



OREGON WILD

Protecting Oregon's wildlands, wildlife, and waters since 1974.

Oregon Wild Briefing Paper: Senator Wyden's O&C Land Grant Act of 2014 (S. 1784)

In November 2014, US Senator Ron Wyden released a new version of his legislation seeking to double logging levels on publicly-owned US Bureau of Land Management (BLM) lands in Western Oregon in order to generate revenue to fund some county government budgets. The bill, called the "The Oregon and California Land Grant Act of 2014" (S.1784) covers 2.8 million acres of public lands in western Oregon. It reduces environmental safeguards provided by President Clinton's historic 1994 Northwest Forest Plan (NWFP), and mandates aggressive logging, including a form of clearcutting, on a million acres of these public lands.

A previous version of the bill, released on November 25th, 2013 and heard in the Senate Energy & Natural Resources Committee in February 2014, covered only 2.1 million acres but was, on balance, far worse for conservation – more dramatically reducing environmental safeguards for fish and wildlife under the Northwest Forest Plan, and federal environmental laws like the Clean Water Act, Endangered Species Act, and National Environmental Policy Act. The 2013 bill was nearly universally opposed by local, regional, and nation-wide conservation groups.

Overview

The "O&C Land Grant Act" of 2014 covers about 2.8 million acres, including so-called "O&C" lands and "public domain lands" managed by BLM, as well as about 300,000 acres currently managed by the Forest Service and 3,500 managed by the U.S. Army Corps of Engineers. The bill replaces the 1937 O&C Act, using much of the same language from that bill, and estimates the timber volume to be produced at about 400 million board feet per year – double current levels from these lands. The impact to pollution of the atmosphere from this proposed increased logging is the equivalent of adding half a million cars to Oregon's roads each year.

The legislation divides lands into Forestry Emphasis Areas (FEA) for aggressive logging, and a variety of conservation and protected areas. Stream buffers and wildlife protections within FEAs are reduced from current protections provided under the Northwest Forest Plan, and the public's ability to have a voice in how these public lands are managed is limited.



Variable Retention Harvest like this, in the Buck Rising Timber Sale, would be mandated in Forestry Emphasis Areas under the proposed legislation. (photo Chandra LeGue)

Existing “legacy” trees (over 150 years old) are protected under the bill, and forest stands over 85 years old are also protected from logging through a conservation network. However, the bill abandons the Northwest Forest Plan goal to restore more old-growth forest to replace what was lost in the logging epidemic of the last century. The bill also includes a variety of conservation “sweeteners” in the form of new conservation designations, but most of these would still allow some logging.

Counties would be guaranteed about 75% of the revenue from increased logging. However, this still does not come close to addressing the budget shortfalls facing some counties, where voters have repeatedly voted down measures to balance county budgets.

Detailed Analysis of What the Bill Does (and Doesn’t Do)

Mandates aggressive logging in “forestry” zones

- Divides lands into **Forestry Emphasis Areas (FEA or logging zones)** and **Conservation Emphasis Areas (CEA or conservation zones)**.
- **FEA logging zones**, totaling 1.1 million acres, are designated to be managed for producing timber at the highest levels possible under the sustained yield calculation.
 - Riparian buffers are reduced (see the streams and watersheds section) in FEAs.
 - Divides logging zones into “moist” and “dry”, each to be managed under the principles of “ecological forestry” defined for those two types. These forest types are re-evaluated after 10 years.
 - In “moist” forests:
 - 4-6% of the entire FEA must be scheduled for logging by “variable retention regeneration harvest” (VRRH) every 5 years. Logging must leave 1/3 of the basal area mostly in clumps. These requirements do not exclude riparian areas, old growth, or areas with sensitive or erodible soils, so the resulting impacts will be more concentrated on areas actually available for logging in the FEAs.
 - Thinning can also occur in moist forest FEAs.
 - 50,000 acres will be designated for more intensive logging – leaving only 1/6 of the trees standing (or about 15%). This area of more aggressive logging will not occur in stands over 80 years, riparian areas, or designated critical habitat.
 - In “dry” forests:
 - Treatment priority is given to wildland-urban interface areas and forest areas in need of restoration or at special risk from fire.
 - Thinning, with a retention level of 35% of original basal area, is the accepted form of logging.
 - Fuel reduction within ¼ miles of residences is emphasized. Special authority is given to private landowners to undertake these treatments.
- **CEA conservation zones** are set aside to provide ecological and conservation benefits and to protect old-growth. Logging is allowed in these 690,000 acres but generally limited to thinning young stands to improve forest health, increasing fire resiliency, or improving threatened species habitat.

