



**Chair: Jerry Brummer  
Crook County Commissioner**

September 3, 2019

Shane Jeffries, Forest Supervisor, Reviewing Officer  
c/o Elysia Retzlaff, NEPA Planner  
Ochoco National Forest  
3160 NE 3rd Street  
Prineville, Oregon 97754

**RE: Ochoco Forest Restoration Collaborative Objection  
to the Final Environmental Impact Statement  
and the associated Draft Record of Decision for the  
Black Mountain Vegetation Management Project**

Dear Supervisor Jefferies,

The Ochoco Forest Restoration Collaborative (OFRC) is writing to lodge an objection to the Final EIS and Draft Record of Decision released on July 19 for the Black Mountain project. We are disappointed that the Forest Service has declined to analyze an alternative in the Black Mountain project that would have fully implemented the Dry Forest Zones of Agreement that OFRC developed after a year of discussion and engagement with relevant science and local Forest Service staff.

In our comments on the Draft EIS we submitted a legal analysis showing **that in some circumstances the Eastside Screens allow removal of large young grand fir >21" from the immediate vicinity of legacy old growth ponderosa pine trees *without any kind of plan amendment***. We stand by that argument (see our comment letter submitted February 20th 2019). We don't believe that the 1995 memo referenced in the FEIS is controlling in this circumstance. It's inconsistent with other memos of the same time period, and most importantly, it's inconsistent with the plain text of the Screens.

This matters to us because after a year of shared learning on the topic, we have come to see that in many cases in the dry pine ecosystems of the Ochoco, large young grand fir is threatening the health of the legitimate old growth. It does this by soaking up water that the ponderosa relies on, thus making it more susceptible to drought, insects, disease, and fire. It also acts as a ladder fuel, allowing ground fires to reach the crown of old growth. The Black Mountain FEIS identifies 2,134 acres of Old Forest Multi-Stratum (OFMS) that will be thinned to

reduce competition and increase the abundance of Old Forest Single Stratum (OFSS) structure class which is lacking on the landscape. These stands are areas where large young grand fir likely threaten the health of old growth ponderosa in this project area. The purpose of the Eastside Screens is to enhance LOS. We believe that implementation of our Zones of Agreement would do more to enhance LOS on these 2,134 acres than the preferred alternative.

We are cognizant that this is a potentially important shift in how the Screens are implemented. We emphasize that the point of the Screens is to enhance LOS. This new interpretation is only applicable to places where historic old trees are in existence and OFMS structure is above the historic range of variation. And most importantly, it only allows treatments that enhance old growth's ability to thrive. Eventually some of our collaborative members would like to submit a more detailed legal and scientific analysis of how we believe this should be implemented. But that is beyond the scope of this objection.

The Ochoco collaborative has a diverse membership and strives for consensus in our decision making. All collaborative members except for Oregon Wild were in support of this objection letter. Oregon Wild was not in support of the letter because they believe that the Black Mountain project's purpose and need can be accomplished without reinterpreting the east side screens.

**Members in support:**

**Roy Beyer**, Landowner

**Jerry Brummer**, Crook County Commissioner

**Gayle Casselman**, Landowner

**Tom Casselman**, Landowner

**Jerry Cordova**, Retired USFWS

**Kit Dickey**, Forest Service Volunteer, Central Oregon Forest Stewardship Foundation

**Vernita Ediger**, Central Oregon Intergovernmental Council

**Pam Hardy**, Western Environmental Law Center

**Cynthia Harper**, Community Member

**John Jackson**, Community Member, Central Oregon Forest Stewardship Foundation

**Shirley Jaynes**, Community Member

**Bryce Kellogg**, The Nature Conservancy

**Cliff Kiser**, Community Member

**Michelle McSwain**, Community Member

**Duane Miller**, landowner, Back Country Horsemen

**Ruth Miller**, landowner, Back Country Horsemen

**Frank Porfily**, Landowner

**Betty Roppe**, former Mayor of Prineville

**Pete Sharp**, Community Member

**John Shelk**, Ochoco Lumber

**Steve Uffelman**, Mayor of Prineville

**Don Wood**, Retired forester

**Members remaining neutral:**

**Mathieu Federspiel**, Sierra Club

**Members not in support:**

**Jamie Dawson**, Oregon Wild



**Request for Relief:**

We request that the Forest Service issue a supplementary analysis analyzing an alternative that removes large (>21" DBH), young (<150 years) shade tolerant (grand & douglas fir) trees from the area 1.5 times the dripline of old growth ponderosa pine within the 2,134 acres of multi-strata Late and Old Structure (LOS) which will be mechanically treated under Alternative 2. This is a reasonable, but unconsidered alternative.

