

How does Sen. Ron Wyden's logging legislation stack up against his 2012 "Principles for an O&C Solution?"



In October of 2012, Senator Wyden released his "Principles for an O&C Solution: A Roadmap for Federal Legislation to Navigate Both the House and the Senate." The principles outlined in the plan appeared to be an attempt to distance the Senator from the more extreme proposals for privatization and aggressive clearcutting proposed by Oregon Representatives Peter DeFazio, Greg Walden, and Kurt Schrader to drastically increase logging in western Oregon. President Obama has threatened to veto HR 1526 which has passed the House and includes these extreme proposals.

Last month, Oregon Wild released a background paper highlighting sections of Senator Wyden's 2012 "O&C Principles" statement, and asked questions the press, and public, should keep in mind when legislation was released.

Now that the legislation has been made public, how does Wyden's O&C legislative proposal measure up against his stated O&C principles? Below is a revised version of the background paper we issued last month, updated with answers to the questions we originally posed.

Wyden Principle: 1. STABLE FUNDING FOR COUNTIES: *Oregon rural counties must be assured a stable level of funding from the federal government due to the large extent of public lands they contain. Those funds can come through public lands receipts or through another mechanism created by this, or other, legislation. In the current fiscal climate that funding will not be able to replace historical levels of receipts, nor will timber receipts be able to fully provide for all funding needs. Recognizing that Oregon's rural communities are suffering with high unemployment and unique economic challenges, they also need to do their part in reducing disparities in tax rates and developing a reasonable level of revenue from local activities. However, the Federal government must do its share to compensate counties for the impact of federal lands and the policies governing those lands.*

- Q: Will increases in county funding via logging be tied to increased local revenue through the modernization of local tax rates?
 - A: Nothing in the bill requires, or even suggests, that state or county taxes should be reformed to help fund county services. Admittedly, Congress cannot do much to change local tax rates, but the counties have done almost nothing to show they are willing to do what's necessary to rationalize their tax systems. Wyden's legislation rewards the counties for failure.
- Q: How will Senator Wyden avoid re-linking county budgets to the boom and bust cycles that are the norm for the logging industry?
 - A: The bill proposes to double the level of logging on the O&C lands, and guarantees O&C counties 75% of the receipts from timber sales. In theory, 10-year logging plans would provide certainty over that time. However, Wyden's legislation shifts the BLM logging program from relatively less controversial

thinning of young stands toward more controversial clearcutting of older stands. The Wyden legislation dramatically weakens the environmental safeguards provided by President Clinton's Northwest Forest Plan, how science and endangered species protections are applied to the land, and greatly restrict American's ability to have a voice in how their public lands are managed. Such controversy is likely to result in less certainty for the logging industry.

- Q: Current timber demand is largely being driven by raw log exports to China. With domestic demand stagnant, how will Senator Wyden ensure a.) there is actually a market for the O&C timber that would flood the market, and b.) that the bill does not become simply another subsidy for logging interests at taxpayer expense?
 - A: These issues are not addressed in the bill or in any statements made by Senator Wyden.

Wyden Principle 2. SUSTAINABILITY: Timber harvest must be economically and environmentally sustainable. Timber harvests must produce more commercial product from O&C lands than is currently being produced and harvest should be guided by a scientifically-based, sustainable management regime that will meet or exceed the stated goals of the relevant federal and state environmental laws. Opportunities for active and adaptive management could include a variety of examples, such as the ecological forestry principles promoted by Norm Johnson and Jerry Franklin, as well as the pilot projects being currently promoted by various collaborative groups in Southern Oregon.

- Q: Will Senator Wyden use clearcutting to achieve logging revenues?
 - A: Senator Wyden's legislation proposes to roughly double current logging levels, and will do so by mandating timber production in areas set aside for timber production. Forest stands in these areas will be subject to aggressive logging, including clearcutting (called "variable retention harvest"), to achieve logging goals.
- Q: Will Senator Wyden use euphemisms like "eco-forestry" to avoid using the term "clearcut"?
 - A: Senator Wyden is indeed adopting Johnson and Franklin's experimental forestry theories, prescribing their brand of "eco-forestry" which allows for aggressive clearcutting with pockets of retained trees. These pockets will total approximately 30% of the trees that were growing in the area, but the cleared areas would be indistinguishable from a clearcut.
- Q: Will Senator Wyden address the many concerns independent scientists have raised about Johnson and Franklin's "eco-forestry" clearcuts, or require a scientific review panel as he did in his Eastside forest legislation?
 - A: No. The legislation moves forward with a full-scale application of Johnson and Franklin's untested new brand of clearcut on roughly half of the 2.6 million acres of O&C lands, without addressing concerns brought forward with this approach from other scientists. So far, these experimental logging methods have only been applied on a few pilot projects in western Oregon that have not been fully

implemented or rigorously tested for consistency with water quality, wildlife, carbon storage, or social acceptance.

