

**November 27, 2013**

## **Wyden O&C Legislation**

On November 26, Senator Ron Wyden (D-OR) held a press conference outlining his “Oregon and California Land Grant Act of 2013.” The bill outlines the Senator’s vision for managing the 2.4 million acres of O&C lands and follows the recent passage of the bipartisan O&C Trust, Conservation and Jobs Act resulting from a compromise forged by Oregon Congressmen Peter DeFazio (D), Greg Walden (R), and Kurt Schrader (D).

While AFRC is still analyzing the specifics of the bill, it appears to fall short in several key areas that are crucial in providing for future forest health, needed raw material for the forest products industry, and revenues for counties that depend on the harvest of timber from these lands. Some areas of concern include:

- The bill does not provide adequate legal certainty to ensure that timber harvests can proceed. Projects will still be required to comply with time consuming, costly, and broken ESA and NEPA policies and standards which are ineffective, ripe for litigation, and provide no certainty for project implementation. The supposed process savings that have been heralded are likely to be more than offset by complicated new “ecological forestry” prescriptions and management standards included in the legislation. In 2012, the BLM had 35% of their sold volume litigated and this will continue until legal certainty is provided.
- The bill fails to recognize the importance of timber harvests and timber receipts from these O&C lands to the rural counties where these lands are located. The “ecological forestry” requirements will reduce the timber harvest volumes and receipts well below what is required by the O&C Act. Southwest Oregon is likely to be particularly hard hit. Oregon O&C counties have some of the highest unemployment and poverty rates in our nation and deserve certainty.
- The bill is too prescriptive in defining what can and can’t be harvested over various landscapes. Not only are age limits defined, but also number of trees for harvest and in what locations. This level of detail should not be legislated and will invite additional litigation.
- The bill mandates the use of forestry principles developed by Drs. Norm Johnson and Jerry Franklin—The Pilot Projects where these principles have been used were limited in size; treated very few acres; focused on restoration forestry and weren’t sustainable in drier forest types. They were also litigated by environmental groups, so there’s no reason to believe this won’t continue without legal certainty.

- The bill ignores the fact that these lands produce 1.2 billion board feet (bbf) of growth per year, and short of harvesting at least half of this volume, catastrophic fires are likely to continue increasing on the landscape, such as those that burned 94,000 acres this past summer.
- The only certainty found in the bill would be new wilderness, wild and scenic, primitive backcountry areas, drinking water special management units, and special environmental zones. While these designations may be warranted, it is important to understand that once designated, these land allocations stand forever. AFRC believes the same certainty should be advanced for forest management areas; however, this bill does not provide that certainty.

We hope to work with Senator Wyden and the entire Oregon delegation to find a comprehensive and permanent solution. Our communities absolutely need meaningful reforms to eliminate the broken policies that have resulted in endless paralysis and failed both Oregon and our federal forests for the past twenty years. /Tom Partin

### **Senate Constituent and Colleague Letters**

Two letters will be sent or already have been sent to Senate and Energy Committee Chair Ron Wyden (D-OR) and Ranking Member Lisa Murkowski (R-AK) calling for better management of our federal forests and to restore the health of our rural communities. A very important "Dear Colleague letter" is now being circulated in the Senate to encourage Wyden and Murkowski, to move federal forest management legislation through their Committee. The letter was circulated initially by Senators Mark Pryor (D-AR) and Thad Cochran (R-MS) and gives thanks to the Committee for holding hearings on the challenges facing national forest management, and providing one year of county payments bridge funding through the Helium Stewardship Act, but most importantly calls for "legislation to restore the health of our Federal Forests and strengthening our rural communities."

A second "Constituent" letter was sent to both Senators on October 30 and was signed by 115 individual forestry associations, sportsmen groups, counties, schools, local Chambers of Commerce, and other interested organizations with the same message of managing our public forests to provide dollars for counties and rural communities. A copy of the same letter was sent to every member of the United States Senate.

