



Protecting the Northwest Forest Plan, O&C Lands and Our Environmental Laws

Legislative proposals, like Senator Ron Wyden's to significantly increase logging in the so-called "O&C" federal lands in Oregon will undermine the Northwest Forest Plan, not only in Oregon but in California and Washington as well, establishing a dangerous precedent for the management of federal forests across the country.

Legal Landscape, Ecological Imperative

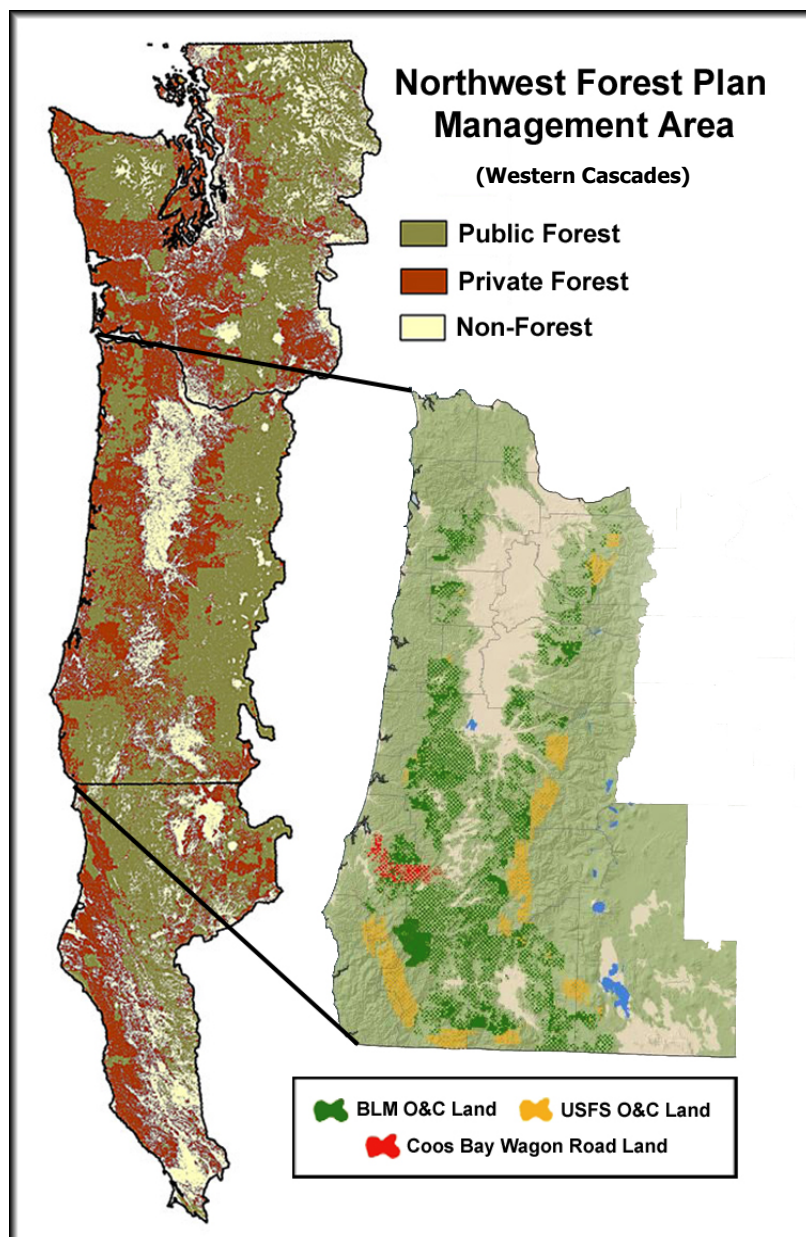
The Northwest Forest Plan (NWFP) covers more than 24 million acres of federal forests in Washington, Oregon and California. Finalized in 1994, it is a science-based forest management plan for the region. It is designed to ensure the persistence of the northern spotted owl (listed as threatened under the federal Endangered Species Act) (ESA) and other species dependent on old-growth forests, the protection of key watersheds and imperiled salmon populations and the maintenance of a sustainable timber supply.

The NWFP is helping to address decades of excessive logging, decimated fish and wildlife populations and degraded watersheds. It instituted a comprehensive planning approach to allow for both timber harvest and protection of other land values and uses, including wildlife conservation and recreation.

The Oregon and California Railroad Grant lands (O&C lands) are approximately 2.1 million acres of public forests in the heart of the NWFP management area. Originally granted to the railroad industry to establish a route from Oregon to California, Congress later "revested" the lands back to the federal estate when the railroads failed to meet the terms of their agreement. The O&C Act of 1937 mandated that the revested lands be managed:

"in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities."

From the start, and even at the height of the Great Depression, Congress ensured that sustainability, conservation and recreation were priorities on the O&C lands in addition to timber harvest. Since then our understanding of the need to balance development on O&C lands with all other public forests has only grown.



Today, the Bureau of Land Management (BLM) manages O&C forest lands in western Oregon, not just under the O&C Act, but in compliance with the NWFP and a host of equally important laws and regulations enacted since the O&C Act that were designed to protect multiple uses and values of our public lands. These laws include the Federal Land Policy and Management Act (FLPMA), National Environmental Policy Act (NEPA) and ESA.

