

May 1, 2024

RE: Mill Creek Dry Forest Restoration Project Objection

VIA: <https://www.fs.usda.gov/project/ochoco/?project=58081>

Pursuant to 36 C.F.R. Part 218.7, Kimberley Vogel files this objection to the proposed draft decision and final environmental analysis for the Mill Creek Dry Forest Restoration Project (Mill Creek). Slater Turner, District Ranger is the responsible official. Shane Jeffries, Ochoco National Forest Supervisor is the reviewing official. The Mill Creek project occurs on the Lookout Mountain District of the Ochoco National Forest.

Objector

Kimberley Vogel

[REDACTED]

Dear Slater and Shane,
Thank you for the opportunity to work with you on this project.

In Preface and in Support of my objection:

With changing climate affecting our forested lands and open space it becomes increasingly more important to manage our forests for the perpetuation of the resource holdings the origination laws and subsequent regulations have mandated for use by the American public.

It is toward those larger mandates that I object to the decision of this project specifically, and also speak to larger issues keeping land managers from managing our forests for the long term. Many laws passed in the 1970s (Clean air, Clean water, NEPA, NFMA, etc), forever changed the processes and means by which our forests were managed. The pendulum swung from heavy handed harvest practices without regard for the other elements and resources of our forests to forests managed by our judicial system at the hands of “environmental” groups, well-funded by many who have no understanding of forest management practices. Ever so slowly the pendulum has swung back toward the middle with an understanding of the laws, needed natural science specialists in our forest ranks, and an understanding of the public processes needed.

What has not recovered to a reasonable level is the timber industry that is a vital part of the resources needed to manage the timber resources of our nation on all holdings (public – Federal and State, and private). Our public holdings have been held up too long by special interests that have grown from idealistic groups interested in creating a change for the better in how forests harvest timber to big business “environmental” groups who amass millions in “donations” and keep people employed to hold federal lands hostage from management for the resources. They are no longer local watchdogs seeking a voice in management, but machines kept running by perpetuating drama around single species or uses.

This stalemate in forest management has created a tinder box of thick, old, diseased and insect infested forests ready to burn and be lost to not only the human use they were set aside to benefit, but also to

the single species and carbon sequestration that held up management to keep them in a healthy state to withstand large scale disturbances.

It is with professional empathy that I lay out this preface and support of my objection to this project. I feel strongly that this project was created and offered up with great professional diligence to meet forest management direction at every level of the Forest Service. I would very much like to see it executed in a manner that achieves the forest management goals, while maintaining the integrity and essence of Historic Range of Variability (HRV) to the maximum extent possible, using all the tools and resources available.

To do that you need all the upper levels of the Forest Service to work with you and for you to free up those tools. I would expect that they do it with diligence, and with the courage and bravery it takes to redeem the responsibility of managing our forests within the Department of Agriculture, where these lands reside because they are to be conserved for use, and not managed and preserved for special use.

In light of all of this, Forest Management should have proposed this project pursuant to the Hazardous Fuels Reduction Act (HFRA), sought consideration for meeting those criteria, and prioritized the project ahead of other less critical projects. We would have been to this point many months, and fire seasons earlier.

My Objection:

I wanted to lay out that frustrating preface in empathy for your situation so you understand the foundation and context for my objection to this project specifically, and to the larger forest management crisis of which this small project is a part.

My comments, and the comments of other entities in favor of seeing this project managed to the greatest extent possible to meet the purpose and need of the project, were not addressed properly nor were they given proper consideration as those advocating for specific species and special interests. This makes the Finding of No Significant Impact invalid as these were the comments that measure the impact to the human environment. Additionally, the scope, scale, and intensity of treatments have been reduced so much as to be ineffective and do not adequately address the Purpose and Need of the project or move the Forest adequately toward Historic Range of Variability (HRV)

My previous comments (letter dated September 11, 2023) followed by how they were not addressed:

“Seek to perpetuate the historic open park-like ponderosa pine forest with the removal of competing species of fir and juniper. While I agree with the removal of all large and old fir and juniper trees, please seek to keep as many large and genetically superior ponderosa pine as possible for the perpetuation of a fire resilient forest.”