Reduces fish and wildlife habitat protections

- The survey and manage program, which requires agencies to look for rare species before logging or other development, is eliminated in FEAs.
- The bill requires compliance with the Endangered Species Act (ESA), but consultation on logging plans is done at a landscape scale on a 5-year timeline, limiting site-specific analysis of impacts to threatened species.

Reduces streams, watersheds, and water quality protections

- **In CEAs and key watersheds under the NWFP**, the Aquatic Conservation Strategy stream buffers and goals of the NWFP are maintained. Fish-bearing stream buffers are 2 site-potential trees, etc.
- **Riparian buffers in FEAs** are established but reduced from NWFP widths. Riparian buffers in FEAs focus exclusively on aquatic goals – unlike the mixture of aquatic and terrestrial goals under the NWFP. These buffers can be adjusted every 5 years.
 - **Watershed analyses** are required to be done to determine what streams are “ecologically important” and what management is appropriate within riparian buffers in FEAs.
 - Riparian stream buffers for “ecologically important” fish-bearing streams are reduced by half from current levels – to 150 feet or 1 site-potential tree. “Ecologically important” non-fish bearing and intermittent streams retain current 150 foot buffers.
 - Streams not found to be of “great ecological importance” get smaller riparian buffers: fish-bearing streams get 100 feet, and non-fish bearing streams get 50 feet.
 - Outside of the defined riparian reserves, but within 1 site-potential tree height (aka the “outer riparian zone”), logging can proceed as outside the riparian buffers, except that tree tipping is required and minimum retention levels are established by consulting agencies.

Changes system of environmental analysis and reduces public oversight

- A “**Landscape Prioritization Plan**” (LPP) is required to be developed every five years to set the framework for management and to map management areas under the bill. The public can comment on this plan for 60 days. The LPP is then incorporated into the current BLM management plan.
 - Landscape plans for logging are monitored annually for short and long-term changes to forest health and fish and wildlife habitat, and re-evaluated every five years.
- Only one Environmental Impact Statement (EIS) for moist forests, and one EIS for dry forests covering 5 years of activities (together covering more than 2 billion board feet worth of logging) are required to be completed within 2 years of enactment. No further site-specific analysis of timber sales is required or allowed under the National Environmental Policy Act (NEPA) except under very limited circumstances.
 - The large scale and short timeframe for these EISs do not meet NEPA requirements for site-specific analysis, and do not allow for the public or the decision-maker to be adequately informed as to the impacts of the proposed activities.
 - A no-action alternative and three action alternatives are required in the EIS.

- The public has 60 days to comment on the draft EISs.
- Objections (based on the procedural short-cuts in the Healthy Forests Restoration Act or HFRA) are allowed on final EIS during a 60 day period. A supplement to the EIS can be done based on objections prior to the decision being made on the EIS.
- Only 75 days is allowed for filing litigation on BLM decisions under the 5-year EIS, instead of the normal 6-year statute of limitations.
- Individual timber sales can be objected to, but on very narrow terms.
- Creates new categorical exclusions for certain restoration projects.
- Except for some projects already in the works, the designations, prescriptions and objection procedures in the Act apply to all projects on O&C lands during the interim time when the large-scale EISs are being developed.

Dismantles key elements of the Northwest Forest Plan (NWFP)

- Eliminates Survey & Manage “look before you log” requirements in FEAs. These rules require agencies to look for rare plants and animals before allowing logging in sensitive areas. Previous attempts at eliminating this program by the Bush administration were deemed illegal because it is a “foundational” element of the NWFP.
- Dismantles current system of old-growth and wildlife reserves for protecting and restoring older forest habitat. Allowing some young forests to grow into old-growth forests is a major underpinning of the Northwest Forest Plan.
- By changing the reserve system, the bill eliminates the integrated landscape conservation approach to conserving fish and wildlife habitat across both Forest Service and BLM lands.
- Replaces the standards and guidelines of the Aquatic Conservation Strategy (ACS) in FEAs.

