

**Oregon Eastside Forest Restoration, Old Growth Protection, and Jobs Act**

**Comparison to the Status Quo**

*Prepared by Oregon Wild*

**Standards Comparison**

<i>Topic</i>	<i>Status Quo</i>	<i>Under Wyden Legislation (when fully implemented)</i>
<i>Roads</i>	<ul style="list-style-type: none"> <li>- New roads, permanent and temporary, can be built with proper environmental analysis.</li> <li>- Temporary roads do not have to be fully rehabilitated.</li> </ul>	<ul style="list-style-type: none"> <li>- No new Forest Service system roads.</li> <li>- Net reduction of roads required (unnecessary and undesirable roads will be closed)</li> <li>- Limits on temporary roads (where there are such roads, they must be fully rehabilitated)</li> </ul>
<i>Riparian/aquatic</i>	INFISH and PACFISH establish Riparian Habitat Conservation Areas, activities must meet riparian and aquatic conservation objectives.	INFISH and PACFISH protections are a statutory minimum. Activities must protect and restore watershed health.
<i>Restoration goals</i>	Standard multiple-use goals.	<ul style="list-style-type: none"> <li>- New conservation-oriented goals</li> <li>- Projects must improve “Forest Health” and “Watershed Health” and be based on ecological restoration goals.</li> </ul>
<i>Large and old tree protection</i>	Eastside screens protect live trees over 21” when large trees are below historic range. BUT, forest plan amendments to allow removal of trees over 21” allowed.	<ul style="list-style-type: none"> <li>- Explicit protection for large live trees (over 21”) and implicit protection for (smaller) old live trees</li> <li>- Ecological exceptions defined by science panel using best available science.</li> </ul>
<i>Exceptions to larger tree protections</i>	<ul style="list-style-type: none"> <li>- Forest Plan amendments allowed for cutting trees over 21”, just need to be analyzed by NEPA.</li> <li>- Hazardous trees, emergency situations have exceptions.</li> </ul>	<ul style="list-style-type: none"> <li>- Ecological exceptions to the 21” limit must be scientifically based.</li> <li>- Administrative exceptions are allowed for public safety and for necessary other valid uses of Forest lands.</li> </ul>
<i>Dead trees</i>	Dead trees of all sizes allowed to be cut. Salvage (fire, insects, disease-killed trees) allowed for economic purposes.	No explicit protection for dead trees, but the science advisory panel's application of best available science to achieve the goals of the Act will preclude most salvage.
<i>Stewardship contracting</i>	Can be used, but not used often. 10 year contracts allowed. Authority runs out in a few years.	Encouraged. 20 year contracts allowed.

<i>Carbon</i>	No specific analysis on carbon or climate required.	Carbon cycling included in definition of forest health, which is a main goal of new law.
<i>Collaboration</i>	Collaboration happens sporadically, but no mandate or systematic use of groups.	Collaboration encouraged through diverse groups, early involvement of collaborative groups on project development and in monitoring.
<i>NEPA</i>	<ul style="list-style-type: none"> <li>- Analysis required for projects: more CEs, and EAs done than EISs.</li> <li>- Scoping information and timelines inconsistent.</li> </ul>	<ul style="list-style-type: none"> <li>- Earlier, better scoping information required.</li> <li>- Comment timelines somewhat streamlined.</li> <li>- More EISs likely to be done due to large project size.</li> </ul>
<i>Appeals</i>	45 day post-decision appeal on non-HFRA projects. HFRA projects have 30 day pre-decisional objection.	None in interim period. New process with 30-day pre-decisional objection period after fully in effect (HFRA-like, but better).
<i>Timber mandate</i>	Annual targets set by Region and funded by Congress. Vary based on Ranger District, economics, wildlife needs, many other factors.	<ul style="list-style-type: none"> <li>- Interim target set for treatment acres that emphasize mechanical treatments and a sawtimber byproduct, but must meet environmental sideboards.</li> <li>- Long-term timber mandate constrained by requirements for ecological restoration (limited to what's necessary to do restoration required by the new law)</li> </ul>
<i>FS funding</i>	Appropriated funds insufficient to do restoration outside of associated timber sales	\$50 million authorized to implement, directed to good projects with ecological restoration goals.
<i>Biomass</i>	No central policy on biomass utilization.	Sideboards on biomass utilization (no matter what Congress does in other legislation, it would have to abide by this Act).
<i>Science guidance</i>	NEPA requires accurate scientific analysis, ESA consultation (especially aquatics)	<ul style="list-style-type: none"> <li>- Management guided by “Best Available Science” (far better than what the agency does today).</li> <li>- Scientific and Technical Advisory Panel will direct and constrain Forest Service management.</li> </ul>
<i>Judicial review</i>	Administrative process must be exhausted before seeking judicial review.	<ul style="list-style-type: none"> <li>- Administrative process must be exhausted before seeking judicial review.</li> <li>- Requires expeditious completion,</li> </ul>