The decisionmaker states that Alt.4 modified was chosen in response to comments concerned about harvest of fir above 21 inches DBH and effects to dependent species, harvest elements in RMHC areas, and harvest on slopes greater than 35%. The decision does not adequately address, nor does it show how comments urging the forest to remove as much of the old and decadent fir species as possible to reach a level of HRV to create a healthy dry forest, while reducing large scale disturbance such as fire and insect and disease.

Leaving these large diameter fir trees undermines the purpose and need by reducing the acreage of ponderosa pine (a dry forest, drought tolerant species); creating pockets of insect and disease attractants, perpetuating fire risk, severity, and intensity, and increasing the need for high intensity fire suppression. This, during a time when the agency is under pressure to reduce all costs associated with large scale fires. Leaving opportunity for large scale fires puts fire fighters, first responders, all forest users and adjacent lands and landowners at risk. This project was proposed in response to a need to make the forest more resistant to large disturbances, yet the decision does not go far enough to realize the benefits of this effort.

“Seek to manage forest species in riparian areas with an emphasis on stream hardwoods, reducing pines appropriately to keep competition to a minimum and maximizing riparian health for fish, wildlife and plant species and for the enjoyment of the recreating public.”

I do not see this concern addressed in the Decision. It is clear that the decisionmaker chose to mostly exclude RCHAs from treatment units (making many commercial treatment units unviable) in response to some commenters, but there is nothing to say how the other concerns about this resource were addressed. The absence of rationale in the Decision leads the reader to believe these comments were not weighed in the mix, but rather they were dismissed.

*“Emphasize removal of forest vegetation through **timber sales and bio-mass projects** as opposed to prescribed fire. While prescribed fire is a legitimate and useful tool, existing conditions of prolonged drought, anticipated climatic conditions creating further drought, and adverse conditions (smoke, risk to adjacent landowners, etc) make mechanical removal preferable. When using prescribed fire, please mimic historic ponderosa pine fire regimes with small and frequent fires kept mainly in the understory and in places where grazing is not effectively reducing fuels.”*

The Decision as written addressed comments related to not doing commercial harvest in areas but did not adequately address concerns related to configuring units and allowing harvest in areas of high value enough to make sales profitable and contribute to the greater economy, and to maintain a healthy industry to provide wood products to consumers. Reducing acres available for commercial thinning or replacing commercial thinning acres with non-commercial or prescribed burning does not address this issue. It just further exacerbates the issue.

“Actively seek to engage and partner with adjacent private landowners, grazing permittees, public lands managers, state lands managers, and state agencies quickly for the removal of bio-mass and the restoration of forest health. Work with grazing permittees as partners in this effort, maximizing opportunities to fully utilize allowable AUMs through allotment improvements, etc. Rely on monitoring to inform these decisions.”

While I have spoken with forest managers about this several times and they are in agreement. This comment was also dismissed in the decision, showing a lack of consideration for this concern. While I do understand that the majority of this work would need to be done at implementation, it could be starting now – even without a decision, property owners in the WUI could be preparing and configuring their work to complement that on USFS lands

*“A **forest plan amendment** should be done to allow for accepted ground based mechanical harvesting treatments as opposed to helicopter logging on steep slopes (i.e., slopes greater than 35%). These*

projects must be economically feasible for the purchasers or they will go elsewhere and the purpose and need of this project will not be met.”

This too was not addressed adequately in the Decision. I understand from speaking with Forest officials that the Forest Service is unwilling to allow individual forests to do amendments on this based upon lawsuits accusing the forests of doing amendments for site specific projects. Then put the resources to it and do an individual amendment or a programmatic amendment. This is where upper levels have left forests, particularly those with very old and outdated Land and Resource Management Plans, with no contemporary tools for management.

As the decision states:

“By reducing the amount of commercial tree thinning, or changing from commercial to noncommercial thinning, some areas are **left in a denser condition**” (**Decision, Reasons for Decision, p. 3**)

“The beneficial effects of silvicultural treatments **create a modest change in structure and stand composition but move the area in a positive direction**. For example, the acres dominated by early seral species and acres of potential future LOS would move towards HRV, Draft Decision Notice - 10 - but still remain below it (considering effects of Alt. 4 Modified to be between Alt. 2 and Alt. 4, see Table 18 in the EA” (**FONSI section, P.9-10 Decision**).