Trades management and ownership of public lands for conservation loss

- Transfers 14,800 acres of BLM land to the Bureau of Indian Affairs for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, and 17,800 acres for the Cow Creek Band of the Umpqua Tribe.
- Designates 50,000 acres of designated FEAs for the use of Oregon State University as research areas to be logged in conjunction with the BLM.
- Transfers 300,000 acres of National Forests to be managed by the BLM under the bill’s authorities. Roughly 1/3 of these lands would be placed into Forestry Emphasis Areas to be logged.

Doesn't solve county budget crisis

- Sets up a revenue sharing scenario that returns \$4 million of each year’s timber revenues to the federal treasury, 25% or maximum of \$20,000 to the BLM for managing the O&C lands, and the remainder to O&C counties – up to about 75%.
- Research and analysis from the independent Headwaters Economics group found that the 2013 bill would generate \$36.3 million to \$42 million in new subsidies for county governments, less than 1/3 of the historic federal subsidies for O&C lands. (See <http://headwaterseconomics.org/land/county-payments-research>)

Protects old-growth, but falls short on restoring forests

- Old growth legacy trees, including dead ones, over 150 years old are protected from cutting, with limited exceptions.
- Mature and old-growth forests over about 85 years old are placed within a network of “Old-growth Forest Heritage Areas” or other conservation areas that are protected from logging.
- In conservation zones, younger stands can be thinned and otherwise managed to develop old-growth characteristics. In logging zones, however, younger stands will never be allowed to grow into old growth to replace what was lost to past logging.

Perpetuates impacts from “temporary” roads, while reducing other road impacts

- Allows construction of temporary roads, including in riparian reserves, which can have long-term adverse impacts on soil, water, wildlife, and weeds, even when decommissioned after use.
- Allows construction of new permanent roads in some places.
- Overall, makes road reduction a priority, and requires closure or removal of temporary roads within a certain timeframe.
- Authorizes \$5 million to be appropriated annually to implement a “Legacy Roads and Trails” program on O&C lands to repair or decommission roads and remove fish barriers. However, this doesn’t go very far to address the nearly \$300 million backlog of work needed to repair existing roads.

Conservation areas offer some protection gains

- The bill aims to offset the environmental harm caused by logging by designating some Wilderness and Wild and Scenic Rivers, as well as adding several new conservation designations (see below). Many of these new conservation designations could still be subject to logging under the guise of “fire threat reduction,” “forest health” improvement and other loopholes, but all conservation network lands are protected from future mining, and road building is more restricted.
 - Designates the Wild Rogue and Devil’s Staircase Wilderness areas, as previously and separately proposed in both the House and Senate.
 - Designates four relatively small “drinking water special management units” for the McKenzie River, Clackamas River, and for the Hillsboro and Springfield area drinking water sources – totaling 16,862 acres - treating the designated areas as CEAs and limiting certain activities. However, these areas leave out the municipal drinking water for many of the 1.8 million Oregonians who depend on O&C lands for drinking water.
 - Creates the Molalla (24,100 acres) and the Rogue (94,700 acres) National Recreation Areas to be managed as CEAs.
 - Expands the Cascade-Siskiyou National Monument near the California border by 2,050 acres.
 - Establishes the 7,200 acre Illinois Valley Salmon and Botanical Area for conservation and recreational purposes.
 - Creates a conservation buffer around the relatively small segments of the Pacific Crest Trail that passes through BLM lands.
 - Designates Primitive Backcountry Areas totaling more than 40,000 acres where there is a conservation emphasis but where logging can still be allowed. These

areas include Grizzly Peak, the Dakubetede roadless area, Wellington Wildlands, Mungers Butte, the Brummitt Fir area, and Crabtree Valley.

- Designates 95,767 acres of current and proposed “Areas of Critical Environmental Concern” as Special Environmental Zones to be managed for conservation.
- Designates the 5,000 acre Kilchis Salmon Emphasis Area.
- Creates the 104,000 acre Frank Moore Wild Steelhead Refuge around Steamboat Creek to be managed to protect fish habitat.
- Adds Wild & Scenic River protections to more than 150 miles of rivers and streams.