- Q: Will Senator Wyden maintain his commitment to meet or exceed the environmental standards of the Northwest Forest Plan, National Environmental Policy Act, Clean Water Act, and Endangered Species Act?
 - A: Senator Wyden’s legislation does not maintain key protections in current environmental laws and policies. After decades of unsustainable old growth clearcutting, the Northwest Forest Plan (NWFP) was adopted to finally bring federal logging into compliance with the Clean Water Act, Endangered Species Act, Federal Land Policy & Management Act, and the National Environmental Policy Act. The Wyden bill effectively dismantles the NWFP, including its old-growth and wildlife reserve system, reducing stream buffers and wildlife corridors. The bill also seriously undermines the National Environmental Policy Act by eliminating environmental analysis and public review of individual timber sales, instead requiring only two large-scale Environmental Impact Statements covering 10 years of logging spread over a million acres of western Oregon and generating three billion board feet of timber. Wyden’s proposal would also weaken how the Endangered Species Act applies to individual logging sales, and reduce the role of science in land management decisions. Finally, Wyden proposes to finish what president Bush twice tried and failed to do, which is to eliminate “survey and manage” rules that require the BLM to avoid killing or destroying the habitat of rare plants and animals.
- Q: Will Senator Wyden maintain the system of protected old growth and wildlife reserves under the Northwest Forest Plan?
 - A: No. The system of reserves set up under the Northwest Forest Plan to both protect and restore fish and wildlife habitat will be effectively dismantled under this legislation. The Wyden bill will lock-in the current fragmented and unnatural pattern of historic logging on the landscape. In his bill, all forests under 120 years old today will be logged and never restored to old growth conditions, as many were intended to be under the Northwest Forest Plan. The system of streamside reserves under the Plan would also be reduced by half in timber management areas. This is unacceptable, and turns the clock back on forest health and overall ecological recovery in the wake of the old-growth logging frenzy of the 1970s and 80s.

Wyden Principle 3. CONSERVATION: *In addition to increasing timber harvesting, this legislation must result in wilderness and other permanently conserved lands proportional to the lands designated for harvest. These should include protection of both terrestrial and aquatic ecosystems, including large blocks of Bureau of Land Management lands and old-growth forests.*

- Q: What new Wilderness areas, beyond those that have been introduced separately from O&C legislation (Wild Rogue and Devil’s Staircase), will the Senator propose?
 - A: None. The Wilderness protections proposed are for the long-standing expansion of the Wild Rogue Wilderness and creation of the Devil’s Staircase Wilderness, both of which have been introduced separately and enjoy significant

popular support. This is an attempt to “sweeten the pot” with wilderness legislation which can stand on its own merits without being attached to this damaging bill.

- Q: Will the Senator honor his commitment to a "proportional" acreage of newly-protected areas to balance areas sacrificed for logging?
 - A: Senator Wyden’s proposal would designate areas protected in various manners totaling more than 400,000 acres and 161 miles of rivers and streams. The vast majority of the non-Wilderness conservation designations proposed, while an improvement over current logging practices, fall far short of Wilderness protection.
- Q: House O&C logging legislation generated controversy for attempting to credit lands that simply remained under status quo Northwest Forest Plan management as a conservation "gain." Will Wyden's plan create more secure protections for old-growth forests?
 - A: Forest stands over 120 years old, as well as old-growth trees over 150 years old will be protected, with limited exceptions, under Senator Wyden’s legislation. This language offers more secure protections for older trees found within younger stands, but still leaves many mature, never-before-logged forests between the age of 80 and 120 years open to logging.
- Q: Will Wyden's logging legislation further fragment O&C lands, or will it maintain large blocks managed for environmental values, as called for by the Northwest Forest Plan?
 - A: This legislation will result in extreme fragmentation of the O&C lands—making an even crazier quilt out of the O&C checkerboard. Management of adjacent blocks of BLM-managed lands may fall into different management schemes under this bill, breaking up contiguous wildlife habitat and potentially disrupting recreation and activities enjoyed by nearby residents.