Senator Wyden just released his O&C legislation and Senator John Barrasso (R-WY) is likely to soon introduce legislation focused on the Forest Service. Hopefully a robust Dear Colleague letter will lead to progress in the Senate on a meaningful and permanent solution for our federal forests. / Tom Partin

### **Committee Examines Budgets/Wildfire**

On November 5, the Senate Agriculture Subcommittee on Conservation, Forestry and Natural Resources, chaired by Senator Michael Bennett (D-CO) held a hearing entitled, "Shortchanging Our Forests: How Tight Budgets and Management Decisions Can Increase the Risk of Wildfire." The theme was how to get the Forest Service out of the never-ending fire borrowing scenario that allows the agency to borrow funds from any of the Forest Services' line items to battle catastrophic wildfires, and to get the agency treating high risk forests before they burn.

Witnesses included Jim Hubbard, Deputy Chief, Forest Service; Sallie Clark, incoming Vice President, National Association of Counties; Davey Pitcher, President and CEO, Wolf Creek Ski Area; Chris Topik, The Nature Conservancy; and Tom Troxel, Executive Director, Intermountain Forestry Association.

Perhaps the best statistic that outlines the current conditions on our national forests came from Jim Hubbard who stated that the Forest Service has identified 58 million acres of national forest land as high risk for large severe wildfires, and of that, 10 million acres are in immediate need of treatment. Meanwhile the Forest Service is treating about 2 million acres per year. Using those statistics it would seem that more large fires are imminent from these lands in the coming years.

Other witnesses outlined additional problems facing the Forest Service such as cuts in hazardous fuels funding which has limited the agency's ability to treat the forests before they burn; the use of "fire borrowing" by the agency which taps other programs for resources to fight fire, and again takes away from the Forest Service's ability to get lands treated before wildfires start; and the extensive cost to prepare NEPA documents.

The solutions for the problems listed above could come with passage of H.R. 1526 or similar forestry legislation that puts a focus back on managing the forests, limits extensive analysis paralysis and quickly treats high-risk forests. Let's hope that is the direction Congress takes. / *Tom Partin*

## **Southwest Oregon Fire Salvage**

The BLM and Forest Service are currently considering salvage on 76,234 and 17,925 acres respectively. This includes the Douglas-Complex, Brimstone, and Big Windy fires on the Roseburg and Medford BLM Districts and the Whiskey Fire on the Umpqua National Forest. One hundred percent of the affected area on the Whiskey Fire is designated as Matrix land by the Northwest Forest Plan. The BLM land base affected by the fires is 27% Matrix and 73% in Late Successional Reserves.

Both agencies have been garnering public input in different ways. The Forest Service held three separate field trips to the interior of the fire with the timber industry, environmental groups, and local community groups, followed by one open public field trip to present their plan of action. The BLM held a single field trip with all interested parties to the fire area followed by a daylong meeting with those who attended the field trip. Both the field trip and the meeting were led by external mediators hired by the BLM with the overall objective of "finding common ground" among the attendees.

Some rehabilitation and timber salvage activities by both agencies have been ongoing over the past month. The Forest Service's top rehab priority was replacing a stretch of "in-stream large wood" that was affected during fire suppression efforts. Fire crews cut logs that had previously been placed in Beaver Creek in an attempt to contain the fire to the Northeast of the draw. These logs were replaced with trees cut during fire suppression. The Forest Service also sold 200 mbf of decked logs cut during fire suppression off the Umpqua; the Rogue-River Siskiyou National Forest opted not to sell the decked logs on their forest.

The BLM has been spreading straw adjacent to its road system and contour felling trees to prevent and reduce soil erosion. They have also been felling hazard trees that pose a danger to roads. The Medford and Roseburg BLM Districts are planning to sell 400 mbf and 200 mbf of logs cut during fire

suppression respectively off the Douglas-Complex, Brimstone, and Big Windy Fires; the Rogue-River Siskiyou opted not to sell the logs cut for fire suppression on their forest.