As the laws governing our public lands have evolved and expanded, so too has the importance of the O&C lands for conservation. The millions of acres managed by BLM are critical to achieving the comprehensive conservation goals in the NWFP, not just for Oregon but for the Northwest. Just a few highlights demonstrate the importance of O&C lands:

- The approximately 2.1 million acres of O&C lands comprise nearly a quarter of federal forests covered by the NWFP in Oregon.ⁱ
- O&C lands contain 14% of northern spotted owl critical habitat range-wide, and nearly 30% of owl critical habitat in Oregon.ⁱⁱ This critical habitat on O&C lands is particularly important because it provides the connections among populations to the north, south and east that are essential to maintaining the species.
- There are 600 miles of critical habitat salmon streams on O&C lands and nearly 90% of “strong, diverse and wild” salmon populations in Oregon spend a portion of their life cycle on O&C lands.
- Three-quarters of O&C lands are within Drinking Water Protection Areas identified by the Oregon Department of Environmental Quality. O&C forest lands provide more than 1.5 million Oregonians with drinking water.ⁱⁱⁱ
- BLM O&C lands provide habitat for nearly 800 plant and animal species of conservation concern.^{iv}

Any legislative proposal to prioritize or accelerate logging and curtail environmental review and compliance on O&C lands would have serious implications for imperiled species and forest management, not only on O&C lands but across the range of the NWFP, threatening the future viability of the plan itself. Compromising a long-standing, science-based management plan would also set a terrible precedent for federal forest management throughout the rest of the country.

Unfortunately, that appears to be the approach outlined in Senator Wyden’s O&C Legislative Framework.



O&C Legislative Proposals to Undermine the ESA and NEPA

The proposal in Senator Wyden's framework would undermine current environmental law by directing that federal agencies conduct only a single, high-level environmental review of hundreds of unspecified timber sales decades into the future, instead of conducting project-level assessments when the details of those sales are known. Without any other safeguards, the result would be the virtual elimination of effective environmental review under the ESA and NEPA.

Project level assessments of timber sale proposals are critical. In order for the Fish and Wildlife Service to adequately assess impacts of proposed timber sales on endangered species, it

needs specific information on project size, location, timing and harvest details that are only available from project-level reviews.

Project level details are also needed to understand water quality impacts and to allow citizens to weigh in, for example on potential impacts to recreational use. Limiting environmental reviews to a single high-level assessment for a sweeping logging plan devoid of critically important information would completely undermine the efficacy of both NEPA and the ESA.

Moreover, Senator Wyden’s framework suggests this programmatic review would be a one-time exercise to accommodate predetermined logging levels. In a world subject to climate change and other dramatic impacts like fire, disease, and insect infestations, it is unrealistic to think that we can successfully conserve and manage our forests without applying principles of adaptive management based on robust monitoring and the latest scientific information.

Impacts from O&C Legislative Proposals on Washington, Oregon and California

Senator Wyden's framework includes designating a "substantial portion" of O&C lands for accelerated logging decades into the future with no means of reviewing the environmental impacts at the time of logging.

O&C lands are integral to the region-wide success of the NWFP. Under the NWFP, it was projected that 203 million board feet of timber could be sustainably harvested each year from these lands while still protecting other public values. Mandating higher timber harvest levels on large swaths of the O&C lands without regard to resultant environmental consequences would punch a gaping hole in the center of regional forest management in the Pacific Northwest.



Old growth forest threatened by Wyden's framework. Photo: Chandra LeGue, Oregon Wild

Legislation that significantly alters management of O&C lands covered by the NWFP will inevitably generate a spillover effect on management of the remaining areas under the plan. In particular, it could set in motion the need for tougher compensatory conservation restrictions for federal forest management under the NWFP in neighboring Washington and California in order to offset losses to listed species on O&C lands in Oregon.

Legislatively mandating aggressive timber targets for O&C lands would begin to unravel the NWFP's science-based approach to protecting old-growth dependent species, watersheds and salmon. It would also dramatically undermine comprehensive forest management goals and could lead to lowered timber targets throughout the rest of the region as uses on other public lands under the NWFP are restricted to mitigate the damage to imperiled species and their habitat.

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National Implications of O&C Legislative Proposals

Public land managers have a well-established environmental review process for deciding where, when and how segments of federal forests should be offered for timber sale. The process has been carefully devised to ensure that our forests are managed in a balanced way that protects all of the values society deems important, including—but not exclusively—timber production. The process is dependent upon the best available science and seeks to ensure that important conservation values, such as imperiled species protection, the preservation of clean water and the maintenance of recreational uses, including hunting, fishing and wildlife viewing, are not sacrificed to a single dominant use such as logging.

Weakening environmental reviews and legislatively mandating cut levels would upend decades of progress in landscape management and revert back to the failed forest policies of the past. It would hold the production of timber above all of the other economic and social values in our federal forests and the precedent of legislating such dramatic forest policy changes in Oregon would open the door to similar proposals throughout the rest of the country.

O&C legislative proposals, like the one put forth in Senator Wyden’s framework, have too many negative implications for our critically important O&C lands, the Northwest Forest Plan, and for forest management across the country.

ⁱ In 1954 Congress placed within the National Forest System 462,700 acres of “controverted” O&C lands. These lands, located on six Oregon National Forests, are managed solely under the laws governing management of the National Forest System but are subject to the revenue sharing formula of the O&C Act.

ⁱⁱ Tuchmann, E.T. and Davis, C.T. 2013. O&C lands report prepared for Governor John Kitzhaber, available at <http://www.oregon.gov/gov/GNRO/docs/OCLandsReport.pdf>.

ⁱⁱⁱ DellaSala, D. A. 2013. Ecological importance of Bureau of Land Management O&C and Coos Bay Wagon Road holdings in western Oregon with special attention to surface water source areas. Unpublished report. Geos Institute. Ashland, OR.

^{iv} The Nature Conservancy (TNC) and Wild Salmon Center. 2012. Atlas of conservation values on Bureau of Land Management holdings in western Oregon, available at <http://oe.oregonexplorer.info/ExternalContent/TNC>.