“The degree to which the possible effects on the human environment area highly uncertain or involve unique or unknown risks. The Forest Service has extensive experience in implementing the kind of activities included in Alt 4M. There are no highly uncertain, unique, or unknown risks identified in the EA. The activities proposed and the effects analysis disclosed are based on sound scientific research and previous experience implementing similar projects under the Ochoco Forest Plan over the last 30 years”. (**FONSI section, P.10 Decision**).

The science that the FS has been operating under and in many cases restrained by offers a look back and creates assumptions based upon what we know from the past. The best science that we have on climate change is that this area will become dryer and thus more prone to large disturbances. We have experienced large scale fires in disproportionate scale over the last several years – due to climate change. Animal species are acting and reacting (hibernation patterns changing, life cycle changes, etc) differently as they scramble to adapt due to climate change. We too must adapt and do it more quickly without the benefit of the time lost while we let our forests get in these conditions.

Forest management cannot dismiss this serious measurement by saying they have vast experience over many years when that experience screams to us that the fine filter of managing for single species and protected small areas does not serve the big picture and will only serve to lose it all when a fire sweeps through.

For these reasons I believe your answer to this measurement in the FONSI is inaccurate. The Forest Service does not have the experience to deal with the effects of climate change and how it will effect the human environment. The processes in place are too lengthy and time consuming. There are highly uncertain effects and some are unique and uncertain given fire behavior and the change of risk in recent years.

When the WUI burns and all of the islands of LOS, RHCAs, OGMA's being shielded from prudent management practices (that would have significantly reduced or prevented this loss) are burned, then

you can say, “OMG! From our experience...” But that has already happened, it is how we got here in this urgent situation.

However, this is a conundrum. If you answer the measure correctly then you must do an EIS, which takes more time than this area does not have – in the big picture.

In summary:

The following areas were not adequately addressed as it relates to my previous responses to this project:

1. Forest Management should have worked with Forest Service Regional and National leaders to be allowed to do a Forest Plan Amendment allowing and encouraging the use of proven and appropriate ground based harvesting methods. The Forest Plan has not been amended enough to bring forward the allowance of contemporary tools needed in modern times.
2. In all forest documents, field trips, and presentations concerning this project the dead, dying and decadent fir is mentioned as a prime reason for proposing the project yet this decision leaves a tremendous amount of large and decadent fir inviting insect, disease, and large-scale disturbance.
3. The continued mention of the Lemon Gulch project, especially as it relates to cumulative effects is disturbing since there is no decision for this project. This leads the public to believe that you will be implementing this project, when you have stated that it has been tabled indefinitely. This makes your actions here pre-decisional. Without a decision there is nothing “reasonably foreseeable” unless there is something Forest management has not told the general and interested public.
4. Pulling out commercial harvest in RHCAs makes many of the units unviable, therefore leaving the areas more dense (Decision, p.3). This also leaves too many conifers in the RHCAs and does not allow for the perpetuation of the preferable deciduous hardwoods along streambanks for shading. This, again, perpetuates the fire risk as outlined by your own science in the Fire section of the analysis.

Resolution Requested: In the interest of time that we do not have, please select Alternative 3.

I know that leaving the forest in a “denser condition” and creating only a modest change while moving in the right direction is not good enough. Leaving so much undone in this situation creates a lost opportunity for actually significantly moving the forest positively toward HRV. Choosing to treat the project area to the maximum extent possible towards HRV reduces the potential for large scale disturbance, and is responsive to forest users, local governments, and goes a long way towards meeting the goals set forth for the type of funds allocated for this project.

Request for Resolution Meeting

Pursuant to 36 C.F.R. § 218.11, I request to meet with the reviewing officer to discuss the issues raised in this objection and potential resolution. In the event multiple objections are filed on this decision, I respectfully request that the resolution meeting be held with all objectors present. I believe that having all objectors together at one time, though perhaps making for a longer meeting, in the long run will be a more expeditious process to either resolve appeal issues or move the process along. As you know, 36 C.F.R. § 218.11 gives the Reviewing Officer considerable discretion as to the form of resolution

meetings. With that in mind, I request to participate to the maximum extent practicable, and specifically request to be able to comment on points made by other objectors in the course of the objection resolution meeting.

Thank you again for the opportunity to participate in this project. I look forward to the objection meetings.

Sincerely,

/s/Kimberley D Vogel (submitted electronically through CARA)

Kim Vogel

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