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In re: Testimony on the Pilot Joe Demonstration Project E.A.

The word "Restoration" sounds like an ideal to pursue - but what will be the final results in Pilot Joe?

This plan appears to be what could also be called a "low thinning" or a "shelterwood," in older forestry theory, but then it apparently stops short of the next step - conversion to young stands. The result would seem to be an unevenaged mix favoring the shade intolerant pines on an extended "rotation," or perhaps no "rotation" at all if the larger trees eventually become "old growth."

There are just the two "alternatives" listed - the "No Action" and the "Proposed" - "Restoration." (Section 4.0 (page 2-20) Actions and Alternatives Eliminated.... ) This E.A. does not appear to seriously consider including the more traditional forest management concepts, such as shelterwood, seed tree, or small patch cuts as possible "Alternatives." Could this be because they might be seen as more controversial words - such as clearcut has become?

Reputedly the "Project" has a budget of half a million \$. If this is divided by 889 acres (p. 1-3), it comes to over \$500 per acre of management costs to be charged against a small log harvest. This would not appear to produce much revenue for the O&C Counties or the US Treasury.

If "Restoration" type management were to become a "preferred alternative" for significant portions of the O&C lands, I cannot see how it could achieve the growth potential of more traditional forest management. Therefore, how could "Restoration" carry out the mandate of management for commercial timber production of the 1937 O&C Act? How then is "Restoration" seriously being considered as some sort of replacement?

While some of the site specific research for this project may also have wider applicability, it appears that much of it may not - probably requiring expensive duplication for each new proposed timber sale. The need for this level of "micromanagement" is largely being caused by "defensive forestry" -(a cousin of "defensive medicine") which is driven by fear of litigation.

The recent Ninth Circuit case, "Lands Council v. McNair (07-35000) makes the point that forestry decisions should not be made at the judicial level when the agencies apply "best possible science," Forest management decisions properly can and should be made by agency forestry experts - and without the previous risk of lawsuits. That is unless the decisions can be found to be "arbitrary and capricious," which is a very difficult legal standard to achieve. This case also may reduce the legal expense compensation being paid out to litigators - under the Equal Access to Justice Act - if fewer appeals are able to prevail.

One major plus of the Pilot Joe project is that it will keep key forestry personnel on the Medford District, B.L.M. And, notwithstanding some of the previous comments about the "Restoration" concepts generally, I feel the E.A. itself was very professionally done.

Sincerely,

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