In the alternative, we request that the Ochoco Forest embark on a forest-wide plan amendment that would allow implementation of the OFRC Zones of Agreement.

**Responsible Official:**

Shane Jefferies, Supervisor, Ochoco National Forest  
Ochoco National Forest  
3160 NE 3rd Street  
Prineville, Oregon 97754

**Lead Objector Name and Contact Information:**

The Chair of the OFRC is Jerry Brummer, Crook County Commissioner. Technically, he is our lead objector. However, for purposes of this matter we ask you to contact collaborative members Pam Hardy or Bryce Kellogg:

Pam Hardy  
Western Environmental Law Center  
935 SE Morton Ct.  
Bend, OR 97702  
541-914-9698  
hardy@westernlaw.org

Bryce Kellogg  
The Nature Conservancy  
999 SW Disk Drive, Suite 104  
Bend, OR 97702  
Phone: 541-388-3020 ext. 216  
Email: bryce.kellogg@tnc.org

We request, and look forward to, the opportunity to have our representatives discuss this matter with the Responsible Official and the Regional office. We look forward to hearing from you about an appropriate time and place.

Sincerely,

A handwritten signature in black ink that reads "Jerry M. Brummer". The signature is written in a cursive, flowing style.

Jerry Brummer

### **Other:**

"The Restoration of Dry Forests in Eastern Oregon (Franklin et al. 2013), as well as the Dry Forest Recommendations prepared by the Ochoco Forest Restoration Collaborative (2017), recommend large young trees in the vicinity of old trees be removed when implementing dry forest restoration treatments. Removing large young trees from the vicinity of older trees would help restore the resilience and vigor of the older trees by reducing ladder fuels and competition for water and nutrients. Additionally, removing large young trees reduces stand density and shifts species competition closer to the historic range of variability."

FEIS page 24

### **References:**

- Franklin, J.F., Johnson, K.N., Churchill, D.J., Hagmann, K., Johnson, D., Johnston, J., 2013. Restoration of Dry Forests in Eastern Oregon: A Field Guide. Nat. Conserv.
- Hagmann, R.K., Franklin, J.F., Johnson, K.N., 2013. Structure and composition of ponderosa pine and mixed-conifer forests in south-central Oregon. *For. Ecol. Manage.* 304, 492–504. <https://doi.org/10.1016/j.foreco.2013.04.005>
- Johnston, J.D., 2017. Forest succession along a productivity gradient following fire exclusion Forest Ecology and Management Forest succession along a productivity gradient following fire exclusion. *For. Ecol. Manage.* 392, 45–57. <https://doi.org/10.1016/j.foreco.2017.02.050>
- Johnston, J.D., Dunn, C.J., Vernon, M.J., BAILEY, J.D., MORRISSETTE, B.A., MORICI, K.E., 2018. Restoring historical forest conditions in a diverse inland Pacific Northwest landscape 9. <https://doi.org/10.1002/ecs2.2400>
- Kolb, T.E., McDowell, N.G., Pearson, K., Sala, A., Waring, R.H., Agee, J.K., Fule, P.Z., 2007. Perpetuating old ponderosa pine. *For. Ecol. Manage.* 249, 141–157. <https://doi.org/10.1016/j.foreco.2007.06.002>
- Merschel, A., Vora, R.S., Spies, T., 2019. Conserving Dry Old-Growth Forest in Central Oregon, USA 117, 128–135. <https://doi.org/10.1093/jofore/fvy085>
- Merschel, A.G., Spies, T.A., Heyerdahl, E.K., 2014. Mixed-conifer forests of central Oregon : effects of logging and fire exclusion vary with environment. *Ecol. Appl.* 24, 1670–1688.
- Ritchie, M.W., Wing, B.M., Hamilton, T.A., 2008. Stability of the large tree component in treated and untreated late-seral interior ponderosa pine stands. *Can. J. For. Res.* 38, 919–923. <https://doi.org/10.1139/X07-242>
- Van Pelt, R., 2008. Identifying Old Trees and Forests : in Eastern Washington. Olympia, WA.