		balancing short and long-term effects of action and inaction.  - Anticipated that there will be fewer lawsuits due to increased collaboration, expressed protections and directions, etc.
<i>Landscape level planning</i>	ICEBMP was never finished. Blue Mountains Forest Plan Revision not finished. No overall guidance for whole landscape restoration.	Landscape level restoration analysis for covered area assesses forest and watershed health conditions and restoration needs, amends forest plans.
<i>Project size</i>	No limit, just what is reasonable under NEPA documentation.	Generally, landscape level planning encouraged (20,000-50,000 acres). One 25,000 acre ERP per forest per year expected under new law.

**Project Example #1: Farley Vegetation Management Project, North Fork John Day Ranger District, Umatilla National Forest.** Appealed by environmental groups due to logging in roadless, old trees. AFRC also appealed due to not enough logging. Decision has been withdrawn.

<i>Activity</i>	<i>Status Quo</i>	<i>Under Wyden Legislation</i>
<i>Timber cutting – acres</i>	2345 acres (mostly regen and overstory removal)	Likely not allowed under ecological restoration goals
<i>Timber cutting – tree size/age</i>	follow 21” rule, but will remove most trees near the limit	Trees of all sizes (under 21) would have to be retained for diversity and structure.
<i>Riparian areas</i>	Some road reopening/reconstruction in riparian areas	Watershed health goals may not allow riparian road reopening.
<i>Temporary roads</i>	9.5 miles (reopening 63, reconstructing 36)	Would have to benefit forest and watershed health, would have to be fully rehabilitated
<i>Permanent roads</i>	0	Would not be allowed
<i>Roads decommissioned</i>	31 miles of existing closed	Net road reduction would be required, so probably more than this.
<i>Prescribed fire</i>	2023 acres (for fuels reduction purpose)	Would focus more on ecological goals.
<i>Non-commercial thinning</i>	4887 acres (for fuels reduction purpose)	Would focus more on ecological goals.
<i>Project goals</i>	Reduce fuels and density, provide wood products, maintain long-term forest sustainability	Forest and watershed health, old growth restoration and protection. Wood products would be byproduct.
<i>Snags/down wood</i>	Not considering science or providing adequate structure.	Would have to follow best available science and forest health goals.
<i>Roadless area treatments</i>	250 acres logging in uninventoried roadless area.	Not prohibited, but science should weigh against entering intact areas.

**Project Example #2: Wildcat Fuels Reduction & Vegetation Management Project, Heppner Ranger District, Umatilla National Forest.** Appealed by environmental groups due to logging in roadless, old trees. Sierra Club and Blue Mountains Biodiversity Project, represented by CRAG, is litigating. Decision withdrawn, new analysis underway with some changes.

<i>Activity</i>	<i>Status Quo</i>	<i>Under Wyden Legislation</i>
<i>Timber harvest – acres</i>	2218 acres (down to less than 40% canopy)	Likely not allowed under ecological restoration goals. Would be designed differently.
<i>Planning area size</i>	25,000 acres.	About this size is encouraged
<i>Timber harvest – tree size/age</i>	Plan amendment to allow removal of large conifers in aspen areas	This may be allowed if science panel identifies aspen restoration as an exception for cutting large trees
<i>Riparian areas</i>	Some road reopening/reconstruction in riparian areas	Watershed health goals may not allow riparian road reopening.
<i>Temporary roads</i>	5.8 miles (reopening 41)	Would have to benefit forest and watershed health, would have to be fully rehabilitated (probably less)
<i>Permanent roads</i>	2.2 miles	Would not be allowed
<i>Roads decommissioned</i>	2.4 miles in riparian	Net road reduction would be required, so probably more than this.
<i>Prescribed fire</i>	10,000	Would focus on ecological goals
<i>Non-commercial thinning</i>	3000 (for fuels reduction and pre-commercial purposes)	Would focus more on ecological goals
<i>Project goals</i>	Reduce fuels and density, provide wood products, move towards historic conditions	Forest and watershed health, old growth restoration and protection. Wood products would be byproduct.
<i>Snags/down wood</i>	Not considering science or providing adequate structure (1-2 large snags/acre)	Would have to follow best available science and forest health goals.
<i>Roadless area treatments</i>	2.2 miles new road and lots of logging in uninventoried roadless	Not prohibited, but science should weigh against entering intact areas

16 December 2009