Both the Forest Service and BLM are now moving forward to analyze timber salvage on a broader scale across the entire affected areas. With the short shelf life of burnt timber and the potential for administrative appeals, both agencies are aware of the need to expedite this effort. How soon and how much wood gets to the mills could be an indicator of where the agencies view timber management as a priority. In 2009, the Forest Service was only able to salvage 69 of the 21,000 acres (0.3%) on the Tiller Ranger District. Hopefully, this time around the agencies will prioritize timber salvage to a higher level than in past years. /*Andy Geissler*

## **D-Bug Project Update**

The Umpqua National Forest held a field trip this month to the D-Bug Vegetation Management Project area to view units that were deferred in the initial 2011 planning decision. These units, aptly named the “Delay” units, are part of a hazardous fuels reduction project initiated about six years ago authorized under the Healthy Forest Restoration Act (HFRA). The main driver behind the project was public safety from a wildfire standpoint; particularly for the hundreds of thousands of recreators that use Diamond and Lemolo Lake every summer. The initial decision in 2011 led to the implementation of several timber sales comprised mainly of small diameter thinning of mountain pine beetle-infested lodgepole pine. The remaining Delay units are mixed conifer stands that would thin primarily Douglas-fir and true fir species to reduce fire hazards to the visitors of Diamond Lake. Since the initial decision, the 1,289 acres needing treatment that comprised the Delay units have been drastically reduced due to Fungi buffers. The Forest Service is now receiving heavy pressure to scale back these treatments even further. The receipts that the Forest Service receives for the timber sales from this project are being used to treat the thousands of non-commercial acres of hazardous fuels reduction still needed in the Diamond Lake area. Although the vast majority of the commercial timber products available from this project generally do not fit the Douglas County mill infrastructure, AFRC has been supportive of the D-Bug project as a means to provide public safety and improve the health of the forest. /*Andy Geissler*

## **Challenged Thinning Project Charred**

Last spring, the Klamath Siskiyou Wildlands Center, Klamath Forest Alliance, and Environmental Protection Information Center filed appeals on the Little Cronan project on the Klamath National Forest. The project proposed to commercially thin 66 acres of the Matrix land base. One of the biggest concerns in the appeals dealt with the removal of “big” trees, which in this case generally called for removal of trees over 20 inches in diameter. These groups contended the trees were fire resistant and removing them in the thinning operation was not needed to promote fire resiliency. They said fire would not hurt them.

Last summer, the Salmon Fire burned in the Salmon River drainage and the Little Cronan project was within the fire boundary. The project contained two units. One was slightly impacted as this portion of the project resembled an underburn. The other unit was mostly destroyed. Size of trees did not make a difference! The largest trees, many over 40 inches in diameter, were completely consumed. Pictures were taken to highlight that trees of any size can be killed in a fire and that there is no magic diameter limit where trees are no longer resistant to fire.

Unfortunately these challenges delayed the advertisement of the sale. So called fire resistant trees are now dead and the agency has to start all over in terms of NEPA documentation in order to treat the project area. In the meantime, the charred trees are deteriorating and losing volume to the mills and receipts to the counties. /Rick Svilich

## **OESF Draft EIS Released**

On October 31, DNR released its latest version of the Draft EIS for the Olympic Experimental State Forest (OESF). This is an updated version from the DEIS that was released in 2010 and is part of an ongoing planning process dating back to 1989. The planning process began with the formation of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands. The commission, consisting of 32 members, was formed to advise the Commissioner of Public Lands on management of old growth stands on the western Olympic Peninsula. Based on a consensus recommendation from the Commission, the OESF was established.

*“ Forest scientists and managers are increasingly discussing the ability to sustain key elements of ecological diversity within managed commercial forests as an alternative to past approaches. The Commission sees a clear need for further research in this area and a great opportunity to conduct it on state-owned lands. The intent is to experiment with harvest and regeneration methods to enhance habitat characteristics and commodities production” - Commission on Old Growth Alternatives for Washington's Forest Trust Lands 1989.*

The OESF is a separate planning unit for the agency's Sustainable Harvest Calculation and was established as an experimental forest “to gain and apply knowledge about old-growth forests and modern commercial forest management.” Planning began in 1991 with the Draft OESF Forest Management Plan and its' status was further developed in the agency's 1992 Forest Resource Plan. Various planning activities have occurred over the years including the development of some Landscape Plans for sub-planning units in the OESF and the implementation of the 1997 HCP.

In August 2007, DNR initiated scoping through the SEPA process, for the development of an OESF Forest Land Plan. A draft EIS was released in 2010. Based on the comments received, DNR chose to revise the DEIS and re-issue an updated version.

As part of the current process, DNR held public informational meetings in Forks and Olympia. Both meetings were primarily informational and provided no opportunity for public testimony. An overview of the planning process was presented as well as a break-out session where more details of the various aspects of the plan were discussed. These included integrated management, similarities and differences between the Alternatives, northern spotted owl impacts, riparian and fish impacts, and research, monitoring and adaptive management.

