listed in applicable management plans. Special attention to snag habitat is needed.

Fish & Wildlife -- Special status species surveys must be completed prior to developing NEPA alternatives and before the decision is determined. On-the-ground field reconnaissance surveys must be done and used to develop NEPA alternatives.

Water Quality -- Project analysis should separately discuss Riparian Management Objectives (under PACFISH and INFISH) and how the proposed alternatives will impact these objectives. Any commercial harvest activities or road construction in key watersheds or municipal watersheds should be avoided in order to protect water quality.

NEPA Documentation -- A full range of action alternatives should be considered for this project. These alternatives should include wildlife enhancement, restoration, old growth protection (minimum fragmentation), and non-motorized recreation.

ONRC also sent a scoping letter specific to lynx concerns dated January 11, 2000. We incorporate that letter here by reference. This letter is also available on the web at: http://www.onrc.org/scoping/.

Please consider the following issue supplemental to the original scoping letters:

Roads EA -- The Forest Service is required to justify the need for new roads and prioritize efforts to maintain and decommission roads considering environmental and economic implications. (The EA/EIS must clearly state whether any roads are proposed for construction or reconstruction within Riparian Reserves, and which of these if any will require stream crossing(s).)

Thank you for your consideration of our comments. For the Ninemile Timber Sale, please send further communications and Forest Service produced documents to both ONRC's Eugene and Brookings, Oregon addresses and to KSWC at the address below.

Sincerely,

Chandra LeGue
Conservation Associate
Oregon Natural Resources Council

/s/ Joseph Vaile
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