Wyden Principle 4. MANAGING LANDS MORE EFFICIENTLY: *The legislation should seek opportunities to consolidate O&C and non-O&C lands. This will include addressing the checkerboard pattern of the O&C ownership and exchanging lands according to their best use whenever possible. It must develop an approach to rationalize land management between the O&C lands and adjoining private and public lands, both for timber and conservation values. The legislation should consider setting in motion a process to seek greater consolidation and management efficiencies on federal lands going forward.*

- Q: Will Senator Wyden's proposal decrease or increase the problem of fragmented public land management?
 - A: As indicated above in number three, fragmentation of management and wildlife habitat will increase under this proposal.
- Q: Will Wyden's legislation maintain the duplicative bureaucracy of the Bureau of Land Management and the Forest Service in western Oregon? These two agencies carry out nearly identical tasks, but maintain entirely separate bureaucracies.

- A: The separate bureaucracies of the BLM and the US Forest Service are maintained in this proposal.

Wyden Principle 5. LEGAL REQUIREMENT FOR TIMBER MANAGEMENT: *Management of these lands must comply with all applicable federal laws. Development of the plan should include open discussions on how to better implement the National Environmental Policy Act. There should be particular focus on streamlining the objection processes (for example, as included in the Healthy Forests Restoration Act and Senator Wyden's Eastside Forestry legislation), and categorical exclusions for timber projects and other defined situations.*

- Q: Will Senator Wyden's legislation fully maintain the Northwest Forest Plan, National Environmental Policy Act, Clean Water Act, and Endangered Species Act?
 - A: Unfortunately, it will not. Please see number two above for more information. This is an unacceptable shortcoming of the proposed legislation.
- Q: Will Senator Wyden maintain the right of Americans to challenge their government when it violates its own laws?
 - A: No. By eliminating project-level review under the National Environmental Policy Act, the public will be largely unable to ensure that BLM makes informed decisions and carefully considers the best available science and public input. While the rights of Americans to legally challenge decisions for logging on BLM O&C lands are maintained, more restrictions and unworkable timelines will be placed on those seeking to hold federal agencies accountable to federal laws. We are disappointed to see Senator Wyden endorsing significant and precedent-setting restrictions on the ability of citizens to hold the federal government accountable.
- Q: Will Senator Wyden prioritize logging and county funding over other values? How will he address climate change, and other emerging environmental challenges?
 - A: Senator Wyden's legislation sets aside roughly half of the BLM-managed O&C lands for the exclusive purpose of producing timber, prioritizing logging over other values and uses. Wyden's proposed legislation moves in exactly the wrong direction when it comes to climate change, and recovery of endangered species. Logging will accelerate the transfer of carbon from the forest to the atmosphere and exacerbate adverse competitive interactions between spotted owls and invading barred owls.

Wyden Principle 6. CHANGING RESPONSIBILITIES FOR LAND MANAGEMENT: *Due consideration should be given to proposals for non-federal entities managing lands designated for conservation or active management as long as there is broad support for the proposal among stakeholders. Negotiations must take into account the failures of other private management efforts and the general opposition to private management of federal lands in Congress.*

- Q: Regardless of what Senator Wyden's legislation says, should it pass the Senate it will likely end up in a conference committee negotiation with House Republican leaders over HR 1526. How will Senator Wyden ensure his O&C logging plan does not become the

vehicle for the passage of HR 1526, and the privatization of public lands across the country?

- A: To prevent his legislation from becoming a vehicle for passage of HR 1526, Senator Wyden must stand firm against Tea Party Republicans bent on natural resource exploitation and gutting our nation's long-standing landmark environmental laws, which have made the nation's air, water, land and overall environment cleaner over the last 40 years.

Wyden Principle 7. SAFEGUARDING OLD GROWTH: Oregon's old growth must be protected. Old growth should generally be defined as 120 years of age or older, with exceptions made for significant ecological reasons.

- Q: Will the Senator fully protect old-growth, or simply average the age of trees in a stand to determine whether an area is sacrificed for logging? (A major flaw in HR 1526 is it simply averages the age of trees in an area, which means thousands of acres of old-growth would end up in the "logging trust.")
 - A: Senator Wyden's legislation protects forest stands over 120 years old and individual trees over 150 years old, with limited exceptions, even if they are within the timber emphasis areas. The more pressing question, however, might be whether 120 years is the right definition of old growth. The NWFP says that stands begin to function as old growth at 80 years of age, and that restoration thinning is not needed after age 80. Considering this, many old forest stands and trees are left unprotected.
- Q: How will the bill address the need to recover old-growth forests that have been lost to past logging, as called for under the Northwest Forest Plan?
 - A: The bill does not address the need to grow back much of the old-growth forests that were lost during decades of over-logging. In fact, under this proposal no new old-growth forests would ever be allowed to recover on BLM lands, as stands under 120 years old will all be logged before they reach that age.