Comments are due December 16. Since there are no plans or expectations for any changes in policy, including the current Sustainable Harvest volume for the OESF, which would require Board of Natural Resources approval, the decision maker will be the Deputy Supervisor for State Uplands. There is currently no scheduled release date for the final EIS. /Matt Comisky

## **Boise Innovative Appeal Resolution**

On November 8, the Boise National Forest hosted a field trip for AFRC members to provide an on the ground look at the appeal resolution on the Scriver Project. The project is located in the Scriver Creek sub-watershed, a tributary to the Middle Fork Payette River. In March, numerous administrative appeals were filed on the Record of Decision including one by AFRC and a joint appeal by the Lands Council and the Alliance for the Wild Rockies.

Environmental groups in Region 4 have long been pressing for a unilateral diameter limit like the 21 inch diameter cap imposed by the eastside screens in Region 6. Alternative C, the selected alternative, did not impose diameter limits in vegetative strata where the environmental analysis indicated that objectives would not be met, while Alternative D applied a 20 inch diameter limit to all strata. After a series of conference calls attempting to resolve the appeals, the Forest Service offered to complete a statistically valid study to compare the outcomes resulting from vegetation treatments in Alternative C compared to treatments in Alternative D.

The field trip provided a review of one of the areas where the study has been laid out. The Forest Service analysis indicated that the objective of moving stands in these strata toward early seral species would not be met under Alternative D due to the large amount of white fir that would be left in the stands. An average desired basal area of 80 square feet would be met almost entirely by trees 20 inches in diameter and larger with many of those being grand fir. This would result in the continued seed source of that species and would be further complicated by the lack of adequate sized openings needed to allow pine and western larch to establish.

The entire Scriver planning area consists of 11,510 acres with 3,575 acres of commercial harvest in Alternative C. The study would affect 298 acres that would be marked to reserve all trees  $\geq 20$  inches at dbh. The forest will monitor the results of this study over a minimum of two decades and evaluate resiliency and growth of large pine and larch with and without competing grand fir; evaluate the establishment of pine and large in openings; and evaluate effects on various wildlife species.

These same discussions are occurring on other forests in both Region 4 and Region 6 and the study implemented by the Boise will help lay this ongoing argument to rest. *Irene Jerome*

## **Forest Service FY13 Timber Sales Results**

The Forest Service sold about 2.6 bbf of timber volume for FY13, which is very close to the same amount that was sold in FY12. AFRC and our national association partner the Federal Forest Resource Coalition (FFRC) continue to support a sale program equal to the combined Forest Plan allowable sale quantity nationwide, which is 6.2 bbf.

A close examination of the FY13 sale numbers, also shows that nearly 12% of that volume (309 mmbf) was made up of fuelwood (personal use firewood) which is handled by issuing over the counter permits and doesn't involve lengthy NEPA analysis and other costly and time consuming steps required for timber sales. This volume does not contribute to maintaining our existing forest products infrastructure which is needed for doing much of the forest restoration and treatments on our national forests.

Other notable statistics include the cost of putting up timber sales is about \$139/MBF which includes the firewood volume. In many areas of the country, the cost for a private land manager to put up similar projects is about one-half the cost of that for the Forest Service. Stewardship contracting nationwide is near 30% of the volume sold, which continues to grow. AFRC continues to advocate for the agency relying on conventional timber sale contracts and only using the stewardship authority in special instances.

In the west, Region 1 had a target of 280 mmbf, but was only able to sell 180 mmbf; the 100 mmbf shortfall was due to litigation that is running rampant in this region. Region 4 had a target of 114 mmbf and came very close to reaching that target with the majority of sawlog volume coming from the Boise and Payette National Forests. Region 5 had a target of 325 mmbf and sold 285 mmbf. Region 6 had a final target of 579 mmbf and sold 576 mmbf. Since the country is still under a CR, targets will most likely mirror those for FY13. / *Tom Partin*

## **Hearing on Public Lands Bills**

On November 20, the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining held a hearing on a number of public lands bills. Several of the proposed bills could have implications for forest management in the west as well as establishing tribal forestry lands in Oregon.

The “Catastrophic Wildfire Prevention Act of 2013,” (S. 1479) was introduced by Senator Mike Lee (R-UT) and focuses on increasing the pace and scale of restoration in our national forests. It is similar to legislation introduced earlier in the House of Representatives by Congressmen Paul Gosar (R-AZ) and Scott Tipton (R-CO). The bill also addresses public safety, and wildlife habitat threat presented by the risk of catastrophic wildfire on National Forest System land and public land managed by the BLM. It would require the Secretary of Agriculture and the Secretary of Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, economic development, and other purposes. Ranking Committee Member John Barrasso gave strong support for S. 1479 and also stated that he will soon be coming out with his own forestry legislation for restoring active management back on our federal forests while providing revenues back to poverty stricken counties. The Obama Administration, represented by Leslie Weldon of the Forest Service, sounded familiar themes of opposition to any reform legislation and focused on the promise of collaborative forest restoration efforts.

Two additional bills introduced by Senator Ron Wyden (D-OR) were also considered. The “Canyon Mountain Land Conveyance Act,” (S. 1415) would provide that approximately 17,826 acres of BLM managed lands in western Oregon be held in trust on behalf of the Cow Creek Band of Umpqua Tribe of Indians. The “Oregon Coastal Conveyance Act,” (S. 1414) would provide that approximately 14,804 acres of BLM managed lands in western Oregon be held in trust on behalf of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The bills would also require the Department of Interior to reclassify an equal number of acres of public domain lands as O&C lands to compensate for the loss of O&C lands transferred by the bills.

It is not clear when the full Energy and Natural Resources Committee may take action on the legislation. /*Tom Partin*

## **Appropriations Committee Reshuffling**

With the death of Congressman Bill Young (R-FL) a shuffling of House Appropriations Subcommittee Chairmen has taken place. Congressman Mike Simpson (R-ID), who has chaired the Interior, Environment, and Related Agencies (IE&RA) Subcommittee and has been a strong advocate for balanced management on our federal forests, will take the helm of the Water and Power Subcommittee. Congressman Ken Calvert (R-CA) will take the Chairmanship of the IE&RA Subcommittee. While Calvert has less experience dealing with federal forest issues than Mr. Simpson, he is familiar with the intense wildfire risks experienced in southern California and the need to treat those forests.

Unfortunately, appropriators have had very little impact on determining the budget of various agencies they oversee since 2008. During that time, agency budgets have been handled through Omnibus Bills or Continuing Resolutions. A reconfiguring of the Forest Service budget is critically needed to address runaway fire costs that are impacting other line items through fire borrowing and increase the agency's ability to manage their lands before catastrophic wildfires begin. / *Tom Partin*

## **BLM Hosts Community Listening Sessions**

The BLM has announced four listening sessions regarding their new planning effort for western Oregon. A release from the BLM state office in Portland stated.

“As part of a continued conversation with the public about the planning effort in western Oregon, the Bureau of Land Management (BLM) is hosting four community listening sessions to lay the foundation for constructive dialogue by sharing information and listening to initial thoughts and concerns about key natural resources and forest management issues in western Oregon.”

“The BLM recognizes that we need the public input on these complex forestry challenges in western Oregon. We want to integrate public values and perspectives into the planning process. We're inviting you to join the dialogue to find solutions to the challenges that will ultimately result in predictable outcomes.”

“The Community Listening Sessions will include BLM updates on the planning process and how it relates to the key issues being discussed. Attendees will then have a chance to share their input with the BLM and each other through small group discussions. The event will conclude with identified future opportunities to stay involved.”

The meetings will be held:

December 3

5:00 p.m. – 8:00 p.m.

Siuslaw National Forest Office, Corvallis

December 10

4:00 p.m. – 7:00 p.m.

Jackson County Fairgrounds, Medford



December 11  
5:00 p.m. – 8:00 p.m.  
North Bend Public Library, Coos Bay

December 18  
5:00 p.m. – 8:00 p.m.  
Douglas County Fairgrounds, Roseburg

More information is available at <http://www.blm.gov/or/plans/rmpswesternoregon/meetings.php> with up to date times, locations, and an easy RSVP option to secure your spot in one of the public meetings. /Ross Mickey